



Lungsod ng Bacolod

CITY ORDINANCE NO. 301

June 9, 2005

AN ORDINANCE PROVIDING FOR POLICE CLEARANCE FEES, AMENDING SUB-PARAGRAPHS 7.1.1 TO 7.1.8 OF PARAGRAPH 7 OF ARTICLE II OF CHAPTER IV OF TAX ORDINANCE NO. 154, SERIES OF 1995, AND ESTABLISHING A TRUST FUND FROM THE COLLECTIONS THEREOF FOR THE CITY'S POLICE SUPPORT PROGRAMS.

WHEREAS, Republic Act 7160 (Local Government Code) empowers the City Government of Bacolod to create sources of revenue;

WHEREAS, the Constitution likewise empowers the City Government of Bacolod to create its own sources of revenue and to levy taxes, fees and charges subject to such guidelines and limitations as the Congress may provide, consistent with the basic policy of local autonomy. Such taxes, fees and charges shall accrue exclusively to the local governments;

WHEREAS, in accordance with said Local Government Code, the City of Bacolod thru the Sangguniang Panlungsod shall provide support services and facilities for education, police and fire protection;

WHEREAS, in order to improve and enhance the service of the Philippine National Police - Bacolod to the public as well as properly store and manage data collated from police criminal records such as arrest records and warrants of arrests for purposes of issuance of police clearance and the checking of derogatory information, the same shall now be done with automated machines and/or computer softwares and systems;

WHEREAS, in order to maintain peace and order in the City of Bacolod, it is also necessary to maintain and sustain the efficient operations and delivery of basic services of police protection to the public.

NOW THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD IN SESSION:

Section 1. TITLE

This Ordinance shall also be known as the "Police Clearance Fee and Program Support Ordinance of Bacolod City"

Section 2. AMENDING PROVISIONS

This Ordinance shall amend sub-paragraphs 7.1.1 to 7.1.8 of Paragraph 7 of Article II of Chapter IV of TAX ORDINANCE NO. 154, Series of 1995, and its provisions shall now be read as follows.

7. CLEARANCE FEES

7.1. Police Clearances

7.1.1	For domestic employment, scholarship and study grant	P 60.00
7.1.2	For seaman and other employment abroad	100.00
7.1.3	For study and grant abroad	80.00
7.1.4	For change of name	100.00
7.1.5	For application of Filipino citizenship	400.00
7.1.6	For passport or visa application	100.00
7.1.7	For firearms permit application	100.00
7.1.8	For other purposes not specified above	80.00

SECTION 2.1 5-YEAR UPWARD ADJUSTMENT

A year after this Ordinance shall have taken effect in accordance with law, the fees prescribed in the preceding Section 2, shall automatically be adjusted and increased by TEN PESOS (P10.00) for all the purposes mentioned, and every year thereafter for the next five (5) years without need of further legislative amendment to this Ordinance.

Section 3. DISPOSITION OF FEES COLLECTED

Fifty percent (50%) of the fees provided for in Section 2 collected by the City Treasurer shall accrue to the General Fund of the City, while the other fifty percent (50%) shall be deposited in the Police Support Trust Fund established pursuant to this Ordinance.

Section 4. TRUST FUND

The fifty percent (50%) collected from the payment of said fees and deposited in said Trust Fund shall be used solely for the operational and maintenance expenses that may be needed by the Philippine National Police - Bacolod for the continued, efficient and speedy delivery of services of automated issuance of police clearances which shall include the procurement of technical capabilities including equipments and maintenance of the same, as well as other related operational expenses vital to the effective implementation of said police function.

The joint signatories to the Trust Fund shall be the City Mayor and the Bacolod City Police Director, and they shall ensure that withdrawals, releases, or disbursements and/or use of any amount of money from said Trust Fund, which shall be done on a monthly basis, shall be subject to the provisions of this Ordinance, the submission of duly approved Program of Works, and accounting and audit rules mandated by pertinent national laws, or department orders.

Section 5. QUARTERLY REPORT ON DEPOSITS AND DISBURSEMENTS

A quarterly report on all deposits to and disbursements from the aforementioned Trust Fund shall be submitted by the Bacolod City Police Director and countersigned by the City Mayor to the Sangguniang Panlungsod for their information, legislative tracking and appropriate action.

Section 6. OWNERSHIP OF EQUIPMENT/APPLIANCES

All properties, equipment, appliances and other facilities acquired, obtained, or purchased through this Fund shall be owned and utilized by the Philippine National Police - Bacolod and may not be removed from its location by any government agency or entity without the consent of the City Mayor and the Sangguniang Panlungsod and conformity of the Bacolod City Police Director.

Section 7. SEPARABILITY CLAUSE

If for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 8. REPEALING CLAUSE

All other ordinances, resolutions, and executive orders and other issuances which are inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

Section 9. EFFECTIVITY CLAUSE

This Ordinance shall take effect upon its enactment and publication in a paper of general circulation.

CARRIED BY THE VOTE OF:

Affirmative

Councilors: Greg G. Gasataya, Ana Marie V. Palermo, Lyndon P. Caña, Jocelle Batapa-Sigue, Homer Q. Bais, Dindo C. Ramos, Jude Thaddeus A. Sayson, Napoleon A. Cordova, Elmer T. Sy, Al Victor A. Espino, Catalino T. Alisbo, Arturo V. Parreño

Negative : None.

Official Leave : Councilor Reynold I. Iledan.

Absent : Councilor Marx Louie S. de la Rosa

Main Author : Floor Leader Ana Marie V. Palermo

Co-Authors : Councilors A. Victor A. Espino and Greg G. Gasataya


Passed : June 9, 2005 (50th Regular Session)

Comments: P a s s e d .




RENECITO S. NOVERO
Vice Mayor
Presiding Officer

ATTESTED:


ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED: June 28, 2005.


EVELIO R. LEONARDIA
City Mayor

NTA/HPL/jemz





05-170-E

Republic of the Philippines
OFFICE OF THE CITY MAYOR
City of Bacolod

File

June 28, 2005

HONORABLE MEMBERS
SANGGUNIANG PANLUNGSOD
Bacolod City



Your Honors:

Respectfully submitting herewith City Ordinance No. 391 Series of 2005 with my signature. However, may we invite your attention to the attached comments relative thereto from the Office of the City Legal Officer for your consideration.

Thank you.

Very truly yours,

EVELIO R. LEONARBIA
City Mayor

ALLAN L. ZAMORA
City Legal Officer



REPUBLIC OF THE PHILIPPINES
City of Bacolod
OFFICE OF THE CITY LEGAL OFFICER

2nd ENDORSEMENT
June 23, 2005

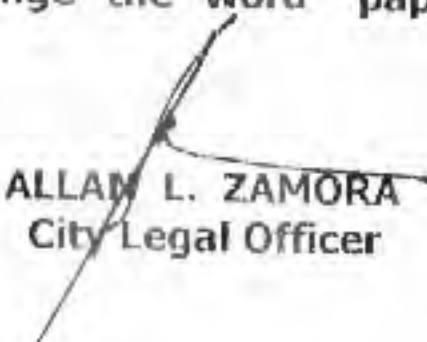
Respectfully returned to Atty. Eli Aragon the copy of the City Ordinance no. 391, series of 2005 with a comment that this office interposes no objection to the passage of the said Ordinance considering the laudable objective thereof.

However, the following observations must be noted:

1. The provision on Section 6 of this Ordinance is inconsistent with the attributes of ownership. While it is clear that it is the intention of the Ordinance to vest ownership to the Bacolod City Police Office over the properties acquired through the Trust Fund, the City Mayor and the Sangguniang Panlungsod retains the authority to decide on the removal of the said properties. Certainly, there is ambiguity in the use of the word "may not be" which connotes permissive acquisition of consent to remove the property and there is no policy provided should there be failure to obtain such consent.

If the intent of this ordinance as provided for in Section 6 is to vest ownership to the Bacolod City Police Office over properties acquired then let the City Director of the said office have the full control, disposition and responsibilities over said properties subject to the usual audit rules on public properties. To obtain the consent of the Mayor or the Sangguniang Panlungsod will not only be redundant but might in some cases delay operation. However, as a safety net, this provision can direct the City Director of the Bacolod Police Office, for information of the City Mayor and the Sangguniang Panlungsod, to include in his monthly report the inventory or removal of any property subject of this ordinance.

2. Section 9 should be corrected to change the word "paper" to "newspaper" of general circulation.


ALLAN L. ZAMORA
City Legal Officer