

Republic of the Philippines  
 Province of Iloilo  
 Municipality of Tigbauan  
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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE SANGGUNIANG BAYAN, TIGBAUAN, ILOILO HELD AT THE CONFERENCE ROOM, TIGBAUAN MUNICIPAL BUILDING, TIGBAUAN, ILOILO ON AUGUST 27, 2003 AT 9:15 A.M.

PRESENT:

HON. JESSIE G. TERRE,	Vice Mayor & Presiding Officer
HON. ROMEO T. LEDESMA,	Councilor
HON. REMEDIOS T. TORRATO,	Councilor
HON. FERNANDO M. VALENCIA,	Councilor
HON. CECILIA T. GARRIDO,	Councilor
HON. GEORGE T. TRIBUNAL,	Councilor
HON. REXFEL G. TRIVILEGIO,	Councilor
HON. ALFONSITO E. ESTOCE,	Councilor
HON. ORVILLE T. TANGENTE,	Councilor

Late:

HON. JOSE DONEL T. TRASPORTO, SKMF President

ABSENT:

HON. AGATON O. TUMABOTABO, Councilor (O.B.)

**Municipal Ordinance No. 2003-005**

AN ORDINANCE LEVYING FEES, CHARGES AND OTHER IMPOSITIONS ON THE DELIVERY TRUCKS HAULING SAND AND GRAVEL, ORDINARY EARTH AND OTHER QUARRY RESOURCES FROM SIBALOM RIVER AS WELL AS PRIVATE AND PUBLIC LANDS IN THE MUNICIPALITY OF TIGBAUAN, ILOILO

SPONSORED BY: Hon. Rexfel G. Trivilegio, Chairman, Committee on Environmental Protection, Housing, Land Utilization, Zonification, Assessment & Expropriation

CO-SPONSORED BY: Hon. George T. Tribunal

SECONDED BY: Hon. Alfonsito E. Estoce

WHEREAS, the power of the Local Government Unit to tax is recognized in the 1987 Philippine Constitution pursuant to Section 5, Article X of the Constitution stating that "*Each Local Government Unit shall have the power to create its own sources of revenue and to levy taxes, fees and charges subject to such guidelines and limitations as Congress may provide, exclusively to the local governments*";

WHEREAS, Article 321 of the Rules and Regulations Implementing the Local Government Code of 1991 providing the scope of taxing and revenue-raising powers of municipalities states that: "*Unless provided in this rule, Municipalities may levy taxes, fees and charges not otherwise levied by the province*";

WHEREAS, the municipal ordinance is meant to generate funds intended for the program on Environmental Protection and the rehabilitation of the Sibalom River within the territorial jurisdiction of the Municipality of Tigbauan, Iloilo;

WHEREAS, the provision and rates of fees, charges and other impositions herein stated are in accordance with existing laws, rules and regulations found to be within reasonable limits provided for by the Local Government Code of 1991;

NOW, THEREFORE, Be it ORDAINED, as it is hereby ORDAINED by the Sangguniang Bayan in a session assembled that:

SECTION 1. Title of Ordinance - This ordinance shall be known as an ordinance levying fees, charges and other impositions on delivery trucks hauling sand and gravel, ordinary earth and other quarry resources from Sibalom River as well as private and public lands in the Municipality of Tigbauan, Iloilo.

SECTION 2. Definition of Terms - When used in this ordinance.

- 1) "Bed" of rivers, streams and creeks - means the ground covered by water during its highest flood without causing inundation.
- 2) Boulders - are fragments of rock which are retained on a 75 mm. (3 in) U.S. standard sieve.
- 3) Business - means commercial activity customarily engaged as a means of livelihood and typically involving independence of judgment and power of decision.
- 4) Charges - refers to a pecuniary liability as rent or fees against property or persons.
- 5) Existing Mining/Quarrying Right - means a valid contract or agreement covering a mineralized area granted/issued under pertinent mining laws.
- 6) Extraction - an act or process of taking, excavating and removing.
- 7) Fee - means a charge fixed by law or ordinance for the regulations or inspection of a business or activity. It shall also include charges fixed by law or agency for the service of a public officer in the discharge of his official duties.
- 8) Governor - means the Provincial Governor of the Province of Iloilo.
- 9) Gravel - means the particles of rock that passes a 75 mm. (3 in.) and retained by a 4.76 mm. (n.4) sieve.
- 10) Haulers - means owners, drivers, operators of the vehicle extracting sand and gravel.
- 11.) Levy - an imposition or collection of an assessment, tax, tribute or fine.
- 12.) License Permit - is a right or permission granted in accordance with law by a pertinent authority to engage in some business or occupation or to engage in some transaction
- 13.) License Fee - an amount payable on or before a certain period of time, which is a prerequisite prior to engaging in business or occupation or to engage in some transaction.
- 14.) Operator - includes the owner, manager, administrator or any other person who operates or is responsible for the operation of business establishment or undertaking.
- 15.) Peddler - any person who, either for himself or on commission travels from place to place and sells his goods or offers to sell and deliver the same: whether a peddler is a wholesale peddler or retail peddler of a particular commodity shall be determined from the definition of wholesale dealer or retail dealer as herein provided.
- 16.) Permit - means the license to engage in certain activities or business, or to practice certain privileges.
- 17.) Permittees - one to whom a permit is issued under this ordinance.
- 18.) Private Land - refers to any land belonging to an private person or entity which includes alienable and disposable land being claimed by a holder, claimant, or occupant who has already acquired a vested right thereto under the law, although the corresponding certificate or evidence of the title or patent has not been actually issued.
- 19.) Public Waters - bodies of water belonging to the public domain such as but not limited to seas, bays, lakes, creeks, streams, rivers and swamps.
- 20.) Quarrying - the process of extracting removing and disposing quarry resources found on or underneath the surface of public land.
- 21.) Quarry Permit - a document granted to a qualified person for the extraction and utilization of quarry resources on public or private lands.
- 22.) Quarry Resources - refers to any common rock or other mineral substances as the Director of Mines and Geosciences Bureau may declare to be quarry resources such as but not limited to: andesite, basalt, conglomerate, corral and diatomaceous earth diorite, decorative stones, gabbro, granite, limestone, marble, marl red burning clays for potteries and bricks rhyolite, rock phosphate, sandstone, serpentine, shale, tuff volcanic cinders and volcanic glass. Provided that such quarry resources do not contain metals or metallic constituents and/or other valuable minerals in economically workable quantities. Provided further that the non-metallic minerals such as kaolin, feldspar, bull quarts or silica, sand and pebble, bentonite, talc, asbestos, barite, gypsum, bauxite magnetite, dolomite, mica, precious and semi-precious stone, declares the same to be economically workable quantities, shall be classified in the category of quarry resources.
- 23.) Registration Fees- an amount payable one once by an entity prior to its engaging in a business.
- 24.) Revenue - includes taxes, fees, and charge that a state or its political subdivision collects and receives in to treasury for public purposes.

- 25.) Sand - means particle of rock that passes a 9.5 mm. (3/8 in) and retained by 0.15 mm (No. 100) sieve.
- 26.) Services - means the duties, work or functions performed or discharged by government offices, or by private persons contracted by the government, as the case maybe.
- 27.) Tax - an enforced contribution usually monetary in form levied by the law making body on persons and properties subject to its jurisdiction for the precise purpose of supporting government needs
- 28.) Utilization - means the extraction or disposition of minerals

**SECTION 3. Fees and Charges** — there shall be levied fees, charges and other impositions for inspection and monitoring activities for every delivery trucks and haulers of sand and gravel and ordinary earth resources taken from the Sibalom River, and private lands in the territorial jurisdiction of the Municipality of Tigbauan, Iloilo.

1. There shall be imposed a minimum fee in the amount of Twenty Pesos (P20.00) for all six wheeler trucks and below and Thirty Pesos (P30.00) for all trucks heavier than six wheelers as charge for inspection and monitoring fee to haulers of sand and gravel and ordinary earth materials from the Sibalom River. Tigbauan. Iloilo.
2. The amount shall be paid to the duly authorized collection officer designated by the Municipal Treasurer or any of its authorized representatives upon inspection of the delivers vehicle and upon issuance of Municipal official receipts.
3. The proceeds of all collected fees and charges shall be shared equally by the concerned Barangay and the Municipality and shall be distributed as follows:
 

a. Municipality	Fifty Percent (50%)
b. Barangay	Fifty Percent (50%)

In the case of haulers extracting sand and gravel in the common jurisdiction of Barangay Barosong and Barangay Cordova Norte, an additional amount of Ten Pesos (P 10.00) as regular fees and charges shall be collected to be shared equally by both Barangays and the Municipality.

**SECTION 4. Haulers Permit to Extract** — There shall be imposed a Mayor's Permit for all haulers extracting sand and gravel and/or ordinary earth in the jurisdiction of the Municipality of Tigbauan, Iloilo and the amount of permit to haul sand and gravel and ordinary earth shall be determined by the Municipal Treasurer.

Haulers, truck operators and drivers shall display their mayor's permit to haul sand and gravel and ordinary earth at the front wind shield of their vehicles visible to the common eve.

**SECTION 5. Charges for Right of Way** — Charges for right of way shall be imposed only by the legal owner upon showing proof of title over the property, which shall not exceed the maximum amount of Five Pesos (P5.00) only per passage of trucks/haulers irrespective of weight or load.

Owners, operators or their duly authorized collector shall secure a Mayor's Permit to charge "Right of Way" before any amount for right of way be collected from sand and gravel and ordinary earth haulers, the amount of which shall be determined by the Municipal Treasurer. The duly authorized collector of right of way shall issue municipal approved official receipts authorized by the Municipal Treasurer and shall be issued upon payment of the corresponding fee. No amount shall be allowed for collection except those authorized under this ordinance.

**SECTION 6. Prohibited Acts and Omission** - No permittees shall extract any quarry materials or resources without first securing Municipal Business Permit for sand and gravel, ordinary earth or any other related activity thereof.

**SECTION 7. Penalties** - Without the necessity of formally charging any person for violation of any of the above provision, the Municipal Mayor at her discretion impose an administrative penalty of fine of Two Thousand Five Hundred Pesos (P2,500.00) to any person or persons, haulers, Permittees, truck drivers and operators found violating this ordinance.

The violator is given a period of three (3) days from the commission of the violation to pay the corresponding administrative fine and penalty. The Municipality may cause the release of the

apprehended vehicle and the withdrawal or non-filing of the formal criminal Charges against the violator. Failure to pay the administrative fine within the period prescribed thereof shall cause the filing of the criminal complaint against the violator in proper court of competent jurisdiction.

Any administrative fine or penalty of amount involved, such person or persons who cause the apprehension of the violator shall be awarded a share of Fifty Percent (50%) from whatever amount paid out of penalty or fine collected by the Municipality from the violation of this ordinance.

**SECTION 8. Persons Liable** — Any person or persons found violating this Municipal Ordinance shall be meted out a penalty imposed herein. Haulers found operating without a corresponding Mayor's Permit shall be fined a maximum amount of Two Thousand Five Hundred Pesos (P2,500.00) and the Permittee who allowed the haulers, trucks or any vehicle allowed by the permittee to extract at their respective quarry area found without a corresponding Mayor's Permit shall be fined with the same corresponding amount of Two Thousand Five Hundred Pesos (P2,500.00) and/or the suspension, cancellation, revocation of permit to operate or both.

**SECTION 9. Creation of Task Force Quarry** - There shall be created a **TASK FORCE QUARRY** under the Office of the Municipal Mayor who shall be responsible for the implementation and execution of this ordinance to be composed of the following:

Chairman, SB Committee on Environmental Protection	-	Chairman
Municipal Chief of Police	-	Co-Chairman
Municipal Treasurer	-	Member
Municipal Agriculture Officer (MAO)		
Or Designated Environmental Officer	-	Member
Punong Barangay in the Area Concerned	-	Member
One (1) Representing the Permittee	-	Member
One Representing the MFARMC	-	Member
2 Persons designated by the Municipal Mayor	-	Member

**SECTION 10. SEPARABILITY CLAUSE** — if any of the provision of this ordinance shall be held invalid or unconstitutional, the remaining parts shall not be affected thereby.

**SECTION 11. EFFECTIVITY** — This ordinance shall take effect Fifteen (15) days upon approval and posting in three (3) conspicuous places in the Municipality for three consecutive days.

ENACTED. August 27, 2003.

I HEREBY CERTIFY that the foregoing Municipal Ordinance be approved by the Sangguniang Bawan.

CERTIFIED CORRECT:

MARLENE T. NAVA  
S.B. Secretary

ATTESTED:

JESSIE G. TERRE  
Vice Mayor & Presiding Officer

APPROVED:

MYRNA M. TORRES  
Municipal Mayor