



Republic of the Philippines  
Tanggapan ng Sangguniang Panlungsod  
City of Naga



**ORDINANCE NO. 93-042**

**THE REAL PROPERTY TAX ORDINANCE OF 1993. -**

Be it ordained by the Sangguniang Panlungsod of the City of Naga that:

Author: Joint & Collective

**CHAPTER 1 – GENERAL PROVISION**

**SECTION 1.** - This ordinance shall be known as the Real Property Tax Ordinance of 1993 and shall govern the administration, assessment, levy and collection of real property tax:

**SECTION 2.** - FUNDAMENTAL PRINCIPLES. - The appraisal, assessment, levy and collection of real property tax shall be guided by the following fundamental principles;

- a) Real Property shall be appraised at its current and fair market value;
- b) Real Property shall be classified for the assessment purposes on the basis of its actual use;
- c) Real Property shall be assessed on the basis of a uniform classification;
- d) The appraisal, assessment, levy and collection of real property tax shall not be left to any private person;
- e) The appraisal and assessment of real property shall be equitable.

**SECTION 3.** - ADMINISTRATION OF THE REAL PROPERTY TAX. - The City Government of Naga shall be primarily responsible for the proper, efficient and effective administration and collection of the real property tax.

**CHAPTER 2 – APPRAISAL AND ASSESSMENT OF REAL PROPERTY**

**SECTION 4.** - APPRAISAL OF REAL PROPERTY. - All real properties, whether taxable or exempt, shall be appraised at the current and fair market value prevailing in the locality where the property is situated.

**SECTION 5.** - DUTY OF A PERSON ACQUIRING REAL PROPERTY OR MAKING IMPROVEMENTS THEREON - It shall be the duty of all persons, natural or juridical, owning or administering real property, including the improvements therein, or their duly authorized representative, to prepare, or cause to be prepared, and file with the city Assessor, a sworn statement declaring the true value of their property, whether previously declared or undeclared, taxable or exempt which shall be the current and fair market value of the property, as determined by the declarant. Such declaration shall contain a description of the property sufficient in detail to enable the assessor or his deputy to identify the same for assessment purposes. The sworn declaration of real property herein referred to shall be filed with the city assessor every three (3) years during the period from July 1<sup>st</sup> to December 31<sup>st</sup> commencing with the Calendar Year 1993.

**SECTION 6. - DUTY OF PERSON ACQUIRING REAL PROPERTY OR MAKING IMPROVEMENT THEREON.** - It shall be the duty of any person, or his authorized representative, acquire at any time real property in the City or making any with the City Assessor, a sworn statement declaring the true value of subject property within sixty (60) days after the acquisition of such property or upon completion or occupancy of the improvement, which ever comes earlier;

**SECTION 7. - DECLARATION OF REAL PROPERTY BY THE CITY ASSESSOR.** - When any person, natural or juridical, by whom real property is required to be declared, refuses or fails for any reason to make such declaration within the time prescribed, the City Assessor shall himself declare the property in the name of the defaulting owner, if known, or against any unknown owner, as the case may be, and shall assess the property for taxation in accordance with this ordinance. No oath shall be required of a declaration thus made by the City Assessor;

**SECTION 8. - LISTING OF REAL PROPERTY IN THE ASSESSMENT ROLLS.** -

- a) The City Assessor shall prepare and maintain an assessment roll wherein shall be listed all real property, whether taxable or exempt located in the City of Naga, the real property shall be listed, valued and assessed in the name of the owner or administrator, or any one having legal interest in the property;
- b) The undivided real property of a deceased person may be listed valued and assessed in the name of one or more co-owners; provided, however, that such heirs, devisee, or co-owner shall be liable severally and proportionally for all obligations imposed by the ordinance and the payment of real property tax with respect to the undivided property;
- c) The real property of a corporation, partnership, or association shall be listed, valued and assessed in the same manner as that of an individual;
- d) Real property owned by the Republic of the Philippines, its instrumentalities and political subdivision, the beneficial use of which has been granted, for consideration or otherwise or otherwise, to a taxable person, shall be listed, valued and assessed in the name of the possessor, grantee or of the public entity if such property has been acquired or held for resale or lease;

**SECTION 9. - PROOF OF EXEMPTION OF REAL PROPERTY FROM TAXATION.** - Every person by or for whom real property is declared, who shall claim tax exemption for such property in this ordinance shall file with the City Assessor within thirty (30) days from the date of the declaration of real property sufficient documentary evidence in support of such claim including corporate charters, title of ownership, articles of incorporations, by-laws, contracts, affidavits, certifications and mortgage deeds and other similar documents.

If the required evidence is not submitted within the period herein prescribed, the property shall be listed as taxable in the assessment roll. However, if the property shall be governed to be tax-exempt, the same shall be dropped from the assessment roll.

**SECTION 10. - REAL PROPERTY IDENTIFICATION SYSTEM.** - All declarations of real property shall be kept and filed under a uniform classification system to be established by the City Assessor. He shall aim to have the same computerized;

**SECTION 11. - NOTIFICATION OF TRANSFER OF REAL PROPERTY OWNERSHIP.** - Any person shall transfer real property ownership to another shall notify the city assessor concerned within sixty (60) days from the date of such transfer. The notification shall include the mode of transfer; the description of the property alienated, the name and address of the transferee;

**SECTION 12. - DUTY OF REGISTRAR OF DEEDS TO APPRAISE ASSESSOR OF PROPERTY LISTED IN THE REGISTRY. -**

- a. To ascertain whether or not any real property entered in the Registry of Property has escaped discover and listing for the purpose of taxation, The Registrar of Deeds shall prepare and submit to the City Assessor at the end of each year an abstract of his registry which shall include brief but sufficient description of the real properties entered therein, their present owners, and the dates of their most recent transfer or alienation accompanied by copies of corresponding deeds of sale, donation or partition or other forms of alienation;
- b. It shall also be the duty of the Registrar of Deeds to require every person who shall present for registration a document of transfer, alienation or encumbrance of real property to accompany the same with a certificate to the effect that the real property subject to the transfer, alienation or encumbrance, as the case may be, has been fully paid of all real property taxes due thereon. Failure to provide such certificate shall be a valid cause for the Registrar of Deeds to refuse the registration of the document;

**SECTION 13. - DUTY OF OFFICIAL ISSUING BUILDING PERMIT OR CERTIFICATE OF REGISTRATION OF MACHINERY TO TRANSMIT COPY TO ASSESSOR. -** Any public official or employee who may now or hereafter be required by law or regulation to issue to any person a permit for the construction, addition, repair or renovation of a building, or permanent improvement on land, or a certificate of registration for any machinery, including machines, mechanical contrivances, and apparatus attached or affixed on land or to another real property, shall transmit a copy of such permit or certificate within thirty (30) days of its issuance, to the city assessor;

**SECTION 14. - DUTY OF GEODETIC ENGINEERS TO FURNISH COPY OF PLANS TO CITY ASSESSOR. -** It shall be the duty of all geodetic engineer, public or private, to furnish free of charge to the city assessor a white or blue print copy of each of all approved original or subdivision plans or map of surveys executed by them within thirty (30) days from receipt of such plans from the Lands Management Bureau, the Land Registration Authority or the Housing and Land Use Regulatory Board as the case may be;

**SECTION 15. - PREPARATION OF SCHEDULE OF FAIR MARKET VALUES. -** Before any general revision of property assessment is made, there shall be prepared a schedule of fair market values by the City Assessor for the different classes of real property situated in the City for the enactment by ordinance by the Sangguniang Panlungsod. The schedule of fair market value shall be published in a newspaper or general circulation in the city, or in the absence thereof, shall be posted in the city hall and in two other conspicuous public places;

**SECTION 16. - AUTHORITY OF CITY ASSESSOR TO MAKE EVIDENCE. -** For the purpose of obtaining information on which to base the market value of any real property, the city assessor may summon the owner of the properties to be affected or persons having legal interest therein and witnesses, administer oaths, and take disposition concerning the property, its ownership, amount, nature and value.

**SECTION 17. - AMENDMENT OF SCHEDULE OF FAIR MARKET VALUES. -** The City assessor may recommend to the Sangguniang Panlungsod amendments to correct errors in evaluation in the schedule of fair market value. The Sanggunian shall by ordinance act upon the recommendation within ninety (90) days from receipt thereof;

**SECTION 18. - CLASSES OF REAL PROPERTY FOR ASSESSMENT PURPOSE. -** For purposes of assessment, real property shall be classified as residential, agricultural, commercial, industrial, mineral, timberland or special;

**SECTION 19. - SPECIAL CLASSES OF REAL PROPERTY. -** All lands, buildings and other improvements thereon actually, directly and exclusively used for hospitals, cultural or scientific purposes, and those owned and used by local water districts, and government-owned or controlled corporations rendering essential public services in the supply and distribution of water and/or generation and transmission of electric power shall be classified as special;

**SECTION 20. - ACTUAL USE OF REAL PROPERTY AS BASIS FOR ASSESSMENT. -** Real property shall be classified, valued and assessed on the basis of its actual use regardless of where located, whoever owns it and whoever uses it;

**SECTION 21. - ASSESSMENT LEVELS. -** The assessment levels to be applied to the fair market value of real property to determine the assessed value shall be as follows:

A. On Lands:

Class	Assessment Levels
Residential	15%
Agricultural	25%
Commercial	20%
Industrial	35%
Mineral	30%
Timberland	20%

B. On Building and Other Structures:

1. Residential

Fair Market Value

<u>Over</u>	<u>Net Over</u>	<u>Assessment Levels</u>
	P 175,000	0%
175,000	300,000	10%
300,000	500,000	15%
500,000	750,000	20%
750,000	1,000,000	25%
1,000,000	2,000,000	30%
2,000,000	5,000,000	

2. Agricultural

Fair Market Value

<u>Over</u>	<u>Net Over</u>	<u>Assessment Levels</u>
	P 300,000	15%
P 300,000	500,000	20%
500,000	750,000	25%
750,000	1,000,000	30%
1,000,000	2,000,000	35%
2,000,000		40%

3. Commercial or

Industrial:

Fair Market Value

<u>Over</u>	<u>Net Over</u>	<u>Assessment Levels</u>
	P 300,000	20%

P 300,000	500,000	25%
500,000	750,000	30%
750,000	1,000,000	35%
1,000,000	2,000,000	40%
2,000,000	5,000,000	45%
5,000,000	10,000,000	50%
10,000,000		55%

4. Timberland:  
Fair Market Value

<u>Over</u>	<u>Net Over</u>	<u>Assessment Levels</u>
	P 300,000	25%
P 300,000	500,000	30%
500,000	750,000	35%
750,000	1,000,000	40%
1,000,000	2,000,000	45%
2,000,000		50%

C. On Machineries  
Class

	Assessment Levels
Agricultural	30%
Residential	Exempt
Commercial	50%
Industrial	50%

D. On Special Classes;

The assessment levels for all lands, buildings, machineries and other improvements:

<u>Actual Use</u>	<u>Assessment Levels</u>
Educational	Exempt
Cultural hospital not owned/ Operated by the government	15%
Recreational	15%
Local Water District, gov't. Owned Corporations engaged in the supply & distribution of Water for generation & transmitting electric power	10%

**SECTION 22.** - The City Assessor shall undertake a general revision of real property assessment in the year 1993 and every three (3) years thereafter;

**SECTION 23.** - VALUATION OF REAL PROPERTY. - In cases where:

- (a) Real Property is declared and listed for taxation purposes for the first time:
- (b) there is ongoing general revision of property classification and assessment; or
- (c) a request is made by the person in whose name the property is declared, the city assessor or his duly authorized deputy shall, in accordance with the provisions of this ordinance, make a Classification, appraisal and assessment of the real property listed and described in the declaration irrespective of any previous assessment or taxpayer's valuation thereon; Provided, however, that the

assessment of real property shall not be increased oftener than once every three (3) years except in case of new improvements substantially increasing the value of said property or of any change in its actual use;

**SECTION 24. - DATE OF EFFECTIVITY OF ASSESSMENT OR RE-ASSESSMENT. -** All assessment or reassessment's made after the first of January of any year shall take effect on the first day of January of the succeeding year; Provided, however, that the reassessment of real property due to its partial or total destruction, or to a major change in its actual use, or to any great and sudden inflation or deflation of real property values, or to the gross illegality of the assessment when made or to any other abnormal cause, shall be made within ninety (90) days from the date any such case or causes occurred, and shall take effect at the beginning of the quarter next following the reassessment;

**SECTION 25. - ASSESSMENT OF PROPERTY SUBJECT TO BACK TAXES. -** Real Property declared for the first time shall be assessed for taxes for the period during which it would have been liable but in no case for more than ten (10) years prior to the date of initial assessment; Provided, however, that such taxes shall be computed on the basis of the applicable schedule of values in force during the corresponding period;

If such taxes are paid on or before the end of the quarter following the date one notice of assessment was received by the owner or his representative, no interest for delinquency shall be imposed thereon; otherwise such taxes shall be subject to an interest at the rate of two percent (2%) per month or a fraction thereof from the date of the receipt of the assessment until such taxes are fully paid;

**SECTION 26. - NOTIFICATION OF NEW OR REVISED ASSESSMENT. -** When real property is assessed for the first time or when an existing assessment is increased or decreased, the city assessor shall within (30) days give written notice of such new or revised assessment to the person in whose name the property is declared. The notice may be delivered personally or by registered mail or through the assistance of the punong barangays to the last known address of the person to be served;

**SECTION 27. - APPRAISAL AND ASSESSMENT OF MACHINERY. -**

- (a) The fair market value of brand new machinery shall be the acquisition cost. In all other cases, the fair market value shall be determined by dividing the remaining economic life of the machinery by its estimated economic life and multiplied by the replacement or reproduction cost.
- (b) If the machinery is imported, the acquisition cost includes freight, insurance, bank and other charges, brokerage, arrestre and handling, duties and taxes, plus cost of inland transportation, handling, and installation charges and be converted to peso cost on the basis of foreign currency exchange rates as fixed by the Central Bank;

**SECTION 28. - DEPRECIATION ALLOWANCE FOR MACHINERY. -** For purposes of assessment, a depreciation allowance shall be made for machinery at a rate not exceeding five percent (5%) of the original costs or its replacement or reproduction cost, as the case may be, for each year of use; Provided, however, that the remaining value for all kinds of machinery shall be fixed at not less than twenty percent (20%) of such original replacement, or reproduction cost for so long as the machinery is useful and in operation;

**SECTION 29. - LOCAL BOARD OF ASSESSMENT APPEALS. -** Any owner or person having legal interest in the property who is not satisfied with the action of the City Assessor in the assessment of his property may, within sixty (60) days from the date of receipt of the written notice of assessment, appeal to the Board of Assessment Appeals of the city by filing a petition under oath in the form prescribed for the purpose, together with copies of the tax declarations and such affidavits or documents submitted in support of the appeal;

**SECTION 30. - ORGANIZATION, POWER, DUTIES AND FUNCTIONS OF THE BOARD. -**

- (a) The Board of Assessment Appeals shall be composed of the Register of Deeds, as Chairman, the City Legal Officer and the City Engineer as Members, who shall serve as such in an ex-officio capacity without additional compensation;
- (b) The Chairman of the Board shall have the power to designate any employee of the city to serve as Secretary to the Board also without additional compensation;
- (c) The Chairman and Members of the Board shall assume their respective positions without need of further appointment or special designation. They shall take an oath or affirmation of office;

**SECTION 31. - MEETING AND EXPENSES OF THE BOARD. -**

- (a) The Board of Assessment Appeals shall meet once a month and as often as may be necessary for the prompt disposition of appealed cases. No member of the Board shall be entitled to per diems or traveling expenses for his attendance in Board Meeting, except when conducting an ocular inspection in connection with a case under appeal;
- (b) All expenses of the Board shall be charged against the general fund. The Sangguniang shall appropriate the necessary fund to enable the Board to operate effectively;

**SECTION 32. - ACTION BY THE BOARD OF ASSESSMENT APPEALS. -**

- (a) The Board shall decide the appeal within one hundred twenty (120) days from the date of receipt of such appeal. The Board, after hearing, shall render its decision based on substantial evidence or such relevant evidence on record as a reasonable mind might accept as adequate to support the conclusion.
- (b) In the exercise of its appellate jurisdiction, the Board shall have the power to summon witnesses, administer oaths, conduct ocular inspection, take dispositions, and issue subpoena and subpoena duces tecum. The proceedings of the Board shall be conducted solely for the purpose of ascertaining the facts without necessarily adhering to technical rules applicable in judicial proceedings.
- (c) The Secretary of the Board shall furnish the owner of the property of the person having legal interest therein and the City Assessor with a copy of the decision of the Board. In case the City Assessor concurs in the revision or the assessment, it shall be his duty to notify the owner of the property or the person having legal interest therein of such fact using the form prescribed for the purpose. The owner of the property or person having legal interest therein or the assessor who is not satisfied with the decision of the Board, may, within thirty (30) days after receipt of

the decision of said Board, appeal to the Central Board of Assessment Appeals. The decision of the Central Board shall be final and executory.

**SECTION 33. - EFFECT OF APPEAL IN THE PAYMENT OF REAL PROPERTY TAX. -** Appeal on assessment of Real Property shall in no case, suspend the collection of the corresponding realty taxes on the property involved as assessed by the City Assessor, without prejudice to subsequent adjustment depending upon the final outcome of the appeal.

#### **CHAPTER 4. – IMPOSITION OF REAL PROPERTY TAXES**

**SECTION 34. - RATE OF LEVY. -** There is hereby levied a TAX OF One Point Twenty Five (1.25%) percent of the assessed value of real properties located in the City of Naga classified by the City Assessor as commercial, agricultural and industrial;

- (b) Real Properties used for residential purposes shall be subject to a tax one (1%) percent of the assessed value;
- (c) An additional one (1%) percent tax on real property shall be collected in addition to the tax herein provided which shall be exclusively accrued to the special Education Fund (SEF);

Section 3, pars. (a), (b) and (c) of Ordinance No. 92-062 as to rates of taxes is by this provision repealed.

**SECTION 35. - EXEMPTIONS FROM REAL PROPERTY TAX. -** The following are exempted from payment of real property tax;

- (a) Real Property owned by the Republic of the Philippines or any of its political subdivisions except when the beneficial use thereof has been granted, for consideration or otherwise, to a taxable person;
- (b) Charitable institutions, churches, personages or convents appurtenant thereto, mosques, nonprofit or religious cemeteries and all lands, building, and improvements actually, directly and exclusively used for religious, charitable or educational purposes;
- (c) All machineries and equipment that are actually, directly and exclusively used by local water districts and government-owned or and/ or generation and transmission of electric power;
- (d) All real property owned by duly registered cooperatives as provided for under R.A. No. 6938; and
- (e) Machinery and equipment used for pollution control and environmental protection;
- (f) All property owners who paid realty taxes for the Year 1993 shall pay the same amount for 1994 to 1996 regardless the application of any provision of this ordinance which would tend to increase the tax amount paid;
- (g) Newly constructed buildings, whether commercial or industrial the value of which is more than P5, 000.00 shall be exempt from the payment of basic property tax and SEF for a period of two (2) years from the time of its completion or occupancy.



## **CHAPTER 5. - SPECIAL LEVIES ON REAL PROPERTY**

**SECTION 36. - ADDITIONAL ADVALOREM TAX ON IDLE LANDS.** - There is also levied an annual tax on idle lands at the rate of one half (1/2%) percentum of the assessed value of the property which shall be in addition to the basic real property tax;

**SECTION 37. - IDLE LANDS, COVERAGE.** - For purpose of real property taxation, idle lands shall include the following;

- (a) Agricultural Lands, more than one (1) hectare in area, suitable for cultivation, dairying, inland fishery, and other agricultural uses, one-half (1/2) of which remain cultivated or unimproved by the owner of the property or person having legal interest therein. Agricultural lands planted to permanent or perennial crops with at least fifty (50) trees to a hectare shall not be considered idle lands. Lands actually used for grazing purposes shall likewise not be considered idle lands;
- (b) Lands, other than agricultural, more than one thousand (1,000) square meters in area one-half (1/2) of which remain unutilized or unimproved by the owner of the property or person having legal interest therein.

Regardless of land area, this provision shall apply to residential lots.

**SECTION 38. - IDLE LANDS EXEMPT FROM TAX.** - Idle lands may be exempt from the additional levy by reason of force majeure, civil disturbance, natural calamity when ownership of the land is under litigation or any cause or circumstance which physically or legally prevents the owner of the property or person having legal interest therein from improving or cultivating the same,

**SECTION 39. - LISTING OF IDLE LANDS BY THE CITY ASSESSORS.** - The City Assessor shall make and keep an updated record of all idle lands located within the city. For purpose of collection, the City Assessor shall furnish a copy thereof to the City Treasurer who shall notify, on the basis of such record, the owner of the property or person having legal interest therein of the imposition of the additional tax;

**SECTION 40. - FIXING THE AMOUNT OF SPECIAL LEVY.** - The special levy authorized herein shall be apportioned, computed and assessed according to the assessed valuation of the lands affected as shown by the books of the Assessor on its current assessed value if it does not appear or record in his books. The Assessor concerned shall forthwith proceed to determine the annual amount or special levy assessed against each parcel of land comprised within the area specially benefited and shall send to each landowner a written notice thereof by mail, person service or publication in appropriate cases. Provided, however, that special levies made on idle lands shall become effective two (2) years from notice by the City Assessor;

**SECTION 41. - TAXPAYER'S REMEDIES AGAINST SPECIAL LEVY.** - Any owner of real property affected by a special levy or any person having a legal interest therein may, upon receipt of the written notice of assessment of the special levy may avail of the remedies provided under the Local Government Code;

**SECTION 42. - ACCRUAL OF SPECIAL LEVY.** - The special shall accrue on the first day of the quarter next following the approval of this ordinance.

## **CHAPTER 6. - COLLECTION OF REAL PROPERTY TAX**

**SECTION 43. - DATE OF ACCRUAL OF TAX.** - The real property tax levied in this ordinance shall accrue on the first day of January of 1994 and from that date it shall constitute a lien on the property which shall be superior to any other alien, mortgage, or encumbrance of any kind whatever, and shall be extinguished only the payment of the delinquent tax;

**SECTION 44. - COLLECTION OF TAX.** - The collection of the real property tax with interest thereon and related expenses, and the enforcement of the remedies provided herein or in any applicable law, shall be the responsibility of the City Treasurer;

The City Treasurer may deputize the barangays treasurer to collect all taxes on real property located in the barangays provided, that the barangays treasurer is property bounded for the purpose; provided, further, that the premium on the bond shall be paid by the city government;

**SECTION 45. - CITY ASSESSOR TO FURNISH TREASURER WITH ASSESSMENT ROLL.** - The City Assessor shall prepare and submit to the Treasurer on or before the thirty first (31<sup>st</sup>) day of December each year, as assessment roll containing a list of all persons whose real properties;

**SECTION 46. - NOTICE OF TIME FOR COLLECTION OF TAX.** - The City Treasurer, on or before the thirty-first day of January each year, in the case of the basic real property tax and the additional tax for the SEF and of the other tax herein levied, post the notice of the dates when the tax may be paid without interest at a conspicuous and publicly accessible place at the city hall. Said notice shall likewise be published in a newspaper of general circulation in the city once a week for two(2) consecutive weeks;

**SECTION 47. - PAYMENT OF REAL PROPERTY TAXES IN INSTALLMENTS.** - The owner of the real property of the persons having legal interest therein may pay the basic real property tax and the additional tax for the SEF due thereon and other additional levies without interest in four (4) equal installment; the first installment to be due and payable, on or before the thirty-first (31<sup>st</sup>) of March; and second installment, on or before the thirtieth (30<sup>th</sup>) of June; the third installment, on or before thirtieth (30<sup>th</sup>) of September and the last installment, on or before the thirty-first (31<sup>st</sup>) of December.

Payment of real property taxes shall first be applied to prior years delinquencies, interest and penalties, if any, only after said delinquencies are settled may tax payment be created for the current period.

**SECTION 48. - TAX DISCOUNT FOR ADVANCED PROMPT PAYMENT.** - If the basic real property tax, the additional SEF, and other special levies are paid on time or in advance in accordance with the prescribed schedule of payments provided in Art. 342 of the Rules and Regulations Implementing RA 7160, which is hereby adopted, a discount shall be granted to the tax payer of Twenty (20%) per centum for advance payment, and ten (10%) percent for prompt payment.

In case of failure to pay the basic real property tax, the additional SEF tax and upon special levies upon the expiration of the period as prescribed, or when due as the case may be, shall subject the tax payer to the payment of interest at the rate of two (2%) percent per month on the unpaid amount or fraction thereof, until the delinquent tax shall have been fully paid; Provided, however, that in no case shall the total interest of the unpaid tax or portion thereof exceed thirty six (36) months.

**SECTION 49. - PAYMENT UNDER PROTEST.** - (a) No protest shall be entertained unless the taxpayer first pay the tax. There shall be annotated on the tax receipts the words "paid under protest". The protest in writing be filed within thirty (30) days from payment of the of the tax tot the City Treasurer who shall decide the protest within sixty (60) days from receipt;

- b. The tax or a portion thereof paid under protest shall held in trust by the treasurer concerned;
- c. In the event that the protest is finally decided in favor of the taxpayer, the amount or portion of the tax protested shall be refunded to the protestant, or applied as tax credit his existing of future tax liability;
- d. In the event that the protest is denied or upon the lapse of the sixty-day period prescribed in subparagraph (a) the taxpayer may avail of the remedies provided in this ordinance of under RA 7160.

**SECTION 50. - REPAYMENT OF EXCESSIVE COLLECTIONS.** - When an assessment of basic real property tax, or any other tax levied id found to be illegal or erroneous and the tax is accordingly reduced or adjusted the taxpayer may file a written claim for refund or credit for taxes and interest with the City Treasurer within two (2) years from the date the taxpayer is entitled to such reduction or adjustment.

The City Treasurer shall decide the claim for tax refund or credit within sixty (60) days from receipt thereof, in case the claim for tax refund or credit is denied, the taxpayer may avail of the remedies provided herein or in other applicable laws.

**SECTION 51. - NOTICE OF DELINQUENCY IN THE PAYMENT OF REAL PROPERTY TAX.** - (a) When the real property tax or other tax herein imposed becomes delinquent, the city treasurer shall immediately cause a notice of the delinquency to be posted at the main entrance of the city hall and in publicly accessible and conspicuous place in each barangays of the city. The notice of delinquency shall also be published once a week for two (2) consecutive weeks, in a newspaper or general circulation in the city;

- a.
  - h Such notice specify the date upon which the tax became delinquent and shall state the personal property may distrained to effect payment. It shall likewise state that at any time before the distraint or personal property payment of the tax with surcharges, interest and penalties may be made in accordance with the succeeding action, and unless the tax, surcharges and penalties are paid before the expiration of the year for which the tax is due, except when the notice of assessment or special levy is contested administratively or judicially, the delinquent real property will be sold at public auction, and the title of the property will be vested in the purchaser, subject however, to the right of the delinquent owner of the property or any person having legal interest thereon to redeem the property within one (1) year from the date of sale.

**SECTION 52. - INTEREST ON UNPAID REAL PROPERTY TAX.** - I9n case of failure to pay the basic real property tax or another tax levied herein upon the expiration periods herein prescribed or when due, as the case may be, shall subject the taxpayer to the payment of interest at the of two (2%) percent per month on the unpaid amount or a fraction thereof, until the delinquent tax shall have been fully paid; provided, further, that no case shall the total interest on the unpaid tax or portion thereof exceed thirty-six (36) months;

**SECTION 53. - REMEDIES FOR THE COLLECTION OF REAL PROPERTY TAX.** - For this collection of the basic real property tax and other tax herein levied, the city may avail of the remedies by administrative action through levy on real property or by judicial action;

**SECTION 54. - GOVERNMENT'S LIEN.** - The real property tax and other taxes herein levied constitute a lien on the property subject to tax, superior to all liens, charges or encumbrances in favor of any person, irrespective of the owner or possessor thereof, enforceable by administrative or judicial action, and may only be extinguished upon payment of the tax and the related interest and expenses;

**SECTION 55. - LEVY ON REAL PROPERTY.** - After the expiration of the time required paying the basic real property tax or other tax herein levied, real property subject to such tax may be levied upon through the issuance of a warrant on or before, or simultaneously with the institution of the civil action for the collection of the delinquent tax. The City Treasurer when issuing a warrant of levy shall prepare a daily authenticated certificate showing the name of the delinquent owner of the property or person having legal interest therein, the description of the property, the amount of the tax due and he interest thereon. The warrant shall operate with the force of legal execution. The warrant shall be mailed to or served upon the delinquent owner of the real property or person having legal interest therein, or in case he is out of the country or cannot be located, to the administrator or occupant of the property. At the same time, written notice of the levy with the attached warrant shall be mailed to or served upon the assessor and the Register of Deeds who shall annotate the levy on the tax declaration and certificate of title of the property, respectively;

The levying officer shall submit a report on the levy to the Sangguniang Panlungsod within ten (10) days after receipt of the warrant by the owner of the property or person having legal interest therein.

**SECTION 56. - ADVERTISEMENT, SALE, AND REDEMPTION OF PROPERTY SOLD.** - Section 260 & 261 of the Local Government Code are hereby adopted in the same manner and procedure of delinquent sale and redemption thereof;

**SECTION 57. - FINAL DEED TO PURCHASE.** - In case the owner or person having legal interest therein fails to redeem the delinquent property as provided herein the city treasurer shall execute a deed conveying to the purchaser said property free from lien of the delinquent tax, interest due thereon and expenses of sale. The deed shall briefly state the proceedings upon which the validity of the sale rests;

**SECTION 58. - ADOPTION OF PERTINENT PROVISIONS OF THE LOCAL GOVERNMENT CODE.** - Section 260, 261, 262, 263, 264, 265, 266, 267, 268 269 7 270 of the Local government Code, R.A. 7160 are hereby adopted in so far as they are applicable to the city.

## **CHAPTER 7 SPECIAL PROVISIONS**

**SECTION 59. - DUTY OF REGISTER OF DEEDS AND NOTARIAL PUBLIC TO ASSIST THE CITY ASSESSOR.** - It shall be the duty of the Register of Deeds and notaries public to furnish the city assessor with copies of all contracts selling, transferring or otherwise conveying, leasing or mortgaging real property received by or acknowledged before him;

**SECTION 60. - INSURANCE COMPANIES FURNISH INFORMATION INSURANCE.** - Companies are hereby required to furnish the city assessor copies of any contract or policy insurance on buildings, structures, and improvements insured by them or such other documents which may be necessary for the proper assessment thereof;

**SECTION 61.** - All court actions, criminal or civil instituted at the instance of the city assessor or the city treasurer under this ordinance shall be exempt from the payment of court and sheriff's fees;

**SECTION 62.** - Fees in Registration of papers or documents on sale on Delinquent Real Property to City. – All certificates, documents, and papers covering the sale of delinquent property to the city if registered in the Registry of Property shall be exempt from the documentary stamp tax and registration fees;

**SECTION 63.** - Real Property Assessment Notices of Owner's Copies of Tax Declarations to be exempt from Postal charges or Fees. All real property assessment notices or owner's copies of tax declaration sent through the mails by the assessor shall be exempt from the payment of postal charges or fees;

**SECTION 64.** – Sale and forfeiture Before Effectivity of Code. – Tax delinquencies incurred, and sales and forfeitures of delinquent Real property effected before the effectivity of this ordinance shall be governed by the provisions of applicable laws when in force.

## **CHAPTER 8. – PENALTIES**

**SECTION 65.** - PENALTIES for violation. - Any person natural or judicial, or his authorized representative who shall violate any provision Ordinance or who fails to file the required sworn declaration with the City Assessor, or who fails to submit to the City Assessor the necessary documents, certifications, abstract, or building permits within the required period shall suffer imprisonment for a period of one (1) month and/or pay a fine of P1, 000.00 Or both at the discretion of the Court;

**SECTION 66.** - OMISSION OF PROPERTY FROM ASSESSMENT OR TAX ROLLS BY OFFICERS AND OTHER ACTS. - Any officer charged with the duty of assessing real property who willfully fails to assess or who intentionally omits from the assessment of tax roll any real property which he knows to be taxable, or willfully or negligently under assesses any real property or who intentionally violates or fail to perform any duty imposed upon him to the assessment of taxable real property shall upon conviction be punished by a fine of two thousand (P2, 000.00) Pesos or by imprisonment, at the discretion of the court.

The same penalty shall be imposed to any officer in charge with the duty of collecting the tax due on real property who willfully or negligently fails to collect the tax and institute the necessary proceedings for the collection of the same.

Any other officer required to perform acts relating to the administration of the real property tax or to assist the assessor or treasurer in such administration, who willfully fails to discharged such duties shall, upon conviction be punished by a fine of not less then Five Hundred (P500.00) Pesos nor more than Five thousand (P5, 000.00) Pesos or imprisonment of not less than one (1) month nor more than six (6) months, or both such fine and imprisonment, at the discretion of the court.

**SECTION 67.** - GOVERNMENT AGENTS DELAYING ASSESSMENT OF REAL PROPERTY AND ASSESSMENT APPEALS. - Any government officials who intentionally and deliberately delays the assessment of real property or the filing of any appeal against its assessment shall upon conviction, be punished by a fine of not less than Five Hundred (P500.00) Pesos nor more than Five Thousand (P5, 000.00) Pesos or by imprisonment of not less than one (1) month nor more than six (6) months or both such fine and imprisonment at the discretion of the court;

**SECTION 68. - FAILURE TO DISPOSE OF DELINQUENT REAL PROPERTY AT PUBLIC AUCTION.** - The Local Treasurer concerned who fails to dispose of delinquent real property at public auction in compliance with the pertinent provisions of this ordinance, prompt disposition of delinquent real property at public auction shall upon conviction be subject to a fine of not less than One Thousand (P1, 000.00) Pesos, nor more than Five Thousand (P5, 000.00) Pesos or imprisonment of not less than one (1) month nor more than six (6) months, or both such fine and imprisonment at the discretion of the court.

**SECTION 69.** - This ordinance shall take effect on January 1, 1994.

**ENACTED:** June 9, 1992.

**WE HEREBY CERTIFY** to the correctness of the foregoing ordinance.

**J. ANTONIO A. AMPARADO**  
City Secretary

**LOURDES V. ASENCE, M.D.**  
City Vice Mayor & Presiding Officer

APPROVED:

**JESSE M. ROBREDO**  
City Mayor