

Item No.: 10
Date: 17 2024 SEP



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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Province of Leyte
Legal Office
Released: *[Signature]*
Time: *19:00*
Date: *9.12.24*

SANGGUNIANG PANLALAWIGAN
SEP 12 2024
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
September 10, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 02 Series of 2024 of the Sangguniang Bayan of Tabontabon, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 02 Series of 2024 entitled: **An Ordinance Amending The Municipal Ordinance No. 001 s 2018, The Revenue Code of the Municipality of Tabontabon , Leyte, particularly Chapter V, Article A, Section 5A.01, No. 4 (b) & 4 (d) – Fixing Rental Fees on the Use of Dump Truck & Heavy Equipment (Backhoe/Loader) owned by the Municipality of Tabontabon, Leyte.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is within the power covered particularly under Section 129¹ - of the Local Government Code of 1991 (R.A 7160).

Likewise as settled in the case of Costantino v. Desierto 288 SCRA 654, it is within the power of the Local Council to repeal or amend its prior acts either expressly, or by the passage of an essentially inconsistent resolution. Hence, recommending the declaration of its validity

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

¹ Section 129 – Each Local Government unit shall exercise its power to create its own sources of revenue and to levy taxes, fees, and charges subject to the provisions herein, consistent with the basic policy of local autonomy. Such taxes, fees, and charges shall accrue exclusively to the local government units.



Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
05 September 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal ORDINANCE NO. 02 SERIES OF 2024 OF THE MUNICIPALITY OF TABONTABON, LEYTE, ENTITLED: An Ordinance Amending the Municipal Ordinance No. 001 s 2018, The Revenue Code of the Municipality of Tabontabon, Leyte, particularly Chapter V, Article A, Section 5A.01, No. 4 (b) & 4 (d) – Fixing Rental Fees on the Use of Dump Truck & Heavy Equipment (Backhoe/Loader) owned by the Municipality of Tabontabon, Leyte.**

FLORINDA JLL S. UYVICO
Secretary to the Sanggunian



**Republic of the Philippines
Province of Leyte
Municipality of Tabontabon**



OFFICE OF THE SANGGUNIANG BAYAN

SANGGUNIANG PANLALAWIGAN

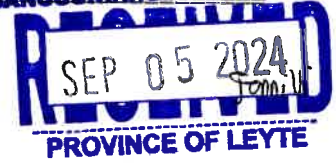


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Serbisyo nga Tangkop Para han Bungtohanon

Municipal Hall, Real St. Poblacion District III, Tabontabon, Leyte

tabontabon.legislative2016@gmail.com

Sangguniang Bayan Tabontabon



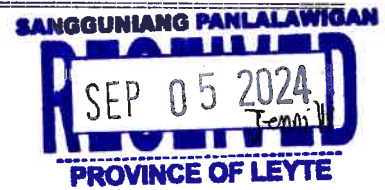
Republic of the Philippines
Province of Leyte
Municipality of Tabontabon



OFFICE OF THE SANGGUNIANG BAYAN


INDORSEMENT

September 05, 2024



Respectfully submitted to the Honorable Sangguniang Panlalawigan, the herein Municipal Ordinance No. 02 Series 2024 entitled “AN ORDINANCE AMENDING THE MUNICIPAL ORDINANCE NO. 001 S2018, THE REVENUE CODE OF THE MUNICIPALITY OF TABONTABON, LEYTE, PARTICULARLY CHAPTER V. ARTICLE A., SECTION 5A.01. NO. 4. (b) & 4(d) – FIXING RENTAL FEES ON THE USE OF DUMP TRUCK & HEAVY EQUIPMENTS (BACKHOE/LOADER) OWNED BY THE MUNICIPALITY OF TABONTABON, LEYTE” of the Municipality of Tabontabon, Leyte for appropriate action.

Hope you find it in order.


MARIA CORAZON E. BAUTISTA
Secretary to the Sangguniang Bayan

NOTED:


HON. PONCIANO R. JUSTIMBASTE, Jr.
Presiding Officer



Republic of the Philippines
Province of Leyte
Municipality of Tabontabon



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OFFICE OF THE SANGGUNIANG BAYAN

ID. No. 10093

14th SANGGUNIANG BAYAN

HON. PONCIANO R. JUSTIMBASTE, JR.
Municipal Vice Mayor/Presiding Officer

MEMBERS OF THE SANGGUNIANG BAYAN

HON. HERMAN L. BIBAR
SB Member

HON. FRANCISCO M. FERNANDEZ
SB Member

HON. DAN JERIC S. REDONA
SB Member

HON. JERRY GWEN L. CONDE
SB Member

HON. DANILO E. BALAIS
SB Member

HON. MERVIN M. LOBRIGO
SB Member

HON. JINKY E. GAMEZ
SB Member

HON. DENNIS L. BALDERIAN
SB Member

HON. RAUL D. BALANO
Ex-Officio Member/ABC Pres

HON. THEA JASMINE A. PRISNO
Ex-Officio Member/SK Pres.

MUNICIPAL ORDINANCE NO. 02 SERIES 2024

AN ORDINANCE AMENDING THE MUNICIPAL ORDINANCE NO. 001 S2018, THE REVENUE CODE OF THE MUNICIPALITY OF TABONTABON, LEYTE, PARTICULARLY CHAPTER V. ARTICLE A., SECTION 5A.01. NO. 4. (b) & 4(d) – FIXING RENTAL FEES ON THE USE OF DUMP TRUCK & HEAVY EQUIPMENTS (BACKHOE/LOADER) OWNED BY THE MUNICIPALITY OF TABONTABON, LEYTE.

WHEREAS, the municipality of Tabontabon has an existing Local Revenue Code approved on 2018;

WHEREAS, after a Public Hearing and thorough study and discussion on the subject ordinance by the August Body, the herein ordinance is hereby enacted;

NOW THEREFORE, on motion by Hon. Danilo E. Balais and unanimously seconded;

BE IT RESOLVE, as it is hereby resolved to enact/approve Municipal Ordinance No. 02 Series of 2024 entitled “ORDINANCE AMENDING THE MUNICIPAL ORDINANCE NO. 001 S2018, THE REVENUE CODE OF THE MUNICIPALITY OF TABONTABON, LEYTE, PARTICULARLY CHAPTER V. ARTICLE A., SECTION 5A.01. NO. 4. (b) & 4(d) – FIXING RENTAL FEES ON THE USE OF DUMP TRUCK & HEAVY EQUIPMENTS (BACKHOE/LOADER) OWNED BY THE MUNICIPALITY OF TABONTABON, LEYTE”;

BE IT ORDAINED by the Honorable Sangguniang Bayan, in its Regular Session assembled, that:

SECTION 1. Title: This ordinance shall be known as an “ORDINANCE AMENDING THE MUNICIPAL ORDINANCE NO. 001 S2018, THE REVENUE CODE OF THE MUNICIPALITY OF TABONTABON, LEYTE, PARTICULARLY CHAPTER V. ARTICLE A., SECTION 5A.01. NO. 4. (b) & 4(d) – FIXING RENTAL FEES ON THE USE OF DUMP TRUCK & HEAVY EQUIPMENTS (BACKHOE/LOADER) OWNED BY THE MUNICIPALITY OF TABONTABON, LEYTE.”

SECTION 2. FEES AND CHARGES.

The following rental fees for the use of dump truck and heavy equipment (backhoe/loader) of the municipality shall be imposed accordingly:

No.	Equipment	Rental Rates (Peso/Hour or Day)
Section 5A.01.4(b)	Dump Truck	₱ 3,000.00/Day
Section 5A.01.4(d)	Heavy Equipment (Backhoe/Loader)	Resident (for Agriculture Use) ₱1,000.00/Hour Non-Resident / Contractor and other Individuals (for Business Use) ₱ 1,500.00/Hour

Serbisyo nga Tangkod Para han Bungtohanon

Municipal Hall, Real St. Poblacion District III, Tabontabon, Leyte

tabontabon.legislative2016@gmail.com Sangguniang Bayan Tabontabon



Republic of the Philippines
Province of Leyte
Municipality of Tabontabon



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OFFICE OF THE SANGGUNIANG BAYAN


ID. No. 10093

14th SANGGUNIANG BAYAN

HON. PONCIANO R. JUSTIMBASTE, JR.
Municipal Vice Mayor/Presiding Officer

**MEMBERS OF THE
SANGGUNIANG BAYAN**



HON. HERMAN I. BIBAR
SB Member


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HON. DAN JERIC S. REDONA
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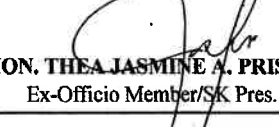

HON. DANILO B. BALAIS
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SB Member


HON. RAUL D. BALANO
Ex-Officio Member/ABC Pres


HON. THEA JASMINE A. PRISNO
Ex-Officio Member/SK Pres.

SECTION 3. GENERAL PROVISIONS -The rental and use of the dump truck and heavy equipment (backhoe/loader) indicated under Section 2 shall be in accordance with the following condition:

1. The rental shall be exclusive of fuel and oil consumption and remuneration of the operator.
2. A rental agreement shall be executed between the Municipal Government and the renting party indicating therein, among others, all attendant terms and conditions governing said agreement.
3. The use of the dump truck and the heavy equipment shall only within the territorial jurisdiction of Tabontabon, Leyte.
4. Exception on the Payment of Rental:

No rental fee shall be collected if it is for government official use.

SECTION 4. SEPARABILITY CLAUSE

If any provision of this Ordinance shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SECTION 5. REPEALABILITY CLAUSE

All ordinances, rules and regulations, or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 6. EFFECTIVITY

This Ordinance shall take effect immediately upon its approval.

ENACTED unanimously, August 27, 2024.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


MARIA CORAZON E. BAUTISTA
Secretary to the Sangguniang Bayan

ATTESTED:


HON. PONCIANO R. JUSTIMBASTE, Jr.
Municipal Vice Mayor/Presiding Officer

APPROVED:


HON. EFREN D. REDONA
Municipal Mayor

AUG 30 2024

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Municipal Hall, Real St. Poblacion District III, Tabontabon, Leyte

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**Republic of the Philippines
Province of Leyte
Municipality of Tabontabon**




OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the Municipal Ordinance No. 02 Series 2024 entitled **“AN ORDINANCE AMENDING THE MUNICIPAL ORDINANCE NO. 001 S2018, THE REVENUE CODE OF THE MUNICIPALITY OF TABONTABON, LEYTE, PARTICULARLY CHAPTER V. ARTICLE A., SECTION 5A.01. NO. 4. (b) & 4(d) – FIXING RENTAL FEES ON THE USE OF DUMP TRUCK & HEAVY EQUIPMENTS (BACKHOE/LOADER) OWNED BY THE MUNICIPALITY OF TABONTABON, LEYTE”** of the Municipality of Tabontabon, Leyte had been posted in conspicuous places in the municipality, and all the bulletin areas in the barangays.


ISSUED this 4th day of September, 2024 at Tabontabon, Leyte.


MARIA CORAZON E. BAUTISTA
Secretary to the Sangguniang Bayan

Serbisyo nga Tangkop Para han Bungtohanon

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