



Republic of the Philippines
PROVINCE OF LEYTE
 Provincial Government Complex
 Campetic, Palo, Leyte

Item No.: **14**
 Date: **13 FEB 2023**
 Records
 SAN GUNSIANG PANLALAYIGAN
 FEB 08 2023
 By: **2-07-23**
 PROVINCE OF LEYTE

Office of the Provincial Budget Officer
Office of the Provincial Planning and Development Officer
Office of the Provincial Treasurer

07 February 2023

Pls include this in our agenda. Thanks!

Hon. LEONARDO M. JAVIER, JR.
 Vice Governor
 Province of Leyte

Attention: **FLORINDA JILL S. UYVICO**
 Secretary to the Sanggunian

Dear Vice Governor Javier, Jr.,

Greetings!

This has reference to the Municipal Resolution No. 2022-118 of the Office of the Sangguniang Bayan, Municipality of Julita, Leyte, inquiring us for an idea/opinion.

Upon review, it pertains to the opinion of the Bureau of Local Government Finance (BLGF) Regional Office VIII relative to the comments made by the Provincial Legal Office (PLO) of the Province of Leyte in regard to Municipal Ordinance (M.O.) No. 2020-19 of Julita, Leyte.

In summary, quoted from Municipal Resolution No. 2022-118, the following are among the salient provisions of Municipal Ordinance No. 2020-19 of Julita, Leyte where the BLGF rendered its opinion on PLO's comment thereto. Included herein our comment on the matter, to wit:

Provision/s under M.O. No. 202019	PLO's Comment	BLGF's Opinion	These Offices' Comment
Section 7 (g), (2) (business tax vis-à-vis amusement tax)	The collection business tax (graduated tax) on Amusement Places by Julita, Leyte runs counter to the imposition by the Province of Leyte for Amusement Tax.	No conflict since the nature of imposition is different. Amusement tax of the Province is imposed on the basis of Admission Fee while that of Julita, Leyte is a business tax based on Gross Income.	We concur with the BLGF's opinion.

Provision/s under M.O. No. 202019	PLO's Comment	BLGF's Opinion	PTO's Comment
Article B (A) (tax on Mobile Traders)	<p>1. Engaged in business or calling or occupation not requiring Government Examination.</p> <p>2. Imposed via Fee NOT a TAX.</p>	<p>1. PLO is totally misplaced. "A person who either for himself or commission, travels from place to place and sells his goods or sells and offers to deliver the same, using vehicle." (E.g. rolling stores, portable stores, etc.)</p> <p>2. TAX should be imposed upon issuance of Mayor's Permit.</p>	<p>We concur with the BLGF's opinion.</p>
Article B, Section (B), 12, (Tax on Operators of Public Utility Vehicles (PUV))	<p>Business Permit Fee and Property Tax (on booking office, terminal, waiting station) should be imposed.</p>	<p>Business Permit Fee only should be imposed. Property Tax is not within the LGU to impose as CDA requires PUV to operate as a registered cooperative which enjoys local tax exemptions, but subject to regulatory fees or charges.</p>	<p>With respect to the imposition of Business Permit (Fee) we concur both with the PLO and BLGF.</p> <p>With respect to property tax, we qualify:</p> <p>a. If the operator owns the Booking Office, Terminal, Waiting Station, and is not duly registered with the CDA as a cooperative, may be assessed with RPT, otherwise exempted from local tax (being a registered cooperative with the CDA)</p> <p>b. If the operator is only renting, said</p>

			spaces above enumerated, and whether duly registered cooperative with the CDA or not, the lessor is the one should be assessed for RPT;
Article (B), (c) (Tax on Mining Operations)	Consultations be made with the DENR.	Not required. Within the power of the LGU to impose.	We concur with BLGF's opinion.
Section 75 (Fee imposed on the employee for the practice of occupation or calling not requiring government examination)	Fees should be imposed on the EMPLOYER not on the EMPLOYEE.	Impose on the EMPLOYEE as directly benefited.	We concur with the BLGF's opinion.
Article M (Fee imposed on CART and SLEDGE)	Requires legal basis of the imposition.	Legal basis is found in LGC Section 129 and 186.	We concur with BLGF's opinion.
Article O, Section 97 (Fee on Agricultural Machinery and other heavy Equipment rented out)	Requires legal basis of the imposition	Legal basis is found in LGC Section 129 and 186.	We concur with BLGF's opinion.
Section 7 (d) on Retailers (2% tax on gross receipts of 400K or less AND 1% on sales in EXCESS of the FIRST 400K)	The LGC already provided this tax rate and tax base. Imposing again will constitute DOUBLE TAXATION.	No DOUBLE TAXATION. While found in the LGC, said provision is not self-executing. Needs to enact, as in the ordinance which the LGU has enacted.	We concur with BLGF's opinion.

Thank you.

Sincerely yours,



GINA HIPE

Provincial Budget Officer



AGNES RAFON

OIC, Provincial Planning and Development Officer



RUTH Y. SURPIA

Provincial Treasurer



Republic of the Philippines
PROVINCE OF LEYTE
 Tacloban City
 -ōōō-



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 26th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEYTE PROVINCIAL GOVERNMENT COMPLEX, PALO, LEYTE ON JANUARY 10, 2023.

RESOLUTION NO. 2023-005

A RESOLUTION REFERRING MUNICIPAL RESOLUTION NO. 2022-118 OF JULITA, LEYTE, TO THE PROVINCIAL LOCAL FINANCE COMMITTEE, FOR OPINION.

WHEREAS, submitted to the Sangguniang Panlalawigan is the 2nd Indorsement dated December 8, 2022 of the Provincial Legal Office in response to the Sangguniang Panlalawigan Res. No. 2022-531 entitled: "A Resolution Referring Municipal Resolution No. 2022-118 of Julita, Leyte to the Sangguniang Panlalawigan Committee on Ways and Means and to the Provincial Legal Office for Legal Opinion";

WHEREAS, on July 8, 2022, Ordinance No. 2022-19 Series of 2022 of Julita, Leyte was referred to the Sangguniang Panlalawigan Committee on Ways and Means per SP Res. No. 2022-338;

WHEREAS, on July 22, 2022, the Committee on Ways and Means, rendered its Committee Report recommending that the same be returned to the SB of origin for appropriate action;

WHEREAS, on October 27, 2022, the Sangguniang Panlalawigan received Municipal Resolution No. 2022-118, embodying the opinion of the Bureau of Local Government Finance (BLGF), Regional Office VIII, in relation to Municipal Ordinance No. 2020-19 and requesting for a reconsideration in the Decision of the Sangguniang Panlalawigan of Leyte in returning the said ordinance for corrections;

WHEREAS, on November 04, 2022, the Sangguniang Panlalawigan referred the resolution to the Sangguniang Panlalawigan Committee on Ways and Means and to the Provincial Legal Office for opinion;

WHEREAS, the August Body, deemed it proper to refer said Municipal Resolution 2022-118 to the Provincial Local Finance Committee for opinion;

-over-

forwarded to Reth 02.02.23


Nuv

NOW, THEREFORE, on motion presented by Honorable Trinidad G. Apostol, duly seconded by Honorable Raissa J. Villasin, be it

RESOLVED, as it is hereby resolved, to **REFER MUNICIPAL RESOLUTION NO. 2022-118 OF JULITA, LEYTE, TO THE PROVINCIAL LOCAL FINANCE COMMITTEE.**

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


FLORINDA J. UYVICO
Secretary to the Sanggunian

ATTESTED:


HON. LEONARDO M. JAVIER, JR.
Vice Governor/Presiding Officer

Copy furnished:

LCE and the Sangguniang Bayan
of Julita, Leyte