

Hon. L. Caracol
SB
File



Republic of the Philippines
REGION IX
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Tungawan



OFFICE OF THE SANGGUNIANG BAYAN

GENERAL ORDINANCE NO. 17
Series of 1995

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS ON THE UTILIZATION AND ACCOUNTING OF THE GOVERNMENT-OWNED KOMATSU MOTOR GRADER OF THE MUNICIPALITY, ITS RENTAL RATES AND PENALTIES FOR VIOLATION THEREOF.

SPONSORED BY: HON. EDELIA T. HAGONDOY
CO-SPONSORED BY: HON. LORETO F. CARACOL

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF TUNGAWAN, ZAMBOANGA DEL SUR, IN SESSION ASSEMBLED, THAT:

ARTICLE 1- GENERAL PROVISIONS

Section 1 - Title - This Ordinance shall be known as: AN ORDINANCE PRESCRIBING RULES AND REGULATIONS ON THE UTILIZATION AND ACCOUNTING OF THE GOVERNMENT-OWNED KOMATSU MOTOR GRADER OF THE MUNICIPALITY, ITS RENTAL RATES AND PENALTIES FOR VIOLATION THEREOF, WITH EMPHASIS ON THE PROVISIONS OF COA CIRCULAR 92-386.

Section 2 - Definition of Terms - For purposes of this Ordinance, the following terms are hereby defined:

"Utilization" Refers to the act of employing, enjoying, applying or making use of.

"Custody" Refers to the actual or constructive possession or control of the property.

"Immediate Accountability" Refers to the accountability of a person in possession of or having custody of the property.

ARTICLE 2-UTILIZATION AND ACCOUNTING

Section 3 - It shall be the direct responsibility of the local Chief Executive to prevent wasteful uses of the property. The LCE shall develop operating standards to guard against the improper use of the property which shall then be approved by the local Sanggunian.

Section 4 - The person in actual physical possession of the property or entrusted with its custody and control shall be responsible for its proper use and shall exercise the diligence of a good father of a family in the utilization and safekeeping thereof.

Section 5 - The person immediately accountable of the property shall be liable for the money value of the property in case of illegal, improper or unauthorized use thereof, by himself or any other person for whose acts he may be responsible, and he also shall be liable for all the loss, damage or deterioration occasioned by negligence in the keeping or use of the property. The burden of proof that due diligence and care in the utilization and safekeeping thereof was observed, rests on the accountable officer.



Republic of the Philippines
REGION IX
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Tungawan

OFFICE OF THE SANGGUNIANG BAYAN

Page two of SB Gen. Ord. No. 17-95.

Section 6 - When loss of accessories occur, it shall be the duty of the person immediately accountable therefor of having custody thereof to immediately notify simultaneously the local chief executive and the Circuit Municipal Audit. The LCE shall immediately conduct a preliminary investigation of the loss and refer the matter to the proper government investigation agency. The auditor shall likewise conduct a separate inquiry of the reported loss while the clues are still fresh to determine that the alleged loss or other casualty had really occurred. An Officer or employee who fails to comply with these requirements shall not be relieved of liability or allowed credit for any of such loss in the settlement of his account.

ARTICLE 3 LEASE OF EQUIPMENT

Section - 7. The Municipal Government-Owned Komatsu Motor Grader may be leased to other government or private entity thru sealed bids or negotiation if sealed bids have failed as defined herein. The contract of lease which includes the following shall be executed in accordance with the formalities required by law:

- a. The Lease shall be on fully maintained basis without fuel
- b. A Lease Contract longer than One (1) month shall be supported by a surety bond to guarantee the replacement cost of the property in case of loss, cost of repair that are not due to normal wear and tear, replacement cost of missing parts, tools, attachment and accessories originally issued with the property;
- c. The rental must be paid in advance or the Lessee shall put up a domestic letter of credit to guarantee the payment of the rental for the period of lease;
- d. The mobilization cost from the Lessor's yard to project site and the demobilization cost from the project site to the Lessor's yard shall be borne by the Lessee;
- e. The Lessee shall be liable for compensation and lawsuits, if any arising from injury or damage cause to any person or property by reason of the use of the equipment during the period of the Lease.
- f. A daily basis lease shall correspond to eight (8) hours use and any usage in excess of eight (8) hours shall be consider overtime and corresponding additional rental shall be charged.
- g. A monthly basis lease shall be understood to correspond to one hundred sixty (160) hours use per month; and
- h. A proportionate rental shall be collected on the actual operating hours in excess of the one hundred sixty (160) referred to above regardless of whether the property is in use or not.



Republic of the Philippines
 REGION IX
 PROVINCE OF ZAMBOANGA DEL SUR
 Municipality of Tungawan



OFFICE OF THE SANGGUNIANG BAYAN

Page three of SB Gen. Ord. No. 17-95

Section 8 - The foregoing provisions notwithstanding, no contract of lease shall be entered into unless the Municipal Engineer shall certify that the property to be leased is not needed for any purpose by any department or office of the local government during the duration of the lease.

ARTICLE 4. RENTAL RATES AND WAGES OF EQUIPMENT OPERATOR AND HELPER.

Section 9. The Committee on Awards, upon approval of the Sangguniang Bayan established the schedule of rental rates and wages of the operator and helper, as indicated below:

A. INTERNAL	PER DAY	PER HOUR
Grader Heavy Equipment	P 3,922.00	P490.25
Operator II	152.00	19.00
Laborer I	136.00	17.00
	=====	=====
	P 4,210.00	P526.25
	vvvvvvvvvvvvvv	vvvvvvvvvvvvvv

B. EXTERNAL RATE:	PER DAY	PER HOUR
Grader Heavy Equipment	P4,898.00	P612.25
Operator II	152.00	19.00
Laborer I	136.00	17.00
	=====	=====
	P5,186.00	P648.25
	vvvvvvvvvvvvvv	vvvvvvvvvvvvvv

Section 10. The phrase "Per day" refers to a continuous eight (8) hours workable period within a day of twenty-four (24) hours, excluding mealtime;

ARTICLE 5 PROVISIONS FOR IMPLEMENTATION

Section 11. Inventory of Infrastructure Facilities- The LCE in coordination with the Sangguniang Bayan and the Municipal Treasurer, shall conduct a periodic inventory of infrastructure facilities and undertake the maintenance, repair, improvement or reconstruction of these facilities through close cooperation among the various offices of the municipality.

Section 12. Records and properties- All records, equipment, facilities and other properties shall be kept by the person immediately accountable to the property which shall be made part and parcel of the operation under the Office of the Municipal Engineer.



Republic of the Philippines
REGION IX
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Tungawan



OFFICE OF THE SANGGUNIANG BAYAN

Page four of SB Gen. Ord. No. 17-95

ARTICLE 6 PENAL PROVISIONS

Section 13. Engaging in prohibited Business Transaction or Possessing Illegal Pecuniary Interest. Any local officials and any person or persons dealing with him who violate the prohibitions provided in this Ordinance, shall be punished with imprisonment for One (1) month and One (1) day or fine of not less than One thousand (P1,000.00) Pesos nor more than Two Thousand (P2,000.00) Pesos or both such imprisonment and fine, at the discretion of the Court.

ARTICLE 7 FINAL PROVISIONS

Section 14. Separability Clause- If for any reason or reasons, any part or provisions of this ordinance shall be held to be unconstitutional or invalid, the parts or provisions hereof are not affected thereby shall continue to be in full force and effect.

Section 15. Effectivity Clause. This Ordinance shall take effect after the approval by the consistent authorities and posting thereof to at least 3 conspicuous places in the municipality.

ENACTED AND ADOPTED this 14th day of March, 1995, during the Regular Session of the Sangguniang Bayan of Tungawan, Zamboanga del Sur.

(SGD) ANTONIO G. VILLAGONZALO
Secretary

ATTEST:

(SGD) ARSENIO F. CLIMACO
Mun. Vice Mayor

APPROVED:

(SGD) WILFREDO C. TAYAG
Municipal Mayor