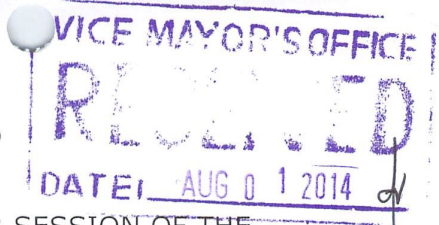


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
THIRTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,  
ORMOC CITY HALL BUILDING  
ON JULY 31, 2014

PRESENT:

Hon. Leo Carmelo L. Locsin, Jr.	Vice Mayor & Presiding Officer
Hon. Rolando M. Villasencio,	SP Member, Majority Floor Leader
Hon. Tomas R. Serafica,	SP Member, Asst. Majority Floor Leader
Hon. Mario M. Rodriguez,	SP Member, Presiding Officer "Pro-Tempore"
Hon. Benjamin S. Pongos, Jr.,	SP Member
Hon. Antonio M. Codilla,	SP Member
Hon. Vincent L. Rama,	SP Member
Hon. Pedro Godiardo P. Ebcas,	SP Member
Hon. Eusebio Gerardo S. Penserga,	SP Member
Hon. Mariano Y. Corro,	Ex-Officio SP Member
	Chapter President, Liga ng mga Barangay ng Ormoc

ON OFFICIAL BUSINESS:

Hon. Ruben R. Capahi,	(Cebu City), SP Member, Asst. Minority Floor Leader
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RESOLUTION NO. 2014-128

*A RESOLUTION INTERPOSING NO OBJECTION TO THE IMPLEMENTATION OF ORDINANCE NO. 1 SERIES OF 2014 OF BARANGAY DISTRICT XII, THIS CITY, ENTITLED: "AN ORDINANCE IMPOSING AND FIXING FEES FOR THE CONDUCT OF BUSINESSES AND ACTIVITIES WITHIN THE JURISDICTION OF THE BARANGAY AND CHARGES FOR THE USE OF BARANGAY FACILITIES" PROVIDED THAT THE SANGGUNIAN CONCERNED SHALL ADOPT THE RECOMMENDED MODIFICATIONS AND AMENDMENTS AS AMENDED.*

WHEREAS, the Thirteenth Sangguniang Panlungsod ng Ormoc was in receipt of a copy of Tax Ordinance No.1 Series of 2014 of Barangay District XII, this city, entitled: "AN ORDINANCE IMPOSING AND FIXING FEES FOR THE CONDUCT OF BUSINESSES AND ACTIVITIES WITHIN THE JURISDICTION OF THE BARANGAY AND CHARGES FOR THE USE OF BARANGAY FACILITIES", a copy of the Tax Ordinance is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, the Tax Ordinance was submitted to this Sanggunian pursuant to its review powers over enacted ordinances of all barangays within its territory in accordance with Section 57 of the Republic Act 7160, otherwise known as the 'Local Government Code of 1991' (LGC) in order to find out whether the Tax Ordinance under review is inconsistent with law or city ordinances;

WHEREAS, the Tax Ordinance has a two-fold purpose which are the imposition of reasonable fees to regulate the conduct of businesses and activities within the territorial jurisdiction of the concerned barangay and the imposition of charges for the use of barangay-owned facilities in accordance with Section 152 (b) and (a) of the LGC, respectively;

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Res. No. 2014-128

WHEREAS, this Sanggunian, after thorough examination and review, found that certain provisions of the Tax Ordinance under review need to be modified and amended in order to have them conform to and be compliant with applicable laws, ordinances and rules and regulations;

WHEREAS, the recommended modifications and amendments on the Tax Ordinance are the following:

The Tax Ordinance should be numbered consecutively throughout the calendar year and continuously from year to year, using the last two (2) digits of the calendar year in which it is enacted, followed by denominated number in accordance with Article 275 of the Implementing Rules and Regulations (IRR) of the LGC.

There is no clear basis for the classification found on Section 1, B, i, a of Chapter 1 regarding the imposition of fees on business retailers, potentially causing ambiguity and confusion on its implementation, thus this must be simplified or declassified.

Section 1, B, i, b of Chapter 1 lacks sufficiency of details for it does not enumerate nor indicate the kind of services that shall be covered by the imposed fee, thus there is necessity for its particularization to prevent ambiguity and confusion.

The Php100.00 filing fee imposed for dispute settlement by the barangay in Section 2, Chapter 1 exceeds the Php20.00 limit found in Rule VI, Section 4 of Katarungang Pambarangay Circular No. 1, dated July 21, 1992, so it should be modified accordingly.

WHEREFORE, FOREGOING PREMISES CONSIDERED, on motion of Honorable SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws and Ordinances, severally seconded by Hon. SP Members Antonio M. Codilla, Pedro Godiardo P. Ebcas, Vincent L. Rama, Eusebio Gerardo S. Penserga and Mario M. Rodriguez; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION INTERPOSING NO OBJECTION TO THE IMPLEMENTATION OF ORDINANCE NO. 1 SERIES OF 2014 OF BARANGAY DISTRICT XII, THIS CITY, ENTITLED: "AN ORDINANCE IMPOSING AND FIXING FEES FOR THE CONDUCT OF BUSINESSES AND ACTIVITIES WITHIN THE JURISDICTION OF THE BARANGAY AND CHARGES FOR THE USE OF BARANGAY FACILITIES" PROVIDED THAT THE SANGGUNIANG CONCERNED SHALL ADOPT THE RECOMMENDED MODIFICATIONS AND AMENDMENTS AS AMENDED;

RESOLVED, FURTHER, to direct the concerned Sangguniang Barangay to effect immediately the recommended modifications and amendments and thereafter furnish this Sanggunian the amended copy thereof;

ADOPTED, July 31, 2014.


RESOLVED, FINALLY, that copies of this resolution be furnished each to the Honorable City Mayor Edward C. Codilla; the City Administrator, Atty. Francis A. Pepito; the City Legal Officer; the Office of the Liga ng mga Barangay ng Ormoc; the Sangguniang Barangay of District XII; the City Director-DILG, Ms. Lucia C. Ong; and other offices concerned;



Res. No. 2014-128

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

  
JOEL S. DUERO  
Secretary to the  
Sangguniang Panlungsod

ATTESTED:

  
LEO CARMELO L. LOCSIN, JR.  
Vice Mayor & Presiding Officer