



REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE EIGHTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON APRIL 11, 2001 IN LIEU
OF APRIL 12, 2001

PRESENT:

Hon. Celso P. Adolfo, City Vice Mayor & Presiding Officer
Hon. Nepomuceno P. Aparis I, City Councilor, Majority Floor Leader
Hon. Dennis Y. Capuyan, City Councilor, Assist. Maj. Floor Leader
Hon. Mariano Y. Corro, City Councilor
Hon. Sotero M. Pepito, City Councilor
Hon. Alfredo F. Capahi, City Councilor
Hon. Eduardo P. Tan, City Councilor
Hon. Jose C. Alfaro, Jr., City Councilor
Hon. Claudio P. Larrazabal, City Councilor
Hon. Chiqui B. Labagala, Ex-Officio City Councilor,
SK Federation President
Hon. Fe S. Lladoc, (Appointed in lieu of Hon. Benjamin B.
Lladoc (Deceased)), City Councilor

ABSENT:

Hon. Jose S. Serafica, (Sick Leave), City Councilor,
Minority Floor Leader
Hon. Fernando P. Parrilla, (Sick Leave), Ex-Officio City Councilor,
Chapter President, Liga ng mga Barangay ng Ormoc

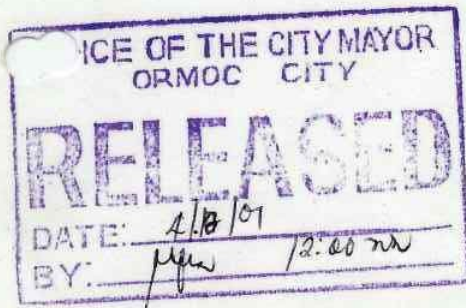
EXPLANATORY NOTE

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 sources 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 Governments.

The aforementioned constitutional provision is likewise operationalized by Section 186 of the Local Government Code of 1991 (RA 7160), which provides: "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 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."

Presently, there is no ordinance which regulates the utilization of walls of City Government-owned buildings/structures for paint/print commercial advertisements, or for any other purpose.

WHEREFORE, on motion of City Councilor Mariano Y. Corro, Chairman, Committee on Ways and Means, severally seconded by City Councilors Dennis Y. Capuyan, Benjamin B. Lladoc and Sotero M. Pepito; be it



RESOLVED, to pass and enact;

TAX ORDINANCE NO. 2001-001

AN ORDINANCE REGULATING AND FIXING THE RENTAL OF PAINTED/PRINTED COMMERCIAL ADVERTISEMENTS, OR FOR ANY OTHER PURPOSE, ON WALLS OF CITY GOVERNMENT-OWNED BUILDINGS/STRUCTURES.

BE IT ENACTED, by the 8TH SANGGUNIANG PANLUNGSOD ng ORmoc, in REGULAR SESSION assembled that:

SECTION 1. This Ordinance shall be known and cited as the ORDINANCE REGULATING AND FIXING THE RENTAL OF PAINTED/PRINTED COMMERCIAL ADVERTISEMENTS, OR FOR ANY OTHER PURPOSE, ON WALLS OF CITY GOVERNMENT-OWNED BUILDINGS/STRUCTURES.

SECTION 2. It shall be illegal for any person to paint/print commercial advertisements, or for any purpose, on walls of city government-owned buildings/structures without first securing the necessary permit from the Office of the City Mayor, and thereafter to pay the corresponding rental as herein provided.

No other modes of advertisement except painting/printing on walls of City Government-owned buildings/structures shall be allowed.

SECTION 3. For painting/printing commercial advertisements or for any other purpose, on walls of city government-owned buildings/structures, a rental of One Hundred Fifty Pesos (P150.00) per square meter or a fraction thereof, per month shall be paid.

SECTION 4. For the above-purpose, the city government of Ormoc, represented by the City Mayor or his duly authorized representative, and the advertiser-lessee shall enter into a contract of lease, a copy of which shall be furnished this Sanggunian, which shall provide among others:

1. that the rental shall be paid in advance within the first ten (10) days of the month applicable;
2. that an advance rental for one (1) month shall be paid, and an amount equivalent to two (2) months rental shall be deposited to answer for the cost in restoring the area to its original state upon the expiration of the contract in the event that the advertiser-lessee fails to undertake the restoration thereof, as provided for in the succeeding paragraph.
3. that the advertiser-lessee shall restore the area to its original state within 10 days after the expiration of the lessee contract, otherwise, the city government of Ormoc will cause the restoration of the area using for the purpose his deposit, and if deficient, to bill him for the deficiency; otherwise, whatever excess, if any, shall be returned to the advertiser-lessee or the full amount thereof, if the restoration is fully and satisfactorily undertaken by him;
4. that the advertiser-lessee shall not sub-lease nor allow third persons to use the leased premises without first securing the written consent of the City Mayor.

Tax Ord. No. 2001-001

That all amount due from the advertiser-lessee shall be paid at the Office of the City Treasurer of Ormoc which shall issue the corresponding official receipt therefor.

SECTION 5. Any person found guilty of violating section two hereof, shall suffer the penalty of fine of not more than Five Hundred Pesos (P500.00) or imprisonment of not less than one (1) month, or both fine and imprisonment, at the discretion of the court.

SECTION 6. If any provision of this Ordinance is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

SECTION 7. This Ordinance shall take effect immediately after it shall have been posted at conspicuous places in Ormoc City for three (3) consecutive weeks and published once in a newspaper of general circulation in Ormoc City.

ENACTED, April 11, 2001.

RESOLVED, FURTHER, to furnish copies of this Ordinance, one each to the Honorable City Mayor; the City Administrator, the City Legal Officer, the City Treasurer, the City Auditor, the City Licensing Officer and others concerned, in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing Tax Ordinance.

OSCAR LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:

CELSON P. ADOLFO
City Vice Mayor & Presiding Officer

APPROVED:

EUFROCINO M. CODILLA, SR.
City Mayor

4-18-01

(Date)