

FILE

Republic of the Philippines
PROVINCE OF BENGUET
La Trinidad

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

REGULAR MEETING – JUNE 4, 2003

PRESENT: HON. EDNA C. TABANDA, Vice Governor, Presiding Officer
HON. CRESCENCIO C. PACALSO, Board Member
HON. MARVIN D. ATOS, Board Member
HON. MARCIANO T. INSO, SR., Board Member
HON. LISO L. AGPAS, Board Member
HON. JOSEPH A. COSENTE, Board Member
HON. WASING D. SACLA, Board Member
HON. BENJAMIN C. SAGUID, Board Member
HON. JOHNNY S. UY, Board Member
HON. SARIO M. COPAS, Board Member
HON. DANIO L. BOLISLIS, Board Member
HON. EDDIE P. AMUASEN, Liga ng mga Brgy. Pres., Member
HON. KRISTINE GRACE D. YUBOS, SKF President, Member
HON. WILLIAM H. ESTEBAN, PCL President, Member

ABSENT: NONE

PROVINCIAL TAX ORDINANCE NO. 03-85

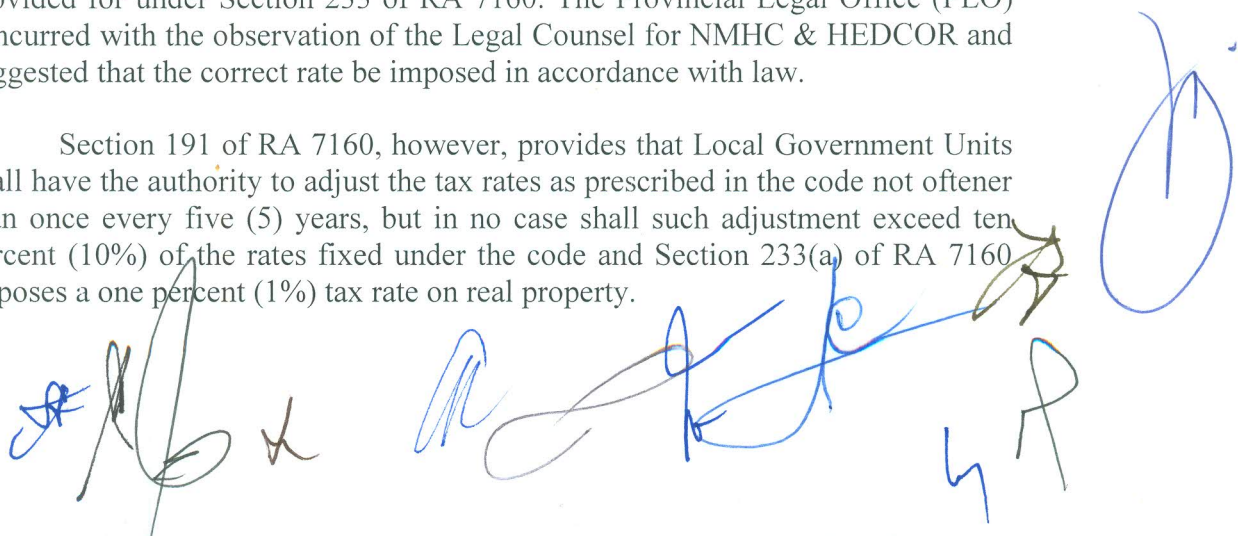
AN ORDINANCE AMENDING SECTION 32A OF PROVINCIAL ORDINANCE NO. 96-23 THEREBY REDUCING THE TAX RATE IMPOSED ON REALTY, CIVIL WORKS, EQUIPMENT, MACHINERY AND OTHER IMPROVEMENTS OF A REGISTERED MINI-HYDRO-ELECTRIC DEVELOPER FROM TWO AND ONE HALF PERCENT (2.5%) TO TWO AND TWO TENTHS PERCENT (2.2%)

EXPLANATORY NOTE

The Revised Benguet Revenue Code of 1993 was amended by Provincial Ordinance No. 96-23 by incorporating a provision (Sec. 32A) increasing Provincial Real Property Tax Rates at Two and One-half percent (2.5%) on Civil Works, Equipment, Machinery and Other Improvements of a registered Mini-hydroelectric Power Developer in the Province pursuant to Section 10(4) of RA 7156 otherwise known as the Mini-Hydroelectric Power Incentive Act. Section 10(4) of RA 7156 sets the tax rate imposable at 2.5%.

On September 2002, the Northern Mini-Hydro Corporation (NMHC) and the Hydro Electric Development Corporation (HEDCOR), through its Legal Counsel, presented its position that the Basic Real Property Tax imposable on their corporation must not exceed 1% of the assessed value of the real property as provided for under Section 233 of RA 7160. The Provincial Legal Office (PLO) concurred with the observation of the Legal Counsel for NMHC & HEDCOR and suggested that the correct rate be imposed in accordance with law.

Section 191 of RA 7160, however, provides that Local Government Units shall have the authority to adjust the tax rates as prescribed in the code not oftener than once every five (5) years, but in no case shall such adjustment exceed ten percent (10%) of the rates fixed under the code and Section 233(a) of RA 7160 imposes a one percent (1%) tax rate on real property.



BE IT ENACTED BY THE SANGGUNIANG PANLALAWIGAN THAT:

Section 1. Section 32A of Provincial Ordinance No. 96-23 is hereby amended to read as follows:

Sec. 32A Special Realty Tax Rates on Equipment and Machinery. There shall be levied a special tax of two and two tenths percent (2.2%) on the original costs of realty and other taxes on civil works, equipment, machinery and other improvements of a registered mini-hydro electric power developer. Of this two and two tenths percent (2.2%), one and one tenth percent (1.1%) shall accrue to the basic tax and the other one and one tenth percent (1.1%) to the Special Education Fund.

Section 2. Any ordinance, resolution or orders not consistent with the provisions of this ordinance are hereby repealed, cancelled and/or revoked.

Section 3. This ordinance shall take effect Ten (10) days after posting in at least two (2) conspicuous and publicly accessible locations.

CARRIED.



CRESCENCIO C. PACALSO
Board Member



MARVIN D. ATOS
Board Member



MARCIANO T. INSO, SR.
Board Member



LISO L. AGPAS
Board Member



JOSEPH A. COSENTE
Board Member



WASING D. SACLA
Board Member



BENJAMIN C. SAGUID
Board Member



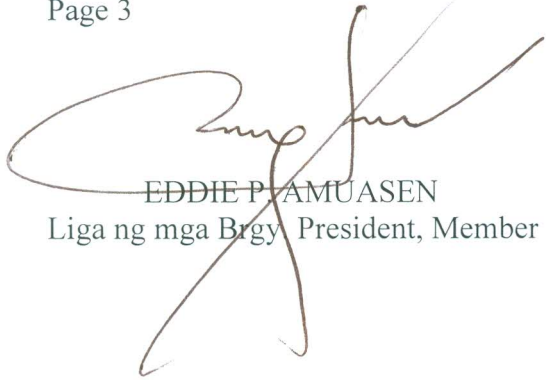
JOHNNY S. UY
Board Member



SARIO M. COPAS
Board Member

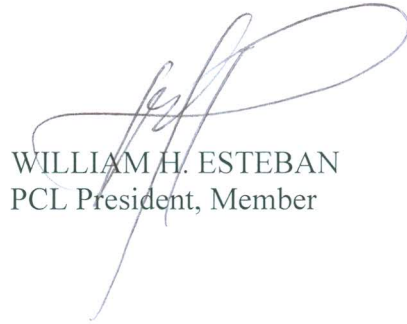


DANILO L. BOLISLIS
Board Member



EDDIE P. AMUASEN
Liga ng mga Brgy. President, Member

KRISTINE GRACE D. YUBOS
SKF President, Member



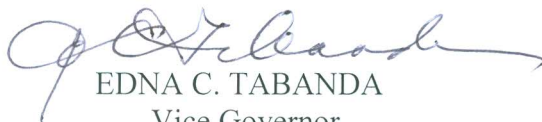
WILLIAM H. ESTEBAN
PCL President, Member

CERTIFIED CORRECT:

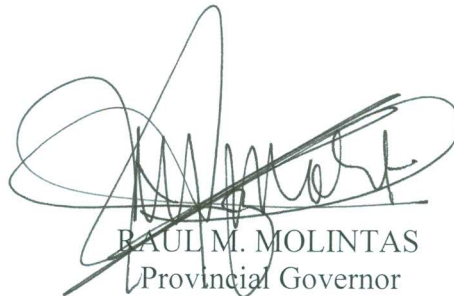


NOEL S. SABOG
SP Secretary

ATTESTED:



EDNA C. TABANDA
Vice Governor
Presiding Officer



PAUL M. MOLINTAS
Provincial Governor

Date: JUN 12 2003

