



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

RESOLUTION NO. 05-113

A RESOLUTION AUTHORIZING THE CITY GOVERNMENT OF MUNTINLUPA THROUGH CITY TREASURER NELIA A. BARLIS TO ENTER INTO A COMPROMISE AGREEMENT WITH METRO SOUTH FOOD SERVICES, INC. (TRIPLE V) FOR THE SETTLEMENT OF ITS UNPAID TAXES FOR 2000-2005 ON AN INSTALLMENT BASIS FOR A PERIOD OF SIX (6) MONTHS.

Sponsored by: Hon. Marissa Cole-Rongavilla
Hon. Melchor R. Teves
Hon. Atty. Icasiano M. dela Rea
Hon. Artemio A. Simundac
Hon. Atty. Raul R. Corro
Hon. Ma. Luisa Babaran-Echavez, M.D.
Hon. Allen F. Ampaya
Hon. Kevin B. Delgado
Hon. Francis Ian T. Bagatsing
Hon. Engr. Mamerto T. Sevilla, Jr.
Hon. Mario E. Bulay, Jr.

WHEREAS, the Metro South Food Services, Inc. (Triple V) owns and operates three (3) restaurants in Ayala Town Center, Alabang, Muntinlupa City, namely Kamayan, Saisaki and Dad's;

WHEREAS, Triple V has been remiss in the payment of its local business taxes and regulatory fees for the past five (5) years and has failed to secure the renewal of its business license and mayor's permit with FIRST PARTY since the year 2000, as required under the Muntinlupa City Revenue Code;

WHEREAS, in view of the foregoing violations, the Business Permit and Licensing Office (BPLO) has sent notices of non-payment to Triple V, followed by a final demand from the City Legal Office, and ultimately a closure Order dated 15 March 2005;

WHEREAS, in response to the above-mentioned notices and demand, Triple V addressed two (2) letters to the City Mayor and the last one dated 14 July 2005 addressed to Hon. Raul R. Corro, wherein it acknowledged its obligation to the City and expressed willingness to settle the same but on a staggered basis of six (6) monthly installments to be covered by post-dated checks;

WHEREAS, per the computation of the BPLO, Triple V's outstanding obligation on the basic tax is in the amount of Php 3,574,888.44 inclusive of surcharge and interests, it is in the total sum of Php 5,716,658.35;

WHEREAS, the imposition of surcharge and interest on unpaid local taxes, fees and charges, is statutorily-mandated, as provided in Section 168 of the Local Government Code, and hence may not be the subject of a condonation or renunciation;



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WHEREAS, Triple V has proposed the settlement of its unpaid business taxes in the total amount of Php 5,716,658.35, inclusive of surcharge and interest for late payment, in six (6) equal monthly installments, with an initial payment of Php 1,000,000.00 on August 30, 2005;

WHEREAS, the City Treasurer's Office agreed to the terms of the aforesaid Compromise Agreement allowing Triple V a period of six (6) months from August 30, 2005 within which to settle and pay its unpaid business taxes, together with interest and surcharge, provided that the remaining installments shall be paid in six (6) equal installments covered by six (6) post-dated checks in the name of the City Government of Muntinlupa dated every end of the month;

WHEREAS, the approval of the proposed Compromise Agreement will not result in undue prejudice to the City Government of Muntinlupa but will in fact result in the collection of the aforesaid obligation of taxpayer Triple V;

WHEREAS, Section 16 of Republic Act 7160, otherwise known as the Local Government Code of 1991, provides that "Every local government unit shall execute the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate and incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare";

WHEREAS, Section 458 (a) of the same Code provides that "The Sangguniang Panlungsod as the legislative body of the City, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the City and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the City as provided for under Section 22 of this Code";

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Sangguniang Panlungsod to authorize City Treasurer Nelia A. Barlis to execute and sign a Compromise Agreement, for and on behalf of the City Government of Muntinlupa, allowing Metro South Food Services, Inc. (Triple V) to pay its unpaid local business taxes for the year 2000-2005 in the total amount of Php 5,716,658.35, inclusive of surcharge and interests for late payment, on an installment basis with a fixed term of six months.

APPROVED, by the *Fourth (4th) Sangguniang Panlungsod of Muntinlupa* this *11th* day of *August, 2005*, on its *46th* Regular Session.




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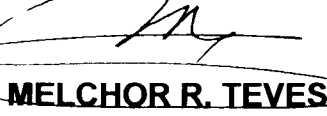
CONCURRED:


ATTY. RAUL R. CORRO
Councilor


FRANCIS IAN T. BAGATSING
Councilor


MA. LUISA BABARAN-ECHAVEZ, M.D.
Councilor


MARISSA COLE RONGAVILLA
Councilor

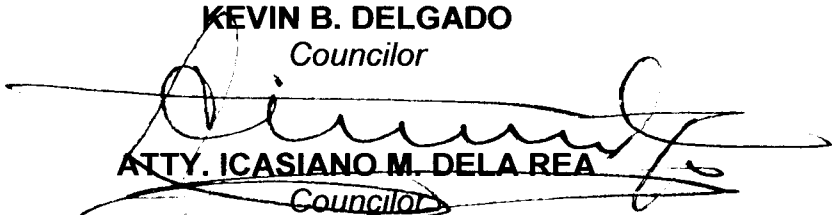

MELCHOR R. TEVES
Councilor


MAMERTO T. SEVILLA, JR.
Councilor


ALLEN F. AMBAYA
Councilor

MARIO E. BULAY, JR.
Councilor

KEVIN B. DELGADO
Councilor


ATTY. ICASIANO M. DELA REA
Councilor

ARTEMIO A. SIMUNDAC
Sectoral Representative
President, Association of Barangay Captains

ABSTAIN:

ALLAN REY A. CAMILON
Councilor


RENE CARL S. CAYETANO
Councilor

ELMER S. ESPELETA
Councilor

LUCIO B. CONSTANTINO
Councilor

JOSELITO V. AREVALO
Councilor




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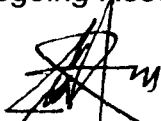
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ABSENT:


BAL NIEFES
Councilor


CHRISTIAN GLENN D. LORICA
Sectoral Representative
President, Federation of Sangguniang Kabataan

I HEREBY CERTIFY, as to the correctness of the foregoing Resolution.


CECILIA C. LAZARTE
Secretary
Sangguniang Panlungsod

ATTESTED:


ALDRIN L. SAN PEDRO
City Vice Mayor/Presiding Officer

APPROVED:


ATTY. JAIMER R. FRESNEDI
City Mayor

Date: _____

PBS, JR.