

REPUBLICA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOG

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE FIFTH
SANGGUNIANG PANLUNGSOD NG ORMOG HELD AT THE HONORABLE
PLACIDO ENECIO SESSION HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON, JANUARY 30, 1992

PRESENT:

Hon. Nepomuceno F. Aparis I, Vice-Mayor & Presiding Officer
Hon. Benjamin F. Tugonon, Acting Floor Leader, Kagawad
Hon. Eufrocino C. Codilla, Jr., Kagawad
Hon. Celso P. Adolfo, Kagawad
Hon. Sixto T. Pongos, Kagawad
Hon. Arnulfo C. Salazar, Kagawad
Hon. Jose B. Conejos, Kagawad
Hon. Rodolfo L. Rivilla, Jr., Kagawad
Hon. Antero T. Fiel, Kagawad
Hon. Celso P. Porcadilla, Kagawad
Hon. Edgar Z. Palugod, ABC President, Kagawad
Hon. Nelson DL Geneston, Industrial labor Sector, Rep., Kagawad

ABSENT:

Hon. Gregorio A. Yrastorza, Jr., (O.B.-Palo, Leyte) Kagawad, Floor Leader

RESOLUTION NO. 18

WHEREAS, Republic Act 7160, otherwise known as the Local Government Code 1991, took effect on the the first day of January, 1992;

WHEREAS, among the powers granted to the local government is the power to levy and collect Business and other local taxes;

WHEREAS, this local legislative body deems it proper, in the exercise of its local taxing powers, to implement Section 139, 143, 148, 156, 157, 158, 159, 160, 161, 162, 163 and 164;

WHEREAS, in implementing the aforecited Sections of the Local Government Code, the Sangguniang Panlungsod, had taken into consideration the paying capacity of the tax payers and that the same should not be unreasonable and within the bounds of the local government code;

NOW, THEREFORE, for and in consideration of the premises, this Honorable Sangguniang Panlungsod, on a motion presented by Kagawad Benjamin F. Tugonon, Chairman, Committee on Laws and Ordinances, jointly seconded by mga Kagawad Arnulfo C. Salazar and Edgar Z. Palugod; be it

RESOLVED, to adopt:

ORDINANCE NO. 29

AN ORDINANCE IMPLEMENTING THE PROVISIONS OF SECTIONS 139, 143, 148, 156, 157, 158, 159, 160, 161, 162, 163 AND 164 OF REPUBLIC ACT 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991.

SECTION 1 - Imposition of tax - There is hereby imposed an annual occupation Tax on all persons engaged in the exercise of their profession or calling in the City of Ormoc, as follows:

- a) Lawyers, medical practitioners, architects, interior decorators, certified public accountants, civil, electrical, mechanical, electronic comm. engineer, chemical, mining or sanitary agents, pharmacists, insurance agents, custom brokers, marine surveyors, actuaries, registered electrician, veterinarians, dentist, optometrists, opticians, commercial aviators, registered master plumbers, professional appraisers or connoisseurs of tobacco and other domestic or foreign products, licensed ship masters, marine chief engineers, mechanical plant engineers, junior mechanical engineers and certified plant mechanics, unless they are professional mechanical engineers, geodetic engineers, agricultural engineers, chief motor engineers, master mariners, naval architects, sugar technologists, real estate brokers and stock brokers, medical technologistsP150.00
- b) Land surveyors, chief mates, marine second engineers, registered nurses, chiropodists, tatooers, masseurs, pelotaris, jockeys, professional actors and actresses, stage performers, hostesses, statisticians, commercial stewards and stewardesses, flight attendants, insurance adjusters, disticians, embalmers, midwives, associate and assistant electrical engineers, foresters, geologists, chemist marine officers and therapists.....P75.00.
- c) Every person legally authorized to practice his profession shall pay the profession tax in the city where he practices his profession or where he maintains his principal office in case he practices his profession in several places. Provided, however, that he/she is entitled to practice his profession in any part of the Philippines without being subjected to any other national or local tax, license, or fee for the practice of such profession.
- d) Any individual or corporation employing a person subject to professional tax shall require payment by that person of the tax on his profession before employment and annually thereafter.
- e) The professional tax shall be payable annually, on or before the thirty-first (31st) day of January. Any person first beginning to practice a profession after the month of January must, however, pay the full tax before engaging therein. A line of profession does not become exempt even if conducted with some other profession for which the tax has been paid. Professionals exclusively employed in the government shall be exempt from the payment of this tax.
- f) Any person subject to the professional tax shall write in deeds, receipts, prescriptions, reports, books of account, plans and designs, surveys and maps, as the case may be, the number of the official receipt issued to him. (Adopted from Section 139 of RA 7160).

SECTION 2 - Business Tax - The City hereby imposes taxes on the following businesses:

- a) On manufacturers, assemblers, repackers, processors, brewers, distillers, rectifiers, and compounders of liquors, distilled spirits, and wines or manufacturers of any article of commerce of whatever kind or nature, in accordance with the following schedule:

With gross sales for the preceding
calendar year in the amount of:

Amount of Tax
per annum

Less than P10,000.00

P 225.00

P 10,000 or more but less than P 15,000.00	300.00
15,000 or more but less than 20,000.00	412.50
20,000 or more but less than 30,000.00	600.00
30,000 or more but less than 40,000.00	900.00
40,000 or more but less than 50,000.00	1,125.00
50,000 or more but less than 75,000.00	1,800.00
75,000 or more but less than 100,000.00	2,250.00
100,000 or more but less than 150,000.00	3,000.00
150,000 or more but less than 200,000.00	3,750.00
200,000 or more but less than 300,000.00	5,250.00
300,000 or more but less than 500,000.00	7,500.00
500,000 or more but less than 750,000.00	11,250.00
750,000 or more but less than 1,000,000.00	15,000.00
1,000,000 or more but less than 2,000,000.00	18,750.00
2,000,000 or more but less than 3,000,000.00	22,500.00
3,000,000 or more but less than 4,000,000.00	27,000.00
4,000,000 or more but less than 5,000,000.00	31,500.00
5,000,000 or more but less than 6,500,000.00	36,000.00
6,500,000.00 or more at a rate not exceeding thirty-seven and a half percent (37 1/2%) of one percent (1%).	

- b) On wholesalers, distributors, or dealers, in any article of commerce of whatever kind or nature in accordance with the following schedule:

With gross sales or receipts for the
preceding calendar year in the amount of:

Amount of Tax
Per Annum

Less than P1,000.00

P 22.50

P 1,000.00 or more but less than P 2,000.00	45.00
2,000.00 or more but less than 3,000.00	67.50
3,000.00 or more but less than 4,000.00	97.50
4,000.00 or more but less than 5,000.00	135.00
5,000.00 or more but less than 6,000.00	165.00
6,000.00 or more but less than 7,000.00	195.00
7,000.00 or more but less than 8,000.00	225.00
8,000.00 or more but less than 10,000.00	255.00
10,000.00 or more but less than 15,000.00	300.00
15,000.00 or more but less than 20,000.00	375.00
20,000.00 or more but less than 30,000.00	450.00
30,000.00 or more but less than 40,000.00	600.00
40,000.00 or more but less than 50,000.00	900.00
50,000.00 or more but less than 75,000.00	1,350.00
75,000.00 or more but less than 100,000.00	1,800.00
100,000.00 or more but less than 150,000.00	2,550.00
150,000.00 or more but less than 200,000.00	3,300.00
200,000.00 or more but less than 300,000.00	4,500.00
300,000.00 or more but less than 500,000.00	6,000.00
500,000.00 or more but less than 750,000.00	9,000.00
750,000.00 or more but less than 1,000,000.00	12,000.00
1,000,000.00 or more but less than 2,000,000.00	20,000.00
2,000,000.00 or more at a rate not exceeding fifty percent (50%) of one percent (1%).	

- c) On exporters, and on manufacturers, millers, producers, wholesalers, distributors, dealers or retailers of essential commodities enumerated hereunder at a rate not exceeding one half (1/2) of the rates prescribed under subsection (a), (b) and (d) of this Section:

- (1) Rice and corn;
- (2) Wheat or cassava flour, meat, dairy products, locally manufactured, processed or preserved food, sugar, salt and other agricultural, marine, and fresh water products, whether in their original state or not;
- (3) Cooking oil and cooking gas;
- (4) Laundry soap, detergents, and medicines;
- (5) Agricultural implements, equipment and post-harvest facilities, fertilizers, pesticides, insecticides and other farm inputs;
- (6) Poultry feeds and other animal feeds;
- (7) School supplies; and
- (8) Cement.

- d) On retailers,

With gross sales or receipts for the preceding calendar year of:	Rate of Tax Per Annum
P400,000.00 or less	1%
more than P400,000.00	1 1/2%

Provided, however, That barangays shall have the exclusive power to levy taxes, as provided under Section 152 hereof, on gross sales or receipts of the preceding calendar year of Fifty Thousand Pesos (P50,000.00) or less, in the case of cities, and Thirty Thousand Pesos (P30,000.00) or less, in the case of municipalities.

- e) On contractors and other independent contractors, in accordance with the following schedule:

With gross receipts for the preceding calendar year in the amount of:	Amount of Tax Per Annum
less than P5,000.00	P 37.50
P 5,000.00 or more but less than P 10,000.00	84.00
10,000.00 or more but less than 15,000.00	142.50
15,000.00 or more but less than 20,000.00	225.00
20,000.00 or more but less than 30,000.00	375.00
30,000.00 or more but less than 40,000.00	525.00
40,000.00 or more but less than 50,000.00	750.00
50,000.00 or more but less than 75,000.00	1,200.00
75,000.00 or more but less than 100,000.00	1,800.00
100,000.00 or more but less than 150,000.00	2,700.00
150,000.00 or more but less than 200,000.00	3,600.00
200,000.00 or more but less than 250,000.00	4,950.00
250,000.00 or more but less than 300,000.00	6,300.00
300,000.00 or more but less than 400,000.00	8,400.00
400,000.00 or more but less than 500,000.00	11,250.00
500,000.00 or more but less than 750,000.00	14,000.00
750,000.00 or more but less than 1,000,000.00	17,250.00
1,000,000.00 or more but less than 2,000,000.00	20,000.00
2,000,000.00 or more at the rate not exceeding fifty (50%) of one percent (1%).	

- f) On banks and other financial institutions, at a rate not exceeding fifty percent (50%) of one percent (1%) on the gross receipts of the preceding calendar year derived from interest, commissions and discounts from lending activities, income from financial leasing, dividends, rentals on property and profit from exchange or sale of property, insurance premium.
- g) On peddlers, engaged in the sale of any merchandise or article of commerce, at a rate not exceeding Fifty Pesos (P50.00) per peddler annually.
- h) On any business, not otherwise specified in the preceding paragraphs, which the sanggunian concerned may deem proper to tax: Provided, That on any business subject to the excise, value-added or percentage tax under the National Internal Revenue Code, as amended, the rate of tax shall not exceed Two Percent (2%) of gross sales or receipts of the preceding calendar year.

The sanggunian concerned may prescribe a schedule of graduated tax rates but in no case to exceed the rates prescribed herein.

(Adopted from Section 143 of RA 7160)

SECTION 3 - Fees for Sealing and Licensing of Weights and Measures -

- a) The City hereby levies a fee of Twenty Pesos (P20.00) for the sealing and licensing of weights and measures.
- b) The Sangguniang Panlungsod shall prescribe the necessary regulations for the use of such weights and measures, subject to such guidelines as shall be prescribed by the Department of Science and Technology. The Sangguniang Panlungsod hereby penalizes fraudulent practices and unlawful possession or use of instruments of weights and measures and hereby prescribes a penalty of One Hundred Pesos (P100.00). The City Treasurer is authorized to settle an offense not involving the commission of fraud before a case therefor is filed in court upon payment of compromise penalty not less than Two Hundred Pesos (P200.00).
(Adopted from Section 148, RA 7160)

SECTION 4 - There is hereby levied a Community Tax, as follows:

- 4.1 Individuals Liable to Community Tax. - Every inhabitant of the Philippines eighteen (18) years of age or over who has been regularly employed on a wage or salary basis for at least thirty (30) consecutive working days during any calendar year, or who is engaged in business or occupation, or who owns real property with an aggregate assessed of One Thousand Pesos (P1,000.00) or more, or who is required by law to file an income tax return shall pay an annual community tax of Five Pesos (P5.00) and an annual additional tax of One Peso (P1.00) for every One Thousand Pesos (P1,000.00) of income regardless of whether from business, exercise of profession or from property which in no case shall exceed Five Thousand Pesos (P5,000.00).

In the case of husband and wife, the additional tax herein imposed shall be based upon the total property owned by them and the total gross receipts or earnings derived by them.

4.2 - Juridical persons Liable to Community Tax - Every corporation no matter how created or organized, whether domestic or resident foreign, engaged in or doing business in the Philippines shall pay an annual community tax of Five Hundred Pesos (P500.00) and an annual additional tax which in no case shall exceed Ten Thousand Pesos (P10,000.00) in accordance with the following schedule:

- (1) For every Five Thousand Pesos (P5,000.00) worth of real property in the Philippines owned by it during the preceding year based on the valuation used for the payment of the real property tax under existing laws, found in the assessment rolls of the city or municipality where the real property is situated - Two Pesos (P2.00); and
- (2) For every Five Thousand Pesos (P5,000.00) of gross receipts or earnings derived by it from its business in the Philippines during the preceding year - Two Pesos (P2.00).

The dividends received by a corporation from another corporation however shall, for the purpose of the additional tax, be considered as part of the gross receipts or earnings of said corporation.

4.3 Exemptions. - The following are exempt from the community tax:

- (1) Diplomatic and consular representatives; and
- (2) Transient visitors when their stay in the Philippines does not exceed three (3) months.

4.4 Place of Payment. - The Community Tax shall be paid in the place of residence of the individual, or in the place where the principal office of the juridical entity is located.

4.5 Time for Payment; Penalties for Delinquency.

- (a) The community tax shall accrue on the first (1st) day of January of each year which shall be paid not later than the last day of February of each year. If a person reaches the age of eighteen (18) years or otherwise loses the benefit of exemption on or before the last day of June, he shall be liable for the community tax on the day he reaches such age or upon the day the exemption ends. However, if a person reaches the age of eighteen (18) years or loses the benefit of exemption on or before the last day of March, he shall have twenty (20) days to pay the community tax without becoming delinquent.

Persons who come to reside in the Philippines or reach the age of eighteen (18) years on or after the First (1st) day of July of any year, or who cease to belong to an exempt class on or after the same date, shall not be subject to the community tax for that year.

- (b) Corporations established and organized on or before the last day of June shall be liable for the community tax for that year. But corporations established and organized on or before the last day of March shall have twenty (20) days within which to pay the community tax without becoming delinquent. Corporations established and organized on or after the first day of July shall not be subject to the community tax for that year.

If the tax is not paid within the time prescribed above, there shall be added to the unpaid amount an interest of twenty-four percent (24%) per annum from the due date until it is paid.

- 4.6 Community Tax Certificate - A community tax certificate shall be issued to every person or corporation upon payment of the community tax. A community tax certificate may also be issued to any person or corporation not subject to the community tax upon payment of One Peso (P1.00).

- 4.7 Presentation of Community tax certificate On Certain Occassions. -

- (a) When an individual subject to the community tax acknowledges any document before a notary public, takes the oath of office upon election or appointment to any position in the government service; receives any license, certificate, or permit from any public authority; pays any tax or fee; receives any money from any public fund; transacts other official business; or receives any salary or wage from any person or corporation, it shall be the duty of any person, officer, or corporation with whom such transaction is made or business done or from whom any salary or wage is received to require such individual to exhibit the community tax certificate.

The presenstation of community tax certificate shall not be required in connection with the registration of a voter.

- (b) When, through its authorized officers, any corporation subject to the community tax receives any license, certificate or permit from any public authority, pays any tax or fee, receives money from public funds, or transacts other official business, it shall be the duty of the public official with whom such transaction is made or business done, to require such corporation to exhibit the community tax certificate.

- (c) The community tax certificate required in the two preceding paragraphs shall be the one issued for the current year, except for the period from January until the fifteenth (15th) of April each year, in which case, the certificate issued for the preceding year shall suffice.

- 4.8 Printing of Community Tax Certificates and Distribution of Proceeds.

- (a) The Bureau of Internal Revenue shall cause the printing of community tax certificates and distribute the same to the cities and municipalities through the city and municipal treasurers in accordance with prescribed regulations.

The proceeds of the tax shall accrue to the general funds of the cities, municipalities and barangays except a portion thereof which shall accrue to the general fund of the National Government to cover the actual cost of printing and distribution of the forms and other related expenses. The city or municipal treasurer concerned shall remit to the national treasurer the said share of the national Government in the proceeds of the tax within ten (10) days after the end of each quarter.

- (b) The city or municipal treasurer shall deputize the barangay treasurer to collect the community tax in their respective jurisdictions: Provided, however, That said barangay treasurer shall be bonded in accordance with existing laws.
- (c) The proceeds of the community tax actually and directly collected by the city or municipal treasurer shall accrue entirely to the general fund of the city or municipality concerned. However, proceeds of the community tax collected through the barangay treasurers shall be apportioned as follows:

- (1) Fifty percent (50%) shall accrue to the general fund of the city or municipality concerned; and
- (2) Fifty percent (50%) shall accrue to the barangay where the tax is collected.

SECTION 5 - Repealing Clause - All other Ordinances, inconsistent with this ordinances is hereby considered repealed.

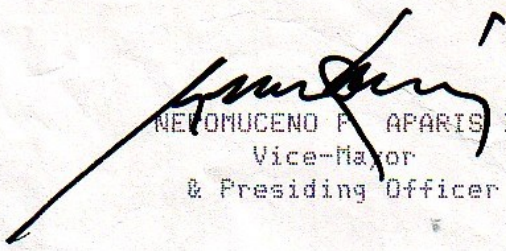
SECTION 6 - This Ordinance takes effect after ten (10) days from its approval and after having published the same in full for a period of three (3) days in two (2) conspicuous places and publicly accessible places, pursuant to the provisions of Section 188 of Republic Act 7160.

ENACTED, January 30, 1992.

RESOLVED, -FURTHER, to furnish copies of this resolution-ordinance one each to Honorable Ma. Victoria L. Locsin, City Mayor, the City Treasurer, the City Auditor, three (3) copies be posted on Bulletins at public and conspicuous places, and to all others concerned;

CARRIED UNANIMOUSLY.

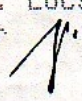
I HEREBY CERTIFY to the correctness of the foregoing resolution-ordinance.


NEPOMUCENO P. APARIS I
Vice-Mayor
& Presiding Officer

ATTESTED:

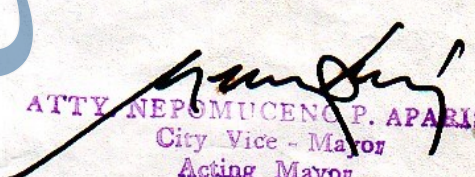

OSCAR E. LASAM
City Secretary

APPROVED:

MARIA VICTORIA L. LOCSIN
City Mayor 

ATTESTED AS APPROVED:


OSCAR E. LASAM
City Secretary


ATTY. NEPOMUCENO P. APARIS
City Vice - Mayor
Acting Mayor

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