

ORDINANCE NO. 7829

AN ORDINANCE OUTLINING THE SYSTEMATIC PROCEDURE FOR THE COLLECTION OF AMUSEMENT TAX ON ADMISSION, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Be it ordained by the City Council of Manila, **THAT:**

SECTION 1. This Ordinance shall govern the collection of amusement tax on admission from the proprietors, lessees or operators of theaters, cinemas, concert halls, circuses, boxing stadia, and other places of amusement at the rate authorized by law on the gross receipts from admission fees.

SEC. 2. To ensure systematic and efficient collection of amusement tax, the following procedures are hereby prescribed:

I. On Cinemahouses

- a) The amusement tax shall first be deducted by the proprietors, lessees, or operators of theaters or cinemas and paid to the City Treasurer before the gross receipts are divided between said proprietors, lessees or operators and the distributors of the cinematographic films.
- b) On or before the 20th day of the month following that for which the tax is due, the proprietors, lessees or operators concerned and the film distributor shall file separately, a true and complete return or statement of gross receipts derived during the preceding month including the turnover to the City Treasurer of the other half of the tickets sold for the period covered.
- c) Such tax shall be determined or computed on the basis of a true and complete return of the amount of gross receipts derived during the preceding month. Said return shall show the opening serial number of the first day and the closing serial number of the last day of the month. The difference between the two serial numbers shall be the total admission tickets disposed of or sold for the month. The return shall specifically contain a statement of the gross receipts earned during each day of operation for the said month, indicating the first and last serial numbers of the admission tickets used as well as the title of the film being shown on that day. The return shall also include a report of all admission tickets used during the period, such as premier, de luxe, lodge, balcony, orchestra and transfer tickets. The return or statement of gross receipts shall be verified and counter-checked with the number of half tickets turned over for the covered period.
- d) Upon receipt of the return or statement of gross receipts duly certified to as true and complete by the theater manager, proprietor, lessees, or operators and another one by the distributor, the City Treasurer (Operations Revenue Collection Officer assigned for the purpose) shall compute the tax due on the basis of such return, or on the basis of its own verification as provided in the immediately preceding paragraph, and prepare the corresponding receipt showing the tax due and penalty if any. Payment is thereafter presented to the teller who receives the amount tendered and validates the receipt.

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- e) There shall be a separate filing for the return or statement for the twenty five centavos Cultural Development tax.
- f) All admission tickets before issuance by the theater concerned shall first be presented for registration and stamping to the License Division of the Office of the City Treasurer.
- g) All theaters shall maintain transparent boxes for the purpose of keeping the other half of the tickets sold which shall be visible to the public and placed at the admission area.

II. Other Amusement Taxes

- a) The amusement or benefit shows shall be initiated through a letter request addressed to the City Mayor and referred to the City Treasurer for comment and recommendation.
- b) If permit is granted by the City Mayor, the following shall be required:
 - 1. The Mayor's Permit Fee and other regulatory fees shall first be paid to the City Treasurer.
 - 2. The tickets, before the same are sold to the public, shall be presented to the License Division, Office of the City Treasurer, for registration and stamping.
 - 3. If subject to the amusement tax on admission, a report of all tickets sold, duly certified as true and complete return, not later than three (3) days after the termination of such benefit show together with the corresponding remittance of amusement tax due the City shall be submitted by the sponsor of the benefit show.
 - 4. The holding of operas, concerts, dramas, recitals, painting and exhibitions, flower shows, musical program, literary and oratorical presentations, except pop, rock or similar concerts shall be exempt from the payment of the amusement tax. No other exemptions shall be allowed except those that are authorized under Republic Act 7160 or the Local Government Code.

SEC. 3. The amusement tax on admission shall be due and payable within the first twenty days of the month following that for which it is due, by the proprietors, lessees or operators concerned, and such tax to be determined on the basis of a true and complete return of the amount of gross receipts derived during the preceding month.

SEC. 4. If the tax is not paid within the time fixed in the preceding section, the amount of tax shall be increased by twenty-five percent as surcharge, the increment to be part of the tax, plus an interest of 3 percent per month but not more than 36 percent, upon the unpaid amount from due date until the tax is fully paid in accordance with Section 168 of the Local Government Code of 1991, known as Republic Act 7160. Where an extension of time for payment of the tax has been granted by the City Council in accordance with Section 167 of Republic Act 7160, and the amount is not paid in full prior to the expiration of the extension, the interest shall be collected on the unpaid amount from the date it becomes originally due until fully paid.

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SEC. 5. In case of willful neglect to file the return within the period prescribed above, or a fraudulent return is willfully made, there shall be added to the tax or to the deficiency tax, in case any payment has been made, on the basis of the return before discovery of the falsity or fraud, a penalty of additional 25 percent of its amount, in addition to the amount imposed under Section 4 hereof. The additional amount so added to any tax shall be collected at the same time and in the same manner and as part of the tax, unless the tax has been paid before the discovery of the falsity or fraud, in which case the amount so assessed shall be collected in the same manner as the tax.

SEC. 6. Any person violating this Ordinance, in addition to the payment of surcharges, interests, and penalties, if applicable, shall be punished by a fine of not less than THREE THOUSAND PESOS (P3,000.00), nor more than FIVE THOUSAND PESOS (P5,000.00), or by imprisonment of not less than six (6) months nor more than one (1) year, or both such fine and imprisonment, at the discretion of the Court. PROVIDED, that any violation of this Ordinance shall, in addition to the said penalty and/or fine, subject the said theater to a summary revocation of its business permit, and the closure of its establishment, including the continuous ban on the promoter, exhibitor, owner, manager, distributor from conducting further business in the City of Manila.

SEC. 7. Mere failure to comply with the procedure laid down in the preceding section shall give rise to the presumption of tax evasion and shall subject such person so violating to both the administrative and penal sanctions herein provided.

SEC. 8. To achieve the objective of this Ordinance, the City Treasurer, or his duly authorized representatives, who shall carry with them at all times, the original copy of the Mission Order, are authorized to examine and inspect the books of accounts, records and other documents and papers of the proprietors, lessees, operators of theaters, film distributors, and sponsors of other amusement shows, as may be reasonable during the exhibition or presentation hours to ensure the accurate collection of amusement taxes.

SEC. 9. All ordinances, rules and regulations or parts thereof inconsistent hereof are hereby repealed, amended or modified accordingly.


SEC. 10. Separability Clause. Any provisions of this Ordinance not otherwise declared invalid shall remain in full force and effect.


SEC. 11. This Ordinance shall take effect 15 days after its publication in two newspapers of general circulation in the City of Manila.

Enacted by the City Council of Manila at its regular session today, December 2, 1993.

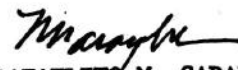
Approved by His Honor, the Mayor, on *December 29, 1993.*


APPROVED:


ALFREDO S. LIM
Mayor
City of Manila


JOSE L. ATIENZA, JR.
Vice Mayor and Presiding Officer
City Council, Manila

ATTESTED:


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