



Republic of the Philippines
PROVINCE OF SORSOGON
Sorsogon City

SANGGUNIANG PANLALAWIGAN

JOINT COMMITTEE REPORT NO. ____

FOR : THE HONORABLE PRESIDING OFFICER
FROM : THE COMMITTEE ON WAYS & MEANS, COMMITTEE ON RULE PRIVILEGES & AMENDMENTS AND COMMITTEE ON BUDGET & APPROPRIATIONS
SUBJECT : MATNOG MUNICIPAL ORDINANCE NO. 04-2012 ENTITLED: "AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 03-2003 BY WAY OF REDUCING THE REGULATORY FEE IN THE AMOUNT OF ONE THOUSAND (PHP 1,000.00) TO TWO HUNDRED (PHP 200.00 PESOS PER TRIP IN EVERY VESSEL PLYING THE ROUTE FROM MATNOG TO ANY POINT OF VISAYAS AND MINDANAO."

The Joint Committee to which the above-entitled Municipal Ordinance was referred conducted a committee hearing on the subject last Tuesday, July 31, 2012. Among those present were Hon. Renato V. Guban, Chairman of the Committee on Ways and Means, Hon. Vladimir Ramon B. Frivaldo, Vice Chairman of said Committee, and Hon. Franco Eric O. Ravanilla. Also present were Hon. Alex B. Dulay, Vice Mayor of Matnog, Sorsogon; Honorable SB Members Edward Ruel T. Barlin and Benjamin R. Rili, author and co-author of subject ordinance; Ms. Virginia Laco, Matnog Municipal Treasurer; Mr. Medardo Cunda, Matnog Port Manager; and Ms. Josephine G. Bautista, SB Secretary.

After careful and thorough study, the Joint Committee has the honor to report back to the Collegial Body the subject Matnog Municipal Ordinance No. 04-2012 with the following findings and recommendation, to wit:

FINDINGS:

Subject Municipal Ordinance is in accord with Section 447(a)(2)(ii) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, which empowers the Sangguniang Bayan to enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes, and granting tax exemptions, incentives or reliefs. Hence, the subject measure is *intra vires* or within the scope of the prescribed powers of the Sangguniang Bayan. However, it is necessary that the Sangguniang Bayan of Matnog should make the following corrections:

(a) Under Section 2 of Matnog Municipal Ordinance No. 04-2012, the word "authorized" must be inserted between the words "duly" and "representative". As corrected the phrase shall read "duly authorized representative";

(b) Considering that Section 6 contains provisions for separability clause, the words "Repealing Clause" under the said section must be deleted and in lieu thereof replaced by the words "Separability Clause"; and

For: JH
500 60

As reported by the Comm on Budget

(c) Since Matnog Municipal Ordinance No. 04-2012 is an amendatory ordinance, it is necessary that a Repealing Clause should be incorporated therein.

RECOMMENDATION:

In view of the foregoing findings the Joint Committee recommends approval of Matnog Municipal Ordinance No. 04-2012, provided that the corrections aforesated should be effected by the Sangguniang Bayan of Matnog, Sorsogon.

Sorsogon City
October 16, 2012

COMMITTEE ON WAYS AND MEANS

RENATO G. GUBAN - Chairperson
VLADIMIR RAMON B. FRIVALDO - Vice Chairman
FRANCO ERIC O. RAVANILLA - Member
PATRICK RODRIGUEZA - Member
MARK ERIC DIONEDA - Member

COMMITTEE ON RULES, PRIVILEGES & AMENDMENTS

ARNULFO L. PERETE - Chairperson
FERNANDO DAVID H. DURAN III - Member
ANGEL E. ESCANDOR - Member
MARK ERIC DIONEDA - Member
REBECCA D. AQUINO - Member

COMMITTEE ON BUDGET AND APPROPRIATION

~~BERNARD HENAO - Chairperson~~
~~ANGEL E. ESCANDOR - Vice Chairman~~
~~BENITO L. DOMA - Member~~
FRANCO ERIC RAVANILLA - Member
NESON A. MARANA - Member

Republic of the Philippines
Fifth Judicial Region
REGIONAL TRIAL COURT
Branch 55
Irosin, Sorsogon

7-20-12
Date _____
By _____
Filed _____

STA. CLARA SHIPPING CORPORATION,
Plaintiff,

-versus-

Civil Case No. 710

MUNICIPALITY OF MATNOG, SOR.,
Defendant.

X ----- X

BICOLANDIA LINES INC. / PEÑAFRANCIA
SHIPPING CORPORATION,
Plaintiff,

-versus-

Civil Case No. 711

MUNICIPALITY OF MATNOG, SOR.,
Defendant.

X ----- X

DECISION

Before this Court is a Compromise Agreement dated June 20, 2012 which contains the following stipulations to wit:

"COMPROMISE AGREEMENT"

Parties, assisted by their respective representatives who warrant their authority to enter into this settlement binding upon their respective principals, most respectfully submit the foregoing amicable settlement, the terms and conditions of which are:

- 1. If only to help unclog the Honorable Court's dockets and for the parties to put an end to their litigations and thus move forward into achieving their respective desires and goals, they therefore enter into this settlement, for their mutual benefits.*

2. That plaintiffs acknowledge their respective obligations to pay the regulatory fees imposed by Municipal Ordinance No. 03-2003, but to the reduced sum as ordained by Resolution No. 38 Series of 2012 and Ordinance No. 04-2012, copies of which are hereto attached and marked as Annexes "A" and "B", respectively to become integral parts hereof.
3. That henceforth, plaintiffs shall religiously remit and punctually pay to the defendant Municipality of Matnog the adjusted rate of regulatory feed under Ordinance No. 04-2012, as each fall due.
4. That after an accounting shall have been made by the parties in regard to the previous payments made and effected under protest by plaintiffs, and thereafter applying the same in accordance with the schedule provided for in Resolution No. 33, S. of 2012, Annex "A" hereof, defendant Municipality of Matnog shall automatically and forever release plaintiffs from any obligation arising from or is necessarily connected with the implementation of Ordinance No. 03-2003.
5. That arrearages due to the municipal Government of Matnog shall be paid immediately and in full to the Local Government Unit of Matnog upon the effectivity of this Ordinance.
6. Parties herein undertake to faithfully comply with their respective prestations in this agreement, and thus pray that a Decision be promulgated embodying the terms and conditions herein set forth.

Matnog, Sorsogon, 20 June 2012

STA. CLARA SHIPPING CORPORATION

By:

(Sgd)

FREDERICK L. UY

President

PEÑAFRANCIA SHIPPING CORPORATION

By:

(Sgd)

MAYNARD C. NGO

President

MUNICIPALITY OF MATNOG

By:

(Sgd)

HONORABLE EMILIO G. UBALDO

Municipal Mayor

(Sgd)

HONORABLE ALEX B. DULAY

Municipal Vice Mayor

Presiding Officer

Sanguniang Bayan of Matnog, Sorsogon"

It appearing that the aforementioned stipulations to be not contrary to law, good morals, public policies or order, the same is hereby **APPROVED**. The parties are enjoined to faithfully comply with the provisions stated in the Compromise Agreement.

SO ORDERED.

GIVEN this 20th day of July, 2012 at Irosin, Sorsogon, Philippines.


FRED G. JIMENA
Judge

REGULATORY FEE IN THE AMOUNT OF ONE THOUSAND (Php1,000.00) PESOS PER TRIP IN EVERY VESSEL PLYING THE ROUTE FROM MATNOG TO ANY POINT OF VISAYAS AND MINDANAO
Author: Honorable Edward Ruel T. Barlin

BE IT ORDAINED by the Sangguniang Bayan of Matnog, that:

Section 1. **Amendment.** There having cases filed against the LGU of Matnog and docketed as Special Civil Case Nos. 710 and 711 for which the plaintiffs were favorably granted with a writ of injunction, the LGU of Matnog decided to take action on the matter. In the sense of fairness and reasonability and in order to adhere to the principle of tax imposed as not to be unjust, excessive and confiscatory, Section 1 of Municipal Ordinance No. 03-2003 is hereby amended to read as follows:

" **Section 1. Imposition.** There shall be a regulatory fee of Two Hundred (Php200.00) Pesos per trip to every vessel plying the route from Matnog to any point of Visayas and Mindanao. Arrearages of any vessel without any payment shall be reduced to One Hundred (Php100.00) Pesos per trip per vessel. Any payment made in compliance with Municipal Ordinance No. 03-2003 shall likewise be reduced to One Hundred (Php100.00). The amount of Nine Hundred (Php900.00) Pesos in excess of the One Thousand (Php1,000.00) Pesos having been paid under protest, shall be deducted from the total amount of arrearages payable to the LGU."

Section 2. **Effectivity.** This amendatory ordinance shall take effect upon its approval and to read, to wit:

MUNICIPAL ORDINANCE NO. 03-2003

AN ORDINANCE IMPOSING A REGULATORY FEE OF TWO HUNDRED (Php200.00) PESOS PER TRIP TO EVERY VESSEL PLYING THE ROUTE FROM MATNOG TO ANY POINT OF VISAYAS AND MINDANAO

BE IT ORDAINED by the Sangguniang Bayan of Matnog, that:

Section 1. **Imposition.** There shall be a regulatory fee of Two Hundred (Php200.00) Pesos per trip to every vessel plying the route from Matnog to any point of Visayas and Mindanao. Arrearages of any vessel without any payment shall be reduced to One Hundred (Php100.00) Pesos per trip per vessel. Any payment made in compliance with Municipal Ordinance No. 03-2003 shall be reduced to One Hundred (Php100.00). The amount of Nine Hundred (Php900.00) Pesos in excess of the One Thousand (Php1,000.00) Pesos having been paid under protest, shall be deducted from the total amount of arrearages payable to the LGU.

Section 2. **Person Authorized in the Implementation of this Ordinance.** It shall be the responsibility of the Office of the Municipal Treasurer thru the Municipal Treasurer or his duly representative to implement the collections being imposed.

Section 3. **Disposition of Proceeds Derived from the Regulatory Fee Imposed.** The proceeds shall be deposited in a trust fund and shall accrue solely to the LGU to be utilized for operationalization of the Local Solid Waste Management Council.

Section 4. **Creation of Permanent Plantilla Positions.** There shall be created permanent plantilla positions for the Purpose To Be Determined By The LGU Pursuant to the provisions of the Local Government Code Of 1991 And Civil Service Law and Rules.

Section 5. **Penal Provision.** Violation of any of the provision of this ordinance shall automatically cause for the cancellation of mayor's permit.

Section 6. **Repealing Clause.** If for any reason, any portion or part thereof is found to be a violation of any law, rule or regulation, no any other part shall be rendered unconstitutional or invalid.

Section 7. **Effectivity.** This ordinance shall take effect after the period of publication for three consecutive weeks in any local newspaper of general circulation and after posting in three conspicuous places for three consecutive weeks.

Republic of the Philippines
REGIONAL TRIAL COURT
Fifth Judicial Region
BRANCH 55
Irosin, Sorsogon

RTC 55, IROSIN, SORSOGON
4-17-12
Date
By
Fine

SANTA CLARA SHIPPING
CORP., ET. AL.,

Plaintiffs.

- versus -

Civil Case No. 710

MUNICIPALITY OF MATNOG,
Defendant.

X-----X

BICOLANDIA LINES, INC.,
Plaintiff.

- versus -

Civil Case No. 5/2

MUNICIPALITY OF MATNOG,
Defendant.

X-----X

ORDER

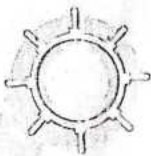
For failure of the plaintiff to prosecute their cases for an unreasonable length of time, this case is hereby ordered DISMISSED.

SO ORDERED.

Given in open court this 16 January 2012 at Irosin, Sorsogon.

FRED G. JIMENA
Judge

/cet



PENAFANCIA SHIPPING CORPORATION

467 Juan Luna St., Plaza Lorenzo Ruiz, Binondo, Manila

26 March, 2012

HON. EMILIO UBALDO SR.
Municipal Mayor
Matnog, Sorsogon

THE HON. MEMBERS OF SANGGUNIANG BAYAN
/o THE HON. VICE-MAYOR
Matnog, Sorsogon

Gentlemen:

This is to acknowledge receipt of your February 13, 2012 letter for which we are grateful.

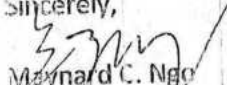
However, we would like to seek for your reconsideration of your decision as regards item (c) as you consider all that we have paid in the past as accruing to the coffers of LGU Matnog.

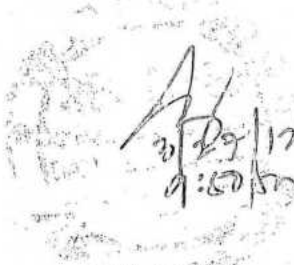
Kindly look at the matter of applying the payment we have made under protest as a simple act of justice, that is, LGU Matnog ought not enrich itself at our expense and, more importantly, that it must not be paid twice nor ask for payment twice for an obligation that had already been performed. Indeed, while the beneficial use of what we had paid in the past was enjoyed by the past administration under Mayor So, still it was the LGU Matnog that gave us official receipts for the payments made under protest.

It is for these reasons that we appeal to your individual sense of fairness and reasonability. What we here ask is nothing more than what we are entitled to as an instance of giving heed to the legal admonition that "every person must, in the exercise of his right or in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith" (Human Relations, Article 1, Civil Code of the Philippines).

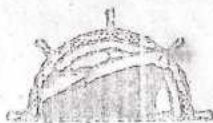
Thank you very much.

Sincerely,


Maynard C. Ngo
President


3/29/12
9:50 PM

Accredited



SANTA CLARA SHIPPING CORPORATION

U-2701 Antel Global Corporate Center, Doña Julia Vargas Avenue, Ortigas Center, Pasig City
Direct Lines: (632) 633-5892 633-5893 Fax: (632) 633-6739



ISM-Certified

26 March, 2012

HON. EMILIO UBALDO SR.
Municipal Mayor
Matnog, Sorsogon

THE HON. MEMBERS OF SANGGUNIANG BAYAN
c/o THE HON. VICE-MAYOR
Matnog, Sorsogon

Gentlemen:

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However, we would like to seek for your reconsideration of your decision as regards item (c) as you consider all that we have paid in the past as accruing to the coffers of LGU Matnog.

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It is for these reasons that we appeal to your individual sense of fairness and reasonability. What we here ask is nothing more than what we are entitled to as an instance of giving heed to the legal admonition that "every person must, in the exercise of his right or in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith" (Human Relations, Article 19, Civil Code of the Philippines).

Thank you very much.

Sincerely,

Frederick L. Uy
President



OFFICE OF THE MUNICIPAL MAYOR

February 13, 2012

MR. FREDERICK L. UY
President
Santa Clara Shipping Corporation
U-2701 Antel Global Corporate Center
Dona Julia Vargas Avenue
Ortigas Center, Pasig City

Dear Mr. Uy,

This is to acknowledge receipt of your letter dated January 24, 2012 and received in this office on February 03, 2012 in reference to Municipal Ordinance No. 03-2003: **AN ORDINANCE IMPOSING A REGULATORY FEE OF ONE THOUSAND (P1,000.00) PESOS PER TRIP TO EVERY VESSEL PLYING THE ROUTE FROM MATNOG TO ANY POINT OF VISAYAS AND MINDANAO** of which two cases lie pending before RTC of Irosin, Sorsogon docketed as Special Civil Case Nos. 710 and 711.

While you, the plaintiff, sought for its nullification, the LGU, defendant in this case, seeks implementation of the same. Be as it is, both parties are now in the presumed knowledge that the implementation will soon be in order and so comes our mutual understanding for settlement.

Relative to your proposals, please be informed that the LGU of Matnog **INTERPOSES NO OBJECTION ON THE AMOUNTS PROPOSED**. That is, One Hundred (P100.00) Pesos for the arrearages and Two Hundred (P200.00) Pesos for the regulatory fee per trip per vessel. However, it is strongly requested that the payment of the arrearages ends on noon of June 30, 2010 and payment of the amount of Two Hundred (P200.00) Pesos shall simultaneously commence. Noteworthy is the date that this administration has reckoned its day of service to the people of Matnog. Item (c) is denied. Whatever plaintiffs have paid in the past shall accrue to the coffers of the LGU.

Indeed, we are in great appreciation for your willingness to be partners with the local government of Matnog. We are also in cognizance of the growing competition in the world market as well as your endeavor in purchasing the vessels which, as you said, were used in fielding the route. But it must be noted also, that the LGU has suffered great loss due to the cases filed and the writ of injunction in favor of the plaintiff and to the detriment of the LGU for nine (9) years now.

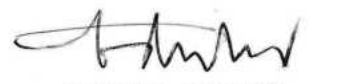
We trust that we have already reached a settlement favorable to both parties.

Thank you very much.

Very truly yours,



EMILIO G. UBALDO
Municipal Mayor



ALEX B. DULAY
Municipal Vice Mayor

DEUNA S. GO

D2-15-12



Accredited



SANTA CLARA SHIPPING CORPORATION

U-2701 Antel Global Corporate Center, Doña Julia Vargas Avenue, Ortigas Center, Pasig City
Direct Lines: (632) 633-5892 633-5893 Fax: (632) 633-6739



ISM-Certified

OFFICE OF THE SANGGUNIANG BAYAN
MATNOG, SORSOGON
RECEIVED
DATE: 02-03-2012 9:05 AM
BY: 

January 24, 2012

Hon. Emilio Ubaldo, Sr.
Municipal Mayor
Matnog, Sorsogon

The Hon. Members of Sanggunian Bayan
c/o Honorable Vice Mayor
Matnog, Sorsogon

Dear Sirs:

This has reference to the two (2) cases now pending before the RTC of Irosin, Sorsogon, entitled "Santa Clara Shipping Corporation vs. Municipality of Matnog" and "Penafrancia Shipping Corporation vs. Municipality of Matnog", docketed as Special Civil Cases Nos. 710 and 711. In these two cases, filed on January 20, 2004, the plaintiffs sought for the nullification of Municipal Ordinance No. 03-2003 which imposed a php1,000.00 regulatory fee for every trip per vessel plying the route Matnog-Allen and vice-versa. In the same cases, the plaintiffs were able to secure a writ of injunction against the enforcement of the said ordinance. Be that as it may, plaintiffs paid, under protest, the fees, prior to the issuance of the writ.

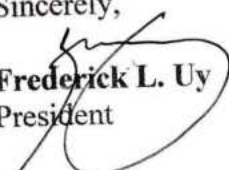
We would like to propose, for the settlement of the cases, the following: (a) plaintiffs shall pay php100.00 per trip per vessel from January, 2004 to December 31, 2011; (b) from January 1, 2012, plaintiffs shall pay php200.00 per trip per vessel; and, (c) whatever plaintiffs have paid in the past, shall be credited and set off from the entire liabilities of plaintiffs as regards the same regulatory fees.

We would like to put an end to the cases, even as we here express our corporate responsibility to be partners with the local government of Matnog. The amounts we here propose are, we submit, reasonable, considering the price of fuel in the world market, the growing competition as well as the fast rising cost of operation. We would like to request that you please take a second hard look on this proposal because there appears to be a growing stiff competition in the market which weighs heavily on our obligation to our creditor banks for the repayment of our loans with them arising from our purchase of vessels which we fielded in the route. We still have to recoup our investments.

We therefore respectfully request that you consider our position and sincere desire to partner with the local government of Matnog such that you will accept these proposals.

Thank you very much.

Sincerely,


Frederick L. Uy
President



PEÑAFRANCIA SHIPPING CORPORATION

467 Juan Luna St., Plaza Lorenzo Ruiz, Binondo, Manila

OFFICE OF THE SANGGUNIAN BAYAN
MUNICIPALITY OF MATNOG
RECEIVED
DATE: 02-03-2012 9:05 AM
BY: 

January 24, 2012

Hon. Emilio Ubaldo, Sr.
Municipal Mayor
Matnog, Sorsogon

The Hon. Members of Sanggunian Bayan
c/o Honorable Vice Mayor
Matnog, Sorsogon

Dear Sirs:

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Thank you very much.

Sincerely,


Maynard C. Ngo
President



OFFICE OF THE MUNICIPAL MAYOR

February 13, 2012

MR. MEYNARD C. NGO

President

Penafrancia Shipping Corporation

467 Juan Luna St.

Plaza Lorenzo Ruiz

Binondo, Manila

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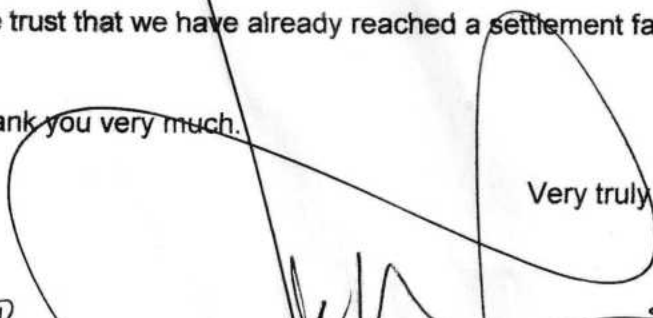
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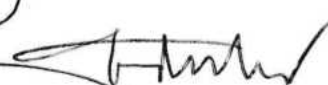
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Thank you very much.

Very truly yours,


EMILIO G. UBALDO
Municipal Mayor


ALEX B. DULAY
Municipal Vice Mayor

ATUSA S. GD
02-15-12



**PHILIPPINE PORTS
AUTHORITY**
PORT MANAGEMENT OFFICE OF LEGAZPI

Government Regional Center, Rawis, Legazpi City 4500
Telefax (052) 482-0303; (052) 482-0304; (052) 480-7087


10 January 2012

Hon. Emilio G. Ubaldo
Municipal Mayor
Municipality of Matnog, Sorsogon

Dear Mayor Ubaldo:

Attached is a list of vessels that called at the Port of Matnog on a monthly basis from 2003 up to 2011, for whatever legal purpose it may serve.

Very truly yours,



ROSENDA G. SUMAGAYSAY
Port Manager

Encl. : As stated

Cf : Division Manager
TMO Matnog, Sorsogon

RGS/RRA/jbv

Republic of the Philippines
Fifth Judicial Region
REGIONAL TRIAL COURT
Branch 55
Irosin, Sorsogon

7-20-12
Date _____
By _____
Time _____

STA. CLARA SHIPPING CORPORATION,
Plaintiff,

-versus-

Civil Case No. 710

MUNICIPALITY OF MATNOG, SOR.,
Defendant.

x-----x

BICOLANDIA LINES INC. / PEÑAFRANCIA
SHIPPING CORPORATION,
Plaintiff,

-versus-

Civil Case No. 711

MUNICIPALITY OF MATNOG, SOR.,
Defendant.

x-----x

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6. Parties herein undertake to faithfully comply with their respective prestations in this agreement, and thus pray that a Decision be promulgated embodying the terms and conditions herein set forth.

Matnog, Sorsogon, 30 June 2012

STA. CLARA SHIPPING CORPORATION

By:

(Sgd)
FREDERICK L. UY
 President

PEÑAFRANCIA SHIPPING CORPORATION

By:

(Sgd)
MAYNARD C. NGO
 President

MUNICIPALITY OF MATNOG

By:

(Sgd)
HONORABLE EMILIO G. UBALDO
 Municipal Mayor

(Sgd)
HONORABLE ALEX B. DULAY
 Municipal Vice Mayor
 Presiding Officer

Sangguniang Bayan of Matnog, Sorsogon"

It appearing that the aforementioned stipulations to be not contrary to law, good morals, public policies or order, the same is hereby **APPROVED**. The parties are enjoined to faithfully comply with the provisions stated in the Compromise Agreement.

SO ORDERED.

GIVEN this 20th day of July, 2012 at Irosin, Sorsogon, Philippines.


FRED G. JIMENA
Judge

Republic of the Philippines
REGIONAL TRIAL COURT
Fifth Judicial Region
BRANCH 55
Irosin, Sorsogon

G-21-12
Date _____ Time _____
By _____

STA ALBA SHIPPING CORP
Plaintiff

CIVIL CASE NO. 710

versus -

MUNICIPALITY OF MATNOG
Defendant

x-----x

BICOLANDIA LINES INC.,
Plaintiff,

CIVIL CASE NO. 711

versus -

MUNICIPALITY OF MATNOG,
Defendant

x-----x

ORDER

These cases had been lagging for quite sometime and the petitioner failed to prosecute these cases, in view thereof, let these cases be reset for the last time on August 30, 2012 at 8:30 O' clock in the morning. If the petitioner will still fail to present its evidence during the next setting, these cases will be ordered DISMISSED.

SO ORDERED

Given in open court this 14th day of June 2012 at Irosin, Sorsogon
Philippines

FRED A. JIMENA
Judge

Noted: [Signature] 12/28/12

Republic of the Philippines
REGIONAL TRIAL COURT
Fifth Judicial Region
BRANCH 55
Irosin, Sorsogon

5-4-12
Date
By *A* Time

STA. CLARA SHIPPING CORP.
Et al.,

Plaintiffs,

BICOLANDIA LINES INC.,
Plaintiff,

CIVIL CASES NOS. 710 and
711

For: Declaratory Relief with Prayer
for Issuance of Temporary
Restraining Order and
Injunction

- versus -

MUNICIPALITY OF MATNOG,
Defendant.

X-----X

ORDER

Finding the ground relied upon in the Motion for Reconsideration filed by plaintiff Sta. Clara Shipping Corporation and Penafancia Shipping Corporation (vice Bicolandia Lines) in the above entitled cases, the Order dated January 16, 2012 copy of which was received on April 17, 2012, dismissing the above entitled cases, are hereby reconsidered.

ACCORDINGLY, the Motion for Reconsideration, is hereby approved.

SO ORDERED.

Given in Chambers this 4th day of May, 2012 at Irosin, Sorsogon, Philippines.

Reg. Mail

The Operation Manager

Hon. Emilio Ubaldos Sr.

Atty. Aquilino Salas Sr.

Atty. Wazemi Occinpo

[Signature]
FRED G. JIMENA
Judge

MAY, 4, 2012

FILED
BY: Agulada
8:35 AM

Republic of the Philippines
REGIONAL TRIAL COURT
5th Judicial Region
Branch 55,
Irosin, Sorsogon

Quina
09-30-12
8:40 AM

STA. CLARA SHIPPING CORP. et al.,
Plaintiffs,

BICOLANDIA LINES INC.
Plaintiff

- versus -

Civil Cases Nos. 710 & 711

MUNICIPALITY OF MATNOG,
Defendant.

X-----X

MOTION FOR RECONSIDERATION

Plaintiff Santa Clara Shipping Corporation and Penafrancia Shipping Corporation (vice Bicolandia Lines) in the above captioned cases, through the undersigned counsel, and unto this Honorable Court most respectfully move for the reconsideration of the Order dated January 16, 2012, copy of which was received on April 17, 2012, dismissing the above entitled cases, and so most respectfully allege:

1. In the said Order dated January 16, 2012, this Honorable Court dismissed these cases for "failure of the plaintiff to prosecute their cases for an unreasonable length of time".


2. The above entitled cases had been set for hearing, per Order dated March 12, 2012, on April 16, 2012. At about that time, parties had been in constant communication between and among themselves on how to forge a settlement, and thus have these cases disposed of and adjudicated upon their own volition and upon such terms and conditions as are mutually acceptable and beneficial to the parties. As proof of these negotiations, we here append the following communications: (a) Letters dated January 24, 2012 sent by Frederick L. Uy (President of Santa Clara Shipping Corporation) and Maynard C. Ngo (President of Penafrancia Shipping Corporation) addressed to defendants Mayor and Sangguniang Bayan of Matnog, Sorsogon, laying down the proposals for settlement; (b) February 13, 2012 letters of the Mayor and Vice-Mayor of Matnog, Sorsogon answering the proposals; and, (c) March 26, 2012 separate letters of Frederick L. Uy (President of Santa Clara Shipping Corporation) and Maynard C. Ngo (President of Penafrancia Shipping Corporation) addressed to defendants Mayor and Sangguniang Bayan of Matnog, Sorsogon, asking for a reconsideration upon the matter of applying earlier payments under protest to the current fees payable.

3. That only very recently, plaintiffs received word from the defendants that the proposals have been favorably accepted by the Mayor and Sangguniang Bayan of Matnog, Sorsogon. Hence, in a matter of weeks, parties to these cases shall submit their written agreement to become a basis for the Honorable Court's Decision upon the said agreement.

4. Under these very special and telling circumstances, it is our most respectful submission that, far from being uninterested or that plaintiffs herein failed to prosecute their cases, earnest efforts had actually been exerted, and success in that regard is forthcoming, plaintiffs and defendants are in fact both in their best of selves to forge an amicable settlement to finally put to an end their legal battle.

Wherefore, it is most respectfully prayed that the Order dated January 16, 2012 be reconsidered and set aside, and, a new Order issue reinstating these cases in the active dockets of this Honorable Court. It is further prayed that these cases be re-set to July 3, 2012, at which time it is expected that parties shall have already formalized their agreement and shall submit the same for approval on said date. Other relief and remedies as are just and equitable under the premises are here prayed for.

Naga City, Philippines. 17 April, 2012.


AVELINO V. SALES, JR.

Counsel for the Plaintiffs

Phase I, Villa Grande Homes Subd.

Concepcion Grande, Naga City

Tel. No. (054)4720158

E-mail address: avsalesjr@gmail.com

IBP No. 854182 (01-02-12)

PTR No. 7016472 (01-02-12)

CTC No. 31982381, Naga City (01-02-12)

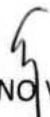
Roll No. 34950

MCLE Compliance III Certificate No.
0011295 (April 6, 2010)

Hon. EMILIO G. UBALDO

Hon. ALEX B. DULAY

Please take notice that the foregoing motion will be submitted for the consideration and approval of the Honorable Court on May 7, 2012 at the usual hours of session without further appearance or argument.


AVELINO V. SALES, JR.

Copy furnished:


Hon. EMILIO G. UBALDO

Municipal Mayor, Matnog, Sorsogon

Hon. ALEX B. DULAY

Vice-Mayor and Presiding Officer Sangguniang Bayan
Matnog, Sorsogon

Explanation: Copies of this motion had been sent through registered mail for lack of manpower making personal service impractical and inconvenient.


AVELINO V. SALES, JR.



Accredited



SANTA CLARA SHIPPING CORPORATION

U-2701 Antel Global Corporate Center, Doña Julia Vargas Avenue, Ortigas Center, Pasig City
Direct Lines: (632) 633-5892 633-5893 Fax: (632) 633-6739



ISM-Certified

January 24, 2012

Hon. Emilio Ubaldo, Sr.
Municipal Mayor
Matnog, Sorsogon

The Hon. Members of Sanggunian Bayan
c/o Honorable Vice Mayor
Matnog, Sorsogon

RECEIVED
DATE: 02-03-2012 9:05 AM
BY: *[Signature]*

[Circular stamp]
[Signature]
2-3-2012

Dear Sirs:

This has reference to the two (2) cases now pending before the RTC of Irosin, Sorsogon, entitled "Santa Clara Shipping Corporation vs. Municipality of Matnog" and "Penafrancia Shipping Corporation vs. Municipality of Matnog", docketed as Special Civil Cases Nos. 710 and 711. In these two cases, filed on January 20, 2004, the plaintiffs sought for the nullification of Municipal Ordinance No. 03-2003 which imposed a php1,000.00 regulatory fee for every trip per vessel plying the route Matnog-Allen and vice-versa. In the same cases, the plaintiffs were able to secure a writ of injunction against the enforcement of the said ordinance. Be that as it may, plaintiffs paid, under protest, the fees, prior to the issuance of the writ.

We would like to propose, for the settlement of the cases, the following: (a) plaintiffs shall pay php100.00 per trip per vessel from January, 2004 to December 31, 2011; (b) from January 1, 2012, plaintiffs shall pay php200.00 per trip per vessel; and, (c) whatever plaintiffs have paid in the past, shall be credited and set off from the entire liabilities of plaintiffs as regards the same regulatory fees.

We would like to put an end to the cases, even as we here express our corporate responsibility to be partners with the local government of Matnog. The amounts we here propose are, we submit, reasonable, considering the price of fuel in the world market, the growing competition as well as the fast rising cost of operation. We would like to request that you please take a second hard look on this proposal because there appears to be a growing stiff competition in the market which weighs heavily on our obligation to our creditor banks for the repayment of our loans with them arising from our purchase of vessels which we fielded in the route. We still have to recoup our investments.

We therefore respectfully request that you consider our position and sincere desire to partner with the local government of Matnog such that you will accept these proposals.

Thank you very much.

Sincerely,

Frederick L. Uy
President
[Signature]



PEÑAFRANCIA SHIPPING CORPORATION

467 Juan Luna St., Plaza Lorenzo Ruiz, Binondo, Manila

OFFICE OF THE MUNICIPAL BAYAN

RECEIVED

DATE 02-03-2012 9:05 AM

BY: [Signature]

[Signature]
2003-2011

January 24, 2012

Hon. Emilio Ubaldo, Sr.
Municipal Mayor
Matnog, Sorsogon

The Hon. Members of Sanggunian
c/o Honorable Vice Mayor

Dear Sirs:

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We therefore respectfully request that you consider our position and sincere desire to partner with the local government of Matnog such that you will accept these proposals.

Thank you very much.

Sincerely,

[Signature]
Maynard C. Ngo
President



OFFICE OF THE MUNICIPAL MAYOR

February 13, 2012

MR. FREDERICK L. UY

President
Santa Clara Shipping Corporation
U-2701 Antel Global Corporate Center
Dona Julia Vargas Avenue
Ortigas Center, Pasig City

Dear Mr. Uy,

This is to acknowledge receipt of your letter dated January 24, 2012 and received in this office on February 03, 2012 in reference to Municipal Ordinance No. 03-2003: AN ORDINANCE IMPOSING A REGULATORY FEE OF ONE THOUSAND (P1,000.00) PESOS PER TRIP TO EVERY VESSEL PLYING THE ROUTE FROM MATNOG TO ANY POINT OF VISAYAS AND MINDANAO of which two cases lie pending before RTC of Irosin, Sorsogon docketed as Special Civil Case Nos. 710 and 711.

While you, the plaintiff, sought for its nullification, the LGU, defendant in this case, seeks implementation of the same. Be as it is, both parties are now in the presumed knowledge that the implementation will soon be in order and so comes our mutual understanding for settlement.

Relative to your proposals, please be informed that the LGU of Matnog **INTERPOSES NO OBJECTION ON THE AMOUNTS PROPOSED**. That is, One Hundred (P100.00) Pesos for the arrearages and Two Hundred (P200.00) Pesos for the regulatory fee per trip per vessel. However, it is strongly requested that the payment of the arrearages ends on noon of June 30, 2010 and payment of the amount of Two Hundred (P200.00) Pesos shall simultaneously commence. Noteworthy is the date that this administration has reckoned its day of service to the people of Matnog. Item (c) is denied. Whatever plaintiffs have paid in the past shall accrue to the coffers of the LGU.

Indeed, we are in great appreciation for your willingness to be partners with the local government of Matnog. We are also in cognizance of the growing competition in the world market as well as your endeavor in purchasing the vessels which, as you said, were used in fielding the route. But it must be noted also, that the LGU has suffered great loss due to the cases filed and the writ of injunction in favor of the plaintiff and to the detriment of the LGU for nine (9) years now.

We trust that we have already reached a settlement favorable to both parties.

Thank you very much.

Very truly yours,

EMILIO G. UBALDO
Municipal Mayor

ALEX B. DULAY
Municipal Vice Mayor



OFFICE OF THE MUNICIPAL MAYOR

February 13, 2012

MR. MEYNARD C. NGO

President
Penafrancia Shipping Corporation
467 Juan Luna St.
Plaza Lorenzo Ruiz
Binondo, Manila

Dear Mr. Ngo,

This is to acknowledge receipt of your letter dated January 24, 2012 and received in this office on February 03, 2012 in reference to Municipal Ordinance No. 03-2003: AN ORDINANCE IMPOSING A REGULATORY FEE OF ONE THOUSAND (P1,000.00) PESOS PER TRIP TO EVERY VESSEL PLYING THE ROUTE FROM MATNOG TO ANY POINT OF VISAYAS AND MINDANAO of which two cases lie pending before RTC of Irosin, Sorsogon docketed as Special Civil Case Nos. 710 and 711.

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Very truly yours,


EMILIO G. UBALDO
Municipal Mayor


ALEX B. DULAY
Municipal Vice Mayor



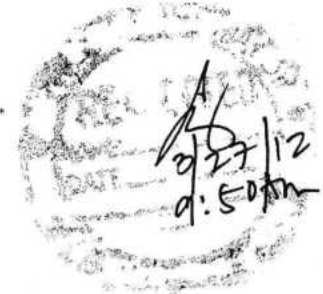
SANTA CLARA SHIPPING CORPORATION

U-2701 Antel Global Corporate Center, Doña Julia Vargas Avenue, Ortigas Center, Pasig City
Direct Lines: (632) 633-5892 633-5893 Fax: (632) 633-6739

26 March, 2012

HON. EMILIO UBALDO SR.
Municipal Mayor
Matnog, Sorsogon

THE HON. MEMBERS OF SANGGUNIANG BAYAN
c/o THE HON. VICE-MAYOR
Matnog, Sorsogon



Gentlemen:

This is to acknowledge receipt of your February 13, 2012 letter for which we are grateful.

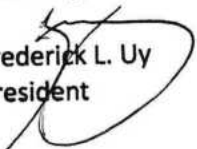
However, we would like to seek for your reconsideration of your decision as regards item (c) as you consider all that we have paid in the past as accruing to the coffers of LGU Matnog.

Kindly look at the matter of applying the payment we have made under protest as a simple act of justice, that is, LGU Matnog ought not enrich itself at our expense and, more importantly, that it must not be paid twice nor ask for payment twice for an obligation that had already been performed. Indeed, while the beneficial use of what we had paid in the past was enjoyed by the past administration under Mayor So, still it was the LGU Matnog that gave us official receipts for the payments made under protest.

It is for these reasons that we appeal to your individual sense of fairness and reasonability. What we here ask is nothing more than what we are entitled to as an instance of giving heed to the legal admonition that "every person must, in the exercise of his right or in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith" (Human Relations, Article 19, Civil Code of the Philippines).

Thank you very much.

Sincerely,


Frederick L. Uy
President



PEÑAFRANCIA SHIPPING CORPORATION

467 Juan Luna St., Plaza Lorenzo Ruiz, Binondo, Manila

26 March, 2012

HON. EMILIO UBALDO SR.
Municipal Mayor
Matnog, Sorsogon

THE HON. MEMBERS OF SANGGUNIANG BAYAN
c/o THE HON. VICE-MAYOR
Matnog, Sorsogon

Gentlemen:

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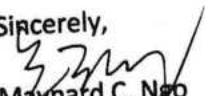
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Thank you very much.

Sincerely,


Maynard C. Ngo
President



RECEIVED
DATE: 01/31/12 2:21 PM
BY: 

Republic of the Philippines
Municipality of Matnog
Province of Sorsogon

IN RE: Municipal Ordinance No.-2003 An Ordinance Imposing a Regulatory fee of One Thousand Pesos(1,000.00) PESOS PER TRIP TO EVERY VESSEL PLYING THE ROUTE FROM MATNOG TO ANY POINT OF VISAYAS AND MINDANAO,

168 Shipping Lines Inc.
With Vessels Plying the Matnog- Allen Route v.v.

x-----x

POSITION PAPER
(TO REDUCE REGULATORY FEE TO ONE HUNDRED PESOS)

168 Shipping Lines Corp., through President, most respectfully submits this Position Paper:

THE ORDINANCE No 03-2003

This position paper was filed by the president to respectfully request the office of the Sangguniang Bayan to reduce the regulatory fee to one hundred pesos per trip.

THE PARTIES

168 Shipping Corporation a domestic shipping lines, engaged in the shipping business with three vessels, plying the route of Matnog- Allen v.v., represented by its president Mr. Peter C. Cua.

Office of the Sangguniang Bayan of Municipality of Matnog Province of Sorsogon is represented by Hon. Edward Ruel T. Barlin, Municipal Mayor in his capacity as Chairman -Committee on Rules.

THE FACTS

On January 12, 2012, the office of the Sangguniang Bayan, scheduled Committee Meeting regarding the implementation of MUNICIPAL ORDINANCE IMPOSING A REGULATORY FEE OF ONE THOUSAND (Php 1,000.00) pesos per trip to every vessel plying the route from Matnog to Any Point of Visayas and Mindanao, The undersigned President, do not opposed to any legal collection of a REGULATORY FEE of this Municipality of Matnog , if ever it will reduce the imposition of **One Thousand (Php 1,000.00)** pesos per vessel's trip to a reasonable amount of **One Hundred(Php100.00) pesos per trip.**

ISSUE

- 1. WHETHER OR NOT THE HEREIN OFFER by 168 Shipping Corp. OF ONE HUNDRED (Php 100.00) per vessels trip reasonable, just.**

ARGUMENTS AND DISCUSSIONS

- 1. WHETHER OR NOT THE HEREIN OFFER BY 168 SHIPPING CORPORATION OF ONE HUNDRED(Php 100.00) pesos per vessels trip are reasonable and just.**

A proper scrutiny of the Municipal Ordinance No. 03-2003, that sought, to be imposed by the Municipality of Matnog for the implementation, charging every vessel plying the route of Matnog to any point of Visayas and Mindanao an amount of one thousand (Php

1000.00) pesos per every trip appears to be inconsistent with the basic provision of the constitution on local taxation which provides that :

“Sec. 5- A Each local government unit shall have the power to create its own sources of revenues and to levy taxes, fees and charges subject to such guidelines and limitation as the congress may provide consisted with the basic policy of local autonomy , Such taxes , fees and charges shall accrue exclusively to the local governments.”(Emphasis and underscoring supplied)

In support to our arguments , the nature therefore of taxing power of the Local Government Unit (LGU's) is not inherent , exercised only if delegated to them by law or constitution , not absolute but subject to limitations provided for by law, and the exercise of its taxing and other revenue raising power shall be uniform in each local government unit, taxes, fees, and other charges shall be equitable and based as far as practicable on the tax payers ability to pay, not be unjust , excessive , oppressive or confiscatory, not contrary to law, public policy, national economic policy or in restraint of trade.

Based on the foregoing justifications of the herein shipping lines and anchored of what is just and equitable in the prevailing and attending circumstances, in behalf of 168 shipping lines, the undersigned president, offers an amount of one hundred pesos regulatory fee per trip of vessels in this municipality of Matnog , be accepted by office of Sangguniang Bayan through its municipal councilor, Edward Ruel T. Barlin.

PRAYER

WHEREFORE, 168 Shipping lines corporation of its offer of one hundred pesos per vessel's trip be given due course...

January 31 2012, San Andres, Catanduanes for Matnog.


MR. PETER C. CUA
President
168 Shipping Lines Corporation

Copy furnished:

Manuel Yu
Port Operations Manager

Chief Fria
Asst. Port Operations Manager

Republic of the Philippines
REGIONAL TRIAL COURT
Fifth Judicial Region
BRANCH 55
Irosin, Sorsogon

RECEIVED
R1 J 55, IROSIN, SORSOGON

2-9-12
Date
By

Handwritten signatures and initials

STA. CLARA SHIPPING CORP.,
Petitioner,

-versus-

Sp. Civil case No. 710
For: DECLARATORY
RELIEF

MUNICIPALITY OF MATNOG,
ET AL.,
Respondents.

Stamp: MAR 12 2012

----- X
BICOLANDIA LINES INC.,
Petitioner,

-versus-

Sp. Civil case No. 711
For: DECLARATORY
RELIEF

MUNICIPALITY OF MATNOG,
ET AL.,
Respondents.

Stamp: MAR 12 2012

ORDER

The Motion to Reset March 15, 2012 hearing filed by the counsel for the petitioner being meritorious is hereby GRANTED.

Stamp: MAR 12 2012

Consequently the hearing on said date is cancelled and reset to an earlier date on MARCH 12, 2012 at 8:30 o'clock in the morning at Irosin, Sorsogon.

SO ORDERED.

Given in chambers this 9th day of February, 2012 at Irosin, Sorsogon.

FRED G. JIMENA
Judge

Handwritten signature of Fred G. Jimena

FGJ/rrb



Republic of the Philippines
Municipality of Matnog
 Province of Sorsogon
 Region - V



OFFICE OF THE SANGGUNIANG BAYAN

January 11, 2012

MR. BIENVENIDO P. BASCO
 VP – Port Operations and
 Terminal Management
 Philharbor Ferries and Port Services, Inc.
 Unit 5 – B 5th FI Uni Oil Center Bldg
 Commerce Avenue, Madrigal Business Park
 Ayala, Alabang, Muntinlupa City

Dear Mr. Basco,


Announce this letter is the implementation of Municipal Ordinance No. 03-2003: AN ORDINANCE IMPOSING A REGULATORY FEE OF ONE THOUSAND (P1,000.00) PESOS PER TRIP TO EVERY VESSEL PLYING THE ROUTE FROM MATNOG TO ANY POINT OF VISAYAS AND MINDANAO.

Relative herewith, you are officially invited to appear before the Sangguniang Bayan for a conference to be held at the SB Session Hall, Municipal Building on January 18, 2012 at 1:00 in the afternoon.

Your presence to this utmost request of invitation is highly expected.

Thank you very much.

Very truly yours,


EDWARD RUEL T. BARLIN
 Municipal Councilor
 Chairman – Committee on Rules

Basco
Dear Mr. Basco
1/11/12
M. Managant



Republic of the Philippines
Municipality of Matnog
 Province of Sorsogon
 Region - V



OFFICE OF THE SANGGUNIANG BAYAN

January 11, 2012

MR. JOSEPH GO
 Sta. Clara Shipping, Corp.
 Penafancia Shipping, Corp.
 Pier Site, Matnog, Sorsogon

Dear Mr. Go,

Anent this letter is the implementation of Municipal Ordinance No. 03-2003: AN ORDINANCE IMPOSING A REGULATORY FEE OF ONE THOUSAND (P1,000.00) PESOS PER TRIP TO EVERY VESSEL PLYING THE ROUTE FROM MATNOG TO ANY POINT OF VISAYAS AND MINDANAO.

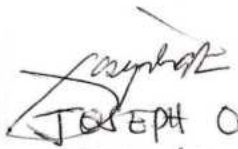
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Thank you very much.

Very truly yours,


EDWARD RUEL T. BARLIN
 Municipal Councilor
 Chairman – Committee on Rules


JOSEPH O. GO
 SSCC/PSC
 1-11-12



Republic of the Philippines
Municipality of Matnog
Province of Sorsogon
Region - V



OFFICE OF THE SANGGUNIANG BAYAN

January 11, 2012

MR. PETER QUA
President
168 Shipping Line, Inc.
San Roque, San Andres, Catanduanes

Dear Mr. Qua,

Herewith is the implementation of Municipal Ordinance No. 03-2003: AN ORDINANCE IMPOSING A REGULATORY FEE OF ONE THOUSAND (P1,000.00) PESOS PER TRIP TO EVERY VESSEL PLYING THE ROUTE FROM MATNOC TO ANY POINT OF VISAYAS AND MINDANAO.

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Thank you very much.

Very truly yours,


EDWARD RUEL T. BARLIN
Municipal Councilor
Chairman – Committee on Rules

*di-ang Ganto
Ronal Monte
1:05 PM
January 11-2012*



Republic of the Philippines
Municipality of Matnog
Province of Sorsogon
Region - V



OFFICE OF THE SANGGUNIANG BAYAN

January 11, 2012

MR. VICENTE MONTENEGRO, JR.
General Manager
2nd Floor Old PPA Bldg.
Sta. Clara, Batangas City

Dear Mr. Montenegro,

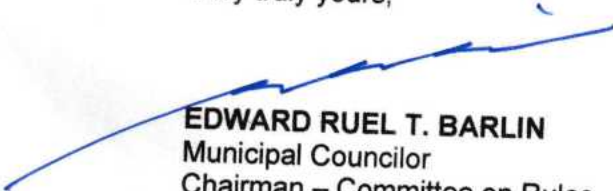
Anent this letter is the implementation of Municipal Ordinance No. 03-2003: AN ORDINANCE IMPOSING A REGULATORY FEE OF ONE THOUSAND (P1,000.00) PESOS PER TRIP TO EVERY VESSEL PLYING THE ROUTE FROM MATNOG TO ANY POINT OF VISAYAS AND MINDANAO.

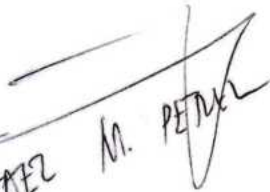
Relative herewith, you are officially invited to appear before the Sangguniang Bayan for a conference to be held at the SB Session Hall, Municipal Building on January 18, 2012 at 1:00 in the afternoon.

Your presence to this utmost request of invitation is highly expected.

Thank you very much.

Very truly yours,


EDWARD RUEL T. BARLIN
Municipal Councilor
Chairman – Committee on Rules


MICHAEL M. PEDRO
1-11-12
K27H



Republic of the Philippines
Municipality of Matnog
Province of Sorsogon

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD AT SB SESSION HALL, MUNICIPAL BUILDING ON JULY 16, 2003 AT 9:00 O'CLOCK IN THE MORNING.

Present:

Hon. Alvin U. Azul	Sangguniang Bayan Member (Temp. Pres. Offcr.)
Hon. Carlos G. Estrelon, Jr.	Sangguniang Bayan Member
Hon. Jaime G. Gata, Jr.	-do-
Hon. Ubaldo M. Ubaldo	-do-
Hon. Romeo G. Garalde	-do-
Hon. Recto G. Dulay	-do-
Hon. Melchor G. Garcera	-do-
Hon. Julio E. Garduque	-do-(ABC President)
Hon. Marc Ace C. Gacis	-do-(SK Federation President)

Absent:

Hon. Pio Paterno B. Bisco	Municipal Vice Mayor (Presiding Officer)
Hon. Romeo G. Garrido	Sangguniang Bayan Member

Resolution No. 54 s. 2003

RESOLUTION ENACTING AN ORDINANCE IMPOSING A REGULATORY FEE OF ONE THOUSAND (P1,000.00) PESOS PER TRIP TO EVERY VESSEL PLYING THE ROUTE FROM MATNOG TO ANY POINT OF VISAYAS AND MINDANAO.

Author: **Hon. UBALDO M. UBALDO**

WHEREAS, the LGU Matnog, Province of Sorsogon, dubbed as the Gateway to the Visayas and Mindanano, caters to more than Five Thousand (5,000) passengers daily on lean or ordinary seasons; and not less than Twenty Thousand (20,000) passengers during peak seasons like summer and Christmas vacations;

WHEREAS, situated at the center of its poblacion area, stretching a shoreline covering (8) eight barangays is the PORT OF MATNOG, listed as one of the Big Ports of the Philippines; and is operated by the Philippine Ports Authority, and thus benefits solely from its operation;

WHEREAS, as a result of the ever-increasing number of passengers using land transportation, the LGU of Matnog, thru the enactment of the Sangguniang Bayan, favorably indorsed the increase of franchised vessels, thereby substantially increasing the number of trips daily;

WHEREAS, the continuous trips of vessels (numbering more or less 18 trips daily) pose grave danger to the environmental and ecological balance of the municipality, effected by the uncontrollable and indiscriminate disposal of wastes by the passengers;

WHEREAS, more alarming is the volume of oil spills and toxic residues littering the sea surface and non-biodegradable wastes at the bottom which cause unquantifiable damage to marine and other aquatic resources;

WHEREAS, that these environmentally threatening wastes are results of the daily cleaning processes done by all vessels during anchorage.

WHEREAS, more noticeable is the disturbing decrease or decline in the volume of fish catch that are commonly abundant in the shoreline area which adversely affect the livelihood of small fisher folks that rely on marine and other aquatic products;

WHEREAS, the Philippine Ports Authority, while reaping the benefits from the operation of the Port of Matnog failed miserably in providing effective mechanism to control the indiscriminate wastes disposal in and outside the port premises, or is incoznizant of the ill-effects and its adverse consequences to the residents;

WHEREAS, additionally, it is also mandated to protect the welfare of its constituents and as such, adopt measures to protect the inhabitants from harmful effects of man-made disasters and may even impose appropriate penalties for acts which endanger the environment, or ecological balance;

WHEREAS, RA 9003, otherwise known as the Ecological Solid Waste Management Act of 2000, provides that every LGU must establish its own Local Solid Waste Management Board;

WHEREAS, to address continually increasing threat to the environmental safety and ecological balance of this municipality, the LGU intends to make this Board doubly functional and operational;

WHEREAS, the LGU of Matnog, classified as a fourth class municipality lacks the financial capacity for such undertaking and therefore urgently needs additional revenue;

WHEREFORE, on the unanimous assent of all SB Members be it

RESOLVED, AS IT IS HEREBY RESOLVED, to enact, as it is hereby enacted

MUNICIPAL ORDINANCE NO. 03-2003

AN ORDINANCE IMPOSING A REGULATORY FEE OF ONE THOUSAND (P1,000.00) PESOS PER TRIP TO EVERY VESSEL PLYING THE ROUTE FROM MATNOC TO ANY POINT OF VISAYAS AND MINDANAO.

BE IT ORDAINED by the Sangguniang Bayan of Matnog, that:

Section 1. Imposition. There shall be a regulatory fee of One Thousand (P1,000.00) Pesos per trip to every vessel plying the route from Matnog to any point of Visayas and Mindanao.

Section 2. Person Authorized in the Implementation of this Ordinance. It shall be the responsibility of the Office of the Municipal Treasurer thru the Municipal Treasurer or his duly representative to implement the collections being imposed.

Section 3. Disposition of Proceeds Derived From the Regulatory Fee Imposed. The proceeds shall be deposited in a trust fund and shall accrue solely to the LGU to be utilized for operationalization of the Local Solid Waste Management Council.

Section 4. Creation of Permanent Plantilla Positions. There shall be created permanent plantilla positions for the purpose to be determined by the LGU pursuant to the provisions of the Local Government Code of 1991 and Civil Service Law and Rules.

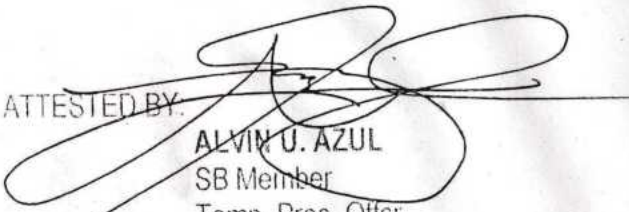
Section 5. Penal Provision. Violation of any of the provisions of this ordinance shall automatically cause for the cancellation of mayor's permit.

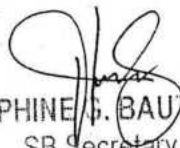
Section 6. Repealing Clause. If for any reason, any portion or part thereof is found to be a violation of any law, rule or regulation, no any other part shall be rendered unconstitutional or invalid.

Section 7. Effectivity. This ordinance shall take effect after the period of publication for three consecutive weeks in any local newspaper of general circulation and after posting in three conspicuous places for three consecutive weeks.

I hereby certify to the correctness of the foregoing.

ATTESTED BY:


ALVIN U. AZUL
SB Member
Temp. Pres. Offcr.


JOSEPHINE S. BAUTISTA
SB Secretary

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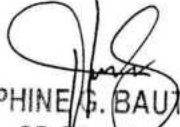
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SB Member
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JOSEPHINE S. BAUTISTA
SB Secretary



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Hon. Ubaldo M. Ubaldo	-do-
Hon. Romeo G. Garalde	-do-
Hon. Recto G. Dulay	-do-
Hon. Melchor G. Garcera	-do-
Hon. Julio E. Garduque	-do-(ABC President)
Hon. Marc Ace C. Gacis	-do-(SK Federation President)

Absent:

Hon. Pio Paterno B. Bisco	Municipal Vice Mayor (Presiding Officer)
Hon. Romeo G. Garrido	Sangguniang Bayan Member

Resolution No. 54 s. 2003

RESOLUTION ENACTING AN ORDINANCE IMPOSING A REGULATORY FEE OF ONE THOUSAND (P1,000.00) FOR THE TO EVERY VESSEL PLYING THE ROUTE FROM MATNOG TO ANY POINT OF VISAYAS AND THE PROVINCE OF NAAG.

ENACTED BY THE SANGGUNIANG BAYAN OF MATNOG, SORSOGON, PHILIPPINES, THIS 16th DAY OF JULY 2003.

UBALDO M. UBALDO

WHEREAS, the LGU Matnog, Province of Sorsogon, dubbed as the Gateway to the Visayas and Mindanao, receives more than Five Thousand (5,000) passengers daily on lean or ordinary seasons; and not less than Twenty Thousand (20,000) passengers during peak seasons like summer and Christmas vacations;

WHEREAS, situated at the center of its poblacion area, stretching a shoreline covering (8) eight barangays in the Municipality of MATNOG, listed as one of the Big Ports of the Philippines; and is operated by the Philippine Ports Authority and the benefits solely from its operation;

WHEREAS, as a result of the ever-increasing number of passengers using land transportation, the LGU of Matnog, thru the enactment of the Sangguniang Bayan, favorably indorsed the increase of franchised vessels, substantially increasing the number of trips daily;

WHEREAS, the continuous trips of vessels (numbering more or less 18 trips daily) pose grave danger to the social and ecological balance of the municipality, effected by the uncontrollable and indiscriminate disposal of wastes by the passengers;

WHEREAS, more alarming is the volume of oil spills and toxic residues littering the sea surface and non-biodegradable wastes at the bottom which cause unquantifiable damage to marine and other aquatic resources;

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WHEREAS, more noticeable is the disturbing decrease or decline in the volume of fish catch that are commonly abundant in the shoreline area which adversely affect the livelihood of small fisher folks that rely on marine and other aquatic products;

WHEREAS, the Philippine Ports Authority, while reaping the benefits from the operation of the Port of Matnog failed miserably in providing effective mechanism to control the indiscriminate wastes disposal in and outside the port premises, or is incognizant of the ill-effects and its adverse consequences to the residents;

WHEREAS, the LGU of Matnog thru its Chief Executive and thru the enactment of an appropriate legislation

WHEREAS, additionally, it is also mandated to protect the welfare of its constituents and as such, adopt measures to protect the inhabitants from harmful effects of man-made disasters and may even impose appropriate penalties for acts which endanger the environment, or ecological balance;

WHEREAS, RA 9003, otherwise known as the Ecological Solid Waste Management Act of 2000, provides that every LGU must establish its own Local Solid Waste Management Board;

WHEREAS, to address continually increasing threat to the environmental safety and ecological balance of this municipality, the LGU intends to make this Board doubly functional and operational;

WHEREAS, the LGU of Matnog, classified as a fourth class municipality lacks the financial capacity for such undertaking and therefore urgently needs additional revenue;

WHEREFORE, on the unanimous assent of all SB Members be it

RESOLVED, AS IT IS HEREBY RESOLVED, to enact, as it is hereby enacted

MUNICIPAL ORDINANCE NO. 03-2003

AN ORDINANCE IMPOSING A REGULATORY FEE OF ONE THOUSAND (P1,000.00) PESOS PER TRIP TO EVERY VESSEL PLYING THE ROUTE FROM MATNOG TO ANY POINT OF VISAYAS AND MINDANAO.

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I hereby certify to the correctness of the foregoing.

TESTED BY:

ALVIN U. AZUL
SB Member
Temp. Pres. Offcr.


JOSEPHINE S. BAUTISTA
SB Secretary

APPROVED:


MAYOR



Republic of the Philippines
Municipality of Matnog
Province of Sorsogon

OFFICE OF THE MUNICIPAL MAYOR

2nd Indorsement
July 28, 2003

Respectfully indorsed to the **Office of the Sangguniang Bayan**, LGU Matnog the herein approved Resolution No. 54s. 2003, Municipal Ordinance No. 03-2003 **RESOLUTION ENACTING AN ORDINANCE IMPOSING A REGULATORY FEE OF ONE THOUSAND (PHP.1,00.00) PESOS PER TRIP TO EVERY VESSEL PLYING THE ROUTE FROM MATNOG TO ANY POINT OF VISAYAS AND MINDANAO.**


ZENAIDA R. GARAY
Executive Secretary