



REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOG



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE EIGHTH
SANGGUNIANG PANLUNGSOD NG ORMOG HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON FEBRUARY 24, 2000

PRESENT:

Hon. Celso P. Adolfo, City Vice Mayor & Presiding Officer
Hon. Nepomuceno P. Aparis I, City Councilor, Majority Floor Leader
Hon. Dennis Y. Capuyan, City Councilor, Assist. Maj. Floor Leader
Hon. Jose S. Serafica, City Councilor, Minority Floor Leader
Hon. Mariano Y. Corro, City Councilor
Hon. Sotero M. Pepito, City Councilor
Hon. Alfredo F. Capahi, City Councilor
Hon. Eduardo P. Tan, City Councilor
Hon. Claudio P. Larrazabal, City Councilor
Hon. Fernando P. Parrilla, Ex-Officio City Councilor,
Chapter President, Liga ng mga Barangay ng Ormoc

ABSENT:

Hon. Jose C. Alfaro, Jr., (D.B. - Roxas City), City Councilor
Hon. Chiqui B. Labagala, (Sick Leave), Ex-Officio City Councilor,
SK Federation President

RESOLUTION NO. 2000-031

A RESOLUTION RESPECTFULLY REQUESTING CITY LEGAL OFFICER,
ATTY. CLETO L. EVANGELISTA, JR., FOR A CLARIFICATORY
OPINION REGARDING SECTION 15 OF R.A. NO. 8550 OTHERWISE
KNOWN AS "THE PHILIPPINE FISHERIES CODE OF 1998" VIS-A-
VIS SECTION 133, PARAS. (E) AND (F) OF R.A. NO. 7160,
OTHERWISE KNOWN AS THE "LOCAL GOVERNMENT CODE OF 1991".

WHEREAS, on November 16, 1999 City Agricultural Officer Corazon N. Esperanza requested the Honorable City Mayor Eufrocino M. Codilla, Sr., for an indorsement to the Sanggunian for the passage of an ordinance imposing a fee for the transport of all fish and other fishery products, which request is apparently based on the provisions Republic Act No. 8550, otherwise known as "The Philippine Fisheries Code of 1998", specifically Section 15, thereof, which reads:

"Auxiliary Invoices - All fishery products must have an auxiliary invoice to be issued by the LGUs or their duly authorized representatives prior to their transport from their point of origin to their point of destination in the Philippines and/or export purposes upon payment of a fee to be determined by the LGUs to defray administrative costs therefor." (Underscoring supplied)

WHEREAS, aforementioned request of CAO Corazon N. Esperanza was indorsed to City Legal Officer Cleto L. Evangelista, Jr., for his comment and recommendation, and in compliance therewith, he opined:

"Such letter-request should be denied because Secs. 133 (e) and (f) are the Common Limitations on the Taxing Powers of Local Government Units provides:

(e) Taxes, fees and charges and other impositions upon goods carried into or out of, or passing through, the territorial jurisdiction of local government units

in the guise of charges for wharfage, tolls for bridges or otherwise, or other taxes, fees or charges in any form whatsoever upon such goods or merchandise;

(f) Taxes, fees or charges on agricultural and aquatic products when sold by marginal farmers or fishermen;"

WHEREAS, the above-quoted provisions of the Local Government Code seemingly run counter to the provision of Section 15 of the Philippine Fisheries Code of 1998, hence, need some clarification and/or reconciliation therefor;

FOREGOING PREMISES CONSIDERED, on motion of the Chairman, Committee on Ways and Means, Councilor Mariano Y. Corro, jointly seconded by Councilors Alfredo F. Capahi and Claudio P. Larrazabal; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution respectfully requesting City Legal Officer, Atty. Cleto L. Evangelista, Jr., for a clarificatory opinion regarding Section 15 of R.A. No. 8550, otherwise known as "The Philippine Fisheries Code of 1998" vis-a-vis Section 133, pars. (e) and (f) of R.A. No. 7160, otherwise known as the "Local Government Code of 1991";

ADOPTED, 24 February 2000.

RESOLVED, FURTHER, to furnish copies of this Resolution to - The Honorable City Mayor, Eufrocino M. Codilla, Sr.; City Legal Officer, Atty. Cleto L. Evangelista, Jr.; City Agricultural Officer, Mrs. Corazon N. Esperanza, City Administrator, Mr. Vicente Redoña; DILG City Director, Mr. Rodolfo Torcende, and other offices concerned.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

OSCAR S. LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:

CELSD P. ADOLFO
City Vice Mayor & Presiding Officer