

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. ORVILLO T. TANGENTE,	Pres. Liga nga mga Brgy.

Late:

HON. JOSE DONEL T. TRASPORTO,	SKMF-President
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ABSENT:

HON. AGATON O. TUMABOTABO,	Councilor (O.B.)
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Resolution No. 2003-074

RESOLUTION URGING THE ILECO I ELECTRIC COOPERATIVE, INC. (ILECO I) BOARD OF DIRECTORS, ATTENTION GENERAL MANAGER WILFRED BILLENA, TO SETTLE SOONEST ITS LONG-OVERDUE REALTY TAX LIABILITIES TO THE MUNICIPAL GOVERNMENT OF TIGBAUAN, SINCE THE SUPREME COURT HAS ALREADY DECLARED WITH FINALITY THAT ELECTRIC COOPERATIVES ORGANIZED AND EXISTING UNDER P.D. 269 ARE NOT EXEMPTED FROM PAYING TAXES IMPOSED BY LOCAL GOVERNMENT UNITS (LGUs), UPON THE EFFECTIVITY OF REPUBLIC ACT 7160 OF THE LOCAL GOVERNMENT CODE OF 1991

WHEREAS, the Philippines Rural Electric Cooperative Association, Inc. consisting of 119 Cooperatives nationwide organized under P.D. 269, (including prominently ILECO I), had filed a PETITION on May 23, 2000, asking that Sections 193 and 234 of Republic Act 7160 be declared unconstitutional and discriminatory and praying that they be exempted from payment of local taxes enjoyed by Cooperatives organized and registered under Republic Act 6938 (cooperative Code of the Philippines), and the Cooperative Development Authority (CDA);

WHEREAS, in a 24-page DECISION penned by Justice Reynato Puno, the SUPREME COURT declared with finality that “. . . tax privileges previously enjoyed by Electric Cooperatives granted to, or presently enjoyed by all persons, whether natural or judicial, including government-owned or-controlled corporation . . . are hereby withdrawn upon the effectivity of this Code.”;

Section 193 of R.A. 7160 or the Local Government Code of 1991 provides: WITHDRAWAL OF TAX EXEMPTION PRIVILEGES – “. . . Tax exemption or incentives granted to, presently enjoyed by all persons, whether natural or judicial, including government-owned or controlled corporation. . . are hereby withdrawn upon the effectivity of this code.”;

WHEREAS, ILECO I, can only claim exemption ipso jure under Section 234 (d) of R.A. 7160, if it (ILECO I) registers with, and converts into, a COOPERATIVE under the provisions of R.A. 6938 or the Cooperative Code of the Philippines and the Cooperative Development Authority (CDA);

WHEREAS, up to now ILECO I HAS NOT COMPLIED, with the requirements for registration and elective conversion under R.A. 6938 (CCP), and the Cooperative Development Authority (CDA);

WHEREAS, ILECO I is therefore legally obliged to pay its realty tax liability to the Municipality of Tigbauan counted from, or retroactive to, the effectivity of R.A. 7160 or the Local Government code of 1991, as mandated by the SUPREME COURT;

NOW, THEREFORE, upon motion by HON. ROMEO T. LEDESMA, chairman, S.B. Committee on Good Government, Public Ethics, Accountability & Civil service, and duly seconded by Hon. Cecilia C. Garrido, Hon. Alfonsito Estoce and Hon. Remedios Torrato, BE IT

RESOLVED, as we hereby Resolve, to urge the Iloilo I Electric Cooperative, Inc. (Ileco I) Board of Directors, Attention: General manager Wilfred Billena, To Settle Its Long-Overdue Realty Tax Liabilities To The Municipal Government Of Tigbauan, Since The Supreme Court Has Already Declared with Finality That Electric Cooperatives Organized And Existing Under P.D. 269 Are Not Exempted From Paying Taxes Imposed By Local Government Units (LGUs), Upon The Effectivity Of Republic Act 7160 Or The Local Government Code of 1991,

RESOLVED FURTHER, to enjoin the Acting Municipal Treasurer of Tigbauan Mr. Manuel Tabalada Jr. to coordinate with the Iloilo Provincial Treasurer (Ms. Melba Sullivan), and the Iloilo Provincial Legal Officer (Hon. Manuel Justiniani), in the urgent collection from ILECO I of realty taxes due the Municipality of Tigbauan,

RESOLVED FINALLY, to furnish copies of this Resolution to:

- 1. ILECO I BOARD OF DIRECTORS
Attention: General Manager Wilfred Billena
- 2. MS. MELBA SULLIVAN
Iloilo Provincial Treasurer
- 3. HON. MANUEL JUSTINIANI
Iloilo Provincial Legal Officer
- 4. HON. MYRNA M. TORRES
Municipal Mayor
- 5. MR. MANUEL TABALADA JR.
Acting Municipal Treasurer, Tigbauan
- 6. MRS. CONSEJO T. JUMABONG
Municipal Assessor, Tigbauan
- 7. ATTY. SUZETTE T. ALQUISADA
Municipal Accountant, Tigbauan

APPROVED.

I HEREBY CERTIFY that the foregoing Resolution was approved by the Sangguniang Bayan.

CERTIFIED CORRECT:

MARLENE T. NAVA
SB Secretary

ATTESTED:

JESSIE G. TERRE
Vice Mayor & Presiding Officer

