

Republic of the Philippines
Province of Bukidnon
CITY OF MALAYBALAY
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Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE 86TH REGULAR SESSION OF THE 9TH SANGGUNIANG PANLUNGSOD FOR CY 2024 OF THE CITY OF MALAYBALAY, BUKIDNON HELD AT THE SP SESSION HALL ON APRIL 8, 2024.

PRESENT: Hon. Vice Mayor Estelito R. Marabe – Presiding Officer
Hon. Councilor Niko P. Aldeguer
Hon. Councilor Melchor P. Maramara
Hon. Councilor Zoltan Dindo D. Dinlayan
Hon. Councilor Cromwell Kiril D. Dinlayan
Hon. Councilor Erwin A. Damasco
Hon. Councilor Royland M. Orquia
Hon. Councilor Christopher B. Soria
Hon. Councilor Alan Ryann O. Legaspi
Hon. Councilor Renato S. Sumbongan
Hon. Councilor Cristopher Lambert N. Tortola

ABSENT: Hon. Councilor Brian Nelson T. Flores (On Leave)
Hon. Councilor Kathleen Cecille C. Pagaling (On Leave)
Hon. Councilor Julius N. Manghano (On Leave)

ORDINANCE NO. 1035
Series of 2024
(86th Regular Session)

Authored by: Hon. Alan Ryann O. Legaspi
Co-Authored by: Hon. Melchor P. Maramara
Hon. Royland M. Orquia

AN ORDINANCE PRESCRIBING THE TOURISM ECOLOGICAL FEE AND IMPOSING PENALTIES FOR VIOLATION THEREOF IN THE CITY OF MALAYBALAY, BUKIDNON

WHEREAS, Malaybalay City is a premiere tourism destination known for its eco-adventure activities, historical significance and farm tourism;

WHEREAS, the considerable increase of population as well as the burgeoning tourism and other economic activities in Malaybalay City have intensified the risks of environmental degradation, destruction of habitats and deterioration of the local ecosystem;

WHEREAS, Section 16, Chapter 2, Title One Book II of the Local Government Code of 1991, provides that every local government unit shall exercise the powers expressly granted, those necessarily implied from there, as well as the powers necessary, appropriate, or incidental for its efficient governance, and those which are essential to the promotions of the general welfare;

WHEREAS, Sec. 14, Article II of the Constitution, provides that each local government unit shall have the power to create its own sources of revenues and the levy taxes, fees and charges subject to such guidelines and limitations as the Congress may

provide, consistent within the basic policy of Local Autonomy, Such taxes, fees and charges shall accrue exclusively to local governments;

WHEREAS, Section 186, Chapter 5, Title One Book II of the Local Government Code of 1991, provides that (1) Local Government Units may exercise the power to levy taxes, fees or charges on any base or subject not otherwise specifically enumerated herein or taxed under the provisions of the National Internal Revenue Code, as amended, or often applicable laws; Provided that the taxes, fees and charges shall not be unjust, excessive, oppressive, confiscatory or contrary to declared National Policy;

WHEREAS, the drive to develop and implement sustainable tourism in the area is a shared priority concern of the Government of Malaybalay City and its stakeholders;

NOW, THEREFORE:

BE IT ORDAINED by the Sangguniang Panlungsod of Malaybalay City in a session assembled, that:

SECTION 1. TITLE. This Ordinance shall be known as "Malaybalay City Tourism Ecological Fee Ordinance."

SECTION 2. Declaration of Principles and Policies

It is hereby declared the policy of the City Government of Malaybalay City:

- a) To promote, conserve and ensure sustainable and equitable utilization of the natural resources;
- b) To ensure for the benefit and enjoyment of the people of Malaybalay City, the judicious and wise utilization, protection, conservation and management on a sustainable basis of its natural resources with the necessity of maintaining sound ecological balance, protecting and enhancing the quality of the environment;
- c) To enhance/promote and sustain tourism activities in the City of Malaybalay through conservation and protection of various tourism destination;
- d) To implement sustainable tourism development plans and projects aimed at promoting and nurturing the cultural and ecological values of Malaybalay City and promoting it as safe and tourist-friendly destinations;
- e) To generate funds by identifying source of revenues to finance the implementation of environmental and tourism plans and projects and to provide/improve the necessary amenities and services out of the collected fees to wit; Peace and Order, Beautification, Livelihood and Health Assistance, promotion and marketing tourism, etc.;
- f) To establish and implement partnerships and linkages among local government, DENR, DOT and other concerned national government agencies and non-government organizations, people's organizations and other stakeholders;

- g) To promote ecological solid waste management in conformity with the Ecological Solid Waste Management Act of 2000 and relevant laws.

SECTION 3. Definition of Terms as used in this ordinance, the following terms shall mean as follows:

- a) **Accommodation Establishment** - refers to resorts, parks, hotels, pension houses, inns, lodging places, cottages, camping sites, homestay and other establishments temporarily occupied by the tourist.
- b) **Authorized Collector** - refers to any person who has been duly appointed by the Mayor to collect tourism ecological fee.
- c) **Park**- a tract of land in the city kept for ornament, exercise and recreation.
- d) **Tourism Ecological Fee** - refers to charges imposed to all tourists, guests and visitors who stay/visit on any accommodation establishment within the City. Such fees shall support sustainable programs for tourism, environmental protection, conservation and management, peace and order and livelihood.
- e) **Tourist/Visitor/Guest** - refers to all tourists (local or non-residents) within the city for the purpose of visiting, enjoying, viewing and/or experiencing its tourist destination and other eco-tourism spots, whether natural or man-made, although for a momentary period only.
- f) **Trust Fund** - a trust fund shall be established as a special account to receive Tourism Ecological Fees (TEF) collection and to formally approved projects or activities.
- g) **Eco-tourism** - responsible travel to natural areas that conserves the environment, sustains the wellbeing of local people and involves interpretation and education.

SECTION 4. Establishment, Scope and Application of Tourism Ecological Fee.

It is hereby established a Tourism Ecological Fee (TEF) which effectively allocates responsibility for environmental management, development, protection and remediation. And for implementation of tourism plans and projects and to provide/improve the necessary amenities and services like peace and order by charging a certain amount for the use and/or enjoyment of Malaybalay City's environment and natural resources.

SECTION 5. Scope and Coverage

- a) The Tourism Ecological Fee (TEF) shall be enforced within the jurisdiction of the City of Malaybalay to all tourist, visitors and guests who visit and enjoy its tourist destinations and other eco-tourism spots.
- b) Collection shall only be done by authorized collector at the business establishments.

SECTION 6. Administration and Management of Funds (Proceeds)

The City Mayor shall administer and manage all collections, disbursements and allocations of funds out of this ordinance under the following guidelines:

- a) The Sangguniang Panlungsod shall prioritize tourism and environmental projects to be financed under this trust fund upon submission of Work and Financial Plan by the City Development Council and;
- b) A trust fund account shall be opened for this purpose;
- c) All collections under this ordinance shall be remitted to the City Treasurer's Office within seven (7) working days.

SECTION 7. Imposition of Tourism Ecological Fee.

An amount of Twenty Five Pesos (P25.00) is hereby imposed as Tourism Ecological Fee (TEF) to all tourists, guests and visitors who visit and enjoy the tourist destinations and other eco-tourism attractions in Malaybalay City.

SECTION 8. Exemption of the Tourism Ecological Fee (TEF). The following shall be exempt from paying the TEF:

- a) Senior Citizens;
- b) Minors seven (7) years of age and below; and
- c) Persons with Disability (PWD).

SECTION 9. Uses of Fund. The following shall govern the rules governing the uses of funds:

- a) The Php 5.00 share or 20% of gross collection accrue to the Tourism Office and shall be used for administrative expenses such as printing of tickets and token, salaries of personnel, production of IEC materials, office supplies, tourism brochures and establishment of tourism office.
- b) Php 5.00 share or 20% of gross collection shall be allotted to all concerned barangay where there are Tourism establishments and businesses. The allotted fund for the concern barangay will go directly to Barangay coffers through official receipt. The Barangay share shall be used only to project proposals related to environment, tourism and peace and order which will be submitted and approved by Sangguniang and the Local Chief Executive.
- c) The Php 12.50 share or 50% gross collection shall be only for environmental and tourism projects such as but not limited to:
 - i. Rehabilitation of natural resources such reforestation, watershed management, water bodies protection, etc.;
 - ii. Effective environmental law enforcement;
 - iii. Solid Waste Management;

- iv. Tourism and other environmental related program;
 - v. Support to ADSDPP (Ancestral Domain Sustainable Development Protection Plan).
- d) The remaining Php 2.50 or 10% of gross collection shall accrue to the Local Treasury that will form part of the General Fund.

SECTION 10. Appropriation. An initial amount of five hundred thousand pesos (Php 500,000.00) from the city funds shall be earmarked for the purpose of setting up the necessary institutional mechanism and processes (e.g. identification card, uniform, information campaign, paraphernalia, etc.) that will ensure the effective implementation of this ordinance.

SECTION 11. The City Government of Malaybalay shall formulate the necessary Implementing Rules and Guidelines for the enforcement of this ordinance.

SECTION 12. Sanctions and Penalties.

- a) Any person who refuses to pay the Tourism Ecological Fee (TEF) shall be fined with:

a.1	1st Offense	Php 500.00
a.2	2 nd Offense	Php 1,000.00
a.3	3 rd Offense	Php 2,500.00

- b) Non-issuance of tickets by designated or authorized collector shall be penalized with a fine of Php 2,500.00 without prejudice to the cancellation of the authority to collect and the filing of appropriate criminal cases.
- c) Collection of the Tourism Ecological Fee (TEF) by a person not authorized to collect shall be punishable by a fine of Php 2,500.00 and/or imprisonment of not less than thirty (30) days at the discretion of the court.
- d) Accommodation establishments that will not allow the collection of fees from their guests upon check in shall be fined with:

d.1	1st offense	Php 2,500.00
d.2	2nd offense	Php 3,500.00 and warning for cancellation of business permit
d.3	3rd offense	Php 5,000.00 and cancellation of business permit

The City Mayor being the Chief Executive shall impose administrative sanctions to anyone who violates the ordinance.

This ordinance shall be included in the Ordinance Violation Receipt (OVR).

SECTION 13. Separability Clause. If any part, section or subsection of this ordinance shall be declared illegal invalid for being ultra vires or for being violative of law, decree

rule or regulations, such part section or subsection shall be considered amended or revised to conform with the law, decree, rule of regulation so violated.

SECTION 14. Effectivity. This ordinance shall take effect after compliance with posting at prominent places in the city and on the bulletin board of forty-six (46) barangays for a period of three (3) consecutive weeks and publication in a newspaper of local circulation.

ENACTED.


I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Panlungsod during its 86th Regular Session held at the Old Municipal Building People's Hall on April 8, 2024.


MARILOU T. SINUES
Assistant SP Secretary- OIC

APPROVED, April 8, 2024:


ESTELITO R. MARABE
City Vice Mayor
Presiding Officer

APPROVED:


JAY WARREN R. PABILLARAN
City Mayor

Date: APR 16 2024