EXCERPTS FROM THE MINUTES OF THE 138th REGULAR SESSION OF THE 8th
SANGGUNIANG BAYAN HELD AT THE CAMILO A. PEPITO SESSION HALL IN THE NEW
LEGISLATIVE BUILDING, CULION, PALAWAN ON FEBRUARY 26, 2019

PRESENT:  
Hon. Cecilia C. Cunanan
Hon. Eduardo B. Layag
Hon. Eduardo B. Montenegro, Jr.
Hon. Wargell F. Dayandante
Hon. Alejandro T. Mabera
Hon. Andres A. Alcantara
Hon. Rodel D. Nacachi
Hon. Aljon P. Daco

Sanggunian Member
Sanggunian Member
Sanggunian Member/Presiding
Sanggunian Member
Sanggunian Member
Sanggunian Member
LNB President/Ex-Officio Member
SKMF President/ Ex-Officio Member

ABSENT:  
Hon. Ystan Joseph Aristotle G. Lagrosa
Hon. Leonilo R. Sarmiento
Hon. Jovel Marvie A. Ballesca

Municipal Vice Mayor
Sanggunian Member
Sanggunian Member

MUNICIPAL ORDINANCE NO. 2019-099

ORDINANCE LEVYING TOURISM ECOLOGICAL FEE IN THE MUNICIPALITY OF
CULION, PROVINCE OF PALAWAN AND IMPOSING PENALTIES FOR VIOLATION
THEREOF

Authors :  
Councilor Warnell F. Dayandante
Councilor Cecilia C. Cunanan
Councilor Eduardo B. Layag
Councilor Eduardo B. Montenegro, Jr.
Councilor Alejandro T. Mabera
Councilor Andres A. Alcantara
LNB President Rodel D. Nacachi
SKMF President Aljon P. Daco

WHEREAS, Culion is a historical, cultural, and eco-tourism destination in the province of Palawan and known for its alluring white sand beaches and crystal waters as well as enthralling heritage structures and landmarks;

WHEREAS, Culion which is geographically situated in northern part of Palawan and part of the Calamianes group of island municipalities has one of the highest marine biodiversities and is included within the stretch of waters known to have the highest shore fish diversity in the Philippines if not in the world;

WHEREAS, the rapid increase of Culion’s population as well as its burgeoning tourism and economic activities have exposed the municipality’s environment and its fragile and finite natural resources to the risk of degradation, destruction, and deterioration;

WHEREAS, Section 16 Chapter 2 Title One Book II of Local Government Code of 1991 provided 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 and effective governance, and those which are essential to the promotions of the general welfare;
Mun. Ordinance No. 2019-099  
Page 2

WHEREAS, Sec. 16 Article II of the Constitution likewise provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

WHEREAS, Sec. 5 Art. X of the 1987 Constitution provides that each local government unit shall have the power to create its own sources of revenues and to levy taxes, fees and charges subject to such guidelines and limitations as the Congress may provide, consistent within the basic policy of local autonomy which shall accrue exclusively to local governments;

WHEREAS, Section 186 Chapter 5, Title One, Book II of the Local Government Code of 1991 provide that 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 and program of the municipal government of Culion, the provincial government of Palawan, barangay governments, line government agencies, and stakeholders including the private sector;

Premises considered, be it ORDAINED by the 8th Sangguniang Bayan of Culion, Palawan in session duly assembled: THAT:

Section 1. Title. This Ordinance shall be known as “Culion Tourism Ecological Fee Ordinance”.

Section 2. Declaration of Principles and Policies. It is hereby declared the policy of the municipal government of Culion to:

(a) Promote, conserve and ensure sustainable and equitable utilization of coastal and aquatic resources in conformity with the Philippine Fisheries Code of 1998, the Comprehensive Fishery Ordinance of the municipality of Culion, and other relevant environment laws;

(b) Ensure the benefit and enjoyment of the people of Culion, 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) Enhance/promote and sustain tourism activities in the municipality of Culion through conservation and protection of various tourist destinations;

(d) Implement sustainable tourism development plans and projects aimed at promoting and nurturing the cultural and ecological values of Culion and promoting it as safe and tourist-friendly destination;

(e) 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 market tourism including resorts, etc.;

(f) Establish and implement partnerships and linkages among the local government, Department of Environment & Natural Resources, Department of Tourism and other concerned national government agencies and civil society organizations, fisher folks, and other stakeholders;

(g) Promote ecological solid waste management and waste water management in conformity with the Ecological Waste Management Act of 2000 and the Clean Water Act of 2004 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 hotels, resorts, pension houses, inn, lodging places, cottages and other establishments temporarily occupied by the tourist.
(b) **Authorized Collector** refers to any person who has been duly deputized by the mayor to collect ecological tourism fee or authorized agency or establishment.

(c) **Tourism Ecological Fee (TEF)** refers to charges imposed on any non-resident tourist, visitors, mountaineers who visits the municipality on any accommodation establishment within the municipality. Such fees shall support sustainable program for tourism, environmental protection, conservation and management, peace and order and livelihood.

(d) **Resident** refers to any individual who resides permanently in the municipality of Culion. Proof of residency shall include community tax certificate, employment identification, and other current ID, or barangay clearance.

(e) **Marine Biodiversity** refers to the variability among living organisms in marine and aquatic ecosystems and the ecological complexes of which they are part, this includes diversity with species, between species and other classifications within the animal and plant kingdom of the general ecosystems;

(f) **Municipal waters** as defined in the Fisheries Code of RA 8550 include not only streams, lakes, inland bodies of water and tidal waters within the national park, brackish water, fishpond leased by the government; national fisheries reserved; refuge and sanctuaries but also marine waters included between two lines drawn perpendicular to the general coastline where point where the boundary lines of the municipality touch the sea and low tides and the third line parallel with the general coastline including offshore islands and 15 kilometer from such coastline. Where two municipalities are also situated on opposite shore such that there is less than thirty (30) kilometers of marine waters between them. The third line shall be a line equivalent from the opposite shore of the respective municipalities.

(g) **Tourist/Visitor/Guest/Mountaineer/Beach Comers** refers to the natural persons, not being a resident of Culion, who enters the municipality for the purpose of visiting, enjoying, viewing and/or experiencing its tourist destination and other eco-tourism spots, whether man made although for monetary period only

(h) **Trust Fund** refers to the special account established for TEF collection and can be disbursed subject to the provision of this ordinance.

(i) **Bantay Dagat** refers to the volunteer group of community members residing inside or within the vicinity of the coastal area, recognized and deputized by the municipal government of Culion, whose task is to monitor, prevent or police the area against all sorts of illegal activities committed by any natural or juridical person.

(j) **Coastal Area** refers to a band of dry land and adjacent ocean space (water and submerged land) in which terrestrial processes and uses directly affect oceanic processes and uses and vice versa. Its geographic extent may include areas within the landmark limit of one (1) kilometer from the shoreline at high tide to include mangrove, swamps, brackish water ponds, nipa swamps, estuarine rivers, sandy beaches and other areas within seaward limit of 200 meters both to include coral reefs, algae flats, sea grass beds and other soft-bottom areas (Sec 4(9) of the Fisheries Code of 1998).

**Section 4. Establishment, Scope, and Application of Tourism Ecological Fee.** It is hereby established Tourism Ecological Fee 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 Culion’s environment and natural resources.

**Section 5. Scope and Coverage.** The Tourism Ecological Fee shall be levied within the jurisdiction of the municipality of Culion to all tourists, visitors, guest, mountaineers, and beach comers who visit and enjoy the natural scenery of Culion.
Section 6. Exemption and Discount from Payment. The following shall be exempted from the payment of Tourism Ecological Fee:

6.1 All residents permanently residing in Culion shall be exempt from payment of the Tourism Ecological Fee, provided he or she shows proof of such residency. Proof of residency includes passport, community tax certificate, voter’s ID and barangay clearance;

6.2 Filipino children 6 years old and below or person with disability (PWD);

6.3 Government officials/personnel who are invited by municipal government to perform official functions as requested by the local chief executive;

6.4 Visitors who arrive for purposes of scientific/academic research with prior consent and authority of any national government agency and/or the municipal government of Culion and upon presentation of letter of endorsement or mission signed by the head of his or her agency; and

6.5 All Filipino senior citizens shall have a 20% discount in the payment of Tourism Ecological Fee.

Section 7. Tourism Ecological Fee Collection. The collection of TEF shall in accordance with the following:

7.1 Tourism Ecological Fee. A tourism ecological fee in the amount of one hundred pesos (PhP 100.00) shall be collected by its designated and authorized collectors, agency and establishment from every tourist, beach comer, visitor, guest, and mountaineer. The Tourism Ecological Fee shall be good only for his/her entire stay in Culion until his/her exit/departure from any tourism establishment or accommodations from any barangays of Culion. All funds collected shall form part of the income of the municipality but shall be deposited in a trust fund.

7.2 Manner of Collection. All owners of accommodation establishments, other tourist establishments and beach resorts in the municipality shall be given TEF ticket for them to sell. The Tourism Ecological Fee should be collected anytime of the day upon arrival, subject to the schedule of fees provided in Section 7.1 hereof.

7.3 Collecting Agents. The office of the municipal treasurer shall be the principal office responsible for collecting the TEF and is hereby ordered to strictly follow the provision of this ordinance through monitoring and visitation of accommodation establishment, other tourist establishments, and beach resorts on daily basis. The municipal mayor may extend logistical support to assist the collecting agents.

7.4 Review of TEF. The sangguniang bayan shall periodically review the TEF and shall be guided by a study and technical information in order to rationalize the rate of fee to be collected and after due consultation with all the stakeholders.

7.5 Check and Balance. The ticket shall be disbursed by the municipal treasurer and shall undergo monitoring subject to the usual accounting and auditing procedures of the Commission on Audit.

Section 8. Administration and Management of Funds. The municipal mayor shall administer and manage all collections, disbursements and allocations of funds out of this ordinance under the following guidelines:

8.1 The sangguniang bayan shall prioritize tourism and environment projects to be financed under this trust fund upon submission of work and financial plan by the municipal development council, and

8.2 Fund disbursement shall only be for the purpose of tourism and environment projects including peace and order.
Section 9. Uses of Fund. The following shall govern the rules governing the uses of funds.

9.1 The PhP 20.00 share or 20% of gross collection shall 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;

9.2 The PhP 20.00 share or 20% of gross collection shall be allotted to all concerned barangays where there are tourism establishments and businesses. The allotted fund for the concerned barangay shall go directly to the barangay coffer through official receipt. The barangay share shall be used only to project proposals related to environment, tourism and peace and order will be submitted and approved by the sangguniang bayan and the local chief executive. Furthermore the concerned barangays where there are tourism establishments are hereby mandated to have ecological police to monitor the TEF and allowed to receive honorarium which will come from the barangay share;

9.3 The PhP 30.00 or 30% gross collection shall be only for environmental and tourism projects such as, but not limited to:

9.3.1 Rehabilitation of natural resources such as marine and upland resources;

9.3.2 Effective environmental law enforcement that includes expenditures such as Bantay Dagat’s activities, fuel and maintenance of patrol boats and other similar activities that will help enhance and improve municipality’s ecosystem;

9.3.3 Solid Waste Management; and

9.3.4 Tourism and other environmental related programs

9.4 The remaining PhP 30.00 or 30% of gross collection shall accrue to the local treasury and form part of the general fund.

Section 10. Appropriation. An initial amount of two hundred fifty thousand pesos (PhP 250,000.00) from the municipal funds shall be earmarked for the purpose of setting up the necessary institutional mechanism and processes (e.g. identification card, uniform, information campaign, paraphernalia, radio communication, opening of the required special trust fund/account, etc.) that will ensure the effective implementation of this ordinance.

Section 11. Incentive Mechanism for Hotels, Resorts, Cottages and Lodging Houses or Inns. The municipal government shall establish incentive mechanism for hotels, resorts, cottages and lodging houses or inns for actively participating in the compliance of this ordinance.

Section 12. Sanctions and Penalties.

12.1 Any person who refuses to pay the Tourism Ecological Fee shall be penalized with a fine of PhP 2,500.00.

12.2 Misrepresentation of one’s identity, residency and the like in order to avoid payment of the fee shall be penalized by paying PhP 2,500.00.

12.3 Non-issuance of tickets by deputized or authorized collector shall be penalized with a fine of two thousand five hundred pesos (PhP 2,500.00) without prejudice to the cancellation of the authority to collect and the filing of appropriate criminal cases.

12.4 Collection of Tourism Ecological Fee 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 ninety (90) days at the discretion of the court.
12.5 Resorts, cottages, and accommodation establishments that will not collect the fee from their guests upon check-in shall be penalized as follows:

12.5.1 1st offense: Fine of PhP 2,500.00;
12.5.2 2nd offense: Fine of PhP 2,500.00 and warning for cancellation of business permit;
12.5.3 3rd offense: Fine of PhP 2,500.00 and cancellation of business permit.

The municipal mayor being the local chief executive shall impose administrative sanctions to anyone who violates this ordinance.

Section 13. Implementing Rules and Regulations. The local chief executive shall, through an executive order, issue the necessary rules and regulations detailing the manner of how this revenue ordinance be properly implemented to effectively carry-out the intent thereof within thirty (30) days from the effectivity of this ordinance.

Section 14. Repealing Clause. All previous ordinances or local executive issuances which are contrary to or inconsistent with this ordinance are hereby repealed or modified accordingly.

Section 15. Separability Clause. If any part, section or subsection of this ordinance shall be declared illegal or invalid for being ultra vires or for being violative of law, decree, rule or regulations, such part, section or subsection shall be considered automatically amended or revised to conform with the law, decree, rule or regulation so violated.

Section 16. Effectivity. This ordinance shall take effect after its approval and following its posting in conspicuous places in this municipality for at least three (3) consecutive weeks.

SO ORDAINED.
I hereby certify that the aforesaid ordinance was enacted by the 8th Sangguniang Bayan of Culion, Palawan during its 138th regular session held on February 26, 2019.

ATTESTED:

EDUARDO B. MONTENEGRO, JR.
Municipal Councilor/Presiding Officer

APPROVED:

MA. VIRGINIA N. DE VERA
Municipal Mayor

Date: March 1, 2019

(Ad Majorem Dei Gloriam)