



Office of the Sangguniang Panlungsod

MINUTES OF THE 19<sup>th</sup> REGULAR SESSION OF THE SECOND SANGGUNIANG PANLUNGSOD OF BAYBAY, LEYTE HELD IN THE SESSION HALL ON DECEMBER 3, 2007.

PRESENT:

HON. REX A. RETANA..... City Vice Mayor & Presiding Officer  
HON. ERNESTO M. BUTAWAN..... Sangguniang Panlungsod Member  
HON. CRISTELO S. LORETO..... -do-  
HON. EDUARDO S. GUINOCOR, JR..... -do-  
HON. LEONIDO A. BERAY..... -do-  
HON. LOLITO C. MUÑEZ..... -do-  
HON. ERLINDO P. LAPLANA..... -do-  
HON. TERESITA J. VELOSO..... -do-  
HON. CARLO S. ENRIQUEZ..... -do-  
HON. TEODORO MARTINEZ..... ABC President, Ex-Officio

ABSENT:

SK Federation President ..... vacant

CITY ORDINANCE NO. 002  
s. 2007

AN ORDINANCE LEVYING VARIOUS TAXES ALLOWED FOR CITIES UNDER REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991.

Principally Authored and Introduced by Hon. Carlo S. Enriquez; also Authored by Hon. Erlindo P. Laplana

BE IT ORDAINED, by the Sangguniang Panlungsod of the city of Baybay, in session, that:

**SECTION 1. Scope and Application.** There is hereby levied the following taxes in the territorial jurisdiction of the city of Baybay allowed under Republic Act No. 7160, otherwise known as the Local Government Code of 1991, hereinafter referred to as the Code, as implemented under its Implementing Rules and Regulations:

- Tax on the Transfer of Real Property Ownership;
- Tax on Business of Printing and Publication;
- Franchise Tax;
- Professional Tax;
- Amusement Tax; and
- Annual Fixed Tax for Every Delivery Truck or Van of Manufacturers or Producers, Wholesalers, Dealers or Retailers of Certain Products.

**CHAPTER I. TAX ON TRANSFER OF REAL PROPERTY OWNERSHIP**

**SECTION 2. Imposition of Tax.** There is hereby levied a tax on the sale, donation, barter, or on any other mode of transferring ownership or title of real property within the territorial jurisdiction of the city of Baybay at the rate of fifty percent of one percent (50% of 1%) of the total consideration involved in the acquisition of the property or of the fair market value and/or zonal value of the property, whichever is higher.

As used in this ordinance, the fair market value shall be that reflected in the prevailing schedule of fair market values or subsequent amendments to the schedule enacted by the sanggunian of the city of Baybay; Provided, that in the



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preparation of the schedule of fair market values, the city assessor was guided by the rules and regulations issued by the Department of Finance (DOF); and Provided further, that the schedule of fair market values shall be published in a newspaper of general circulation in the city or posted in the city hall and in two (2) other conspicuous places therein.

In the case of sale or exchange or barter by means of stocks, the par value of the stocks shall be considered, relative to the market value of the real property, to determine the correct tax.

**SECTION 3. Exemption.** The sale, transfer, or other disposition of real property pursuant to Republic Act No. 6657 shall be exempted from this tax and those stipulated in Section 133 (c) of the Local Government Code.

**SECTION 4. Time of Payment.** It shall be the duty of the seller, donor, transferor, executor, administrator or heir to pay the tax herein imposed within sixty (60) days from the date of the execution of the deed as regards sale, barter, donation, or any other mode of transfer of ownership or from the date of the descendant's death, in the case of transfer by succession.

**SECTION 5. Administrative Provisions.** The register of deeds of the city of Baybay, or if there is none, of the province of Leyte, shall require the presentation of the evidence of payment of this tax before registering any document, instrument or deed transferring real property ownership. The city assessor shall, likewise, require the same before canceling an old tax declaration or Field Assessment Appraisal Sheet (FAAS) and issuing a new one in place thereof. Notaries public shall furnish the city treasurer a copy of any deed transferring ownership or title to any real property within thirty (30) days from the date of notarization.

## CHAPTER II. TAX ON THE BUSINESS OF PRINTING AND PUBLICATION

**SECTION 6. Imposition of Tax.** There is hereby imposed a tax on the business of persons engaged in the printing and/or publication of books, cards, posters, leaflets, handbills, certificates, receipts, pamphlets, and other printed materials of similar nature, at a rate of fifty percent of one percent (50% of 1%) of the gross annual receipts of the preceding calendar year.

In the case of a newly started business, the tax shall be one-twentieth of one percent (1/20 of 1%) of the capital investment. In the succeeding calendar year, regardless of when the business started to operate, the tax shall be based on the gross receipts for the preceding calendar year or any fraction thereof as provided herein.

**SECTION 7. Exemptions** The receipts from the printing and/or publishing of books or other reading materials prescribed by the Department of Education, Culture and Sports and the Commission on Higher Education as school texts or references shall be exempted from this tax. Newspaper and newsmagazine publishing is, likewise, not subject to this tax.

**SECTION 8. Accrual and Payment of Tax.** The tax herein imposed shall accrue on the first (1<sup>st</sup>) day of January of each year as regards tax subjects liable thereof and shall be due and payable to the city treasurer within the first twenty (20) days of January or of each subsequent quarter for taxes paid on a quarterly basis.

**SECTION 9. Surcharge and Penalties.** A surcharge of twenty five percent (25%) of the amount of taxes and fees not paid on time shall be imposed. Interest not exceeding two percent (2%) per month of the unpaid taxes, fees, and charges including surcharges shall also be collected until such amounts are fully paid, but in no case shall the total interest on the unpaid amount or portion thereof, exceed thirty-six (36) months.

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SP Member



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### CHAPTER III. FRANCHISE TAX

**SECTION 10. Imposition of Tax.** Notwithstanding any exemption granted by any law or other special law, there is hereby imposed a tax on businesses enjoying a franchise, at a rate of fifty percent of one percent (50% of 1%) of the gross annual receipts realized during the preceding calendar year within the territorial jurisdiction of this city.

**SECTION 11. Exemption.** The tax herein imposed shall not apply to nor does it include holders of certificates of convenience for the operation of public utility vehicles for the reason that such certificates are not considered as franchises.

**SECTION 12. Accrual and Payment of Tax.** The tax herein imposed shall accrue on the first (1<sup>st</sup>) day of January of each year as regards tax subjects liable thereof and shall be due and payable to the city treasurer within the first twenty (20) days of January or of each subsequent quarter, as the case may be.

**SECTION 13. Surcharge and Penalties.** A surcharge of twenty five percent (25%) of the amount of taxes and fees not paid on time shall be imposed. Interest at the rate not exceeding two percent (2%) per month of the unpaid taxes, fees and charges including surcharges shall be collected also until such amounts are fully paid but in no case shall the total interest on the unpaid amount or portion thereof, exceed thirty-six (36) months.

**SECTION 14. Administrative Provisions.** In the case of a newly started business, the tax shall be one-twentieth of one percent (1/20 of 1%) of the capital investment. In the succeeding calendar year, regardless of when the business started to operate, the tax shall be based on the gross receipts for the preceding calendar year, or any fraction thereof, as provided herein.

The capital investment to be used as basis of the tax of a newly started business, as herein provided, shall be determined in the following manner:

- a. In the locality where the principal office of the business is located, the paid-up capital stated in the articles of incorporation, in case of corporations, or in any similar document in case of other types of business organizations or enterprises, shall be considered as the capital investment.
- b. Where there is a branch or sales office located in another province or city, which commences business operations during the same year as the principal office, the paid-up capital referred to above shall be reduced by the amount of the capital investment made for the said branch.
- c. Where the newly started business is a branch or sales office commencing business operations at a year later than that of the principal office, capital investment shall mean the total funds invested in the branch or sales office.

### CHAPTER IV. PROFESSIONAL TAX

**SECTION 15. Imposition of Tax.** There is hereby levied an annual professional tax on all individuals engaged in the practice of his/her profession:

- a. Three hundred pesos (P 300.00) for lawyers, medical practitioners, physicians, architects, interior decorators, designers, certified public accountants, civil engineers, electrical engineers, chemical engineers, mechanical engineers, agricultural engineers, chemists, criminologists, librarians, medical technologists, metallurgical engineers, registered nurses, physical therapists, occupational therapists, social workers, aeronautical engineers, industrial engineers, geodetic engineers, electronics and communication engineers, mining engineers, chief motor engineers and master engineers, sanitary engineers, naval architects, pharmacists, medical food or sugar technologists, nutritionists, insurance agents and sub-



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agents, customs brokers, real state brokers, state brokers, marine surveyors, marine deck officer, marine engine officer, actuaries, registered master plumbers, registered electricians, registered radio TV technicians, veterinarians, dentists, optometrists, commercial aviators, professional appraisers or connoisseurs of tobacco and other domestics or foreign products, licensed ship masters, marine chief engineers, naval architects, professional consultants, mechanical plant engineers, junior mechanical engineers and certified plant mechanics, unless they are professional mechanical engineers and have paid the corresponding fixed professional tax for mechanical engineers.

- b. Two hundred pesos (P 200.00) for land surveyors and chief mates, marine second engineers, licensed midwived chiropodists, tattoo artists, masseurs, pelotaris, jockeys, professional actors and actresses. State performers, hostesses, statisticians, commercial stewards and stewardesses, flight attendants, insurance adjusters, hotel or restaurants chefs, dietitians/nutritionist, embalmers, certified morticians, club floor managers, foresters and geologists, unless he or she is a registered nurse and has paid the corresponding occupation tax for nurses if also registered nurse, notaries public, unless he is or she is a lawyer and has paid the corresponding occupation tax for members of the bar, chemists, unless he or she is a registered chemical engineer and has paid the corresponding professional tax for chemical engineers, and marine officers, associate and assistant electrical engineers, unless he or she is a professional electrical engineer and has paid the corresponding occupation tax for electrical engineers, marine officer, unless he is a marine engineer or second electrical engineers, and has pqaidd corresponding occupation tax for marine or second electrical engineers, and therapists, unless he or she is a registered nurse.,
- c. One hundred and and fifty pesos (P150.00) for librarians, criminologist, teachers, naval architects, and occupation therapists..

**SECTION 16. Payment of Tax.** Every person legally authorized to practice his profession or who maintains his principal office in this city shall pay the professional tax to the city treasurer before such profession can be lawfully pursued within the territorial jurisdiction of this city. A line of profession does not become exempt even if conducted with some other professions for which the tax has been paid.

**SECTION 17. Exemptions.** Professionals exclusively employed in the government are exempted from the payment of this tax. Those who have paid the required tax in the province, other city or municipality in the Philippines may practice their profession in the city of Baybay without paying the same tax.

**SECTION 18. Accrual and Payment of Tax.** The tax herein imposed shall accrue on the first (1<sup>st</sup>) day of January of each year as regards tax subjects liable thereof and shall be due and payable to the city treasurer on or before the thirty first (31<sup>st</sup>) day of January.

**SECTION 19. Surcharge and Penalties.** A surcharge of twenty five percent (25%) of the amount of taxes and fees not paid on time shall be imposed. Interest at the rate not exceeding two percent (2%) per month of the unpaid taxes, fees, and charges including surcharges shall be collected also until such amounts are fully paid but in no case shall the total interest on the unpaid amount or portion thereof, exceed thirty-six (36) months.

**SECTION 20. Administrative Requirements.** Any individual or corporation within the territorial jurisdiction of the city of Baybay employing a person subject to professional tax shall require payment by that person of the tax on his profession before employment and annually thereafter, and shall prepare and submit a certified list of professionals

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under its employ to the city treasurer on or before the last day of March of every year stating the following information: Name of Professional; Profession; Amount of Tax Paid; Date and Number of Official Receipt; Year Covered; and Place of Payment.

Any person subject to the professional tax shall write in deeds, receipts, prescriptions, reports, books of account, plans and designs, surveys and maps, as the case may be, the number of the official receipt issued to him.

The professionals subject to tax herein imposed are only those who have passed the bar examinations, or any other examinations conducted by the Professional Regulation Commission (PRC) and who maintain office in the city. For example, a lawyer who is also a Certified Public Accountant (CPA) must pay the professional tax imposed on lawyers and that fixed for CPAs, if he is to practice both professions.

**SECTION 21. Penalties.** Violation of any of the provision in this Chapter shall be penalized by a fine of not more than five thousand (P 5,000.00) pesos. Any delay in the submission of the certified list required shall subject the person thereof to a penalty of two hundred pesos (P200.00) for every month of delay or fraction thereof.

#### CHAPTER V. AMUSEMENT TAX

**SECTION 22. Imposition of Tax.** There is hereby levied an amusement tax to be collected from the proprietors, lessees, producers of shows or other presentations, or operators of theaters, cinematographs, concert halls, circuses, boxing stadium and other places of amusement at the following rates:

a. **On cinematographs, video exhibits, and circuses**

1. Fifteen percent (15%) when admission fee is one peso (P1.00) or less;
2. Twenty percent (20%) when admission is more than one peso and
3. Twenty five percent (25%) when presentation is rated as restricted to adults only by a competent regulatory body.

b. **On concerts and professional stage presentations**

1. Fifteen percent (15%) on pop, jazz, country and other non-rock concerts;
2. Twenty percent (20%) on rock concerts and other professional presentations.

c. **On athletics, tournaments, and cockfights**

1. Fifteen percent (15%) on commercial amateur tournaments;
2. Twenty percent (20%) on professional athletic tournaments and cockfights.

Entertainment places not issuing admission tickets but collect admission fees from their customers shall be charged the same tax rates based on a, b, and c of Section 23.

In case the producer of the show or presentation issuing admission tickets or collecting admission fees is not the owner of the venue, the tax herein imposed shall be collected from the producer of the show unless the contract of engagement provide otherwise.

**SECTION 23. Exemptions.** The holding of operas, concerts, dramas, recitals, paintings and art exhibitions, flower shows, musical programs, literary and oratorical presentations,



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except pop, rock or similar concerts, film exhibitions and radio or phonographic records thereof shall be exempted from the payment of the amusement tax herein imposed.

In all other cases, upon the submission of reasonable proof, the city mayor is hereby authorized to grant exemptions to the payment of amusement tax if the operator/organizer of a particular show or concert is a national agency engaged in social or civic activities or that the beneficiary is a designated project activity or undertaking of the national or local government.

**SECTION 24. Time of Payment.** The tax herein imposed shall be due and payable by proprietors, lessees or operators of amusement places to the city treasurer within the first twenty (20) days of the month immediately following that for which it is due. Said proprietors, lessee or operators of amusement places shall submit a monthly report of the number of tickets sold, the serial numbers and the number of tickets unsold during the month. Those not issuing admission tickets shall submit a sworn statement of their gross receipts on admission fees within the same period prescribed and pay the corresponding taxes. Operators of places of amusement licenses who operate annually shall remit their collections within the first twenty (20) days of the month immediately following that for which they are due, while those granted permits to operate for a period of one (1) month or less shall remit their collections immediately after expiration of their permit.

In case of itinerant operators of similar modes of amusement, the tax herein prescribed shall be paid immediately after the last full show or performance of the day, if the same takes place during office hours, or on the following business day.

**SECTION 25. Deduction and Withholding of Tax.** In the case of theaters or cinemas and other amusement places, the amusement tax on admission first shall be deducted and withheld by the proprietor, lessee or lessor, or operator of the theater or cinematographs and paid to the city treasurer before the gross receipts less the taxes due are divided between the proprietor, lessee, or operator of the theater or cinematograph and the distributor of the cinematographic film.

**SECTION 26. Surcharge and Penalties.** A surcharge of twenty five percent (25%) of the amount of taxes and fees not paid on time shall be imposed. Interest at the rate not exceeding two percent (2%) per month of the unpaid taxes, fees, or charges including surcharges shall be collected also, until such amount is fully paid but in no case shall the total interest on the unpaid amount or portion thereof exceed thirty-six (36) months.

**SECTION 27. Administrative Provisions.**

- (a) Admission Tickets. The proprietor, lessee, producer of show, or operator of the amusement place where fees are required for admission, shall provide the admission tickets. The tickets shall be serially numbered and shall indicate the name of the place of amusement, the admission fee and the amount of tax. The serial number must be printed on both ends of the tickets such that when divided into two upon being presented for admission, the serial number shall appear on both parts. Registered admission tickets, wherein the amusement taxes are printed or included in the price thereof, shall not be used for shows granted tax exemption; otherwise, the proprietor of the amusement place or the sponsor of the show shall remit or pay the corresponding taxes to the city treasurer as if no exemption has been granted.
- b) Disposing Admission Tickets. The gatekeeper shall drop one-half (½) of the torn ticket in a locked box and the other half returned to the customer. The box shall be opened only in the presence of a representative from the office of the city treasurer. The recycling of tickets shall not be allowed under any

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circumstances. Any ticket found to have been recycled or reused in the possession of any personnel or in the premises of the amusement place shall subject the owner, proprietor or lessee or lessor or operator to the penalties prescribed under this Ordinance.

- c) Registration of Admission Tickets. The proprietor, lessee or operator of amusement places shall register their admission tickets to the office of the city treasurer before selling the same to the public. The proprietor, lessee or operator of the place of amusement shall keep a true and correct record of the stock of tickets, indicating the total number of registered tickets and the serial number of tickets sold from day to day. It shall be unlawful for any proprietor, lessee or operator of an amusement place to keep in his possession any unregistered ticket. In cases of premier exhibition of films, road shows, benefit shows or similar shows, where the admission price is increased, separate sets of tickets shall be registered and used thereof. Separate sets of tickets without the amusement tax printed or included in the price shall also be registered, in the case of tax exempted shows.
- d) Authority to inspect. The city Mayor and/or the city treasurer or their duly authorized representatives shall be allowed to inspect ticket dispenser machine or to verify whether the tickets are registered or not. They are also authorised to confiscate any unregistered and/or recycled tickers.
- e) Penalties. Any owner, proprietor, lessee, producer of show, or operator of an amusement place who fraudulently and willfully issues spurious or resells or re-issues used tickets for admission shall be liable to a fine of not less than five hundred (500) pesos nor more than twelve thousand (12,000) pesos or an imprisonment of not less than one (1) month nor more than six (6) months or both at the discretion of the courts.

**SECTION 28. Applicability Clause.** All other matters relating to the establishment, operation and maintenance of amusement places shall be governed by such other pertinent laws, ordinances, rules, regulations and issuances.

**SECTION 29. Penalties.** If the tax is not paid within the time fixed, the taxpayer shall be subjected to the surcharges, interest and penalties prescribed herein. In case of willful neglect to file return and pay the tax within the time required or in case a fraudulent return is filed or a false return is willfully made, the taxpayer shall be subject to a surcharge of fifty percent (50%) of the correct amount of the tax due, in addition to the interest and penalties provided by existing Ordinance.

#### CHAPTER VI. ANNUAL FIXED TAX ON DELIVERY TRUCKS AND VANS

**SECTION 30. Imposition of Tax.** There is hereby imposed an annual fixed tax for every truck, van or any vehicle used by manufacturers, producers, wholesalers, dealers or retailers in the delivery or distribution of any product to sales outlets or consumers, whether directly or indirectly, within the city of Baybay, as follows:

- a. Five hundred pesos (P500.00) for those used for distilled spirits, fermented liquor, soft drinks, cigars and cigarettes, pharmaceutical products, canned goods; and
- b. Four hundred pesos (P400.00) for those used for such other products not mentioned in paragraph a. of this Section.

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The manufacturers, producers, wholesalers, dealers and retailers referred to under this Section shall be exempted from the tax on peddlers.

**SECTION 31. Accrual and Payment of Tax.** The tax herein imposed shall accrue on the first (1<sup>st</sup>) day of January of each year as regards tax subjects liable thereof and shall be due and payable to the city treasurer on or before the thirty-first (31<sup>st</sup>) day of January. In the case of a newly started business, the owner or operator of the same shall pay the tax before the business starts to operate.

**SECTION 32. Surcharge and Penalties.** A surcharge of twenty five percent (25%) of the amount of taxes and fees not paid on time shall be imposed. Interest at the rate not exceeding two percent (2%) per month of the unpaid taxes, fees and charges including surcharges shall be collected also until such amounts are fully paid, but in no case shall the total interest on the unpaid amount or portion thereof exceed, thirty-six (36) months.

**SECTION 33. Administrative Provisions.**

- a. The city treasurer shall, before accepting payment of the tax imposed herein, require the presentation of the Mayor's Permit and a copy of the Certificate of Registration of the delivery truck or van.
- b. The city treasurer shall provide stickers, which shall be pasted in the windshield of the truck or van evidencing the payment of the required tax. The sticker shall bear the name of the operator/owner of the truck or van, the plate number, the official receipt number and the date issued, the amount paid the nature of business carried, and the signature of the city treasurer authenticating the said sticker.

In the absence of the official sticker to be issued for the purpose of before the issuance of the official sticker, the official receipt issued for the payment of the tax herein imposed shall at all times be carried in the truck or van for which such tax is paid.

**SECTION 34. Adaptability Clause.** The provisions of existing municipal tax ordinances of the city of Baybay not inconsistent with any of the provisions or parts hereof, are hereby adopted as forming part of this Ordinance as if expressed herein.

**SECTION 35. Separability Clause.** If any portion or provision of this Ordinance is declared unconstitutional, invalid, or inconsistent with any law, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

**SECTION 36. Repealing Clause** . All ordinances, rules and regulations, or issuances or parts thereof inconsistent with this Ordinance are hereby repealed, amended or modified accordingly.

**SECTION 37. Effectivity.** This Ordinance shall take effect upon its approval and publication in a newspaper of general circulation in the city of Baybay or posting in the city hall and in two (2) other conspicuous places for a period of one (1) month.

RESOLVED, FURTHER, to let certified copies of this ordinance be furnished to the Sangguniang Panlalawigan of Leyte and other offices concerned for their information and appropriate action.

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SP Member



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Enacted, December 3, 2007.

I HEREBY CERTIFY to the correctness of the foregoing ordinance<sup>3</sup> which was duly adopted by the Sangguniang Panlungsod during its regular session held on December 3, 2007.

ERLINDA A. ALFANTE  
Clerk IV &  
SP Secretary- designate

ATTESTED AND CERTIFIED  
TO BE DULY ADOPTED

REX A. RETANA  
City Vice Mayor &  
Presiding Officer

APPROVED BY HIS HONOR:

MICHAEL L. CARI  
City Mayor

EDUARDO S. GUINOCOR, JR.  
SP Member

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