

84

REPUBLICA NG PILIPINAS
LUNGSOD NG ORMOC
SANGGUNIANG PANLUNGSOD
TANGGAPAN NG KALIHIM

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SECOND
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT ITS SESSION HALL
ON DECEMBER 9, 1980

PRESENT:

Hon. Benjamin F. Tugonon, Kagawad, Presiding
Hon. Cristobal S. Mendola, Kagawad
Hon. Dionisio B. Torre Villas, Kagawad
Hon. Cesar S. Samson, Kagawad
Hon. Jose O. Bandalan, Kagawad
Hon. Dionisio S. Santiago, Kagawad
Hon. Romeo M. Hermosilla, ABC President, Kagawad
PRESENT (on Official Business - Cebu Seminar-Workshop):
Hon. Jose C. Aviles, Vice-Mayor, Presiding Officer
Hon. Anastacio D. Besabella, Kagawad
One Seat Vacant.



RESOLUTION NO. 905

"The City Sanggunian, on motion of Kagawad Torre Villas, seconded by Kagawad Mendola;

"RESOLVED, to adopt:

TAX ORDINANCE NO. 10

AN ORDINANCE IMPOSING FEES FOR THE USE OF THE FACILITIES OF THE SEAWALL AND OTHER PROTECTIVE DEVELOPMENT PROJECTS ALONG IMELDA BOULEVARD AND THE VICINITY OF THE PUBLIC MARKET COMPLEX, PROVIDING PENALTY FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES, AS AMENDED.

BE IT ORDAINED, by the Sangguniang Panlungsod ng Ormoc, That:

SECTION 1. Title. - This Tax Ordinance shall be known as the "Ormoc Seawall Utility Ordinance."

SECTION 2. Definition of terms. - For purposes of this Tax Ordinance the following terms are hereby defined:

a) Consignee means one to whom a cargo or cargoes are consigned or shipped.

b) Shipper means one who sends cargoes loaded in a vessel or ship.

c) Cargoes means goods or merchandise conveyed which may be in bulk, crates, various or general cargoes.

d) Seawall means the wall or embankment constructed to resist encroachment of the sea.

e) Protective development projects are synonymous with seawalls which are constructed for inland protection from the sea.

f) Vessels means watercrafts or structures with or without propeller used or capable of being used as means of transportation or transporting cargoes in navigation or commerce on water, except small rowboats and sailboats.

g) A natural person is a human being as distinguished in law from a juridical person.

h) A juridical person is a body of persons, a corporation, a partnership or the like legal entity that is recognized by law as the subject of rights and duties.

i) Vicinity of the public market complex covers the area from the market-side of the Anilao river mouth towards the wharf, including the bus terminal area fronting the sea.

SECTION 3. Utility fee. - There shall be paid by the person of the consignee, natural or juridical, to the City Treasurer or his duly authorized representative a utility fee of one peso and fifty centavos (P1.50) per metric ton/cubic meter of cargoes loaded or unloaded to or from vessels availing themselves of the facilities of the seawall and other protective development projects along Imelda Boulevard and the vicinity of the public market complex of Ormoc City: **PROVIDED, HOWEVER,** That in cases where cargoes are to be delivered by the shipper right at the job site or in case of contract deliveries where the contract specifies that payment for other incidental expenses shall be borne by the shipper, the utility fee shall be paid by such shipper.

SECTION 4. Time and manner of payment. - The utility fee herein imposed shall be paid within seventy-two (72) hours after termination of the loading or unloading of cargoes and shall be properly receipted for by the City Treasurer or his duly authorized representative.

SECTION 5. Penalty for violation. - Any violation of the provisions of this Tax Ordinance shall be punishable by a fine of one hundred pesos or imprisonment of thirty days, or both such fine and imprisonment at the discretion of the court: **PROVIDED, HOWEVER,** That in case of a juridical person the manager or the managing person shall be held liable or responsible for such violation.

SECTION 6. Separability. - If any section or part of this Tax Ordinance shall be declared ultra-vires or unconstitutional the said declaration shall not in one way or another invalidate the whole of this Ordinance.

SECTION 7. Repeal. - Any other ordinance or portions thereof inconsistent herewith are hereby repealed or modified accordingly.

SECTION 8. Effectivity. - This Tax Ordinance shall take effect fifteen (15) days after its approval.

ENACTED, December 9, 1980.

"RESOLVED, FURTHER, to furnish a copy of this Tax Ordinance each to the City Treasurer and all others concerned in Ormoc City;

"CARRIED UNANIMOUSLY."

I HEREBY CERTIFY to the correctness of the above-quoted resolution-ordinance.

ATTESTED:

Victoriano L. de Loyola
VICTORIANO L. DE LOYOLA
Kalihim
(Secretary)

BENJAMIN F. TUGONON
Kagawad, Presiding

APPROVED:

Inaki A. Larrazabal
INAKI A. LARRAZABAL
City Mayor

ATTESTED AS APPROVED:

Sotero M. Pepito
SOTERO M. PEPITO
Secretary to the City Mayor

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