

Item No.: 09
Date: 14 2024 MAY

9

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
May 6, 2024

Province of Leyte
Legal Office
Released: *[Signature]*
Time: *[Signature]*
Date: *5.8.24*

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 24-05, of the Sangguniang Bayan of Inopacan, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160, to the opinion of the Provincial Legal Office (PLO), 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.ⁱ

Furthermore, the opinions rendered herein are without prejudice to opinions rendered by higher authorities.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer *[Signature]*

ⁱ (Constantino vs Desierto, 288 SCRA 654)

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
03 May 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 24-05** of the **MUNICIPALITY** of **INOPACAN, LEYTE**, entitled: **An Ordinance Amending the 4th Whereas and Adding Another Whereas of Ordinance No. 23-15 of the Sangguniang Bayan of Inopacan, Leyte dated October 18, 2023 Entitled: "An Ordinance Imposing Entrance, Regulatory and Other Fees for Foreign Tourists On Board Cruise Ship Visiting The Cuatro Islas Protected Landscape and Seascape (CIPLS) Islets Under the Jurisdiction of LGU-Inopacan, Province of Leyte.**


FLORINDA ULLSUYVICO
Secretary to the Sanggunian

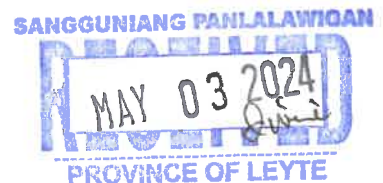


Republic of the Philippines
Province of Leyte
Municipality of Inopacan



15TH SANGGUNIANG BAYAN

24 April 2024



Honorable Leonardo Javier Jr.
Vice Governor/Presiding Officer
Sangguniang Panlalawigan of Leyte
Provincial Government Complex
Campetic, Palo, Leyte

Thru:

Ms. Florinda Jill S. Uyvico
Secretary to the Sanggunian
Sangguniang Panlalawigan of Leyte
Provincial Government Complex
Campetic, Palo, Leyte

Honorable Javier Jr.:

Forwarding herewith 1 original copy and 15 photocopies of **Ordinance No. 24-05** of the 15th Sangguniang Bayan of the Municipality of Inopacan, Province of Leyte, entitled “**AN ORDINANCE AMENDING THE 4TH WHEREAS AND ADDING ANOTHER WHEREAS OF ORDINANCE NO. 23-15 OF THE SANGGUNIANG BAYAN OF INOPACAN LEYTE DATED OCTOBER 18, 2023 ENTITLED “AN ORDINANCE IMPOSING ENTRANCE, REGULATORY AND OTHER FEES FOR FOREIGN TOURISTS ONBOARD CRUISE SHIP VISITING THE CUATRO ISLAS PROTECTED LANDSCAPE AND SEASCAPE (CIPLS) ISLETS UNDER THE JURISDICTION OF LGU-INOPACAN, PROVINCE OF LEYTE”**”, for consideration by the Sangguniang Panlalawigan of Leyte.

Attached herewith are the following supporting documents: a) Certificate of Posting; b) copy of Ordinance No. 23-15 dated October 18, 2024; and c) SP Resolution No. 2023-538, *for reference*.

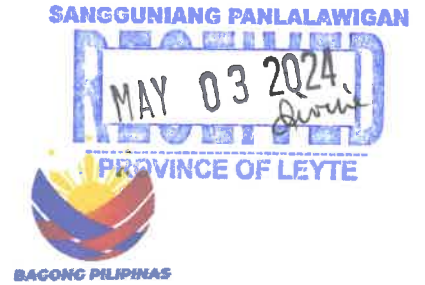
Sincerely,

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



Republic of the Philippines
Province of Leyte
Municipality of Inopacan
-oOo-

15TH SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
15th SANGGUNIANG BAYAN OF INOPACAN, LEYTE HELD ON
APRIL 23, 2024 AT THE SB SESSION HALL

PRESENT:

Hon. Sanders C. Lumarda	- Vice Mayor, Presiding Officer
Hon. Fernando B. Rulete	- SB Member
Hon. Andrew B. Dedal	- SB Member
Hon. Zenaida G. de los Santos	- SB Member
Hon. Joel D. Bernales	- SB Member
Hon. Daria D. Malanguis	- SB Member
Hon. Rowena K. Madrazo	- SB Member
Hon. Diosdado P. Siao	- SB Member
Hon. Panfila I. Alonzo	- SB Member (LnB Pres)
Hon. Nathaniel Dave M. Katigbe	- SB Member (PSK Pres)

ABSENT:

Hon. Alfie Jian B. Yamson	- SB Member (on leave)
---------------------------	------------------------

AUTHOR: HON. DIOSDADO P. SIAO

CO-AUTHORS: HON. ZENAIDA G. DE LOS SANTOS
HON. DARIA D. MALANGUIS
HON. ALFIE JIAN B. YAMSON
HON. PANFILA I. ALONZO

WHEREAS, Municipal Ordinance No. 23-15, otherwise known as "The Cruise Ship Fee Ordinance" was enacted in October 18, 2023;

WHEREAS, the Sangguniang Panlalawigan, pursuant to SP Resolution No. 2023-538 returned the Ordinance No. 23-15 for some additions on the 4th Whereas;

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

RESOLVED as it is hereby **RESOLVED** to enact the following;



(ordinance no. 24-05 of the sangguniang bayan of inopacan, leyte dated april 23, 2024, continued)

ORDINANCE NO. 24-05

“AN ORDINANCE AMENDING THE 4TH WHEREAS AND ADDING ANOTHER WHEREAS OF ORDINANCE NO. 23-15 OF THE SANGGUNIANG BAYAN OF INOPACAN LEYTE DATED OCTOBER 18, 2023 ENTITLED “AN ORDINANCE IMPOSING ENTRANCE, REGULATORY AND OTHER FEES FOR FOREIGN TOURISTS ONBOARD CRUISE SHIP VISITING THE CUATRO ISLAS PROTECTED LANDSCAPE AND SEASCAPE (CIPLS) ISLETS UNDER THE JURISDICTION OF LGU-INOPACAN, PROVINCE OF LEYTE”

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

SECTION 1. The 4th Whereas of Ordinance No. 23-15 shall read as follows:

WHEREAS, Rule 26.1, Section 26 of the ENIPAS Act of 2018 provides that “Any LGU with territory inside a protected area may: (c) Impose and collect fees for business permits, regulatory fees, real property taxes on private property, and rentals for LGUs facilities they traditionally collect, except such fees enumerated under Section 16 of the NIPAS Act, as amended, provided that such ad-ons shall be based on the contribution of the LGU in the maintenance and protection of the protected area”;

SECTION 2. An additional whereas shall be provided to include the provision stipulated in DENR AO 2019-05, Rule 26.2, and it shall read as:

WHEREAS, The fees for the use of facilities and resources of the LGU within the protected area shall be imposed by the LGU in consideration of its investment and/or significant contribution to the protected area. This may be in the form of pavilions, multi-purpose halls, picnic sheds, cottages, trails, water and power systems. A mutually acceptable revenue sharing allocation between the PAMB and the LGU may be set out in a MOA subject to some conditions: (1) allocation may allow the LGU to recover its investments based on the actual cost of the LGU to recover its investments based on the actual cost of the construction of the facilities, including actual interest, as certified by the Accountant of the LGU; (2) Allocation shall take into account costs of management, protection and maintenance of the facilities, which, unless there is an agreement to the contrary, shall be for the account of the PAMB; (3) Special Collection Officer designated by the DENR shall collect entrance fees; (4) Upon expiration of the MOA, all revenues shall accrue to the IPAF; and (5) LGU may voluntarily waive its right to recover its investment and donate the facilities, which shall be in writing”.

SECTION 3. Repealing Clause. All ordinances and/or resolutions which are inconsistent with this ordinance are hereby modified and repealed accordingly.




(ordinance no. 24-05 of the sangguniang bayan of inopacan, leyte dated april 23, 2024, continued)

SECTION 4. Separability Clause. If for any reasons, any part of the ordinance be declared unconstitutional, other parts or provisions hereof which are not affected shall continue to be in full force and in effect.

SECTION 5. Effectivity Clause. This ordinance shall take effect upon its approval.

ENACTED this 23rd day of April 2024 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:


HON. SANDERS C. LUMARDA
 Vice Mayor
 Presiding Officer


 APPROVED:


HON. ROGELIO D. PUA, JR.
 Municipal Mayor

Date 04-24-2024





Republic of the Philippines
Province of Leyte
Municipality of Inopacan



15TH SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that copies of **Ordinance No. 24-05** of the 15th Sangguniang Bayan of the Municipality of Inopacan, Province of Leyte, entitled, **"AN ORDINANCE AMENDING THE 4TH WHEREAS AND ADDING ANOTHER WHEREAS OF ORDINANCE NO. 23-15 OF THE SANGGUNIANG BAYAN OF INOPACAN LEYTE DATED OCTOBER 18, 2023 ENTITLED "AN ORDINANCE IMPOSING ENTRANCE, REGULATORY AND OTHER FEES FOR FOREIGN TOURISTS ONBOARD CRUISE SHIP VISITING THE CUATRO ISLAS PROTECTED LANDSCAPE AND SEASCAPE (CIPLS) ISLETS UNDER THE JURISDICTION OF LGU-INOPACAN, PROVINCE OF LEYTE"**, has been posted in the bulletin board in the municipal hall/building and in conspicuous place in the public terminals of this Municipality and will be posted as well in all the Barangay Halls of this Municipality.

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

Done this **24th** day of **April 2024**, at Inopacan, Leyte.


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

☒ SB
☐ MAYOR
☐ MBO
☐ Others



Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-oOo-



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 67th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEYTE PROVINCIAL GOVERNMENT COMPLEX, PALO, LEYTE ON NOVEMBER 21, 2023.

RESOLUTION NO. 2023-538

A RESOLUTION RETURNING ORDINANCE NO. 23-15 TO THE SANGGUNIANG BAYAN OF INOPACAN, LEYTE.

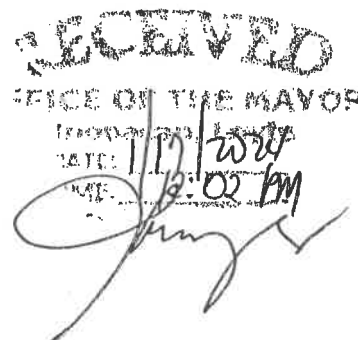
WHEREAS, submitted to the Sangguniang Panlalawigan is Ordinance No. 23-15, of Inopacan, Leyte entitled: "AN ORDINANCE IMPOSING THE ENTRANCE, REGULATORY AND OTHER FEES FOR FOREIGN TOURISTS ON BOARD CRUISE SHIP VISITING THE CUATRO ISLAS PROTECTED LANDSCAPE AND SEASCAPE (CIPLS) ISLETS UNDER THE JURISDICTION OF LGU-INOPACAN, PROVINCE OF LEYTE";

WHEREAS, the Provincial Legal Office was requested to review and submit recommendation on the subject Ordinance pursuant to Section 481 (3) (vi) of R.A. 7160;

WHEREAS, the Provincial Legal Office rendered the following opinion/comments, to wit:

1. That the 4th whereas of the ordinance states that "Any LGU with territory inside a protected territory inside a protected area may: impose and collect fees for business permits, regulatory fees, real property taxes on private property and rentals for LGU's facilities they traditionally collect, except such fees enumerated under Section 16 of the NIPAS act as amended"
2. That such provision is incomplete without the succeeding phrase "provided that such add-ons shall be based on the contribution of the LGU in the maintenance and protection of the protected area."
3. That such phrase be added on the 4th whereas and implemented as a whole.
4. That pursuant to DENR AO 2019-05, Rule 26.2:

-over-





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

OCT 25 2023

15TH SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE SPECIAL SESSION OF THE
15th SANGGUNIANG BAYAN OF INOPACAN, LEYTE HELD ON
OCTOBER 18, 2023 AT THE SB SESSION HALL

PRESENT:

Hon. Sanders C. Lumarda	- Vice Mayor, Presiding Officer
Hon. Fernando B. Rulete	- SB Member
Hon. Andrew B. Dedal	- SB Member
Hon. Zenaida G. de los Santos	- SB Member
Hon. Joel D. Bernales	- SB Member
Hon. Alfie Jian B. Yamson	- SB Member
Hon. Daria D. Malanguis	- SB Member
Hon. Rowena K. Madrazo	- SB Member
Hon. Diosdado P. Siao	- SB Member
Hon. Arnilo J. Polo	- SB Member (LnB Pres)
Hon. Marianne B. Boldios	- SB Member (PSK Pres.)

ABSENT:

None

AUTHOR: HON. DIOSDADO P. SIAO

CO-AUTHORS: HON. ZENAIDA G. DE LOS SANTOS
HON. ALFIE JIAN B. YAMSON
HON. DARIA D. MALANGUIS
HON. MARIANNE B. BOLDIOS

WHEREAS, cruise tourism is making an overwhelming comeback and the return of cruise ships to Cuatro Islas Protected Landscape and Seascape (CIPLS) is a big boost to the local tourism industry;

WHEREAS, the fees collected by PAMB, LGU-Inopacan, and BLGU-Apid shall be used to defray expenses like operations and maintenance, manpower complement, upgrading of facilities, and conservation programs;

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;

WHEREAS, Rule 26.1, Section 26 of the ENIPAS Act of 2018 provides that "Any LGU with territory inside a protected area may: (c) Impose and collect fees for business permits, regulatory fees, real property taxes on private property, and rentals for LGUs facilities they traditionally collect, except such fees enumerated under Section 16 of the NIPAS Act, as amended";

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. 23-15 of the sangguniang bayan of inopacan, leyte dated october 18, 2023, continued)

SECTION 3. Imposition of fees – There shall be collected regulatory and entrance fees for individual foreign tourists visiting one islet of the CIPLS under the jurisdiction of LGU-Inopacan, to wit:

Regulatory Fee	PhP 500.00 – LGU-Inopacan Php 50.00 – BLGU-Apid
Entrance Fee	PhP 150.00 – PAMB

SECTION 4. Other Fees

Cruise Ship Anchorage/Docking Fee- PhP 10,000.00 –PAMB

SECTION 5. Rates of Fees and Charges on Eco-Tourism Enterprise:

1. Kayak	PhP 150.00/hour
2. Sea Bicycle	PhP 150.00/hour
3. Snorkeling	PhP 150.00/person/hour
4. Banana Boat	PhP 150.00/person/hour
5. Stand –up Paddle	PhP 150.00/person/hour
6. Lounging Chair (Reclining Chair)	PhP 500.00/day
7. Massage Table	Fee Sharing: 25% to LGU and 75% to Massage Therapist
User Fee:	Php 100.00 for foreigner (Pursuant to DENR Administrative Order No. 2016-24, Sec. 6 (Fees for Recreational Activities within Designated Visitor Areas))

SECTION 6. Manner of Payment- The fee imposed herein shall be paid to each authorized collecting agent from PAMB, LGU-Inopacan, and BLGU-Apid.

SECTION 7. This Ordinance is applicable and exclusive for cruise ship visit only.

SECTION 8. Penalties. The following penalties shall be imposed for violation of this ordinance:

1st Offense	- a fine of Php 1,500.00
2nd Offense	- a fine of Php 2,000.00
3rd and Succeeding Offense	- a fine of Php 2,500.00

SECTION 9. Compromise Penalty- The Municipal Treasurer is hereby authorized to enter into a compromise settlement fee as maybe mutually agreed upon by both parties.

SECTION 10. Repealing Clause – All ordinances, resolutions, orders and/or rules and regulations inconsistent herewith are hereby repealed and modified accordingly.

SECTION 11. 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.