



GENERAL ORDINANCE NO. 19-73
Series of 2020

MUNICIPAL GUIDELINES FOR THE REGISTRATION OF OWNERSHIP OF AGRICULTURAL AND FISHERIES MACHINERY AND EQUIPMENT IN TUNGAWAN, ZAMBOANGA SIBUGAY

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WHEREAS, Section 19 of Republic Act No. 10601, otherwise known as the "Agricultural and Fisheries Mechanization Law" states that the owners of agricultural and fishery machinery and equipment must register these to the Agriculture Offices of municipal and city government units. Meanwhile, the agriculture offices of the Local Government Units shall establish and maintain a registry of agricultural and fishery machinery and equipment at the municipal, city and provincial levels. In relation thereto, the Department of Agriculture (DA) and the Department of Interior and Local Government (DILG) issued a Joint Memorandum Circular No. 2018-02, dated August 2, 2018 providing for the "National Guidelines for the Registration of Ownership of Agricultural and Fisheries Machinery and Equipment". The general purpose of this JMC is to provide owners and LGUs with a framework for implementing the registration of agricultural and fisheries machinery and equipment.

NOW THEREFORE, BE IT ORDAINED by the 19th Legislative Council of Tungawan, Zamboanga Sibugay in its 52nd Regular Session, that

Section 1. **Title** – This Ordinance shall be known as the "Municipal Guidelines for the Registration of Ownership of Agricultural and Fisheries Machinery and Equipment in Tungawan, Zamboanga Sibugay".

Section 2. **Purpose** – The purpose of this ordinance is to establish the registry of ownership and create a municipal database of such agricultural and fisheries machinery and equipment for planning and monitoring, in accordance with Republic Act No. 10601, the Joint Memorandum Circular and other existing laws and ordinance.

Section 3. **Definitions of Terms and Acronyms** – When use in this ordinance and in relation to the JMC, the following terminologies and acronyms shall define and mean as follows:

- 3.1 **Agricultural and Fisheries Machinery** - refers to machinery and equipment for the production, harvesting, processing, storage, manufacture, preserving, transporting and distribution of agricultural, fisheries products and by-products. These include, but are not limited to, tractors and their attachments, power tillers, seeders, transplanters, windmills, harvesting machines, crop protection and maintenance equipment, irrigation equipment and accessories, greenhouses and other thermal conditioning equipment, livestock equipment, fisheries equipment, slaughtering equipment, meat/fisheries and crop processing equipment, post-harvest machines such as milling machines, dryers, threshers, fiber extraction machines, grain and other strippers, agricultural transport machinery and storage facilities including cold storage, reefer vans, slaughter houses and fishing boats of three (3) gross tons or less. New agricultural and fisheries machinery includes those local and imported as well as those not used since their date of manufacture.
- 3.2 **Processing Complex** – integrated system of equipment and facilities for processing of agricultural and fisheries products.
- 3.3 **Currently Used Agricultural and Fisheries Machinery and Equipment** – machinery and equipment that are still being utilized, operational and serviceable. These include second-hand and reconditioned agricultural and fishery machinery and equipment.
- 3.4 **JMC or Joint Memorandum Circular** – shall mean the DA and DILG JMC No. 2018-02, dated August 2, 2018 otherwise known as the "National Guidelines for the Registration of Ownership of Agricultural and Fisheries Machinery and Equipment".



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- 3.5 **AFMechERN** – refers to Agricultural and fisheries Mechanization and engineering Resource Network.
- 3.6 **CAFMER** – shall mean Certificate of Agricultural and Fisheries Machinery and Equipment Registration.
- 3.7 **PHilMech** – Philippine Center for Postharvest Development and Mechanization.
- 3.8 **MAO** – refers to the Municipal Agriculture Office

Section 4. General Guidelines

- 4.1 **Coverage** – This ordinance shall cover a one-time registration of ownership of both new and currently used agricultural and fisheries machinery and equipment by any individual owner, registered farmer-cooperatives and farmer-associations, as well as government and private entities in accordance with the Section 19 of Republic Act No. 10601 and the JMC. The said machinery and equipment are used for crop, livestock and fisheries production, harvesting, processing, storage, manufacture, preserving, transporting and distribution, research, extension and instruction which include, but not limited to the list enumerated in Annex A of the JMC. The registration of such machinery and equipment shall be re-validated 5 years thereafter, to be led by the Agricultural Engineering Section of the MAO.
- 4.2 **Creation of Engineer II Position** – An Engineer II Position with Salary Grade -16 is hereby Created in the Municipal Agriculture Office of the Municipal Structure and Statting Pattern. He shall be preferably a Licensed Agricultural Engineer and shall head the Agricultural Engineering Section in the MAO;
- 4.3 **Creation of Agricultural Engineering Section** – An Agricultural Engineering Section is hereby created in the Municipal Agriculture Office. Such unit shall perform the following duties and functions:
 - a) Responsible in the implementation of agricultural and fisheries machinery and equipment registration in the municipality. He shall provide the application forms, accept the applications, evaluate and verify it, and make recommendations to the Mayor through the MAO for the issuance of CAFMER/amended CAFMER, as well as the Certificate of Clearance and Certificate of Ownership.
 - b) Establish and maintain a systematic filing of registration forms, maintain and update the registry of ownership and database of agricultural and fisheries machinery and equipment, and submit report to the Provincial Agricultural Engineering Division. Upload the data to the PHilMech-AFMechERN and provide copies to the Barangay Office concern.
- 4.4 **Registration of Ownership of Agricultural and Fisheries Machinery and Equipment**
 - a). The registration of all agricultural and fisheries machinery and equipment with the MAO through the Agricultural Engineering Section shall be mandatory.
 - b). The registration for the newly acquired/purchased units shall be facilitated by the dealer/supplier upon purchase. The dealer/supplier shall submit the filled-out registration form to the MAO, who shall endorse it to the Mayor for approval.
 - c) The registration of the currently used agricultural and fisheries machinery and equipment shall be done by the MAO within 1 year after the approval of this ordinance.
- 4.5 **Issuance of Certificate of Agricultural and Fisheries Machinery and Equipment Registration (CAFMER)**
 - a). The owner/user/dealer of agricultural and fisheries machinery and equipment shall submit to the following documents to the MAO:
 - i). Certificate of Location/Address of the owner of Agricultural and Fisheries Machinery and Equipment from the Barangay Office.

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- ii). Duly accomplished prescribed Registration Application Form as per Annex B of the JMC.
 - iii). Any evidence of acquisition/ownership of agricultural and fisheries machinery and equipment such as: Delivery Receipt (DR), Sales Invoice (SI), Official Receipt (OR) Deed of Sale or Deed of Donation, Memorandum of Agreement (MOA) or Memorandum of Understanding (MOU). In cases where these documents are not available, the owner shall secure a certificate from the barangay office where the machinery or equipment is located.
- b) The registration sticker, which may come with a QR Code containing the details of the machinery/equipment shall be issued by the MAO after the application form has been approved. The MAO through the Agricultural engineering Section shall keep a copy of the approved CAFMER and ensure that the registration is uploaded or linked to the PhilMech-AFMechERN server upon registration.

4.6 Issuance of Certificate of Clearance and Amended CAFMER

- a). The Office of the Municipal Mayor shall issue a Certificate of Clearance and an amended CAFMER in the following instances:
- i). Transfer of ownership of the agricultural and fisheries machinery and equipment- The documents as stated in Sub-Section 4.4, the Original CAFMER and Certificate of Clearance shall be required in the application for an amended CAFMER; and
 - ii). Transfer of location to another municipality/city – A new registration form (Annex B) shall be secured which shall be approved by the Municipal Mayor where the owner has transferred. The portion "For Deletion/Cancellation of Agricultural and Fisheries Machinery and Equipment" should be filled up.

The MAO shall then delete the agricultural and fisheries machinery and equipment in the list of registration of such machinery and equipment in the municipality.

Likewise, the machinery owner shall report to the MAO on any non-serviceable machinery and equipment so that this can be deleted from the registry of the MAO.

The issuance of the amended CAFMER will require the owner to undergo another registration process. Thus, the owner will pay the registration fees stated in 4.8.

- b). In the event that such machinery and equipment are involved in any criminal or civil case regarding question of ownership as reported by the Barangay Officials, no Certificate of Clearance shall be issued by the MAO.

4.7 Registry of Agricultural and Fisheries Machinery and Equipment

- a). The MAO through the Agricultural Engineering Section shall maintain and update a registry of agricultural and fisheries machinery and equipment.
- b). The list of newly registered agricultural and fisheries machinery and equipment shall be uploaded monthly to the PHilMech-AFMechERN. Likewise, this shall be submitted every quarter by the MAO to the Agricultural Division of the Provincial Agriculture Office for consolidation. The consolidated report shall then be endorsed to the Department of Agriculture- RAED, copy furnished the Barangay Office.

4.8 Registration of Agricultural and Fisheries Machinery and Equipment currently undertaken by Other Concerned National Government Agencies

- a). The registration of such machinery and equipment presently undertaken by concerned government agencies: BFAR for fishing boats; NFA for rice mills and post harvest facilities; PCA on oil mills; BPI for HVC equipment; NMIS for slaughter house equipment; SUCs; etc., shall be included in the registry of agricultural and fisheries machinery and equipment of the municipality.



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- b). Fisheries machinery and equipment owned by government and private entities not covered by the BFAR shall also be registered as well as the components of Processing Complexes not listed in the NFA, NMIS and other DA regulatory agencies.

4.9 Registration Fees

- a) The amount of fees to be charged and the fee structure in the registration of agricultural and fisheries machinery and equipment shall be Three Hundred Pesos (Php 300.00) inclusive of the cost of the registration plate to be issued by the MAO to the owner.
- b) The registration of machineries and equipment owned by cooperatives duly registered under R.A. 6810 (Magna Carta for Countryside and Barangay Business Enterprises [Kalakalan 20]) and R.A NO. 9520 (Cooperative Code of the Philippines) shall be exempted from payment of registration fees pursuant to Section 133 of the Local government Code of the Philippines.

4.10 Roles of Local Offices

- a). Municipal Treasurer's Office – Bring the keeper of funds, this office shall be responsible for the collection of payments for registration fees and issue official receipts for the corresponding payments.
- b). Barangay Office- The Barangay Office, through the Punong Barangay, shall be responsible for certifying the locations of agricultural and fisheries machinery and equipment in the barangay.

4.11 Funding- The Funding for the implementation of this ordinance shall be incorporated in the Annual Budget of the municipality.

4.12 Incentives for the Registration of Agricultural and Fisheries Machinery and Equipment

- a). Registration may be used in the availment of municipal incentives and subsidies.
- b). Registered machinery may be used as loan collateral.
- c). Registration will facilitate the location of lost agricultural and fisheries machinery units.
- d). Availment of Common Service Facilities (CSF) services in the municipality.
- e). Provision of Insurance (e.g. Registry System for Basic Sectors in Agriculture) for registered agricultural and fisheries machinery and equipment.

Section 5. **Role of HRMO** – The Municipal Human Resource Management Officer shall prepare the Job Description and the Duties and Functions of the Engineer II position in the MAO;

Section 6. **Penal Provision** – Any person who shall violate any provision of this ordinance shall, upon conviction, be subject to a fine of not less than One Thousand Pesos (Php 1,000.00) but not more than Two thousand Pesos (Php 2,000.00) or imprisonment of not less than One (1) month but not more than Two (2) months, or both, upon the discretion of the court.

Section 7. **Repealing Clause-** All ordinances and local issuances, or any part thereof, which are inconsistent with the provisions of this ordinance are hereby repealed, amended or modified accordingly.

Section 8. **Separability** – Should any part or provision of this Ordinance be held unconstitutional or invalid, the other parts or provisions not affected thereby shall continue to be in full force and effect.

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Section 9. Effectivity – This Ordinance shall take effect immediately following the date of the approval of the Municipal Mayor.

ADOPTED and APPROVED, this 15th day of September, 2020.


Certified True and Correct:


DANTE D. IBARRA
Secretary to the SB

Attested by:


IVAN N. BALANO
Municipal Vice Mayor
Presiding Officer

Approved:


CARL NAN C. CLIMACO
Municipal Mayor
Date Signed _____, 2021

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