



Republic of the Philippines  
Province of Leyte  
Municipality of Baybay

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Office of the Sangguniang Bayan

MINUTES OF 12<sup>th</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD  
AT THE SESSION HALL ON APRIL 5, 2005.

PRESENT:

HON. ERNESTO M. BUTAWAN.....	Sangguniang Bayan Member & Actg. Presiding Officer
HON. VICENTE G. VELOSO.....	Sangguniang Bayan Member
HON. DEOGRACIAS E. PERNITEZ.....	-do-
HON. EDGARDO R. OMPOY.....	-do-
HON. JUANITO B. MODINA.....	-do-
HON. REX A. RETANA.....	-do-
HON. EDUARDO S. GUINOCOR, JR.....	-do-
HON. GUALBERTO B. PICAL, JR.....	-do-

ABSENT:

HON. FLORANTE M. CAYUNDA.....	OIC, Municipal Mayor
HON. JOSE C. GO.....	Sangguniang Bayan Member
HON. MICHAEL L. CARI.....	Sangguniang Bayan Member

The meeting was called to order at exactly 2:45 p.m. after a roll call and announcement of a quorum. Since the regular Presiding Officer was absent as he is the Officer-in-Charge of the Mayor's Office thus the need to elect a temporary presiding officer. Hon. Juanito B. Modina moved for Hon. Ernesto M. Butawan as the temporary presiding officer.

The prayer was led by Hon. Gualberto B. Pical, Jr. followed by the singing of the national anthem. Hon. Rex A. Retana led the recitation of the PCL Creed.

On motion of Hon. Vicente G. Veloso, duly seconded by Hon. Juanito B. Modina, the minutes of the previous session was adopted by the body.

Hon. Vicente G. Veloso then made his report regarding the vessel for the Baybay-Cebu route. The first idea was for the flouting of bonds for the investment of a vessel. The other idea was to <sup>charter</sup> cluster the vessels plying the Cebu-Camotes route to come to come to Baybay since Aznar and Palacio Shipping are already plying said route. The Jadestar owner's problem was the cots as he has to demolish the chairs and replace them with cots. (Details of discussion on Sb stenographic notes.)

MUNICIPAL ORDINANCE NO. 005 S. 2005

AN ORDINANCE IMPOSING REGULATORY FEE KNOWN AS TOWER FEE FOR THE OPERATION OF ALL CELL SITE/RELAY STATIONS & TOWER FOR POWER TRANSMISSION WITHIN THE MUNICIPALITY OF BAYBAY.



INTRO. & SPONSORED BY: SBM DEOGRACIAS. E. PERNITEZ, & SBM  
EDGARDO R. OMPOY

WHEREAS, communication facilities such as cell sites, tower and relay stations for commercial and private uses as well as electric towers for transmission lines continue to proliferate;

WHEREAS, these facilities are the major component and important factor as the source of income of multi-billion companies;

WHEREAS, the owners of these facilities have extracted so much revenue from the disturbance they have done to the community and yet they have not been collected fees for their facilities installed herein.

NOW THEREFORE

Be it ordained by the Sangguniang Bayan of Baybay, Province of Leyte, in session assembled:

SECTION 1. Definition of Terms.-

Cellular Site - An active cellular telephone satellite placed on a Built-up Steel Tower or Post attached to or constructed at any immovable property.

Power Transmission Tower/Pylon - a wooden, steel or concrete structure used to relay wire cables with large voltage capacity.

SECTION 2. Imposition Fee. - There shall be collected an annual fee for the operation of cell sites/relay stations and tower for power transmission at the rates prescribe hereunder.

a) Cell sites/relay station-

P100,000/year per cell sites/relay station



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b) Tower for transmission of power- P 500.00/tower/year.

SECTION 3. Administration Provision-

- a) To ensure proper implementation and sound collection of the provision of this ordinance the Municipal Mayor shall within fifteen (15) days from the date of approval hereof, constitute a committee composed of Mun. Engineering Office, Municipal Planning and Development Office and the PNP for the surveying the number of towers/cell sites.
- b) Owners and/or operators of the above mentioned facilities are required to secure Mayors Permit prior to their continuous operation.

SECTION 4. - Penalty Clause - It shall be unlawful under this ordinance to operate the abovementioned communication and power transmission facilities without payment of the required fee subject of this ordinance.

Violation of any of the provision herein set forth shall be penalized with a fine in the amount of P2,500 or imprisonment of six (6) months or both fine and imprisonment at the discretion of the court.

The President in case of corporation, the owner if sole proprietor will be held liable in so far as imposition of penalties is concerned.

SECTION 5. - Separability Clause - If for any reason or reasons, any section of this ordinance shall be held unconstitutional or invalid, other section which are not affected, thereby shall continue to be in full force and effect.

SECTION 6. - Effectivity - This ordinance shall take effect immediately after it has been reviewed and declared to be implemented by the Sangguniang Panlalawigan of Leyte.

ENACTED, April 5, 2005.

RESOLUTION NO. 070

A RESOLUTION DECLARING THE ANNUAL BUDGET FOR CALENDAR YEAR 2005 OF ZONE 20, THIS MUNICIPALITY IN THE AMOUNT OF P410,610.00 IN CONFORMITY WITH ITS EXISTING LAWS, RULES AND REGULATIONS.

On motion of the Honorable SB Member Edgardo R. Ompoy, duly seconded by the Honorable SB Member Gualberto B. Pical, Jr.; be it