



Republic of the Philippines
PROVINCE OF SORSOGON
MUNICIPALITY OF GUBAT

Office of the Sangguniang Bayan

EXCERPTS FROM THE MINUTES OF THE 8th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF GUBAT, SORSOGON HELD ON MONDAY, SEPTEMBER 9, 2019 AT THE SANGGUNIANG BAYAN SESSION HALL.

PRESENT:

Honorable Sixto F. Estareja	- Municipal Vice Mayor, P. O.
Honorable Aiza E. Encinares	- Member, Sangguniang Bayan
Honorable Alvin E. Rosales	- Member, Sangguniang Bayan
Honorable Danilo J. Pura	- Member, Sangguniang Bayan
Honorable Danilo E. Enaje	- Member, Sangguniang Bayan
Honorable Kenneth D. Escandor	- Member, Sangguniang Bayan
Honorable Noe L. Endaya	- Member, Sangguniang Bayan
Honorable Anthony C. Callos	- Member, Sangguniang Bayan
Honorable Valentin A. Pura IV	- Member, Sangguniang Bayan
Honorable Ramilo S. Fajardo	- LNB Acting President
Honorable Norven E. Ariola	- SKMF Acting President

ABSENT: N O N E


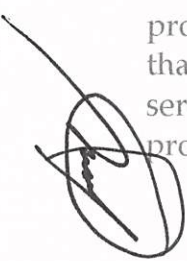
RESOLUTION NO. 171 S-2019

A RESOLUTION DECLARING INVALID AND UNENFORCEABLE BARANGAY PARADIJON ORDINANCE NO. 2019-01, "BARANGAY TAX ORDINANCE FOR PARKING FEES AND STALL/STORE AND CANTEEN FEES WITHIN THE JURISDICTION OF BARANGAY PARADIJON PARTICULARLY AT THE PAMANA TERMINAL".

WHEREAS, Barangay Paradijon Tax Ordinance No. 2019-01 was enacted imposing fees and charges to parking and stalls/store inside the PAMANA Terminal;

WHEREAS, PAMANA Terminal is a facility owned and maintained by the Local Government Unit of Gubat, however located within the barangay of Paradijon;

WHEREAS, one of the limitations on the taxing power of the barangays is provided under Section 152, par. (b) of the Local Government Code of 1991 which states that, "(b) Service Fees or Charges - Barangays may collect reasonable fees or charges for services rendered in connection with the regulation or the use of barangay-owned properties or service facilities ,etc.";



WHEREAS, PAMANA Terminal cannot be considered barangay-owned property/facility of Barangay Paradijon, the same being owned and operated by the LGU of Gubat, thus, imposition of fees and charges to parking and stalls in the said facility is not within the taxing authority of the said barangay;

WHEREAS, every barangay is encourage to enact tax ordinance as mandated under Section 391, (2) of the Local Government Code of 1991, "The Sanggunian Barangay, as the legislative body of the barangay, shall enact tax and revenue ordinances, subject to the limitations imposed in this Code";

WHEREAS, Section 446, par. (1) (i) of the Local Government Code of 1991 mandates the Sangguniang Bayan to review all ordinances approved by the sangguniang barangay and executive orders issued by the punong barangay to determine whether these are within the scope of the prescribed powers of the sanggunian and of the punong barangay";

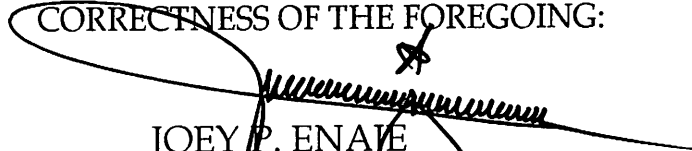
NOW THEREFORE, on motion of Honorable Alvin E. Rosales and duly seconded by Honorable Kenneth D. Escandor, it was;

RESOLVED, as it is hereby resolved, to declare INVALID AND UNENFORCEABLE BARANGAY PARADIJON ORDINANCE NO. 2019-01, "BARANGAY TAX ORDINANCE FOR PARKING FEES AND STALL/STORE AND CANTEEN FEES WITHIN THE JURISDICTION OF BARANGAY PARADIJON PARTICULARLY AT THE PAMANA TERMINAL".

RESOLVED FURTHER, that copies of this resolution be furnished the Barangay Council of Paradijon, Gubat, Sorsogon and others concerned for information.

APPROVED.

I HEREBY CERTIFY TO THE
CORRECTNESS OF THE FOREGOING:


JOEY P. ENAJE
Secretary to the Sangguniang Bayan

Attested by:


HON. SIXTO F. ESTAREJA
Municipal Vice Mayor, Presiding Officer