



Republic of the Philippines
CITY COUNCIL
City of Manila

REGULAR SESSION NO. 97

10TH CITY COUNCIL

Begun and held in the City Council on Thursday,
the nineteenth day of January, Two Thousand Seventeen

ORDINANCE NO. 8526

AN ORDINANCE REPEALING CITY ORDINANCE NO. 8493, ENTITLED: "AN ORDINANCE REPEALING ORDINANCE NO. 8439, ENTITLED: AN ORDINANCE AMENDING ORDINANCE NO. 8366 OF THE CITY OF MANILA TO INCLUDE OTHER BARANGAYS ADJACENT TO AND SIMILARLY HOSTING BUSINESS ESTABLISHMENTS OPERATING IN THE AREAS DESCRIBED THEREIN IN THE ALLOCATION OF THE REAL PROPERTY TAX AND FOR OTHER PURPOSES", AND REINSTATING TO BARANGAYS 48, 49 AND 51, ALL OF ZONE 4, DISTRICT I, MANILA AND BARANGAYS 245 AND 247, ALL OF ZONE 22, DISTRICT II, MANILA, THEIR RIGHTFUL AND LAWFUL SHARE IN THE BASIC REAL PROPERTY TAX COLLECTED BY THE CITY OF MANILA WITHIN THEIR TERRITORIAL JURISDICTION PURSUANT TO SECTION 271 OF REPUBLIC ACT NO. 7160 OR OTHERWISE KNOWN AS THE 1991 LOCAL GOVERNMENT CODE OF THE PHILIPPINES

PRINCIPAL AUTHORS:

HON. BIMBO EDUARDO V. QUINTOS XVI

HON. ERNESTO G. DIONISIO

and

HON. CASIMIRO C. SISON
Majority Floor Leader

PREAMBLE

WHEREAS, City Ordinance No. 8366, was enacted and approved by the Mayor on November 21, 2014, wherein it declared that all commercial and industrial establishments within the area of Mayhaligue Street to the North, Claro M. Recto Avenue to the South, Dagupan Street to the West and Antonio Rivera to the East, are within the territorial jurisdiction of Barangay 248, Zone 22, District II, Manila;

WHEREAS, City Ordinance No. 8366, was an affirmation of City Council Resolution No. 110, Series of 2014, which stated that the territorial jurisdiction of Barangay 248, encompasses the Tutuban Commercial Complex;

WHEREAS, City Ordinance No. 8366, stated the findings and recommendation of the Committee on Laws wherein it expressly stated that:

"2. That this not a case of creation, division, merging, abolition or substantial alteration as contemplated under Section 6 of the Local Government Code."

WHEREAS, City Ordinance No. 8439, was enacted and approved by the Mayor on November 16, 2015, amending City Ordinance No. 8366, wherein it included Barangays 48, 49, 51, 245 and 247 in the allocation of real property tax over the Tutuban Commercial Complex in accordance with their respective territorial jurisdiction;

WHEREAS, City Ordinance No. 8493, was enacted and approved by the Mayor on June 20, 2016, repealing City Ordinance No. 8439 without reason stated therein;

WHEREAS, City Ordinance No. 8493, failed to mention its reasons for the repeal and failed likewise to state its directive in the appreciation of the real property tax shares of Barangays 48, 49, 51, 245, 247 and 248 considering City Ordinance No. 8366 had likewise been repealed already;

WHEREAS, City Ordinance No. 8366 and City Ordinance No. 8439, which discusses the real property tax shares of the barangays mentioned herein, were already rendered ineffective for reasons that both were already repealed;

WHEREAS, the real property tax shares of the mentioned barangays over the Tutuban Commercial Complex are now again left undetermined;

WHEREAS, the repeal of the City Ordinance No. 8439 technically dissipates and removes, if not reduced the rights of Barangays 48, 49, 51, 245 and 247, all of Manila, to collect and receive their respective shares in the collection of basic real property tax by the City of Manila over properties within their respective territorial jurisdiction;

WHEREAS, Tutuban Commercial Complex is a real property situated and located in a peculiar location. This property is situated within the boundaries of the aforementioned barangays;

WHEREAS, Barangays 48, 49, 51, 245, 247 and 248 have their respective portions of the said real property within their territorial jurisdiction;

WHEREAS, considering that Barangays 48, 49, 51, 245, 247 and 248 are equally hosting and have their respective portion of the Tutuban Commercial Complex within their respective territorial jurisdiction, there is an imperative necessity for this Ordinance: NOW, THEREFORE,

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

SECTION 1. Real Property Tax Shares. – Barangays 48, 49, 51, 245, 247 and 248, shall be entitled to receive their respective appropriate share in the real property tax collection by the City of Manila in accordance to their respective scope and coverage of their territorial jurisdiction over the Tutuban Commercial Complex.

SEC. 2. Repealing Clause. – City Ordinance No. 8493, is hereby repealed. All ordinances, resolutions, executive orders and other issuances which are inconsistent with any of the provisions herein are hereby **REPEALED** accordingly.

SEC. 3. Retroactive Application. – This Ordinance shall have a retroactive application starting from the period when the respective real property tax shares of Barangays 48, 49, 51, 245 and 247, were withheld from them.

Considering the finding of the Committee on Laws stated in City Ordinance No. 8366, that “...*(it) is not a case of creation, division, merging, abolition or substantial alteration as contemplated under Section 6 of the Local Government Code.*” and pursuant to City Council Resolution seeking the release of Barangay 248’s lawful share from the real property tax, Barangay 248 is entitled to its lawful and corresponding share only in accordance to their respective territorial jurisdiction.

SEC. 4. Separability Clause. - If for any reason(s), any part or provision of this Ordinance be held unconstitutional or invalid, other parts or provisions which are not affected shall continue to be in full force and effect.

SEC. 5. Effectivity Clause. - This Ordinance shall take effect immediately upon its approval.

This Ordinance was finally enacted by the City Council of Manila on October 12, 2017.

PRESIDED BY:


MARIA SHEILAH “Honey” LA LUNA-PANGAN, MD, FPDS
Vice Mayor and Presiding Officer
City Council, Manila

ATTESTED:


LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

DEEMED APPROVED BY HIS HONOR, THE MAYOR, ON JAN 31 2018

JOSEPH EJERCITO ESTRADA
Mayor
City of Manila

ATTESTED:

EDWARD S. SERAPIO
City Government Department Head III
(Secretary to the Mayor)




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CERTIFICATION

This is to certify that CITY ORDINANCE NO. 8526, "AN ORDINANCE REPEALING CITY ORDINANCE NO. 8493, ENTITLED: "ORDINANCE REPEALING ORDINANCE NO. 8439, ENTITLED: AN ORDINANCE AMENDING ORDINANCE NO. 8366 OF THE CITY OF MANILA TO INCLUDE OTHER BARANGAYS ADJACENT TO AND SIMILARLY HOSTING BUSINESS ESTABLISHMENTS OPERATING IN THE AREAS DESCRIBED THEREIN IN THE ALLOCATION OF THE REAL PROPERTY TAX AND FOR OTHER PURPOSES" AND REINSTATING TO BARANGAYS 48, 49 AND 51, ALL OF ZONE 4, DISTRICT 1, MANILA AND BRANGAYS 245 AND 247, ALL OF ZONE 22, DISTRICT 11, MANILA, THEIR RIGHTFUL AND LAWFUL SHARE IN THE BASIC REAL PROPERTY TAX COLLECTED BY THE CITY OF MANILA WITHIN THEIR TERRITORIAL JURISDICTION PURSUANT TO SECTION 271 OF REPUBLIC ACT NO. 7160 OR OTHERWISE KNOWN AS THE 1991 LOCAL GOVERNMENT CODE OF THE PHILIPPINES" was enacted by the City Council of Manila during its regular session on October 12, 2017. The same was forwarded to the Office of the Honorable Mayor on October 23, 2017.

On 30 January 2018, this office, thru a 2nd Indorsement from the Office of the Vice Mayor, received the 1st Indorsement from the Office of the Secretary to the Mayor returning the subject ordinance without action. Considering that more than ten (10) days had lapsed, without any communication that the ordinance was approved or vetoed by the Local Chief Executive, Ordinance no. 8526 shall be DEEMED APPROVED as if he had signed it, pursuant to the Section 54 par. (b) of R.A. 7160, otherwise known as the Local Government Code of 1991.

Issued this 31st day of January 2018, in the City of Manila.


LUCH R. GEMPIS JR.
City Gov't Dept. Head III
Secretary to the City Council