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Republic of the Philippines PROVINCE OF LEYTE

Item No.: 18

Date: APR 18 2023



PROVINCIAL LEGAL OFFICE

2<sup>nd</sup> Indorsement March 28, 2023 3. 30.23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 23-07 of the SB of Inopacan, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) of R.A 7160, for it is within the powers of the local council to repeal/amend its prior acts either expressly or by the passage of an essentially inconsistent resolution (Constantino v. Desierto, 288 SCRA 654). Provided, that, no provision in R.A 9295 dated May 3, 2004 otherwise known as "Domestic Shipping Development Act of 2004", is violated.

ATTY. OSE RAYNUND A. ACOI Asst. Provincial Legal Officer

## Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte

# OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1<sup>ST</sup> INDORSEMENT 27 March 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 23-07** of the **MUNICIPALITY** of **INOPACAN, LEYTE,** entitled: AN ORDINANCE AMENDING ORDINANCE NO. 17-05, ENTITLED: AN ORDINANCE REGULATING THE OPERATION OF TOURIST MOTORBOAT IN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE.

FLORINDA JILL S. UYVICO Secretary to the Sanggunian MUD # 33-07



## Republic of the Philippines Province of Leyte Municipality of Inopacan

#### 15TH SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE SPECIAL SESSION OF THE 15<sup>th</sup> SANGGUNIANG BAYAN OF INOPACAN, LEYTE HELD ON MARCH 23, 2023 AT THE SB SESSION HALL

PRESENT:

Hon. Sanders C. Lumarda - Vice Mayor, Presiding Officer

Hon. Fernando B. Rulete
Hon. Andrew B. Dedal
Hon. Zenaida G. de los Santos
Hon. Joel D. Bernales
Hon. Daria D. Malanguis
Hon. Rowena K. Madrazo
- SB Member

Hon. Diosdado P. Siao - SB Member

Hon. Marianne B. Boldios - SB Member (PSK Pres.)

ABSENT:

Hon. Alfie Jian B. Yamson - SB Member

Hon. Arnilo J. Polo - SB Member (LnB Pres)

AUTHOR: HON. DIOSDADO P. SIAO CO-AUTHORS: HON. FERNANDO B. RULETE

HON. ZENAIDA G. DE LOS SANTOS

HON. JOEL D. BERNALES
HON. ALFIE JIAN B. YAMSON
HON. DARIA D. MALANGUIS
HON. MARIANNE B. BOLDIOS

WHEREAS, the Local Chief Executive, Hon. Rogelio D. Pua, Jr., presented to the Department of Environment and Natural Resources-Protected Area Management Board (DENR-PAMB), the "One Island, One Destination" program for CIPLS and was approved on February 23, 2023;

WHEREAS, one component of the approved "One Island, One Destination" program was the revenue sharing scheme that enables the Local Government Unit of Inopacan to impose and collect regulatory fees on top of the prevailing fees of the DENR-PAMB for its investment and/or significant contributions to the protected area, which shall ultimately accrue to the benefits of the tenured and non-tenured migrants in the CIPLS;

WHEREAS, a big part of the regulatory fee shall be provided to defray expenses like manpower complement and other maintenance and operating expenses;

WHEREAS, Section 132 stipulates that the power to impose a tax, fee or charge to generate revenue under the Local Government Code of 1991 shall be exercised by the LGU concerned through an appropriate ordinance;

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NOW, THEREFORE, on motion of Honorable Diosdado P. Siao, duly seconded by all the Members present, be it

RESOLVED, as it is hereby RESOLVED, to enact the following:

#### **ORDINANCE NO. 23-07**

AN ORDINANCE AMENDING ORDINANCE NO. 17-05, ENTITLED, "AN ORDINANCE REGULATING THE OPERATION OF TOURIST MOTORBOAT" IN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE

BE IT ORDAINED by the Sangguniang Bayan of Inopacan, Leyte that;

**SECTION 1.** Section 2, Definition of Terms of Ordinance No. 17-05 is hereby amended and shall be read as follows:

- 1.1. The following are amended:
  - A. Motorboat/Banca shall mean a locally manufactured/fabricated banca of which the hull is made of fiberglass with outrigger/floater.
  - H. Baywalk Launching Pad shall mean the centralized wharf at the back of the new municipal building where all registered tourist motorboat bound for CIPLS are obliged to board and deboard/unload passengers.
  - S. Dry dock area shall mean a certain part of the Municipal Fish Port.
- 1.2. The following are deleted:
  - K. ISLA xxx.
  - T. Island hopping shall mean xxx.
- 1.3. The following are added:
  - R. Tourism Building shall mean a two-story building located in front of BFP Building and Barangay Hall of Barangay Poblacion.
  - S. Wharfage Fee shall mean the amount paid for the privilege of using a wharf.
  - T. CIPLS shall mean Cuatro Islas Protected Landscape and Seascape

**SECTION 2.** Certain items of the following Sections are hereby amended:

2.1. Section 3, Standard Requirements for Tourist Motorboat, item, B.3, the phrase "with the carrying capacity of at least twenty (20) passengers and above" is deleted, and shall read as "The built of the tourist motorboat must conform to the design from the MARINA".





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- 2.2 Section 4, Mayors Permit. Letter "B" Owner/Operator of tourist motorboat xxx, is hereby deleted.
- 2.3 Section 5, Requirements on the Renewal of Permit to Operate for Tourist Motorboat. Letter "B" A clearance from xxx, is hereby deleted.
- 2.4 Section 6, Permit Fee per Unit.

  Letter "B" shall read as "The peration of tourist motorboat per unit shall be twelve (12) years for the fiberglass hull, subject for inspection/evaluation of its seaworthiness".
- 2.5 Section 7, Loading/Boarding and Unloading of Passengers. Letters "C" and "D" are hereby deleted.
- 2.6 Section 7.B.1. shall read as "All motorboats from other municipalities/cities, shall not be allowed to dock in Apid, Mahaba, and Digyo but rather pass through the Baywalk Launching Pad for proper documentation of the passengers and proper inspection by the Coastguard and be collected anchorage/docking fee of Two Thousand pesos (Php2,000.00)"
- 2.7 Section 7.B.3. shall read as "Yacht may dock at the Baywalk Launching Pad for proper documentation or they will directly anchor/dock at the designated area and shall pay the anchorage fee of One thousand Five Hundred pesos (Php1,500.00).
- 2.8 Section 9, Prohibited Acts. Letters G and J- Failure to pick xxx, and Claiming/Substituting xxx (bahaw-bahaw system), respectively, are hereby deleted.
- 2.9 Section 16, Island Tour Rule is hereby deleted.
- 2.10 Section 18, Area Designation, Letter B, shall read as "A certain part of the Municipal Fish Port as the Dry Dock Area".

SECTION 3. Section 8, Time of Operation, is hereby amended into:

#### Section 8. Operating Hour:

Departure from Mainland: Departure from Island:

First Trip: 6:00 AM
Last Trip: 4:30 PM
First Trip: 7:00 AM
Last Trip: 4:30 PM

Motorboat waiting Time: 30 minutes

In the event that the tourist motorboat has reached the motorboat waiting time and the number of passengers has reached 20, the tourist motorboat must depart from mainland to island.









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**SECTION 4.** Section 12, Anchorage Areas and Mooring Areas. The words "Pontoon Pier" is hereby added before the word "anchorage".

**SECTION 5.** Section 14, Tourist Motorboat Tariff Fare Rates is hereby amended and shall read as follows:

**SECTION 14.** Collection of Fee. The following rates are hereby established:

**A. Individual Collection.** The LGU shall provide three collection booths or windows, one for each collecting agent from LGU, DENR-PAMB, and Boat Operators:

Window	Fee	Regular (Php)	Sr. Citizen (Php)	Children (7 y.o. & below)	Remarks
Window 1	PAMB Fees (Entrance, Maintenance, Protection)	80.00	60.00	free	
Window 2	Regulatory Fee (LGU)	120	100	free	*Refer to Ordinance No. 23-06
Window 3	Fare per pax (Boat Operators)	200	160	100	

B. Pakyawan System

Window	Fee	Regular (Php)	Sr. Citizen (Php)	Children (7 y.o. & below)	Remarks
Window 1	PAMB Fees (Entrance, Maintenance, Protection)	80.00	60.00	free	
Window 2	Regulatory Fee ( <i>LGU</i> )	120	100	Free	*Refer to Ordinance No. 23-06
Window 3	Fare (Boat Operators)	A) Ten (10) passengers and below: Php 3,000.00 B) Eleven (11) to fifteen (15) passengers: Php 3,500.00 C) Sixteen (16) to twenty (20) passengers: Php 4,000.00 D) Twenty-one (21) passengers and above: Php 4,500.00			

SECTION 6. Section 15, Overnight Rule is amended and shall read as follows:

**Section 15. Wharfage Fee.** Wharfage fee is hereby imposed for the use of the wharf area:

a. Tourist Motorboat

Php 50.00/trip









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**SECTION 7.** The phrase "Tres Islas" in the second and third Whereases are hereby amended by replacing it with the acronym "CIPLS", as well as in Section 2, Section 7, Section 12, and Section 19.

**SECTION 8. Repealing Clause.** All ordinances, resolutions, orders and/or rules and regulations inconsistent herewith are hereby repealed and modified accordingly.

**SECTION 9. Separability Clause.** If any section or provision of this ordinance is declared void or unconstitutional, the remaining section or provision thereof shall not be affected by such declaration.

**SECTION 10. Effectivity Clause.** This ordinance shall take effect upon its approval.

# ENACTED this 23<sup>rd</sup> day of March 2023, at Inopacan, Leyte

I HEREBY CERTIFY to the correctness of the foregoing Ordinance and that the same was enacted on the date above stated.

MELANIE M. MATIN-AO, MPA Secretary to the Sanggunian

ATTESTED:

HOM SANDERS C. LUMARDA

Vice Mayor Presiding Officer

APPROVED:

HON. ROGELTO D. PUA, JR Municipa Mayor

Date 03-24 2023

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#### Republic of the Philippines Province of Leyte Municipality of Inovacan

#### 15TH SANGGUNIANG BAYAN

### **CERTIFICATE OF POSTING**

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that right after the approval by the Municipal Mayor, copies of the Municipal Ordinances hereunder have been posted in the bulletin board in the municipal hall/building and in conspicuous place in the public terminals and the same will be posted also in all the Barangay Halls of this Municipality, to wit:

- 1) Ordinance No. 23-03, "AN ORDINANCE PROHIBITING THE ENTRY OF VEHICLES SUCH AS TRICYCLE, MOTORCYCLE, BICYCLE, TRISIKAD, ECO-TRIKE AND THE LIKES INSIDE THE PREMISES OF THE NEW PUBLIC MARKET, PROVIDING PENALTIES THEREOF AND FOR OTHER PURPOSES"
- 2) Ordinance No. 23-04, "AN ORDINANCE ESTABLISHING A FREE PHONE CHARGING STATION IN PUBLIC PLACES WITHIN THE MUNICIPALITY OF INOPACAN, APPROPRIATING FUNDS FOR IMPLEMENTATION THEREOF AND FOR OTHER PURPOSES"
- 3) Ordinance No. 23-05, "AN ORDINANCE AMENDING ORDINANCE NO. 10-06, SERIES OF 2010, ENTITLED, "AN ORDINANCE REGULATING THE ESTABLISHMENT AND OPERATION OF INTERNET CAFES AND COMPUTER RENTAL SHOPS/COMPUTER GAMING SHOPS OR CENTERS IN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE, AND PROVIDING PENALTIES FOR VIOLATION THEREOF"
- 4) Ordinance No. 23-06, "AN ORDINANCE IMPOSING REGULATORY FEE FOR VISITING TOURIST BOUND FOR APID, MAHABA AND DIGYO ISLETS OF THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE"
- 5) Ordinance No. 23-07, "AN ORDINANCE AMENDING ORDINANCE NO. 17-05, ENTITLED, "AN ORDINANCE REGULATING THE OPERATION OF TOURIST MOTORBOAT" IN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE"

This Certification is being made to facilitate consideration of the above-mentioned Municipal Ordinances by the Sangguniang Panlalawigan of Leyte.

Done this 27th day of March 2023, at Inopacan, Leyte.

MELANIE M. MATIN-AO, MPA Secretary to the Sanggunian



#### Republic of the Philippines Province of Leyte Municipality of Inopacan

#### 15TH SANGGUNIANG BAYAN

## **CERTIFICATION OF PUBLIC HEARING**

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that on March 15, 2023, a public hearing had been conducted on the proposed Ordinances of the 15<sup>th</sup> Sangguniang Bayan of the Municipality of Inopacan, Province of Leyte, to wit:

- 1) "AN ORDINANCE PROHIBITING THE ENTRY OF VEHICLES SUCH AS TRICYCLE, MOTORCYCLE, BICYCLE, TRISIKAD, ECO-TRIKE AND THE LIKES INSIDE THE PREMISES OF THE NEW PUBLIC MARKET, PROVIDING PENALTIES THEREOF AND FOR OTHER PURPOSES"
- 2) "AN ORDINANCE AMENDING ORDINANCE NO. 10-06, SERIES OF 2010, ENTITLED, "AN ORDINANCE REGULATING THE ESTABLISHMENT AND OPERATION OF INTERNET CAFES AND COMPUTER RENTAL SHOPS/COMPUTER GAMING SHOPS OR CENTERS IN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE, AND PROVIDING PENALTIES FOR VIOLATION THEREOF"
- 3) "AN ORDINANCE IMPOSING REGULATORY FEE FOR VISITING TOURIST BOUND FOR APID, MAHABA AND DIGYO ISLETS OF THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE"
- 4) "AN ORDINANCE AMENDING ORDINANCE NO. 17-05, ENTITLED, "AN ORDINANCE REGULATING THE OPERATION OF TOURIST MOTORBOAT" IN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE"

This Certification is being made to facilitate consideration of the aforementioned Municipal Ordinance by the Sangguniang Panlalawigan of Leyte.

Done this 27th day of March 2023, at Inopacan, Leyte.

MELANE M. MATIN-AO, MPA Secretary to the Sanggunian



#### Republic of the Philippines Province of Leyte Municipality of Inopacan -000 -

15° Sangguniang Bayan

MINUTES OF THE PUBLIC HEARING OF THE PROPOSED MUNICIPAL ORDINANCE OF THE 15<sup>TH</sup> SANGGUNIANG BAYAN OF INOPACAN, LEYTE HELD ON MARCH 15, 2023 AT THE SB SESSION HALL, NEW TOWN HALL, INOPACAN, LEYTE

PRESENT: (Please see attached Attendance Sheet, also attached are the lists of personalities invited)

The proposed Ordinances submitted for public hearing are the following:

- 1) "An Ordinance Prohibiting the Entry of Vehicles such as Motorcycle, Bicycle, Trisikad, Eco-trike, and the Likes Inside the Premises of the New Public Market, Providing Penalties Thereof and for Other Purposes"
- 2) "An Ordinance Amending Ordinance No. 10-06, Series of 2010, entitled "An Ordinance Regulating the Establishment and Operation of Internet Cafes and Computer Rental Shops/Computer Gaming Shops or Centers in the Municipality of Inopacan, Province of Leyte, and Providing Penalties for Violation Thereof"
- 3) "An Ordinance Amending Ordinance No.17-05 entitled, "An Ordinance Regulating the Operation of Tourist Motorboat" in the Municipality of Inopacan, Province of Leyte"
- 4) "An Ordinance Imposing Regulatory Fee for Visiting Tourist Bound for Apid, Mahaba, and Digyo Islets of the Municipality of Inopacan, Province of Leyte"

The public hearing started at 1:45 in the afternoon with an opening prayer and the singing of the national anthem synchronized with the computer audio.

The Master of Ceremony (MC), Mr. Narcis Lean N. Montajes gave an overview to the participants that four (4) draft Municipal Ordinances will be deliberated. He informed that joining a little later is the Municipal Mayor, Honorable Rogelio D. Pua, Jr. He acknowledged as well the SB Members present, namely: Honorable Joel D. Bernales, Honorable Andrew B. Dedal, Zenaida G. de los Santos, Honorable Alfie Jian B. Yamson, Honorable Daria D. Malanguis, Honorable Rowena K. Madrazo, Honorable Diosdado P. Siao, and Honorable Marianne B. Boldios.

Honorable Joel D. Bernales, SB Member, delivered an Introductory Message, for and on behalf of the Municipal Vice Mayor/Presiding Officer, who has an equally important matter to attend to. He thanked all the participants for responding to Sanggunian's invitation, to finalize the four (4) draft Ordinances, to be introduced and discussed by the Authors, most especially the Ordinance imposing fees for the Islets. He elaborates that no Ordinance imposing penalties shall be finalized for Final Reading nor be approved, in the absence of a public hearing. Hence, all concerned/involved in these Ordinances were invited to this public hearing and furnished with copies of the same. He encourages all participants to open up their thoughts, suggestions, and queries after the discussion of each Ordinance by the SB Member-Author. Then he gave the floor to Honorable Dedal, the Author of the first Ordinance.

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"An Ordinance Prohibiting the Entry of Vehicles such as Motorcycle, Bicycle, Trisikad, Eco-trike, and the Likes Inside the Premises of the New Public Market, Providing Penalties Thereof and for Other Purposes"

Honorable Dedal reiterates that all Ordinances that involve penalties, should undergo a public hearing, to address complaints relative to fees being imposed. After thanking all the participants for their presence, he then discussed the provisions of the above-captioned draft Ordinance, starting off by relaying on the observations at the New Public Market, where parking of vehicles had caused obstructions to customers/buyers. And as to the title alone, he emphasized that entry of vehicles enumerated therein is prohibited within the premises of the new public market. He asked those representatives of each group as to their designated parking areas and the latter responded affirmatively. Honorable Dedal cited that most scenarios being observed are those buyers whose bicycles are being parked inside the public market. Then he discussed in detail, the entirety of the draft Measure, emphasizing on the penalties. After which, was the open forum, and the MC reminded the participants to introduce themselves first before throwing any questions.

Mr. Jimar Manabat, President of the Inopacan Tricycle Operators and Drivers Association (ITODA), suggested having signages both for the designated parking area/space and areas where parking is not allowed, for easy identification. Honorable Dedal agreed to the suggestion and explained further that once the Ordinance is being enacted, then duly approved by the Municipal Mayor, it will be the Mayor to accordingly execute and strategize the implementation.

Mr. Celso E. Macuto, Chief, Traffic Enforcer, responded that two (2) Traffic Enforcers lead the concerned vehicle owners to where the designated parking areas are located. Honorable Dedal is not worried about the transport/passenger vehicles, he is more concerned with the private vehicle owners who might not easily be noticed. Mr. Macuto also informed everyone that they are also guiding those private cars and the like. Honorable Dedal agreed to it, for the meantime this Ordinance is still in the legislative process, to facilitate a smooth flow of all vehicles.

Honorable Bernales is grateful for the suggestions and he emphasized that the Ordinance is not about parking, instead, prohibiting the entry of vehicles. However, he assured that all the suggestions will be taken into consideration.

Mr. Pamfilo Piamonte, President of the Inopacan Mara-o Transport Group Inc., raised the following concerns: 1) he informed the Body that they have received a Notice for the transfer of tricycles' terminal to the New Public Market Terminal. He suggested having particular streets for a one-way entrance and one-way exit of vehicles since the road nearby the Town Hall Building is not as wide as a two-way street. Honorable Bernales, mentioned the existing Ordinance, however, due to the developments in the baywalk, he assured Mr. Piamonte that his suggestions will be noted and referred to the Local Chief Executive, for further study so that his concerns will be addressed. Honorable Siao responded to Mr. Piamonte's concern by assuring him that they will study the same with the Traffic Enforcers Team and 2) that loading and unloading within the town are not allowed and a penalty is imposed on violators. It caused some issues for them especially when their passengers wanted to be dropped off at stores within the town, hence they don't need to drop their passengers at the terminal. Honorable Siao told Mr. Piamonte to refer the concern to the Mayor, who sent the Notice, and the Body could not answer the concern because they have no idea about it, hence, defer the same at the moment.



Honorable Bernales assured Mr. Piamonte that all his concerns will be forwarded to the Mayor since the Body has no information about it.

With the presence of Mayor Pua, Jr., Honorable Alma P. Bisnar, Brgy. Kagawad of Can-angay, asked the question of Mr. Piamonte, earlier, regarding the unloading of tricycle/habal-habal passengers at the highway. The Mayor replied in affirmative. Those vehicles from the upland Brgys. can drop their passengers/cargoes in the town proper, however, when passengers will be going home, they have to be at the terminal, and they can pick up their cargo as well at the stores.

The Mayor added that he already instructed the Municipal Treasurer to prepare stickers for the *private* habal-habal, indicating that they are not for hire. To this, Honorable Bernales told Hon. Bisnar to relay the Mayor's response to Mr. Piamonte and the latter agreed.

"An Ordinance Amending Ordinance No. 10-06, Series of 2010, entitled "An Ordinance Regulating the Establishment and Operation of Internet Cafes and Computer Rental Shops/Computer Gaming Shops or Centers in the Municipality of Inopacan, Province of Leyte, and Providing Penalties for Violation Thereof"

Honorable Siao, thanked all the groups of participants as well as the Punong Barangays present. As the author, he presented the draft Ordinance entitled "An Ordinance Amending Ordinance No. 10-06, Series of 2010, entitled "An Ordinance Regulating the Establishment and Operation of Internet Cafes and Computer Rental Shops/Computer Gaming Shops or Centers in the Municipality of Inopacan, Province of Leyte, and Providing Penalties for Violation Thereof". He clearly explained that said Ordinance is an amendment of Ordinance No. 10-06 enacted in 2010 and he sponsored the same when there was no PISO WiFi vendo/machines yet. And for years, the LGU has collected fees for the business permits of PISO WiFi, in fact, one of those paying for the permit is Honorable Madrazo. Honorable Siao discussed the entirety of the draft Ordinance and let the BPLO, Mr. Gilbert Miranda, discuss about permits for the PISO WiFi operators/owners. Mr. Miranda informed all participants and the Honorable Body that currently, fees the Treasurer's Office is collecting for PISO WiFi machines is more than a Thousand, especially for new ones. Then the floor has been opened for questions from the participants.

Mr. Romel Austria, Jr., raised his thoughts concerning the inconsistent income/proceeds of PISO WiFi entrepreneurs, hence he suggested implementing uniform (same) rates for all PISO WiFi vendos so that the growing number of internet operators would not matter. Honorable Siao replied that the suggestion is well taken and referred them to the Municipal Treasurer for the concern. Meanwhile, he reminds the owners of the Ordinance that restricts porn sites, not allowing students in the internet cafes/WiFis from 7:30 AM to 5:00 PM (class hours), and minors as well from 10:00 PM to 4:00 AM in connection to the curfew.

Honorable Yamson asked the PISO WiFi owners if they have such control/limit from the access of porn sites and the latter answered in affirmative. Honorable Siao added that online cockfighting which is illegal should be filtered as well. Views and opinions were aired.



Ms. Jenny Degracia of Brgy. Tao-taon asked the Honorable Body as to the effectivity of the Ordinance. Honorable Bernales explained in detail that the process would undergo Third Reading, approval, then posting. He said they will be informed because the Treasurer's Office will roam around purposely for the business permit. Ms. Degracia asked about the breakdown of the computation concerning the annual fee of Php 1,000.00 or more. The BPLO replied that everything is being reflected in the Official Receipt (OR).

Mr. Arnel Degracia solicits appropriate action for those entrepreneurs from the other towns (Hilongos, Ormoc) who installed fiber connections in Inopacan, for he/they are affected by it since they also are installing PISO WiFi vendo machines. Honorable Siao replied, they also have to secure and pay for a business permit from this LGU, and it is the task of the BPLO to check it out. To this, he suggested providing the list to BPLO and report those without the business permits. Honorable Dedal added that the LGU has no control over those entrepreneurs for as long as they are operating legal transactions and paying for their business permits. As to the question of Mr. Degracia on the payment basis, the BPLO responded that referring to the existing Ordinance, it is per unit but per bracket. Views and opinions were aired.

As the discussion developed, Honorable Bernales clearly informed all concerned that the LGU could not assure imposing the "uniform rates" since offering a lower rate than competitors is what we called, a strategy. Aside from the fact that some might invest much more than others. He recommends to all internet operators to organize themselves into an association so that they can agree as to the "rates". As Honorable Fernando B. Rulete, Jr., Punong Barangay of Maljo, having the same rate eliminates the sense of competition. Honorable Madrazo explained that given the same rate of PISO WiFi, the number of hours connected to the internet differs/matters the most (e.g. some offer Php 10.00 for 3 hours, while others offer the same rate for 5 hours). As Honorable Siao mentioned the trade secret of Honorable Madrazo and the latter explained, in connection to the modular scheme during the pandemic. Honorable Dedal emphasized underpricing benefits against overpricing.

"An Ordinance Amending Ordinance No.17-05 entitled, "An Ordinance Regulating the Operation of Tourist Motorboat" in the Municipality of Inopacan, Province of Leyte"

 Honorable Siao, the Author, discussed in detail the entirety of the above-captioned draft Ordinance, which is an amendment to Ordinance No. 17-05. Mr. Cordova raised his concern if the 30 minutes waiting time is over and he/they only have 3 passengers. The case is considerable for Honorable Siao, however, if it reached 20 passengers, then must leave for the island. Since more tourists are coming during summer, particularly. More views and opinions on motorboat capacity and pakyawan system were discussed.

Mr. Noel Resuena, an operator of a 24 passengers-capacity motorboat, brought up that per their Certificate of Public Convenience (CTC) issued by the MARINA, it was specified thereof the "pakyawan system" and he is worried it would cause conflict in case of unforeseen accidents. Honorable Bernales assured that the concern is well taken and decided to consult the MARINA for this matter. *Pakyawan* fees by bracket were discussed.



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Rev. Fr. Eufemio "Femmie" Gohetia shared his experience in Siargao, which booms because of its island hopping. He said he is not so sure if the amendments to "per head" has been studied and for his part, do not apply to Cuatro Islas. He cited that some groups don't want to be joined by other groups. He understood the purpose of the public hearing and he is into LGU's vision on economic development, however, he did not agree to collect fees to increase LGU's revenue, recalling the unpleasant incident years ago, relative to anomalies on the collection of fees done by LGU employees, as he said. He then exits the hall because he has another appointment.

Hon. Jun Rosenas, Brgy. Kagawad of Apid and a motorboat operator of the 18 passengers-capacity motorboat, expressed his sentiments and he is not into perhead fare rates, taking into consideration the expenses incurred such as permits, maintenance/repair, food, and the like, aside from they are carrying passengers which is so risky for them (operators), especially when sailing against big waves. Honorable Bernales presented a computation of having 18 passengers at Php 200.00 per head, Hon. Rosenas is worried about having children and Sr. Citizen passengers which means a lesser fee. Views and opinions were aired, as Honorable Bernales explained that passengers may opt to pay the capacity of motorboats which is similar also to "pakyawan system". As the discussion developed, Honorable Bernales elaborates further that the per-head scheme has gone through the Technical Working Group (TWG) and everyone must be grateful enough that operation is back. The One Island, One Destination set up, refrains Hindang from asking for a share of the LGU income. Honorable Rosenas suggested setting a minimum number of passengers then beyond the minimum, will be charged on a per-head basis. The scheme in Canigao has been deliberated, in relation to motorboat capacities. Pakyawan system brackets were presented as follows:

A) Ten (10) passengers and below:

B) Eleven (11) to twenty (15) passengers:

C) Sixteen (16) to twenty (20) passengers:

Php 3,500.00

Php 4,000.00

Php 4,500.00

Php 5,000.00

The Body found out that currently, motorboat operators are collecting fares beyond the provisions of the existing Ordinance. Hon. Jun Rosenas explained that with the tariff rates stipulated in the existing Ordinance, they were not required for a license and insurance at that time, only the Mayor's Permit. As Honorable Bernales told them that their rate set up violates the Ordinance, Hon. Rosenas mentioned that it has been approved by the PAMB. It was then realized that it was when there has been conflicts between the LGU and the PAMB, and Honorable Bernales emphasized that was also the time when the LGU has not been receiving any share from the income and motorboats were obliged to go to Himokilan. He also made them understand that currently, the LGU, thru SB, and the DENR-PAMB is in close coordination, pushed by the motorboat operators' request to bring back the usual operation for the islands. The computation of Php 200.00 per head is duly formulated and approved by the PAMB. As to the operator's sentiments having a lower income with an individual collection scheme, Honorable Bernales then encouraged them to present a computation, proving that they're going to have a deficit given the Php 200.00 per head collection. Cited as an example, given the 18 passengers-capacity motorboat (ANDY I / engine 4D30) at Php 200.00 per head will earn a total of Php 3,600.00 per trip, with the following expenses: 16 liters of diesel will cost Php 1,120.00; round trip maintenance of Php 300.00; and the cost for food is Php 250.00 having a total expense of Php 1,670.00. Then half of the net proceeds (Php 1,930.00) in the amount of Php 965.00 will go to the owner and the other half (same amount) will equally be divided among the crews.



As the majority appealed for help from the Sanggunian to retain the pakyawan system, Honorable Bernales assured having their computations be presented to the TWG, and he preferred the presence of the Mayor at that very moment to resolve the concerns raised, taking into consideration the complaints of most tourists, paying higher fees compared to other islands.

Honorable Siao elaborates that the *One Island, One Destination* scheme was duly approved by the PAMB. However, he still asked the concerned operators about their options as to the *pakyawan system*. Mr. Ricky Cordova, and Mr. Aldimar Rosenas, expressed their sentiments.

# With the presence of Honorable Rogelio D. Pua, Jr., LCE, this Municipality

Mayor Pua Jr. mainly discussed the *individual/per-head collection*. He presented its advantages, attracting tourists to visit the islets, even in a group of four (4) for instance, as well as the locals, making the tourism industry, boom. He cited examples with respective motorboat capacities. With the presentation on the computation of expenses per trip that has been discussed earlier, the Mayor opted to exclude food expenses amounting to Php 250.00/trip. The operators expressed their sentiments in times when tourists are just a few. On the contrary, the Mayor looks at the positive point when they could have 2-3 roundtrips during the summer season. He even cited that Canigao and Boracay implement per-head collection, so why not in Inopacan. The Mayor emphasized that there will be no more island hopping with the *One Island, One Destination* scheme. He further explained and hoped that the concerned operators will understand the purpose, to increase the number of tourists that visit the islands, for they are attracted to come back and visit another islet of Inopacan since island hopping is not anymore allowed.

As Hon. Jun Rosenas reiterate once again the suggestion to set a minimum number of passengers and passengers beyond the minimum, will be charged on a per-head basis, because children (Php100.00) and Sr. Citizens (Php160.00) have lower fees. As Honorable Bernales asked the particular number of passengers that he (Hon. Rosenas) referred to as the minimum, the latter replied, 10 passengers at Php 3,000.00. To this, the Mayor wonders why they're into Php 3,000.00 pakyaw and not to Php 3,200.00 or Php 3,600.00 per head basis. The Mayor wanted everything to be clear and let the concerned motorboat operators understand the point of the LGU. That when 30 minutes waiting time is over and for instance, there will be 19 out of 20 passengers (capacity), then the tourists will have to pay the equivalent of 1 more passenger. He cited that they have the same plead as the tricycle operators. An operator asked about having 3 or 5 passengers only after 30 minutes. The Mayor replied that the same question has been raised also by the Governor and he replied that the tourist may opt to pay as pakyaw if they wanted to. It depends upon the agreement between the tourists and the motorboat operators. More views and opinions regarding the setting capacity and diesel requirement were aired.

Honorable Pua, Jr., convinced the operators not to worry about the limited number of tourists coming in because the LGU is trying its best to have more, by booking scheme in accordance with the carrying capacity of the islet, set by the DENR. With the high influx of tourists, travel tour agencies will be advised to book in advance at the LGU to monitor the number of tourists coming in for the day. He also expressed his sympathies as to the worries of the operators, however, when the plan takes off, the scheme would benefit them, since the LGU sees to it that their income won't be losing, and at the same time, affordable for the tourists.



He encourages all operators to organize as an association so that they will agree on all matters. Views and opinions were aired.

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Hon. Jun Rosenas pleads to exclude the Php 100.00 per trip wharfage fee. The Mayor lowered the fee to Php50.00/trip. He also informed the participants that a pontoon pier (floating) will be installed on the island.

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Mr. Rosenas mentioned about strike action. Honorable Bernales let them understand that it is not good and the Mayor added that they should consider this business sector as their livelihood at the same helps the residents of the island earn an income too.

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Honorable Panfila I. Alonzo, Punong Brgy. of Tinago, shared her experience in comparison of the pakyawan system and per head basis, which she favors the per head scheme to encourage locals and small groups of tourists to visit the islands.

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The majority of the operators suggested not allowing those non-Inopacnon motorboat operators to operate. The Mayor is into their sentiments as well, to help Inopacnons for family living. The Mayor explained everything in detail about business permits which to his part, supposedly be issued only to Inopacnons hence, he encourages them to level up their motorboats to a higher capacity. Might as well organize into an association so that they will be entitled to a livelihood program/funding from government agencies, just like the jeepney group.

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Mr. Arnold Rosenas opened up that motorboats with higher capacity entail higher maintenance costs and are risky in bad weather conditions. And if they're not gaining, then they may opt to stop their operation. To this, the Mayor opened up that Tetrapods will be purchased, to protect their motorboats during stormy weather.

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Since all the operators voted not in favor of the individual collection (per head basis), and they pleaded to consider the *pakyawan system* the fact that they are still recovering from the pandemic. They also presented the advantages of *pakyawan system* particularly if the weather is not so good.

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As the discussion developed, Honorable Siao summed up the sentiments of the motorboat operators. The Mayor elaborates further on the purpose of the *One Island, One Destination* scheme, as discussed earlier, to avoid conflict with Hindang and so that the islets will not be abused, to retain their natural beauty. Hence, the LGU exerted its full efforts to take part once again in the Tres Islas Tourism activities.

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All operators deal and agree regarding the opinions of Mr. Resuena, with the One Island, One Destination scheme. Therefore, the Mayor opted to consider the pakyawan system, however, introducing and promoting as well the individual collection (per head basis). To this, Honorable Siao presented these two (2) options and it has been agreed by all, that the collection will have these two (2) options:

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Option 1 - individual collection Window Fee Regular Sr. Children (Php) Citizen (7 y.o. & Remarks below) (Php) PAMB Fees Window (Entrance, Maintenance, 80.00 60.00 free 1 Protection) Window Regulatory Fee 120 100 free 2 (LGU)Window Fare per pax Discount 3 (Boat Operators) 200 160 rates TBD 100 by PAMB



**Option 2** - pakyawan system (minus Php 500.00 since there will be no island hopping), to wit:

A) Ten (10) passengers and below:

B) Eleven (11) to twenty (15) passengers:

C) Sixteen (16) to twenty (20) passengers:

Php 3,000.00

Php 3,500.00

Php 4,000.00

Php 4,500.00

 As to overnight concerns, the Mayor informed everyone that it will be the private land/resort owners to take charge of the tourists and collect fees. LGU caretakers will take charge of the tourists during the daytime only. Hence, the motorboat operators' task is mainly to ferry the passengers. Views and opinions with tamakay or sapaway or pasa scheme were aired. As to motorboat Manifest concerns, the Mayor told the operators to have Manifest both on the mainland and the island.

As to advance booking, the Mayor emphasized that travel tours (package) had to coordinate with the LGU to identify the numbers of tourists and the motorboats needed for a particular day. Moreover, the tourist must know the expenses they will incur in visiting the island/s. The Mayor discussed more on the advantages of per head collection, which seemed affordable to small peers/groups of friends. Views and opinions on island viewing were aired.

Furthermore, the Mayor informed everyone that LGU Inopacan ties up with LGU Baybay for tour packages. So from Baybay's well-known 16K Blossoms, included in the tour package is the Tres Islas. Hoping that this will attract more huge groups from other Regions, to conduct their trainings in Baybay City, which can cater big events, hence Baybay collaborates with LGU Inopacan for the Tres Islas, promoting eco-tourism in Leyte. With this set-up, the Mayor assures that the tourism industry in Inopacan will boom, hence, they (motorboat operators), will benefit from it. Thus, he is not worried about the per-head collection. He clearly said that while the set-up is on-process, he will allow the two (2) aforementioned options. Views and opinions were aired.

With the high influx of tourists, travel tour agencies will be advised to book in advance at the LGU to monitor the number of tourists coming in for the day. He also expressed his sympathies as to the worries of the operators, however, when the plan takes off, the scheme would benefit them, since the LGU sees to it that their income won't be losing, and at the same time, affordable for the tourists. He encourages all operators to organize as an association so that they will agree on all matters. Views and opinions were aired.

The Mayor presented the LGU target that by the year 2025-2027, residents in Digyo will be relocated either to Mahaba or Apid. So that Digyo will be solely for tourism, still with cottages and stores, but not as residential anymore. To preserve its cleanliness and natural beauty, as a whole. Views and opinions were aired.

Toward the end, Honorable Siao summarized the agreement as follows: a) that there are two options for the collection of fees, individual and pakyawan (no island hopping); b) Php50.00 wharfage fee.

"An Ordinance Imposing Regulatory Fee for Visiting Tourist Bound for Apid, Mahaba, and Digyo Islets of the Municipality of Inopacan, Province of Leyte"

Mayor Pua, Jr. explained in detail starting off with presenting the previous setup when the LGU do not have a share, came the temporary closure of Inopacan as entry points, until DENR-PAMB approves the LGU to have a share on the income, hence, this draft Ordinance. The Mayor presented that of the Php200.00 regulatory fee, Php120.00 is for the LGU while Php80.00 is for PAMB. Of the Php120.00 LGU



share, the Php100.00 will be deposited to the Trust Fund account of the LGU for relocation purposes of the affected residents, while the Php20.00 is for maintenance expenses (solar lights/posts installation, etc.) among others. Given the Php200.00 regulatory fee plus Php200.00 individual fare, a tourist will spend a total of Php400.00 (for individual collection), and the LGU is promoting this. However, according to the Mayor, considering they are just recovering, he considered the two (2) collection options, individual and pakyawan. When the Mayor asked them if they understand the highlights of the draft Ordinances, all the participants affirmed, yes.

Mr. Resuena brought up that all of them welcome new investors (motorboat operators) for as long as they are Inopacnon. The Mayor explained that it depends upon who the administration is. Once again, he reiterates that they will organize an association, to be able to discipline the Members (to have control over the renewal of clearance). Honorable Siao recalled that previously, the ISLA (association) requested 3 years moratorium (that no new investor is allowed to operate) which has been granted by the SB/LGU considering they represent and being recognized as an association. Mayor Pua Jr. is amenable to it and for his part, it is also a way to control the number of passenger motorboats. Because there is a possibility that when tourism fully booms, many motorboats are needed which entails also that they will be earning less. He advised them to positively vision a sustainable future (not just the current situation), as the LGU Council envisioned a boom in eco-tourism as well. Views and opinions about wood and fiberglass pump boats were aired. Since everybody agrees, the Mayor and the Sanggunian thanked all the participants.

Since there were no more other questions, the public hearing ended at 4:00 in the afternoon.

> I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:

> > MELANE M. MATIN-AO, MPA Secretary to the Sanggunian

NOTED:

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467 468 HON. JOEL D. BEKNALES

SB Member/TRØ/Author/Co-Author

HON. ANDREW B. DEDAL SB Member / Author

HON. DIOS SB Member / Author

HON. ZENAIDA G. DE LOS SANTOS HON. DARIA D. MALANGUIS SB Member/ Co-Author

SB Member / Co-Author

469 470 HON. ALFIE JIAN B. YAMSON SB Member/ Co-Author

HON. RÓWENA K. MADRAZO SB Member

HON. MARIANNE B/BOLDIOS SB Member / Co-Author

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#### Republic of the Philippines Province of Leyte Municipality of Inopacan

#### 15<sup>th</sup> Sangguniang Bayan

### **Public Hearing of the Proposed Ordinances:**

- 1. "An Ordinance Prohibiting the Entry of Vehicles such as Tricycle, Motorcycles, Bicycle, Trisikad, Eco-Trike and the likes Inside the Premises of the New Public Market, Providing Penalties Thereof and for other Purposes"
- 2. "An Ordinance Amending Ordinance No. 10-06, Series of 2010, entitled, "An Ordinance Regulating the Establishment and Operation of Internet Cafes and Computer Rental Shops/Gaming Shops or Centers in the Municipality of Inopacan, Province of Leyte, and Providing Penalties for Violations Thereof"
- 3. "An Ordinance Amending Ordinance No. 17-05, entitled, "An Ordinance Regulating the Operation of Tourist Motorboat" in the Municipality of Inopacan, Province of Leyte"
- 4. "An Ordinance Imposing Regulatory Fee for Visiting Tourist Bound for Apid, Mahaba, and Digyo Islets of the Municipality of Inopacan, Province of Leyte

Date: March 15, 2023 Place: SB Session Hall

Time: 1:00 P.M.

#### **ATTENDANCE SHEET**

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