ORDINANCE NO. 13-033

AN ORDINANCE REQUIRING THE MANILA WATERWORKS SEWERAGE SYSTEM (MWSS) AND/OR ITS CONCESSIONAIRE, MAYNILAD WATER SERVICES, INC., TO REMIT 1% OF THE GROSS SALES/RECEIPTS OF THEIR BUSINESS OPERATIONS IN THE CITY OF MUNTINLUPA IN THE PRECEDING CALENDAR YEAR REPRESENTING ITS SHARE FROM THE UTILIZATION OF WATER FROM THE LAGUNA DE BAY THROUGH THEIR TREATMENT PLANT/PUMPING STATION LOCATED IN MUNTINLUPA CITY.

Sponsored by:
Hon. Coun. Luvi P. Constantino
Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Bal Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Ringo A. Teves
Hon. Coun. Margarita Amythyst Patdu-Labios, MD
Hon. Coun. Alexander B. Diaz
Hon. Coun. Engr. Neptali S. Santiago
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Vergel C. Ulanday
Hon. Coun. Robert A. Abas
Hon. Coun. Robert P. Baes

WHEREAS, Section 132 of Republic Act 7160, otherwise known as the Local Government Code of 1991, provides that, "the power to impose a tax, fee, or charge or to generate revenue under this Code shall be exercised by the Sanggunian of the local government unit concerned through an appropriate ordinance."

WHEREAS, Section 289, of the same Code, also provides that, "local government units shall have an equitable share in the proceeds derived from the utilization and development of the national wealth within their respective areas, including sharing the same with the inhabitants by way of direct benefits."

WHEREAS, Section 291, of the same Code, also provides that, "local government units shall have a share based on the preceding fiscal year from the proceeds derived by any government agency or government-owned or controlled corporation engaged in the in the utilization and development of the national wealth based on the following formula whichever will produce a higher share for the local government unit":

"(a) One percent of the gross sales or receipts of the preceding calendar year";
(b) xxx
WHEREAS, the Manila Waterworks Sewerage System (MWSS) and its concessionaire Maynilad Water Services, Inc., are operating a treatment facility known as "Putatan Treatment Plant/Pumping Station" located in Barangay Putatan, City of Muntinlupa;

WHEREAS, the Manila Waterworks Sewerage System (MWSS) through its concessionaire Maynilad Water Services, Inc., is extracting water, a natural wealth in the Laguna De Bay within the territorial jurisdiction of the City of Muntinlupa through its Treatment Plant/Pumping Station located at Putatan and other barangays of the City of Muntinlupa;

WHEREAS, the Manila Waterworks Sewerage System (MWSS) and its concessionaire Maynilad Water Services, Inc., are utilizing its Treatment Plant/Pumping Station to distribute/sell extracted water to consumers/households within and outside Muntinlupa City;

WHEREAS, in the distribution and sale of the processed/extracted water Manila Waterworks Sewerage System (MWSS) and Maynilad Water Services, Inc., are deriving incomes therefrom;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY BY ORDAINED, by the 7th Sangguniang Panlungsod of Muntinlupa in session assembled that:

SECTION 1. Title - An ordinance requiring the Manila Waterworks Sewerage System (MWSS) and/or its concessionaire Maynilad Water Services, Inc., to remit 1% of the Gross Sales/Receipts of their business operations in the City of Muntinlupa representing their share from the utilization of water from the Laguna De Bay through Putatan Treatment Plant/Pumping Station.

SECTION 2. Coverage – This ordinance shall cover the Manila Waterworks Sewerage System (MWSS) and/or its concessionaire Maynilad Water Services, Inc., treatment facility/pumping station located within the jurisdiction of Muntinlupa City.

SECTION 3. Period of Imposition of Tax. The tax herein imposed shall commence or shall be reckoned from the date of the effectivity of the concession agreement between Manila Waterworks Sewerage System (MWSS) and Maynilad or on the date of the actual operation of Maynilad Water Services Inc..

SECTION 3. Separability Clause – If for any reason or reasons any part or provisions of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.
SECTION 4. **Effectivity Clause** – This ordinance shall take effect upon its approval.

ENACTED, by the 7th Sanggunian Panlungsod of Muntinlupa this 16th day of December, 2013 in its 4th Special Session.

CONCURRED:

DISTRICT I:

COUN. ATTY. RAUL R. CORRO
Member

COUN. ATTY. PATRICIO L. BONCAYAO, JR.
Member

COUN. BAL NIEFES
Member

COUN. STEPHANIE G. TEVES
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD
Member

COUN. RINGO A. TEVES
Member

COUN. ALEXANDER B. DIAZ
Member

COUN. ENGR. NEPTALI S. SANTIAGO
Member

DISTRICT II:

COUN. MA. DHERSIREE G. AREVALO
Member

COUN. RAFAEL T. SEVILLA
Member

COUN. VERGEL C. ULANDAY
Member
Page 4
Ordinance No. 13-032

COUN. ROBERT A. ABAS
Member

COUN. ROBERT P. BAES
Member

ABSENT:

COUN. LUVI P. CONSTANTINO
Member

COUN. ELMER S. ESPELETA
Member

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

CECILIA C. LAZARTE
Secretary

ATTESTED:

ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDI
City Mayor

Date: DEC 27 2013

Norie/7th SP