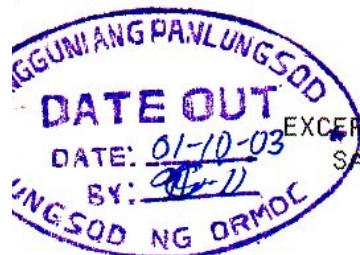


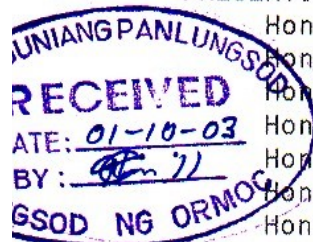
REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

01-10-2003 ar



EXCEPT FROM THE MINUTES OF THE REGULAR SESSION OF THE NINTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON JANUARY 09, 2003

PRESENT:



Hon. Celso P. Adolfo,	Vice Mayor & Presiding Officer
Hon. Nepomuceno P. Aparis I.	City Councilor, Majority Floor Leader
Hon. Jose S. Serafica,	City Councilor, Minority Floor Leader
Hon. Ruviniu E. Mendola,	City Councilor, Assist. Maj. Floor Leader
Hon. Demosthenes F. Tugonon,	City Councilor
Hon. Rafael C. Omega, Jr.	City Councilor
Hon. Fernando P. Parrilla,	City Councilor
Hon. Gregorio A. Yrastorza, Jr.	City Councilor, Assist. Minority Floor Leader
Hon. Jovencio A. Laurente,	City Councilor
Hon. Fe. S. Lladoc,	City Councilor
Hon. Emeterio Y. Larrazabal, Jr.,	Ex-Officio City Councilor,
Chapter President, Liga ng mga Barangay ng Ormoc	
Hon. Cheryl L. Alfar,	Ex-Officio City Councilor,
	SK Federation President

ABSENT:

Hon. Eduardo P. Tan, (Special Leave), City Councilor

RESOLUTION NO. 2003-003

A RESOLUTION REQUESTING THE CITY LEGAL OFFICER, THIS CITY, TO LOOK INTO THE POSSIBILITY OF IMPOSING TAXES TO LIDE MANAGEMENT CORPORATION FOR EXTRACTING WATER AT BARANGAY SALVACION, ORMOC CITY, NOW THAT THEIR PRIMARY CLIENTS, PASAR AND PHILPHOS ARE NOW PRIVATIZED AND THAT THEY ARE USING IT FOR COMMERCIAL PURPOSES.

WHEREAS, the LIDE Management Corporation has been extracting water and distributing the same to Barangay Salvacion and other barangays and municipalities;

WHEREAS, in an effort to exercise its power to create its own source of revenue and levy taxes, fees and charges subject to such guidelines and limitations as Congress may provide, the Sangguniang Panlungsod ng Ormoc passed Tax Ordinance No. 96-01 entitled: "AN ORDINANCE IMPOSING A SPECIFIC TAX ON ANY PERSON WHO EXTRACTS SUBTERRANEAN WATER WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF ORMOC FOR COMMERCIAL AND/OR INDUSTRIAL PURPOSES AND REGULATING THE DRILLING OF SAID SUBTERRANEAN WATER, AND PROVIDING PENALTIES THEREON";

WHEREAS, former Justice Secretary Teofisto T. Guingona, Jr., has declared said Tax Ordinance No. 96-01 of this Sanggunian as invalid, ineffective and unconstitutional considering that the LIDE Management Corporation is a government controlled corporation and cannot fall within the taxing power of the Local Government Unit; (DOJ Resolution dated March 26, 1997, Appeal NO. 97-01)

WHEREAS, however, with the privatization of PASAR and PHILPHOS, this august Body believes that it can now exercise its power to tax against said corporation in view of the corporation's change of status, hence, this request;

WHEREFORE, foregoing premises considered, on motion of City Councilor Demosthenes F. Tugonon, Chairman, Committee on Ways and Means, duly seconded by City Councilor Fe S. Lladoc; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution REQUESTING THE CITY LEGAL OFFICER, THIS CITY, TO LOOK INTO THE POSSIBILITY OF IMPOSING TAXES TO LIDE MANAGEMENT CORPORATION FOR EXTRACTING WATER AT BARANGAY SALVACION, ORMOC CITY, NOW THAT THEIR PRIMARY CLIENTS, PASAR AND PHILPHOS ARE NOW PRIVATIZED AND THAT THEY ARE USING IT FOR COMMERCIAL PURPOSES;

ADOPTED, January 09, 2003.

RESOLVED, FURTHER, to furnish copies of this resolution each to His Honor, the City Mayor; the City Administrator, the City Legal Officer, the City Treasurer and others concerned, -all in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

OSCAR C. LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:

CELSO F. ADOLFO
Vice Mayor & Presiding Officer