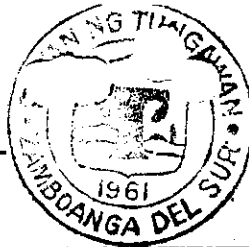


CITY OF  
TUNGAWAN

District III, Zamboanga del Sur, Region IX,  
Philippines



OFFICE OF THE SANGGUNIANG BAYAN

REGULATORY ORDINANCE NO. 28  
Series of 1999

AN ORDINANCE REGULATING THE UTILIZATION AND ACCOUNTING OF THE  
PAYLOADER OF THE MUNICIPALITY.

SPONSORED BY: HON. MARFRED C. DE LEON,  
CO- SPONSORED BY: HON. JULYVEN P. JOCSON

BE IT ORDIANED BY THE 3RD SANGGUNIANG BAYAN OF TUNGAWAN,  
ZAMBOANGA DEL SUR, UNDER RA. NO. 7160 IN SESSION ASSEMBLED,  
THAT:

ARTICLE 1 - GENERAL PROVISIONS

Section 1 - Title - This Ordinance shall be known as: AN  
ORDINANCE REGULATING THE UTILIZATION AND ACCOUNTING OF THE  
PAYLOADER OF THE MUNICIPALITY;

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

"Internal Use", refers to the utilization of the equipment  
within the area of the municipality.

"Extenal Use" means the act of making use of the equipment  
outside the municipality.

"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,  
damages 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.

MUNICIPALITY OF  
TUNGAWAN

District III, Zamboanga del Sur, Region IX,  
Philippines



**OFFICE OF THE SANGGUNIANG BAYAN**

(P. 2 of Regulatory Ord. No. 28 series of 1999)

Section 6 - When loss of accessories occur, it shall be the duty of the person immediately accountable to promptly notify the local chief executive and the Circuit Municipal Audit. The LCE shall forthwith 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 for any of such loss in the settlement of his account.

ARTICLE 3 - LEASE OF EQUIPMENT

Section 7 - The Government-Owned Payloader 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.
- 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 inquiry or damage cause to any person or property by reason of the use of equipment during the period of the lease;
- f. A daily basis lease shall correspond to eight (8) hours use and any usage in excess thereof shall be considered 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) hours referred above whether the property is in use or not.

**MUNICIPALITY OF  
TUNGAWAN**

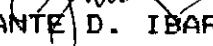
**District III, Zamboanga del Sur, Region IX,  
Philippines**




**OFFICE OF THE SANGGUNIANG BAYAN**

(P. 4 of Regulatory Ord. No. 28 series of 1999)

ENACTED AND ADOPTED this 3rd day of August, 1999 during the 42nd Regular Session of the 3rd Sangguniang Bayan of Tungawan, Zamboanga del Sur.

  
DANTE D. IBARRA  
Secretary to the SB

ATTESTED:

  
EDELIA T. HAGONUY  
Mun. Vice Mayor  
Presiding

APPROVED:

  
ARSENIO F. CLIMACO  
Municipal Mayor

ddi/eth/afc/meaq ord. . .