Republic of the Philippines
Province of Samar
Municipality of Pinabacdao
OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 24- 006

Series 2024

AN ORDINANCE IMPOSING RENTAL AND FIXING THE RATES ON THE USE OF HEAVY AND CONSTRUCTION EQUIPMENT AND FACILITIES OWNED BY THE MUNICIPALITY OF PINABACDAO, SAMAR.

WHEREAS, the Local Government of Pinabacdao, Samar owns various heavy and construction equipment;

WHEREAS, Article 129 of Republic Act 7160 otherwise known as the Local Government Code of 1991 in relation to Article 10 in relation to Article 10, Section 5 of the 1987 Philippine Constitution provides, "Each local government unit shall exercise its power to create its own sources of revenue and levy taxes, fees, and charges subject to the provisions herein, consistent with the basic policy of local autonomy. Such taxes, fees, and charges shall accrue exclusively to the local governments";

WHEREAS, Article Five, Section 153 and Section 154 of Republic Acct 7160 further provides that the local government units may impose and collect reasonable fees and charges for services rendered and may fix the rates for the operation of public utilities owned, operated and maintained by them;

WHEREAS, the Municipality of Pinabacdao intends to maximize the use of its sources and create additional source of income by renting out the heavy and construction equipment in order to keep and support the required budget for the maintenance of these heavy and construction equipment;

WHEREAS, the Office of the Municipal Mayor has requested this august body to approve the imposition of rental fees for the use of heavy equipment at reasonable rates in order to service the construction needs of the people and business in the community;

NOW THEREFORE, on motion unanimously seconded;

BE IT ENACTED, as it is hereby ENACTED, by the Sangguniang Bayan of Pinabacdao, Samar in session duly assembled that;

Section 1. Title of the Ordinance. – This Ordinance shall be known as an **"AN ORDINANCE IMPOSING RENTAL AND FIXING THE RATES ON THE USE OF HEAVY AND CONSTRUCTION AND FACILITIES EQUIPMENT OWNED BY THE MUNCIPALITY OF PINABACDAO, SAMAR."**

Section 2. Fees and Charges. – There is hereby imposed the following rental rates for the use of heavy and construction equipment being rented out by the Municipal Government to private parties:

No.	EQUIPMENT	PROPOSED RENTAL RATES (PESOS/HOUR)
1	Dump Truck (Sinotruck, Powertrac J-0030-23) Brand New/Good Condition	2,000.00/day
2	Dump Truck (Sinotruck H3 6W 4.5) J-0026-19 Brand New/Good Condition	2,000.00/day
3	Truck-Fortland 6W APOLLO (3 Cargo) Agri-Aqua Mover Good Condition	2,000.00/day
4	Backhoe (Max Torque)	1,000.00/hour (for Pinabacdao Residents) 1,300.00/hour (for non-Pinabacdao Residents) 1,500.00/hour (for private contractors)
5	4WD TRACTORS	200.00/hour for Pinabacdao farmers 400.00/hour for non-Pinabacdao residents
6	Flatbed Dryer	30.00/bag(excluding labor)

7	Storage Facility Fee /Storage Fee(Bodega) Non-Resident Merchants	10.00/bag/week or 5.00/bag/3 days 15.00/bag/3 days

Section 3. General Provisions Governing the Rental and Use of Equipment and Facilities. – The rental and use of the heavy and construction equipment and facilities indicated under Section 2 shall be in accordance with the following conditions:

a. The rental rates shall be exclusive of fuel and oil consumption and remuneration of the heavy equipment operator.
b. A rental agreement shall be executed between the Municipal Government and the renting party indicating therein, among others, all attendant terms and conditions governing said agreement.

Section 4. Separability Clause. If any provision of this ordinance or the application of such provision to any person or circumstances is declared invalid, the remainder of this Ordinance shall not be affected.

Section 5. Repealing Clause. – All Ordinances, rules and regulations, or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 6. Effectivity Clause. – This Ordinance shall take effect immediately upon its approval.

ENACTED this 11th day of November, 2024.

HON. JOSE SANTIAGO T. QUIJANO
SB Member

HON. ELISEO B. CABORNAY JR.
SB Member

HON. JOEL R. PACAYRA
SB Member

HON. NESTOR C. OCENAR
SB Member

HON. ARLYN C. MABUTE
SB Member

HON. ROSEMARIE T. BADENAS
SB Member

HON. NIÑO A. RAGA
SB Member

HON. REYNALDO C. TUAZON
SB Member

HON. WILMA P. ESOY
ABC Pres./Ex-Officio Member

HON. JOSEPH ULDANE O. GACULA
SK Fed. Pres./Ex-Officio Member

I HEREBY CERTIFY the correctness of the foregoing Ordinance which was duly adopted by the Sangguniang Bayan of Pinabacdao, Samar during its regular session.

MARY BERNADETTE T. QUIJANO
Secretary to the Sangguniang Bayan

PRESIDED:

HON. EDGAR M. TONELETE
Vice- Mayor/Presiding Officer

APPROVED BY HIS HONOR, THE MAYOR, ON 11 NOV 2024 :

HON. TEODORICO A. MABAG
Municipal Mayor