



Republic of the Philippines
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN

**COMMITTEE ON RULES, LAWS and PRIVILEGES
and COMMITTEE ON BUDGET MANAGEMENT AND APPROPRIATION**

JOINT COMMITTEE REPORT

No. ____ S. 2023

This refers to the proposed provincial ordinance entitled **“A REVISED ORDINANCE LEVYING FEES AND CHARGES FOR THE USE OF FACILITIES & EQUIPMENT OWNED BY THE PROVINCIAL GOVERNMENT OF LEYTE SERIES OF 2024.**

During the joint committee meeting, clarifications and suggestions were made which are now provided for in the attached draft ordinance¹. Aside from such and upon careful review and perusal, the joint committee finds that the measure is timely and urgently needed to be passed to raise funds for the maintenance and improvement of the properties of the provincial government as mentioned in the proposed ordinance.

The joint committee also find no provision in the said proposed measure which contravenes the Constitution and other existing laws and that the same is compliant to the general limitations of legislation, that:

- a. It does not contravene the Constitution;
- b. It is not unfair or oppressive;
- c. It is not partial or discriminatory;
- d. It does not prohibit trade;
- e. It is general and consistent with public policy; and,
- f. It is not unreasonable.

¹ Draft Ordinance with notes: A REVISED ORDINANCE LEVYING FEES AND CHARGES FOR THE USE OF FACILITIES & EQUIPMENT OWNED BY THE PROVINCIAL GOVERNMENT OF LEYTE SERIES OF 2024.

In view thereof, the joint committee hereby recommends for the passage of the said ordinance and resolve that the same be scheduled for second reading, subject to the provisions of Section 186² in relation to sections 187³ and 188⁴ of the Local Government Code.

The joint committee also certifies this proposed measure as URGENT.

Submitted this 12th day of January, 2024, Palo, Leyte

Hon. Atty. Ronnan Christian M. Reposar
Chairperson Committee on Rules, Laws and Privileges
Member of Trade, Investment and Economic Affairs

Hon. Wilson S. Uy
Member Committee on Rules, Laws and Privileges
and Chairperson of the Committee on Budget Management and Appropriations

² SECTION 186. Power To Levy Other Taxes, Fees or Charges. - 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.

³ SECTION 187. Procedure for Approval and Effectivity of Tax ordinances and Revenue Measures; Mandatory Public Hearings. - The procedure for approval of local tax ordinances and revenue measures shall be in accordance with the provisions of this Code: Provided, That public hearings shall be conducted for the purpose prior to the enactment thereof: Provided, further, That any question on the constitutionality or legality of tax ordinances or revenue measures may be raised on appeal within thirty (30) days from the effectivity thereof to the Secretary of Justice who shall render a decision within sixty (60) days from the date of receipt of the appeal: Provided, however, That such appeal shall not have the effect of suspending the effectivity of the ordinance and the accrual and payment of the tax, fee, or charge levied therein: Provided, finally, That within thirty (30) days after receipt of the decision or the lapse of the sixty-day period without the Secretary of Justice acting upon the appeal, the aggrieved party may file appropriate proceedings with a court of competent jurisdiction.

⁴ SECTION 188. Publication of Tax ordinances and Revenue Measures. - Within ten (10) days after their approval, certified true copies of all provincial, city, and municipal tax ordinances or revenue shall be published in full for three (3) consecutive days in a newspaper of local circulation: Provided, however, That in provinces, cities and municipalities where there are no newspapers of local circulation, the same may be posted in at least two (2) conspicuous and publicly accessible places.

Hon. Atty. Carlo P. Loreto

Vice Chairperson Committee on Rules, Laws and Privileges
Committee on Budget Management and Appropriations

Hon. Michael L. Cari

Member Committee on Rules, Laws and Privileges
the Committee on Budget Management and Appropriations

Hon. Nolie Caña

Member Committee on Rules, Laws and Privileges
and the Committee on Budget Management and Appropriations

Hon. Ma. Corazon E. Remandaban

Member of Committee on Budget Management
and Appropriations

A REVISED ORDINANCE LEVYING FEES AND CHARGES FOR THE USE OF FACILITIES & EQUIPMENT OWNED BY THE PROVINCIAL GOVERNMENT OF LEYTE SERIES OF 2024

Principal Authors: Hon. Wilson S. Uy

BE IT ENACTED by the Sangguniang Panlalawigan that:

Section 1. TITLE. This ordinance shall be known as “A Revised Ordinance Levying Fees and Charges for the Use of Facilities and Equipment Owned by the Provincial Government of Leyte Series of 2024”

Section 2. SCOPE. The fees and charges imposed in this ordinance shall apply to those facilities and equipment owned by the Provincial Government of Leyte which are frequently used or availed of by any person or entity for commercial purposes and/or in celebration of any event or occasion.

Section 3. DEFINITION. As used in this ordinance:

“Facilities” – refer to permanent structures owned by the provincial government like the RTR Plaza, sports and commercial center, gymnasium and other similar structure.

“Power” – refers to the supply of electricity used to energize the area.

“Kiosks” – refer to the stalls constructed under the amphitheater at the Leyte Sports Development Center for commercial purposes and other similar structures within the jurisdiction of the Province.

“Equipment” – refer to the WOW Leyte Bus and other similar equipment.

Section 4. FEES AND CHARGES. The following schedule of fees and charges for the use of provincial government equipment and facilities shall be imposed as follows:

(A.) RTR PLAZA

Grounds only w/out power	- ₱3,000.00 for 6-hr use/₱500 per hr in excess of 6hrs
Stage w/out power	- ₱2,000.00 for 6-hr use/₱300 per hr in excess of 6hrs
Ground/Stage w/out power	- ₱5,000.00 for 6-hr use/₱800 per hr in excess of 6hrs
Ground with power	- ₱6,000.00 for 6-hr use/₱1000 per hr in excess of 6hrs
Grounds & Stage w/ power	- ₱10,000.00 for 6-hr use/₱1500 per hr in excess of 6hrs
Stage w/ power	- ₱4,000.00 for 6-hr use/₱600 per hr in excess of 6hrs

(B.) Leyte Sports & Development Center (LSDC)

Kiosks	- ₱1,000.00 per month
Grounds(Oval/Tracks) w/out power	- ₱5,000.00 for 6-hr use/₱800 per hr in excess of 6hrs
Grandstand w/out power	- ₱3,000.00 for 6-hr use/₱500 per hr in excess of 6hrs
Grandstand with power	- ₱5,000.00 for 6-hr use/₱800 per hr in excess of 6hrs
Grounds(Oval/Tracks) with power	- ₱10,000.00 for 6-hr use/₱1,600 per hr in

Commented [MOU1]: Suggestion: Rent (Fees and Charges) shall also be included in the definition of term to articulate whether the same already includes pre and post activities. A period or a certain period of hours for the pre and post activities shall also be articulated to facilitate the charging of fees

Commented [MOU2]: Suggestion: “Use of” shall be defined or activities/event charged shall at least be articulated to facilitate enforcement of this ordinance

excess of 6hrs

(C.) Provincial Gymnasium

Day Time (with power) - ₱3,000.00 for 6-hr use/₱500.00 per hr in excess of 6hrs
Day Time (without power) - ₱1,500.00 for 6-hr use/₱300.00 per hr in excess of 6hrs
Night Time (with power) - ₱5,000.00 for 6-hr use/₱800.00 per hr in excess of 6hrs

(D.) Leyte Convention Complex – Main Hall

Day Time/Nighttime (With Power) - ₱50,000.00 for 8 hours or less, use.
In excess of 8 hours use - ₱4,000.00 per hour.
Security Deposit - ₱5,000.00 per event.

(E.) Leyte Convention Complex – Annex Building

Day Time/Nighttime (Annex A&B) with Power - 47,000.00 for 8 hours or less, use.
In excess of 8 hours use - ₱3,800.00 per hour.
Day Time/Nighttime (Annex A) with Power - ₱26,000.00 for 8 hours or less, use.
Day Time/Nighttime (Annex B) with Power - ₱26,000.00 for 8 hours or less, use.
In excess of 8 hours use - ₱2,000.00 per hour.
Security Deposit (Fixed rate) - ₱5,000.00 per event.

(F.) Internal Supplies for Rent

Hydraulic Lifter (before and after event) - ₱2,500.00

(G.) WOW Leyte Bus

₱5,000.00 (excluding fuel) – for an 8-hr or less use within the Province of Leyte/₱600.00 per hour in excess of 8 hours
₱6,000.00 (excluding fuel) – for an 8-hr or less use outside the Province of Leyte/ ₱1,000.00 per hr in excess of 8 hours

Section 5. ESTABLISHMENT AND USE OF TRUST FUND. A Trust account is hereby created whereby all income or collection derived from the use of the Leyte Convention Complex, or grant or donation, if any, shall be deposited and shall accrue thereat. Said trust account shall be used or disbursed for the improvement of the Leyte Convention Complex and such other tourism related disbursements.

Section 6. OFFICIAL RECEIPT & PERMIT. Any use of the above provincial government facilities and properties shall be covered by a Permit which shall be issued by the Provincial Governor. Any payment for the rental of said facilities shall be properly receipted by the Provincial Treasurer.

Commented [MOU3]: Why is the trust fund devoted only for the Leyte Convention Complex? While funds which will be deposited is from the income of the Leyte Convention Complex, why is the other income from other provincial facilities not included?

Section 7. CONTRACT OF LEASE. Long term lease of the LSDC and the Leyte Convention Complex shall be covered by a lease contract the terms and conditions of which shall be determined by the Office of the Provincial Governor subject to ratification by the SP.

Section 8. EXCEPTION. The about Fees and Charges shall not be imposed if subject facilities and equipment shall be used by the provincial government of Leyte. Any other user, especially LGUs, legitimate NGOs, People Organizations maybe given a discount or exempted from payment of fees and charges, at the discretion of the Provincial Governor.

Section 9. FORMULATION OF IRR. The Provincial Governor shall formulate the policies and other implementing rules and regulations for the effective implementation of the Ordinance!

Section 10. PENAL PROVISION. Violation of Section 4 of this ordinance shall be ground for revocation of the permit or contract without prejudice to other remedies provided by law.

Section 11. REPEALING CLAUSE. All ordinances, rules and regulations, or parts thereof whose provisions are in conflict with, or contrary to, the provision of this ordinance are hereby repealed, amended or modified accordingly.

Section 12. EFFECTIVITY. This ordinance shall take effect after publication in the newspaper of general circulation in the Province of Leyte.

Commented [MOU4]: Consider deleting or rephrasing

Commented [MOU5]: Suggestion: The Provincial Legal Office in coordination with the Provincial Governor shall thereby formulate an implementing rules and regulations to facilitate the implementation of this ordinance.