



Republic of the Philippines  
Province of Iloilo  
**MUNICIPALITY OF OTON**  
OFFICE OF THE SANGGUNIANG BAYAN

**EXCERPT** from the Minutes of Session of the Sangguniang Bayan ng Oton, Iloilo recorded during its Regular Session held at the SB Session Hall on **November 03, 2023** at 9:00 in the morning.

<b>PRESENT:</b>	Vice Mayor Jose Neil Portugalete Olivares Hon. Jimmy Robles Olivares Hon. Ma. Lorna Tumambo Geonigo Hon. Dennis Quillo Geroche Hon. Ernesto Cordova Ticao Hon. Grace Marie Escanlar-Cruz Hon. Rodolfo Zurita Alconga, Jr. Hon. Antonio Prias Masculino, Jr. Hon. Ella Mae Seguiza Yeoh	Vice Mayor and Presiding Officer SB Member SB Member SB Member SB Member SB Member SB Member (LNB Representative) SB Member (PPSK Representative)
<b>ON OFFICIAL BUSINESS:</b>	None.	
<b>ABSENT:</b>	Hon. Lee Cereneo Alison – Bretaña Hon. Vanessa Turita Salinas	SB Member SB Member



**ORDINANCE NO. 2023 – 427**

**AN ORDINANCE LEVYING ECOLOGICAL FEE IN THE  
MUNICIPALITY OF OTON, ILOILO AND IMPOSING PENALTIES  
FOR VIOLATIONS THEREOF.**

**AS PROPOSED BY** Vice Mayor Jose Neil P. Olivares **ON MOTION** of Hon. Lee C. Alison-Bretaña, Chair, Committee on Ways and Means together with the Committee on Environmental Protection and Climate Change Adaptation which was duly seconded by Hon. Antonio P. Masculino, Jr.

**BE IT ORDAINED** by the Sangguniang Bayan of Oton, Iloilo, that:

**SECTION 1. RATIONALE**

The Municipality of Oton is endowed by God with rich coastal resource as well as heritage sites and landmarks. It wishes to further boost its tourism industry and at the same time preserve its beautiful and abundant natural resources;

Due to rapid increase of tourism and economic activities in the Municipality, there is a great risk of degradation, destruction and deterioration in its environment resources;

Guided by the Polluters Pay Principle, there is a need to generate new sources of revenues to finance the implementation of environment or tourism plans and projects such as augmenting the fund for the tipping fee for solid waste disposal.

**SECTION 2. LEGAL BASES**

Sec. 16 Article I of the 1987 Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

Sec. 5 Art. X of the said Constitution likewise provides that 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 limitations as the Congress may provide, consistent within the basic policy of local autonomy which shall accrue exclusively to local governments;

Sec. 16 Chapter 2 Title One Book II of Local Government Code of 1991 provides that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

Section 186 Chapter 5 Title One, Book I of the Local Government Code of 1991 provides that local government units may exercise the power to levy taxes, fees, or charges on any base or subject not otherwise specifically enumerated herein or taxed under the provisions of the National Internal Revenue Code, as amended, or other applicable laws, provided that the taxes, fees and charges shall not be unjust, excessive, oppressive, confiscatory, or contrary to declared national policy;

**SECTION 3. SHORT TITLE.** This ordinance shall be known as the “Oton Ecological Fee Ordinance”.

**SECTION 4. DEFINITION OF TERMS.** For purposes of this Ordinance, the following terms shall mean;

- a.) **Accommodation Establishment** refers to hotels, resorts, pension houses, inns lodging places, cottages and other establishments temporarily occupied by tourists for a fee.
- b.) **Authorized Collector** refers to any person who has been duly deputized by the Mayor or the Municipal Treasurer to collect ecological fee on accommodation establishment.
- c.) **Ecological Fee** refers to a fee imposed on any non-resident local or international tourists and visitors who are accommodated on any accommodation establishment within the municipality. Such fees shall support sustainable program for environment protection, conservation and management.
- d.) **Resident** refers to any individual who resides permanently in the Municipality of Oton. Proof of residency shall include community tax certificate, employment identification, and other current government issued ID or barangay clearance.
- e.) **Tourists** – refers to persons not being residents of the Municipality of Oton, who enter the same for the purpose of visiting, lodging, enjoying, viewing and/or experiencing the amenities of accommodation establishment, its tourist destinations and other eco-tourism spots, whether man-made or not, for momentary or short period only.
- f.) **Trust Fund** refers to the special account established for ecological fee collection and can be utilized subject to the provision of this ordinance.

**SECTION 5. ESTABLISHMENT OF ECOLOGICAL FEE TRUST FUND**

It is hereby established an Ecological Fee Trust Fund which shall be for the payment of tipping fee for solid waste and for other environmental and tourism plans, programs and activities.

**SECTION 6. SCOPE AND COVERAGE**

The Ecological Fee shall be levied within the jurisdiction of the Municipality of Oton on all tourists who visit and enjoy the amenities of accommodation establishments.

**SECTION 7. EXEMPTION AND DISCOUNT FROM PAYMENT**

The following shall be exempted from the payment of Ecological Fee:

7.1 All residents permanently residing in the Municipality of Oton shall be exempted from payment of the Ecological Fee, provided that he or she shows proof of such residency. Proof of residency includes government issued IDs, community tax certificate and barangay clearance;

7.2 Filipino children 6 years old and below.

7.3 government officials/personnel who are invited by the offices of the municipal government to perform official functions on LGU-hosted activities;

7.4 Visitors who arrive for the purpose of scientific/academic research with prior consent and authority by any national government agency and/or the municipal government of Oton and upon presentation of letter of endorsement or travel order /mission signed by the head of agency;

7.5 All Filipino senior citizens and PWD shall have a 20% discount in the payment of Ecological Fee.

**SECTION 8. COLLECTION OF ECOLOGICAL FEE**

The collection of ecological fee shall be in accordance with the following:

8.1 An ecological fee in the amount of Ten Pesos (Php 10.00) from every tourist upon entering an accommodation establishment shall be collected by the authorized collectors of the Municipal Treasurer's Office. The Barangay Treasurer, may be authorized by the Municipal Treasurer, for such collection in their respective area where the accommodation establishment is located. The Ecological Fee collected shall be good only for the entire stay of the tourist in Oton until his/her exit/departure from any accommodation establishment.

The fees collected shall form part of the income of the municipality but shall be deposited in a trust fund.

8.2 Manner of Collection. The Municipal Treasurer or his/her duly authorized collectors shall adopt an Internal Rules and Regulations on the manner of collection of the ecological fee based on prevailing laws and rules (Issuance of receipt in a form of cash tickets from the MTO).

8.3 Collecting Office. The office of the municipal treasurer shall be the principal office responsible for collecting the Ecological Fee and shall strictly implement the provisions of this ordinance through monitoring and visitation of accommodation establishment on weekly or daily basis. The municipal mayor may extend logistical support to assist the authorized collectors.

8.4 Review of Ecological Fee. The Sangguniang Bayan shall periodically review the Ecological Fee and shall be guided by a study and technical information in order to rationalize the rate of fee to be collected and after due consultation with all the stakeholders.

8.5 Check and Balance. The Ecological Fee collected by the municipal treasurer shall undergo monitoring subject to the usual accounting and auditing procedures of the Commission on Audit.

8.6. Barangay concerned shall assist and monitor the implementation of this Ordinance.

## **SECTION 9. ADMINISTRATION AND MANAGEMENT OF FUNDS**

The Municipal Treasurer's Office shall monitor the manner of collections, approve disbursements and collections of funds out of this ordinance under the following guidelines:

9.1 The Ecological Fee Trust Fund shall be solely for environment or tourism projects such as the payment of tipping fee for Solid Waste or other related PPAs for the environment or tourism.

9.2 The Ecological Trust Fund shall be provided in the AIP for environmental /tourism projects of the LGU.

## **SECTION 10. USE OF TRUST FUND**

The following shall govern the rules governing the use of trust fund:

10.1 Fifty percent (50%) of gross collection shall accrue to the payment of tipping fee for solid waste disposal.

10.2 Twenty percent (20%) of gross collection shall be allotted to all concerned barangays where the Ecological Fees were collected. It will be remitted to the concerned barangay every quarter or bi-annually. Such fund of the concerned barangay shall be used for environmental plans, programs and activities.

10.3 Twenty percent (20%) of gross collection shall be allotted to all business establishments where the ecological fees were collected. It will be remitted to the concerned business establishments every quarter;

10.4 The Ten percent (10%) gross collection shall be allotted for tourism projects that will be identified by the Municipal Mayor with the recommendation of the Tourism Officer or Tourism Council.

## **SECTION 11. APPROPRIATION**

The Municipal Treasurer's Office shall include in its budget an amount necessary for an effective and efficient implementation of this ordinance.

## **SECTION 12. INCENTIVE MECHANISM FOR ACCOMMODATION ESTABLISHMENTS**

The municipal government shall establish incentive mechanism for accommodation establishments for actively complying to the provision of this ordinance.

## **SECTION 13. SANCTIONS AND PENALTIES**

13.1 Any person who refuses to pay the Tourism Ecological Fee shall be meted a fine of Five Hundred Pesos (Php 500.00);

13.2 Misrepresentation of one's identity, residency and the like in order to avoid payment of the ecological fee shall be meted a fine of One Thousand Pesos (Php 1,000.00);

13.3 Authorized/Deputized collectors who do not collect Ecological Fee shall be meted a fine of One thousand pesos (PhP 1,000.00) or imprisonment of not less than two (2) days or both fine and

imprisonment at the discretion of the court without prejudice to administrative liability or the cancellation of the authority to collect and the filing of appropriate criminal cases;

13.4 Collection of Ecological Fee by a person not authorized to collect shall be punishable by a fine of One Thousand Five Hundred Pesos (PhP 1,500.00) and/or imprisonment of not less than three (3) days or both fine and imprisonment at the discretion of the court without prejudice to the filing of appropriate criminal cases;

13.5 Accommodation establishments that will not collect environmental fee from their guests upon check-in shall be penalized as follows:

13.5.1. 1<sup>st</sup> Offense: Fine of Php 1,000.00;

13.5.2 2<sup>nd</sup> Offense: Fine of Php 1,500 and warning for cancellation of business permit;

13.5.3 3<sup>rd</sup> Offense: Fine of Php 2,500 and cancellation of business permit

Aside from the filing of proper case in court for violation of this Ordinance, the Municipal Mayor being the local chief executive shall impose administrative sanctions and/or subject to disciplinary action any public officer or employee of the Municipal Government of Oton, Iloilo who may violate this Ordinance.

**SECTION 14. IMPLEMENTING RULES AND REGULATIONS.**

The Local Chief Executive shall, through an executive order with the assistance of the Municipal Treasurer's Office, issue the necessary rules and regulations detailing the manner of how this revenue ordinance be properly implemented to effectively carry-out the intent thereof within thirty (30) days from the effectivity of this ordinance.

**SECTION 15. REPEALING CLAUSE.** All Other Ordinances inconsistent with this ordinance are hereby repealed accordingly.

**SECTION 16. SEPARABILITY CLAUSE.** If for certain reasons some provisions of this Ordinance are found to be invalid or unconstitutional, all other provisions hereof not affected shall remain in full force and effect.

**SECTION 17. EFFECTIVITY CLAUSE.** Based on Section 511 of the Local Government Code, this Ordinance with penal sanctions shall take effect either on the day following its publication, or at the end of three (3) consecutive weeks period of posting, whichever occurs later.


**SECTION 18. COPIES.** This Ordinance shall be furnished to the Office of the Mayor, MTO, MENRO, 37 Barangays, Oton PNP, BPLO, Other CSO's, Senior Citizens Federated Pres., PWD Federated Pres., Liga ng mga Barangay, PCCI-Oton Chapter, All accommodation establishment, MLGOO and the Sangguniang Panlalawigan of Iloilo for information, guidance and review respectively.

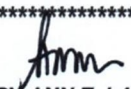
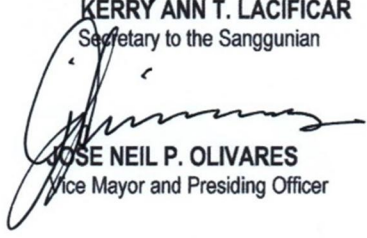
**UNANIMOUSLY APPROVED.**

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I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

Concurred:   
**JIMMY R. OLIVARES**  
Vice Chair - Committee on Rules and Privileges

Approved:   
**SOFRONIO L. FUSIN, JR.**  
Municipal Mayor

Attested:   
**KERRY ANN T. LACIFICAR**  
Secretary to the Sanggunian  
  
**JOSE NEIL P. OLIVARES**  
Vice Mayor and Presiding Officer

Date Approved: NOV 15 2023

Date Posted: NOV 15 2023