



Republic of the Philippines
Municipality of Tiwi
Province of Albay
OFFICE OF THE SANGGUNIANG BAYAN
2nd Floor, Municipal Building, 4513 Tiwi, Albay

AN ORDINANCE INSTITUTING
AND IMPLEMENTING THE
REGISTRATION OF
OWNERSHIP OF
AGRICULTURAL AND
FISHERIES MACHINERY AND
EQUIPMENT IN ACCORDANCE
WITH THE JOINT
MEMORANDUM CIRCULAR
NO. 2018-02 BY THE
DEPARTMENT OF
AGRICULTURE AND THE
DEPARTMENT OF THE
INTERIOR AND LOCAL
GOVERNMENT RELATIVE TO
THE NATIONAL GUIDELINES
FOR THE REGISTRATION OF
OWNERSHIP OF
AGRICULTURAL AND
FISHERIES MACHINERY AND
EQUIPMENT WITHIN THE
TERRITORIAL JURISDICTION
OF TIWI, ALBAY

Sponsors:
Hons. John M. Bron & Rammel A. Capa

PRESENT:

Hon. DAVID C. BEATO

*Vice Mayor,
Presiding
Officer*

Hon. JOSE MOREL C. CLIMACO

Kagawad

Hon. PELAGIA S. ZEPEDA

Kagawad

Hon. LORENZO C. CARLET

Kagawad

Hon. SHILLA K. CORBILLA

Kagawad

Hon. RAMMEL A. CAPA

Kagawad

Hon. ADOLFO V. CAMU JR.

Kagawad

Hon. JOHN M. BRON

Kagawad

Hon. AIDA B. de LEON

Kagawad

Hon. JOVITO C. CODERIS

Kagawad,

Hon. JERAHMEEL C. CLERIGO

ABC Rep.

Kagawad,

SKF Rep.

ABSENT:

None

ENACTED: FEBRUARY 8, 2021/73RD RS

EXPLANATORY NOTE

WHEREAS, Republic Act No. 10601, otherwise known as the "Agricultural and Fisheries Mechanization Law" was enacted into law on June 5, 2013;

WHEREAS, Section 19 of RA No. 10601 mandates all owners of agricultural and fishery machinery and equipment to register their agricultural and fishery machinery and equipment with the agriculture offices of municipal and city government units;

WHEREAS, pursuant to Section 19 of RA No. 10601, the Department of Agriculture (DA) and the Department of Interior and Local Government (DILG) issued Joint Memorandum Circular No. 2018-02 dated August 2, 2018 providing for the national guidelines on the registration of ownership of agricultural and fisheries machinery and equipment at the city and municipal local government units;

WHEREAS, Section 28 of RA 10601 states that; SEC. 28. Implementation by the LGUS. - The LGUs, pursuant to the provisions of Republic Act No. 7160, otherwise

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known as the "Local Government Code of 1991", shall undertake applied research, extension, dispersal, management and regulation of agricultural and fisheries machinery and equipment, including the collection of fees.

WHEREAS, further Section 29 of RA 10601 mandates to: "To effectively carry out the above functions and responsibilities, the agricultural engineering division of the provincial and city agricultural offices, and agricultural engineering section in the municipal agriculture offices are hereby strengthened and institutionalized into the organizational structure of the LGUs, and if not yet existing, shall be created in the particular LGUs. The LGUs belonging to the first up to the third income classes which are providing or implementing agricultural and fisheries infrastructure, mechanization and engineering projects shall hire at least one (1) agricultural engineer at the provincial, city and municipal levels."

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Bayan of Tiwi in a regular session assembled that:

Municipal Ordinance No. 4-2021

AN ORDINANCE INSTITUTING AND IMPLEMENTING THE REGISTRATION OF OWNERSHIP OF AGRICULTURAL AND FISHERIES MACHINERY AND EQUIPMENT IN ACCORDANCE WITH THE JOINT MEMORANDUM CIRCULAR NO. 2018-02 BY THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT RELATIVE TO THE NATIONAL GUIDELINES FOR THE REGISTRATION OF OWNERSHIP OF AGRICULTURAL AND FISHERIES MACHINERY AND EQUIPMENT WITHIN THE TERRITORIAL JURISDICTION OF TIWI, ALBAY

SECTION 1. TITLE. This Ordinance shall be referred as the MANDATORY REGISTRATION OF OWNERSHIP OF AGRICULTURAL AND FISHERIES MACHINERY AND EQUIPMENT in the Municipality of Tiwi, Albay.

SECTION 2. DECLARATION OF POLICY. It shall be the policy of the municipal Government of Tiwi to implement the registration of agricultural and fisheries machinery and equipment, specifically such registration will:

- Establish ownership;
- Create a database of such machinery and equipment for planning and monitoring purposes in accordance with Republic Act No. 10601 and other existing laws.

SECTION 3. 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 associations as well as government and private entities, which are registered with the SEC, DTI, DOLE or CDA. 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. Furthermore, agricultural


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and fisheries machinery and equipment owned and operated by government entities are likewise covered by with this registration. The registration of such machinery and equipment shall be re-validated 5 years thereafter to be led by the Agricultural Engineering Section under the Municipal Agriculture Office.

SECTION 4. DEFINITION OF TERMS. As used in this ordinance, the following terms shall mean:

- a. **Agricultural and Fisheries Machinery and Equipment** - refer to machinery and equipment for the production, harvesting, processing, storage, manufacture, preserving, transporting and distribution of agricultural and fishery 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;
- b. **New Agricultural and Fisheries Machinery and Equipment** - includes those local and imported as well as not used since their date of manufacture of the agricultural and fisheries machineries and equipment;
- c. **Currently Used Agricultural and Fisheries Machinery and Equipment** - machinery and equipment that is still being utilized, operational and serviceable. These include second-hand and reconditioned agricultural and fishery machinery and equipment;
- d. **MAO** - Municipal Agriculture Office;
- e. **SEC** - Securities and Exchange Commission;
- f. **DTI** - Department of Trade and Industry;
- g. **DOLE** - Department of Labor and Employment;
- h. **CDA** - Cooperative Development Authority;
- i. **Processing Complex** - integrated system of equipment and facilities for processing agricultural and fisheries products;
- j. **CAFMER** - Certificate of Agricultural and Fisheries Machinery and Equipment Registration;
- k. **PhilMech** - Philippine Center for Postharvest Development and Mechanization;
- l. **AFMechERN** - Agricultural and Fisheries Mechanization and Engineering Resource Network

SECTION 5. REGISTRATION OF OWNERSHIP OF AGRICULTURAL AND FISHERIES MACHINERY AND EQUIPMENT.

- a. Registration of all agricultural and fisheries machineries and equipment with the Municipal Agriculture Office shall be mandatory.
- b. Registration of the newly acquired/purchased units shall be facilitated by the dealer/supplier upon purchase. The dealer/supplier shall


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submit the filled-out form to the Municipal Agriculture Office, who shall endorse it to the Municipal Mayor for approval.

c. The registration of the currently used agricultural and fisheries machinery and equipment shall be done by the Municipal Agriculture Office within one (1) year after the approval of this ordinance.

d. The list of newly registered agricultural and fisheries machinery and equipment with complete information shall be uploaded monthly to the server of Philippine Center for PostHarvest Development and Mechanization-Agricultural and Fisheries Mechanization and Engineering Resource Network (PHilMech-AFMechERN). Likewise, this shall be submitted by the MAO quarterly to the Agricultural Engineering Division of the Provincial Agriculture Office (PAO) for consolidation. The consolidated report shall be endorsed to the Department of Agriculture-Regional Agricultural Engineering Division (RAED) copy furnished the Barangay Offices.

e. The machinery owner shall report to the Barangay Office when the machinery and equipment that are no longer operational so that these can be deleted from the registries of the MAO.

SECTION 6. REGISTRATION OF AGRICULTURAL AND FISHERIES MACHINERY AND EQUIPMENT PRESENTLY REGISTERED BY OTHER CONCERNED NATIONAL GOVERNMENT AGENCIES - The registration of agricultural and fisheries machinery and equipment presently being undertaken by concerned government agencies, such as by the Bureau of Fisheries and Aquatic Resources (BFAR) for fishing boats; Philippine Coconut Authority (PCA) on oil mills and other concerned national government agencies shall be included in the registry of agricultural and fisheries machinery and equipment of the municipality.

SECTION 7. GUIDELINES FOR THE 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 Municipal Agriculture Office the following documents:


i. Certificate of location/address of the owner of Agricultural and Fisheries Machinery Equipment from the Barangay;

ii. Duly accomplished prescribed registration application form;

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 or Memorandum of Understanding. In cases that these documents are not available, the barangay office where the owner resides shall execute an affidavit attesting to the lawful ownership of the machinery or equipment.

b. The MAO through the Agricultural Engineering Section shall verify and evaluate the submitted documents. Upon finding that the owner has complied with all the documentary requirements and has paid the registration fee, the MAO shall process and recommend the issuance of CAFMER for the approval by the Municipal Mayor or his/her duly authorized representative.


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c. The registration sticker which comes with a QR Code containing the details of the machinery/equipment shall be issued by the MAO after the application has been approved. The MAO shall keep a copy of the approved CAFMER and ensure that the registration is uploaded to the PhilMech-AFMechERN.

d. The data of the registered agricultural and fisheries machinery and equipment will be linked to the PhilMech-AFMechERN upon registration.

SECTION 8. PROCEDURE IN CASE OF AMENDMENT TO THE CERTIFICATE OF AGRICULTURAL AND FISHERIES MACHINERY AND EQUIPMENT REGISTRATION (CAFMER). The Office of the City/Municipal Mayor shall issue a Certificate of Clearance and an amended CAFMER in the following instances:

- a. Transfer of Ownership of the agricultural and fisheries machinery and equipment- The documents stated in the preceding section, the Original CAFMER and Certificate of Clearance shall be required in the application for an amended CAFMER; and
- b. Transfer of Location to another city/municipality - A new registration form shall be secured which shall be approved by the city where the owner has transferred.

The Office of the Municipal Mayor shall issue a Certificate of Clearance to the owner for submission to the city/municipality where the owner has transferred within 30 days. The portion in the application form which states "For Deletion/Cancellation of Agricultural and Fisheries Machinery and Equipment Registration" should be filled up.

The MAO of the municipality of origin shall 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 these can be deleted from the registries of MAO. The issuance of the amended CAFMER will require the owner to undergo another registration process. Thus, the owner will pay the registration fee as provided for in this Ordinance.

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.

SECTION 9. REGISTRATION FEE. The amount to be charged and the fee structure in the registration of agricultural and fisheries machinery and equipment payable in the Municipal Treasurer's Office 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.

The agricultural and fishery machineries and equipment owned by cooperatives duly registered under R.A. No. 6810 (Magna Carta for Countryside and Barangay Business Enterprises (Kalakalan 2000) and R.A.


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No. 6938 (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.

SECTION 10. INCENTIVE. The following are the incentives for the registration of Agricultural and Fisheries Machinery and Equipment.

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

The MAO shall coordinate with the Philippine Crop Insurance (PCIC) for the most appropriate insurance package for agricultural and fisheries implements, in reference to the Registry System for Basic Sectors in Agriculture (RSBSA) of the DA-ICTS.

SECTION 11. PENALTY. Any person who shall be caught violating any provision of this ordinance shall be penalized with a fine of Two Thousand Five Hundred Pesos (Php 2,500.00) or an imprisonment of six (6) months or both at the discretion of the court.

SECTION 12. FUNDING. Funding for the implementation of the registration of agricultural and fisheries machinery and equipment which include the hiring of ABEs, purchase of registration equipment (QR Printer, etc.) and other activities on the registration of ownership of agricultural and fishery machinery and equipment shall be incorporated in the annual work and financial plan of the Municipality Government of Tiwi, Albay.

SECTION 13. REPEALING CLAUSE. All existing ordinances, rules and regulations, as well as orders inconsistent herewith are hereby repealed or modified accordingly.

SECTION 14. SEPARABILITY CLAUSE. Should any of these clauses or parts of this Ordinance be declared unconstitutional by any court of competent jurisdiction, all other remaining portions not so declared shall remain valid and effective.

SECTION 15. EFFECTIVITY. This Ordinance shall take effect upon its approval.

CONCURRED IN:

Hon. Jose Morel C. Climaco
Hon. Pelagia S. Zepeda
Hon. Lorenzo C. Carlet
Hon. Shilla K. Corbilla
Hon. Rammel A. Capa
Hon. Adolfo V. Camu Jr.



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Hon. John M. Bron
Hon. Aida B. de Leon
Hon. Jovito C. Coderis
Hon. Jerahmeel C. Clerigo


DISSENTED -None

ABSTAINED -None

UNANIMOUSLY ENACTED.

DATE ENACTED.
FEBRUARY 8, 2021/73RD RS


CERTIFIED TO BE DULY ENACTED.


Hon. DAVID C. BEATO
Vice Mayor & Presiding Officer

ATTESTED:


JOSELITO B. CANTES, MPA
Sanggunian Secretary

APPROVED/~~VETOED~~:


Hon. JAIME C. VILLANUEVA
Municipal Mayor
Date: Feb. 18, 2021