



REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SIXTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO SESSION HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON FEBRUARY 17, 1994.

PRESENT:

Hon. Sixto T. Pongos,
Hon. Sotero M. Pepito,
Hon. Jose B. Conejos,
Hon. Celso P. Adolfo,
Hon. Benjamin B. Lladoc,
Hon. Mariano Y. Corro,
Hon. Nestor C. Penserga,
Hon. Claudio P. Larrazabal,
Hon. Jose C. Alfaro, Jr.,
Hon. Alfredo F. Capahi,
Hon. Fernando P. Parrilla,
Hon. Angelyn R. Paca,

Acting Presiding Officer, Kagawad
Majority Floor Leader, Kagawad
Assistant Majority Floor Leader, Kagawad



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ABC President, Ex-Officio, Kagawad
SK Fed. Pres., Ex-Officio, Kagawad

ABSENT:

Hon. Benjamin F. Tugonon,

(Acting City Mayor), City Vice-Mayor

RESOLUTION NO. 37

A RESOLUTION DISAPPROVING RESOLUTION NO. 016 S. 1993
EMBODYING BRGY. ORDINANCE NO. 07 OF THE BARANGAY COUNCIL
OF BRGY. LIBERTY, THIS CITY, RE: TAX COLLECTION OF ₱4.00
BY THE BARANGAY COUNCIL OF LIBERTY TO BE EXACTED FROM
PRIVATE FIRMS, CORPORATIONS OR PRIVATE CONSTRUCTOR/S OUT
OF EVERY CUBIC METER OF SAND, GRAVEL, ROCKS OR STONES
GATHERED FROM PANILAHAN RIVER, OTHER CREEKS AND QUARRIES
WITHIN THE AREA OF THE SAID BARANGAY.

WHEREAS, this august Body is in receipt of Resolution No. 016 s.
1993 adopting Brgy. Ordinance No. 07 of the Barangay Council of Brgy.
Liberty re tax collection by the Barangay Council of Brgy. Liberty of
₱4.00 from private firm, corporation or private constructor/s on every
cubic meter of sand, gravel, rocks or stones gathered from Panilahan
River, other creeks and quarries within the area of the said barangay;

WHEREAS, this sanggunian, in relation to the aforecited ordinance
at issue (and all other ordinances of the mga sanggunian barangay in
Ormoc City) is, by law, granted with the power to review whether the
said ordinance is consistent with law and city X X X ordinances. (Sec.
57 LGC 1991);

WHEREAS, it is the observation of this august Body, through the
representation of the Honorable Chairman, Committee on Laws &
Ordinances, that Barangay Councils cannot validly legislate tax
ordinances on sand, gravel and other quarry resources, for "the permit
to extract sand, gravel and other quarry resources shall be issued
exclusively by the provincial governor, pursuant to the ordinance of the
sangguniang panlalawigan." However, "the proceeds of the tax on sand,
gravel and other quarry resources shall be distributed as follows: (1) X
X X; (2) X X X; (3) Barangay where the sand, gravel, and other quarry
resources are extracted - Forty percent (40%)." (Sec. 138 LGC 1991);

Res. No. 37

NOW, THEREFORE, on motion of Kagawad Mariano Y. Corro, Chairman, Committee on Laws & Ordinances, duly seconded by Kagawad Nestor C. Penserga; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to disapprove Resolution No. 016 s. 1993 embodying Brgy. Ordinance No. 07 of the Barangay Council of Brgy. Liberty, this city, re Tax collection of ₱4.00 by the Barangay Council of Liberty to be exacted from private firms, corporations or private constructor/s out of every cubic meter of sand, gravel, rocks or stones gathered from Panilahan River, other creeks and quarries within the area of said barangay;

ENACTED, February 17, 1994.

RESOLVED, FURTHER, to furnish copies of this resolution each to His Honor, the City Mayor; the City Treasurer, the Honorable ABC President, the DILG-ACBO Officer and the Honorable Punong Barangay of Brgy. Liberty, -all in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

ATTESTED:

OSCAR M. LASAM
City Secretary

SIXTO T. PONGOS
Acting Presiding Officer
Kagawad

APPROVED:

EUFROCINO M. CODILLA, SR.
City Mayor

2/23/94
(Date)

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