



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

RESOLUTION NO. 05-130

A RESOLUTION WITHDRAWING "RESOLUTION NO. 05-114" BASED ON PRESIDENTIAL DECREE NO. 1869, SECTION 133, BOOK II OF REPUBLIC ACT 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991 AND ON THE BASIS OF THE LEGAL OPINION OF THE OFFICE OF THE CITY ATTORNEY.

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

WHEREAS, the Sangguniang Panlungsod passed Resolution No. 05-114 dated August 11, 2005 entitled "A resolution requesting the temporary suspension of the operation of E-Casino Filipino located at the Ground Floor Festival Mall, between SaveMore and Goldilocks, outside Parkway Entrance, Alabang, Muntinlupa City pending the public hearing, and for the Business Permit and Licensing Office (BPLO) to enforce the contents of Ordinance No. 99-040.";

WHEREAS, the resolution was based on Ordinance No.99-040 which regulates the establishment of bingo, on-line bingo, jai-alai (off-fronton), horse racing (off track) and other legalized gambling activities in the City of Muntinlupa;

WHEREAS, Funcade Gaming Station, a duly authorized Internet Casino Station of PAGCOR, located at Ground Floor Festival Mall, between SaveMore and Goldilocks, outside Parkway Entrance, Alabang, Muntinlupa City, was issued a Mayor's Permit by the Business Permit and Licensing Office (BPLO) on July 11, 2005 for the table games;

WHEREAS, based on the letter dated August 12, 2005 of the Sangguniang Panlungsod, through its Council Secretary, addressed to the City Mayor, a legal opinion was issued by the Office of the City Attorney on the said resolution;

WHEREAS, based on the said legal opinion and based on Presidential Decree No. 1869, Funcade Gaming Station, a sales agent of the Philippine Amusement and Gaming Corporation (PAGCOR) "enjoys a franchise from the National Government and has long been adjudged to be beyond the scope of the taxing and regulating powers of local governments";



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WHEREAS, Section 13, paragraph 2 of P.D 1869, providing for the franchise and powers of PAGCOR, expressly exempts from the payment of any tax, income or otherwise, as well as any form of charges, fees or levies, any corporation, association, agency or individual with whom PAGCOR has any contractual relationship in connection with the operation of the casinos and other activities covered by its franchise, including those furnishing essential facilities or services, to wit:

“(2) Income and other taxes, a) Franchise Holder: No Tax of any kind or form, income or otherwise as well as fees, charges or levies of whatever nature, whether National or Local, shall be assessed and collected under this franchise from the Corporation: xxx;

WHEREAS, the legal opinion further provides that, “on the matter of local permits, on the other hand, all local chief executives are enjoined to facilitate the release of business permit, building permits and occupancy permits to PAGCOR and its contractors without delay, emphasizing that the resources generated from these PAGCOR-sanctioned operations are intended to benefit the nation’s poor and disadvantaged, and are utilized to finance innumerable activities that directly affect the government’s pro-poor programs. (DILG Memorandum Circular No. 101-99, June 16, 1999);

WHEREAS, it furthermore provides that “the matter of regulating, taxing or otherwise dealing with gambling is a state concern and hence, it is the sole prerogative of the state to retain it or delegate it to local governments...”

WHEREAS, it finally provides that maintaining an Internet Casino Station (ICS) that is wholly run and operated by PAGCOR, is beyond the purview of Ordinance No. 99-040 and may therefore be issued a business permit without the benefit of prior public hearings;

WHEREAS, Section 133, Book II of Republic Act 7160, otherwise known as the Local Government Code of 1991, prohibits Local Government Units (LGUs) including municipality or city from imposing taxes, fees or charges of any kind on the “National Government, its agencies and instrumentalities.”;

WHEREAS, pursuant to this provision, PAGCOR and its sales agents are not required to secure business permits/licenses from the province, city or municipality where they may operate and are exempt from the authority of the LGUs to impose taxes, fees or charges on the PAGCOR Internet Casino Station (ICS);



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NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Sangguniang Panlungsod, withdrawing "Resolution No. 05-114" based on Presidential Decree No. 1869, Section 133, Book II of Republic Act 7160, otherwise known as the Local Government Code of 1991 and on the basis of the legal opinion of the Office of the City Attorney.

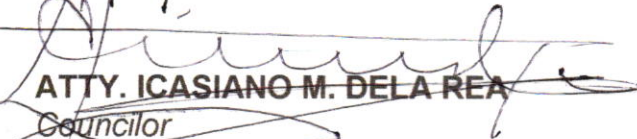
APPROVED, by the *Fourth (4th)* Sangguniang Panlungsod of Muntinlupa, this *1st* day of *September, 2005*, on its *49th* Regular Session.



ATTY. RAUL R. CORRO
Councilor


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

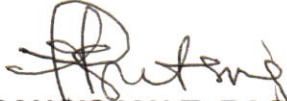

MELCHOR R. TEVES
Councilor


ALLEN F. AMPAYA
Councilor


ATTY. ICASIANO M. DELA REA
Councilor

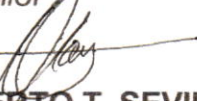

CHRISTIAN GLENN D. LORICA
Sectoral Representative
President, Federation of
Sangguniang Kabataan

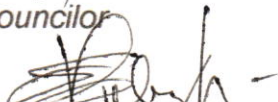
CONCURRED:



FRANCIS IAN T. BAGATSING
Councilor


MARISSA COLE-RONGAVILLA
Councilor


LUCIO B. CONSTANTINO
Councilor


MAMERTO T. SEVILLA, JR.
Councilor

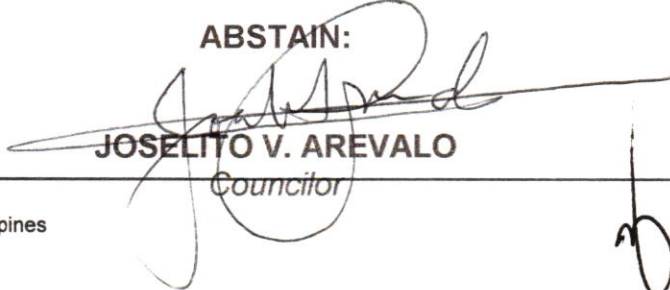

MARIO E. BULAY, JR.
Councilor


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

NO:


RENE CARL S. CAYETANO
Councilor

ABSTAIN:


JOSELITO V. AREVALO
Councilor



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ABSENT:


BAL NIEFES
Councilor

ALLAN REY A. CAMILON
Councilor

KEVIN B. DELGADO
Councilor

ELMER S. ESPELETA
Councilor

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


CECILIA C. LAZARTE
Secretary
Sangguniang Panglungsod

ATTESTED:


ALDRIN L. SAN PEDRO
City Vice Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDI
City Mayor

Date: _____

PBS, JR.

Approved by;
Operation of Law
(Sec. 54(b) RA. 7160)

Jim Jr. Pangasinan

