

EXCERPT FROM THE MINUTES OF THE CY 2023 –37th REGULAR SESSION OF THE HONORABLE SANGGUNIANg BAYAN TIGBAUAN, ILOILO HELD AT THE S.B. SESSION HALL, TIGBAUAN MUNICIPAL BUILDING ON SEPTEMBER 13, 2023 AT 9:50 IN THE MORNING

PRESENT:

HON. LUGEN T. ORTILANO,	-	Vice Mayor & Presiding Officer
HON. ADRIAN S. CAMPOSAGRADO	-	SB Member & Temp. Pres. Officer
HON. NERI T. CAMIÑA	-	SB Member
HON. REYNALDO E. TUMABOTABO	-	SB Member
HON. JULIUS T. LEDESMA	-	SB Member
HON. NORBERTO T. TURALBA	-	SB Member
HON. JERRY T. TUARES	-	SB Member
HON. JOEL L. SAYSON	-	SB Member
HON. ANA ROWENA A. PERERA	-	SB Member

OFFICIAL TRAVEL:

HON. MARIBETH L. TUPINO	-	Liga President
<i>(To attend the Enhanced Barangay Development Planning at Grand Xing Imperial Hotel, Iloilo City on Sept. 13, 2023.)</i>		
HON. DYOSSA MARIE TERUÑEZ	-	SKMF President
<i>(To attend the Meeting of the Panlalawigang Pederasyon ng mga Sangguniang Kabataan at Iloilo City on Sept. 13, 2023.)</i>		

Municipal Ordinance No. 2023-014

AN ORDINANCE LEVYING ECOLOGICAL FEE (EF) IN THE MUNICIPALITY OF TIGBAUAN, PROVINCE OF ILOILO AND EMPOSING PENALTIES FROM VIOLATION THEREOF.

Introduced by:	HON. LUGEN T. ORTILANO
Moved by :	HON. NERI T. CAMIÑA
Sponsored by :	Committee on Environmental Protection, Housing, Land Utilization, Zonification, Assessment and Expropriation Chairman :Hon. Neri T. Camiña Vice Chairman: Hon. Ana Rowena A. Perera Members : Hon. Norberto T. Turalba, Hon. Julius T. Ledesma and Hon. Reynaldo E. Tumabotabo
Seconded by :	Hon. Reynaldo E. Tumabotabo, Hon. Julius T. Ledesma, Hon. Norberto T. Turalba, Hon. Jerry T. Tuares, Hon. Joel L. Sayson and Hon. Ana Rowena A. Perera

WHEREAS, Section 16 Chapter 2 Title One Book II of Local Government of Code of 1991 provided that every local government unit shall exercise the powers expressly granted, those necessarily implied from there, as well as the powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essentials to the promotions of the general welfare;

WHEREAS, Sec. 16 Article II of the Constitution likewise provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, Sec 5.Art. X of the 1987 Constitution provides that each local government unit shall have the power to create its own sources of revenues and to levy taxes, fees or charges subject to such guidelines and limitations as the Congress may provide, consistent within the basic policy of local autonomy which shall accrue exclusively to local governments;

WHEREAS, Section 186 Chapter 5, Title One, Book II of the Local Government Code of 1991 provide that the 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 provision of the National Internal Revenue Code, as amended, or often applicable laws, provided that the taxes, fees, and charges shall not be unjust excessive, oppressive, confiscatory, or contrary to declared national policy;

WHEREAS, Tigbauan is a historical, cultural, and eco-tourism destination in the Province of Iloilo and known for its alluring beaches and crystal waters as well as enthralling heritage structures and landmarks;

WHEREAS, Tigbauan which is geographically situated in the southwest of Iloilo City. One of the seven towns comprising the First District of the Province of Iloilo and third largest town in terms of population and land area;

WHEREAS, the rapid increase of Tigbauan's population as well as its burgeoning tourism and economic activities have exposed the municipality's environment and its fragile and finite natural resources to the risk of degradation, destruction, and deterioration;

WHEREAS, the drive to develop and implement sustainable tourism in the area is a shared-priority concern and program of the Municipal Government of Tigbauan, barangay governments, line government agencies, and stakeholders including the private sector;

Be It ORDAINED by the Sangguniang Bayan of Tigbauan, Iloilo in session duly assembled that:

SECTION 1. Title. This Ordinance shall be known as *“Tigbauan Ecological Fee Ordinance.”*

SECTION 2. Declaration of Principles and Policies. It is hereby declared the policy of the municipal government of Tigbauan to:

- (a) Promote, conserve and ensure sustainable and equitable utilization of coastal and aquatic resources in conformity with the Philippine Fisheries Code of 1998, the Environment Code of the Municipality of Tigbauan and other relevant environment laws;
- (b) Ensure the benefit and enjoyment of the people of Tigbauan, the judicious and wise utilization, protection, conservation and management on a sustainable basis of its natural resources with the necessity of maintaining sound ecological balance, protecting and enhancing the quality of the environment;
- (c) Enhance/promote and sustain tourism activities in the Municipality of Tigbauan through conservation and protection of various tourist destinations;
- (d) Implement sustainable tourism development plans and projects aimed at promoting and nurturing the cultural and ecological values of Tigbauan and promoting it as safe and tourist-friendly destinations;
- (e) Generate funds by identifying source of revenues to finance the implementation of environmental and tourism plans and projects and to provide/improve the necessary

amenities and services out of the collected fees to wit: peace and order, beautification, livelihood and health assistance, promotion and market tourism including resorts, etc.;

- (f) Establish and implement partnerships and linkages among the local government, Department of Environment & Natural Resources, Department of Tourism and other concerned national government agencies and civil society organizations, fisher folks, and other stakeholders;
- (g) Promote ecological solid waste management and waste near water management in conformity with the Ecological Waste Management Act of 2000 and the Clean Water Act of 2004 and relevant laws;

SECTION 3. Definition of Terms. As used in this ordinance, the following terms shall mean as follows:

- (a) **Accommodation Establishment** refers to hotels, resorts, pension houses, inn, lodging places, cottages and other establishments temporarily occupied by the tourist.
- (b) **Authorized Collector** refers to any person who has been duly deputized by the Mayor to collect ecological fee or authorized agency or establishment.
- (c) **Deputized Collector** *refers to any person appointed to perform the duties of collecting the ecological fee.*
- (d) **Ecological Fee (EF)** refers to charges imposed on any non-resident tourists, visitors and mountaineers who visit the municipality on any accommodation establishment within the municipality. Such fees shall support sustainable program for tourism, environmental protection, conservation and management, peace and order and livelihood.
- (e) **Resident** refers to any individual who resides permanently in the Municipality of Tigbauan. Proof of residency shall include community tax certificate, employment identification, and other current ID, or barangay clearance.
- (f) **Marine Biodiversity** refers to the variability among living organisms in marine and aquatic ecosystems and the ecological complexes of which they are part, this includes diversity with species between species and other classifications within the animal and plant kingdom of the general ecosystems;
- (g) **Municipal waters** as defined in the Fisheries Code of RA 8550 include not only streams, lakes, inland bodies of water and tidal waters within the national park, brackish water, fishpond, leased by the government: national fisheries reserve; refuge and sanctuaries but also marine waters included between two lines drawn perpendicular to the general coastline where point where the boundary lines of the municipality touch the sea and low ties and the third line parallel with the general coastline including offshore islands and 15 kilometer from such coastline. Where two municipalities are also situated on opposite shore such that there is less than thirty (30) kilometers of marine waters between them. The third line shall be a line equivalent from the opposite shore of the respective municipalities.
- (h) **Tourist/Visitor/Guest/Mountaineer/Beach Comers** refers to the natural persons, not being a resident of Tigbauan, who enters the municipality for the purpose of

visiting, enjoying, viewing, and/or experiencing its tourist destination and other eco-tourism spots, whether man made although for monetary period only.

- (i) **General Fund** refers to the primary fund used by a government entity. This fund is used to record all resource inflows and outflows that are not associated with special-purpose funds. The activities being paid for through the general fund constitute the core administrative and operational tasks of the government entity. Since the bulk of all resources flow through the general fund, it is most critical to maintain control over the expenditures from it.
- (j) **Bantay Dagat** refers to volunteer group of community members residing inside or within the vicinity of the coastal area, recognized and deputized by the municipal government of Tigbauan, whose task is to monitor, prevent or police the area against all sorts of illegal activities committed by any natural or juridical person.
- (k) **Coastal Area** refers to a band of dry land and adjacent ocean space (water and submerged land) in which terrestrial processes and uses directly affect oceanic processes and uses and vice versa. Its geographic extent may include areas within the landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove, swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within seaward limit of 200 meters both to include coral reefs, algae flats, sea grass beds and other soft-bottom areas (Sec 4(9) of the Fisheries Code of 1998).

SECTION 4. Establishment, Scope, and Application of Ecological Fee. It is hereby established Ecological Fee which effectively allocates responsibility for environmental management development, protection and remediation and for implementation of tourism plans and projects and to provide/improve the necessary amenities and services like peace and order by charging a certain amount for the use and/or enjoyment of Tigbauan's environmental and natural resources.

SECTION 5. Scope and Coverage. The Ecological Fee shall be levied within the jurisdiction of the municipality of Tigbauan to all tourists, visitors, guests, mountaineers, and beach comers who visit and enjoy the natural scenery of Tigbauan.

SECTION 6. Exemption and Discount from Payment. The following shall be exempted from the payment of Ecological Fee.

- 6.1 All residents permanently residing in Tigbauan shall be exempted from payment of the Ecological Fee, provided he or she shows proof of such residency. Proof of residency includes passport, community tax certificate, voter's ID, barangay clearance or any valid identification card;
- 6.2 Filipino children 6 years old and below;
- 6.3 Person with disability (PWD);
- 6.4 Government officials/personnel who are invited by municipal government to perform official functions as requested by the local chief executive;
- 6.5 Visitors who arrive for purposes of scientific/academic research with prior consent and authority of any national government agency and/or the municipal government of Tigbauan and upon presentation of letter of endorsement or mission signed by the head of his or her agency and;
- 6.6 All Filipino senior citizens shall have a 20% discount in the payment of Ecological Fee;

SECTION 7. Ecological Fee Collection. The collection of EF shall be in accordance with the following:

- 7.1 **Ecological Fee.** An ecological fee in the amount of **twenty pesos (Php20.00)** shall be collected by its designated and authorized collectors, agency and establishments from every tourist, beach comer, visitor, guest, and mountaineer. The Ecological Fee shall be good only for his/her entire stay in Tigbauan until his/her exit/departure from any tourism establishment or accommodations from any barangay of Tigbauan. All funds collected shall form part of the income of the municipality and shall be deposited in a general fund.
- 7.2 **Manner of Collection.** All owners of accommodation establishments, other tourist establishments and beach resorts in the municipality shall be given EF ticket for them to sell. The Ecological Fee should be collected anytime of the day upon arrival, subject to the schedule of fees as provided in Section 7.1 hereof.
- 7.3 **Collecting Agents.** The Office of the Municipal Treasurer (*thru its deputized collectors*) shall be the principal office responsible for collecting the EF and is hereby ordered to strictly follow the provision of this ordinance through monitoring and visitation of accommodation establishment, other tourist establishment, and beach resorts on daily basis. The Municipal Mayor may extend logistical support to assist the collecting agents.
- 7.4 **Review of EF.** The Sangguniang Bayan shall periodically review the EF and shall be guided by a study and technical information in order to rationalize the rate of fee to be collected and after due consultation with all the stakeholders.
- 7.5 **Check and Balance.** The ticket shall be disbursed by the Municipal Treasurer and shall undergo monitoring subject to the usual accounting and auditing procedures of the Commission on Audit.

SECTION 8. Administration and Management of Funds. The Municipal Mayor shall administer and manage all collections, disbursements and allocations of funds out of this ordinance under the following guidelines:

- 8.1 The Sangguniang Bayan shall prioritize tourism and environment projects to be financed under the General Fund upon submission of work and financial plan by the municipal development council; and
- 8.2 Fund disbursement shall only be for the purpose of tourism and environment projects including peace and order.

Section 9. Uses of Fund. The following shall govern the rules governing the uses of funds.

9.1 The **Php10.00 share or 50% of gross collection** shall accrue to the Municipal Treasurer's Office and shall be used for administrative expenses such as printing of tickets and token, salaries of personnel, production of IEC materials, office supplies and tourism brochures;

9.2 The **Php10.00 share 50% of gross collection** shall be allotted to all concerned barangay where there are tourism establishments and businesses. The allotted fund for the concerned barangay shall go directly to the barangay coffer through official receipt. The barangay share shall be used only to project proposals related to environment, tourism, and peace and order that will be submitted and approve by the Sangguniang Bayan and the local chief executive. Furthermore, the concerned barangays where there are tourism establishments, are hereby mandated to have ecological police to monitor the EF and allowed to receive honorarium which will come from the barangay share.

SECTION 10.Appropriation.An initial amount of Fifty Thousand Pesos (PhP 50,000.00) from the municipal fund shall be earmarked for the purpose of setting up the necessary institutional mechanism and process (e.g identification card, uniform, information campaign, paraphernalia, radio communication, opening of the required special trust fund/account etc.) that will ensure the effective implementation of this ordinance.

SECTION 11.Incentive Mechanism for Hotels, Resorts, Cottages and Lodging Houses or Inns.The municipal government shall establish incentive mechanism for hotels, resorts, cottages, and lodging houses or inns for actively participating in the compliance of this ordinance.

SECTION 12.Sanctions and Penalties.

- 12.1 Any person who refuses to pay the Ecological Fee shall be penalized with a fine of Php 1,000.00.
- 12.2 Misrepresentation of one's identity, residency and the like in order to avoid payment of the fee shall be penalized by paying PhP 1,500.00.
- 12.3 Non-issuance of tickets by deputized or authorized collector shall be penalized with a fine of two thousand five hundred pesos (PhP 2,500.00) without prejudice to the cancellation of the authority to collect and the filing of appropriate criminal cases.
- 12.4 Collection of Ecological Fee by a person not authorized to collect shall be punished by a fine of PhP 2,500.00 and/or imprisonment of not less than ninety (90) days at the discretion of the court.
- 12.5 Resorts, cottages, and accommodation establishments that will not collect the fee from their guest upon check-in shall be penalized as follows;
 - 12.5.1 1st offense. Fine of PhP 1,500.00;
 - 12.5.2 2nd offense. Fine of PhP 2,000.00 and warning for cancellation of business permit;
 - 12.5.3 3rd offense. Fine of PhP 2,500.00 and cancellation of business permit.

The Municipal Mayor being the local chief executive shall impose administrative sanctions to anyone who violates this ordinance:

SECTION 13. Implementing Rules and Regulations. The local chief executive shall, through an executive order issue, the necessary rules and regulations detailing the manner of how this revenue ordinance be properly implemented to effectively carry-out the intent thereof within thirty (30) days from the effectivity of this ordinance.


SECTION 14.Repealing Clause. All previous ordinance or local executive issuance which are contrary to or inconsistent with this ordinance are hereby repealed or modified accordingly.

SECTION 15.Separability Clause. If any part, section or subsection of this ordinance shall be declared illegal or invalid for being ultra vires or for being violative of law, decree, rule or regulations, such part section or subsection shall be considered automatically amended or revised to conform with the law, decree, rule or regulation so violated.

SECTION 16.Effectivity. This ordinance shall take effect after its approval and following its posting in conspicuous places in this municipality for at least three (3) consecutive weeks and publication thereof.

ENACTED. September 13, 2023


CERTIFIED CORRECT:


MA. GEMMA T. MOLO
Acting SB Secretary

ATTESTED:


LUGEN T. ORTILANO
Vice Mayor & Presiding Officer

APPROVED:


ATTY. VIRGILIO T. TERUEL
Municipal Mayor

(Date signed)

HON. LUGEN T. ORTILANO
Municipal Vice Mayor
Sangguniang Bayan Members:

HON. ADRIAN S. CAMPOSAGRADO
HON. NERI T. CAMIÑA
HON. REYNALDO E. TUMABOTABO
HON. JOEL L. SAYSON

HON. JULIUS T. LEDESMA, O.D.
HON. NORBETO T. TURALBA
HON. JERRY T. TUARES, C.E.

HON. ANA ROWENA ARIAS-PERERA, R.N. M.A.N.
HON. MARIBETH LEDESMA-TUPINO, LnB President
HON. DYOSSA MARIE TERUÑEZ, SKMF President

"Public office is a public Trust. Public Officials must at all times be accountable to the people."