

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SEVENTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON NOVEMBER 21, 1996



PRESENT:

Hon. Benjamin F. Tugonon,	Vice-Mayor & Presiding Officer
Hon. Celso P. Adolfo,	Majority Floor Leader, Kagawad
Hon. Claudio P. Larrazabal,	Asst. Majority Floor Leader, Kagawad
Hon. Benjamin B. Lladoc,	Kagawad
Hon. Sotero M. Pepito,	Kagawad
Hon. Alfredo F. Capahi,	Kagawad
Hon. Manuel T. Fiel,	Kagawad
Hon. Jose C. Alfaro, Jr.,	Kagawad
Hon. Deborah Robin B. Conejos,	Kagawad
Hon. Gregorio A. Yrastorza, Jr.,	Kagawad
Hon. Mariano Y. Corro,	Minority Floor Leader, Kagawad
Hon. Fernando P. Parrilla,	Chapter Pres., Liga ng mga Barangay ng Ormos, Ex-Officio, Kagawad
Hon. Chiqui B. Labagala,	SK Federation President, Ex-Officio Kagawad

ABSENT:

N O N E

RESOLUTION NO. 96-227

EXPLANATORY STATEMENT

This Ordinance is enacted pursuant to Article X Section 5 of the 1987 Constitution which grants to each Local Government Unit the power to create its own source of revenues and levy taxes, fees and charges subject to such guidelines and limitations as the Congress may provide consistent with the basic policy of local autonomy, which taxes, fees and charges shall accrue exclusively to the Local Government Unit.

Moreover, Section 186 of the Local Government Code of 1991 provides, thus:

"Local Government Units may exercise the power to levy taxes, fees or charges on any base or subject not otherwise specifically enumerated herein or taxed under the provisions of the National Internal Revenue Code, as amended, or other applicable laws: Provided, that the taxes, fees, or charges shall not be unjust, excessive, oppressive, confiscatory or contrary to the declared national policy: Provided, further, that the ordinance levying such taxes, fees or charges shall not be enacted without any prior public hearing conducted for the purpose".

In order that the City Government of Ormoc will be able to faithfully discharge its duties and obligations to its inhabitants, especially the provisions of basic services as mandated by the Local Government Code of 1991, it becomes necessary and imperative that additional sources of revenue be tapped.

Concomitantly, it is also the responsibility of the Local Government to protect the purity and quantity of its water sources by regulating the drilling and drawing of water from the aquifer and thus implement sustainable utilization of water and put into practice sustainable extraction to protect our water table from salt water intrusion.

SECTION 458 Paragraph A, sub-paragraph ⁵ of the Local Government Code of 1991, provides:

"Item (VII) - Subject to existing laws, X X X; regulate the construction, maintenance, repair and use of hydrants, pumps, cisterns and reservoirs; protect the purity and quantity of the water supply of the city and, for this purpose, extend the coverage of appropriate ordinances over all territory within the drainage area of said water supply and within one hundred (100) meters of the reservoir, conduit, canal, aqueduct, pumping station, or watershed used in connection with the water service and regulate the consumption, use or wastage of water and fix and collect charges therefor;"

"Item (VIII) - Regulate the drilling and excavation of the ground for the laying of water, gas, sewer, and other pipes and the construction, repair and maintenance of public drains, sewers, cesspools, tunnels and similar structures; X X X;

FOREGOING PREMISES CONSIDERED, on joint motion of mga Kagawad Mariano Y. Corro, Jose C. Alfaro, Jr. and Benjamin B. Lladoc, Chairmen, of the Committees on Laws and Ordinances, on Environment, and on Ways and Means, respectively, severally seconded by mga Kagawad Celso P. Adolfo, Claudio P. Larrazabal and Sotero M. Pepito; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to enact:

TAX ORDINANCE NO. 96-01

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.

BE IT ENACTED, by the Seventh Sangguniang Panlungsod ng Ormoc in Session assembled, that:

SECTION 1. This Ordinance shall be known and cited as the 1996 WATER ORDINANCE OF ORMOC CITY.

SECTION 2. It is the declared policy of the City Government of Ormoc that the natural wealth within its territorial jurisdiction utilized for commercial and/or industrial purposes be shared by its people through the imposition and collection of reasonable, equitable and just tax and to regulate the extraction thereof.

SECTION 3. As used in this Ordinance the following terms shall mean:

- a) PERSON, every natural or juridical being susceptible, of rights and obligations or of being the subject of legal relationship.
- b) COMMERCIAL, the extraction of water for commercial purposes, that is with profit as the motive or for use in commercial establishment;
- c) INDUSTRIAL, the utilization of water in factories, industrial plants and mines, including the use of water as ingredient of a finished product, or accessories in the process of production;
- d) MONTH, calendar month, as January, February, March, etc.
- e) SUBTERRANEAN WATER, ground water.
- f) Specific Tax - tax of a fixed amount imposed by the head or number or by some standard of weight or measurement.

SECTION 4. There shall be levied, imposed and collected on any person who extracts, in any manner and by whatever means, subterranean water within the territorial jurisdiction of the City of Ormoc for Commercial and/or industrial purposes, a specific tax equivalent to Twenty Five Centavos (P.25) for every cubic meter of water extracted.

SECTION 5. The specific tax due shall be paid to the Office of the City Treasurer of Ormoc on a monthly basis, not later than the 20th day of the month following the month of its extraction;

If the tax referred herein is not paid within the period specified, a surcharge of 25% thereof plus an interest of 2% per month of the unpaid tax including the surcharges shall be imposed and collected until such amount is fully paid but in no case shall the total interest on the unpaid amount or portion thereof exceeds thirty-six months.

SECTION 6. The persons subject to the tax referred to in the next preceding sections shall submit a monthly written report under oath on the volume of water extracted in cubic meters to the Office of the City Treasurer of Ormoc. Said report shall be submitted within 20 days of the month following the month covered by the report;

SECTION 7. The City Treasurer of Ormoc by himself or through any of his deputies duly authorized in writing, examine the records of production of the person extracting water for commercial and/or industrial purposes within the territorial jurisdiction of Ormoc City to determine the correct tax due the City Government of Ormoc. If the tax paid is found to be deficient, then the correct tax shall be assessed and collected subject to the payment of surcharges and interest as specified in Section 5, paragraph 2 thereof; however, if there is an over payment of the tax, the same shall be tax credited for future taxes due or refunded if none is forthcoming;

SECTION 8. (a) For the proper implementation of this Ordinance, any person who intends to extract, in any manner and by whatever means, subterranean water for commercial and/or industrial purposes within the territorial jurisdiction of Ormoc City must first secure a written permit from the Office of the City Mayor of Ormoc which shall issue the

same upon recommendation of the City Environmental Officer, and the City Waterworks Officer, the latter shall register such drilling and issue certificate of registration. However, persons who are already extracting water for commercial and/or industrial purposes prior to the effectivity of this Ordinance are required to register in the Office of the City Mayor of Ormoc within 30 days from the effectivity of this Ordinance.

(b) Persons who intend to extract water within Ormoc City for any purpose shall pay a regulatory permit fee in accordance with the following schedule to the Office of the City Treasurer which shall be paid within 30 days after its completion:

50 mm O (2"0)	.....	P10.00/linear meter
63 mm O (2 1/2")	.....	P20.00/linear meter
75 mm O (3"0)	.....	P30.00/linear meter
100 mm O (4"0)	.....	P40.00/linear meter
125 mm O (5"0 or bigger)	.....	P50.00/linear meter

c) Within (30) days from the effectivity of this Ordinance all person covered by this Ordinance, or with existing drilled wells drawing underground water shall register their wells with the Ormoc Waterworks Office which shall record said registration and issue the certificate of registration for free. Failure to do so within the prescribed period shall make them liable to the penalty prescribed in Section 9 hereof and the payment of the aforementioned regulatory fees.

SECTION 9. Any person who violates any provision of this Ordinance shall upon conviction suffer the penalty of a fine of not less than One Thousand (P1,000.00) Pesos, nor more than Five Thousand (P5,000.00) Pesos, or imprisonment of not less than one (1) month nor more than one (1) year, or both such fine and imprisonment at the discretion of the court.

SECTION 10. Whenever the violation of this Ordinance is committed by a juridical person, its officials, employees responsible for the violation thereof shall be held liable therefor.

SECTION 11. The Barangay where the water is extracted shall share in the water tax collected equivalent to thirty-five (35%) percent thereof. The share of the Barangay shall be released, without need of any further action, directly to the Barangay Treasurer within ten (10) days from the collection thereof.

SECTION 12. If, for any reason, any provision of this Ordinance is declared invalid or unconstitutional, the remainder not affected by such declaration shall remain in full force and effect.

SECTION 13. Any provisions of existing ordinance inconsistent with or contrary to the provisions hereof are considered repealed or modified accordingly.

SECTION 14. Within ten (10) days after the approval of this Ordinance, copies thereof shall be posted at prominent places at the City Hall, Executive and Sangguniang Panlungsod buildings, all in Ormoc City, for a period of three (3) consecutive weeks, and shall be published once in a local newspaper of general circulation in the City of Ormoc.

SECTION 15. This Ordinance shall take effect on January 1, 1997.

ENACTED, November 21, 1996.

RESOLVED, FURTHER, to furnish copies of this Ordinance, one each, to the Honorable City Mayor Eufrocino M. Codilla, Sr.; the City Administrator, the City Treasurer, the City Budget Officer, the City Legal Officer, the Honorable Presiding Judges, Regional Trial Courts; the City Courts, the City Prosecutors, and all other Offices concerned, - all in Ormoc City.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution - tax ordinance.

OSCAR LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:

BENJAMIN F. TUGONON
Vice Mayor & Presiding Officer

APPROVED:

EUFROCINO M. CODILLA, SR.
City Mayor

12/2/96

(Date)