

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

NIANG PANLUNGSOD
DATE OUT
ATE: 1-24-03
BY: [Signature]
SOD NG ORMOC

EXCERPT 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 23, 2003

NIANG PANLUNGSOD
RECEIVED
E: 1-24-03
BY: [Signature]
SOD NG ORMOC

PRESENT:

Hon. Gregorio A. Yrastorza, Jr.	Acting Presiding Officer,
	City Councilor, Assist. Minority Floor Leader
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. Eduardo P. Tan,	City Councilor
Hon. Rafael C. Omega, Jr.	City Councilor
Hon. Fernando P. Parrilla,	City Councilor
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. Celso P. Adolfo,	(Special Leave),	Vice Mayor & Presiding Officer
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RESOLUTION NO. 2003-015

A RESOLUTION REQUESTING THE CITY PROSECUTOR, THIS CITY,
FOR AND IN THE ABSENCE OF A CITY LEGAL OFFICER, TO LOOK
INTO THE POSSIBILITY OF IMPOSING TAXES TO LIDE
MANAGEMENT CORPORATION FOR EXTRACTING WATER AT BARANGAY
SALVACION, STO. NINO AND NEIGHBORING BARANGAYS OF ORMOC
CITY, NOW THAT THEIR PRIMARY CLIENTS, PASAR AND
PHILPHOS ARE 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 Rafael C. Omega, Jr.; be it

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

ADOPTED, January 23, 2003.

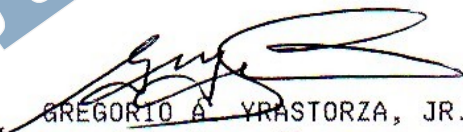
RESOLVED, FURTHER, to furnish copies of this resolution each to His Honor, the City Mayor; the City Administrator, the City Legal Officer, the City Treasurer, the City Prosecutor and others concerned, -all in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

OSCAR F. LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:


GREGORIO A. YRASTORZA, JR.
City Councilor
Assist. Minority Floor Leader
(Acting Presiding Officer)