

Republika ng Pilipinas
Lungsod Quezon
SANGGUNIANG PANLUNGSOD
(City Council)

PO2001-133

15th Regular Session

RESOLUTION NO. SP- 1689 S-2001

A RESOLUTION DECLARING THE FINANCIAL STATEMENTS FILED WITH THE BUREAU OF INTERNAL REVENUE AND/OR THE SECURITIES AND EXCHANGE COMMISSION IN THE IMMEDIATE PREVIOUS YEAR AS REFERENCES AND ADDITIONAL BASIS FOR ASSESSMENT OF BUSINESS TAXES DUE FOR BUSINESS OPERATION IN QUEZON CITY

Introduced by Councilor BERNADETTE R. CRUZ-HERRERA.
Co-Introduced by Councilors Victor V. Ferrer, Jr., Eric Z. Medina, Ramon P. Medalla, Jorge I. Banal, Julian M.J. Coseteng, Wencerom Benedict C. Lagumbay and Jesus "Rong" C. Suntay.

WHEREAS, the basis for assessment of the business tax is the statement of gross receipts or sales from the operation of business in the City during the previous year as provided under Section 19, Article 8, Chapter III, of Ordinance No. SP-91, S-93, the Quezon City Revenue Code;

WHEREAS, the City Treasurer collects payment of the business tax based from the statement of gross receipts or sales for the previous year as submitted for the purpose in compliance with the requirement as above cited;

WHEREAS, the veracity of the statements of the gross receipts or sales of a certain business which is the basis for the computation of the business tax due could not be accurately ascertained unless or until such time that an examination of the books of accounts is undertaken by the Office of the City Treasurer or its deputies;

WHEREAS, the reliance from the statement of gross receipts or sales submitted by an operator of a business before the Office of the City Treasurer deprives the City government of the correct and proper tax due from the operation of a business in the City resulting to huge variance of the collection vis-a-vis with the targeted income from this source as reflected in the annual budget;

WHEREAS, the Financial Statements and /or Value Added Tax Returns filed with the Bureau of Internal Revenue and/or the Securities and Exchange Commission are considered reliable bases for the assessment of the business tax due;

WHEREAS, the Financial Statements for a certain business is being submitted to BIR and the SEC after January 30 of each year while the deadline for the payment of the business tax in the City without penalty is every January 25 of each year hence, the said Financial Statements submitted January 30 of each year to the BIR and the SEC is beyond the deadline in the payment of the business tax for the year and therefore not usable as intended;

WHEREAS, Value Added Tax Returns are being filed monthly with the BIR pursuant to Section 114 (A) of Republic Act No. 8424, as amended;

WHEREAS, for purposes of ascertaining the veracity of the statement of gross receipts or sales submitted by operators of certain businesses in the City such that the income from this source may be realized, the Financial Statements submitted to the BIR and/or the SEC in January 30 of the previous year and/or the Value Added Tax filed monthly shall be made as references and additional bases for the assessment and collection of the true and correct business tax due;

WHEREAS, under Sec. 194, Chapter 6, of Republic Act No. 7160, otherwise known as "The New Local Government Code of 1991" declares that:

"Periods of Assessment and Collection" provide (a) Local taxes, fees or charges shall be assessed within five (5) years from the date they became due...

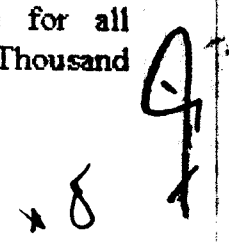
(b) In case of fraud or intent to evade the payment of taxes, fees, or charges, the same may be assessed within ten (10) years from discovery of the fraud or intent to evade payment."

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED, to declare, as it does hereby declare, the Financial Statements duly filed with the Bureau of Internal Revenue and/or Securities and Exchange Commission in the immediate previous year and/or the Value Added Tax Returns filed monthly in the immediate previous year with the Bureau of Internal Revenue by a taxpayer who is doing business in Quezon City are hereby declared as references and additional basis for assessment of the business tax due for business operation in Quezon City.

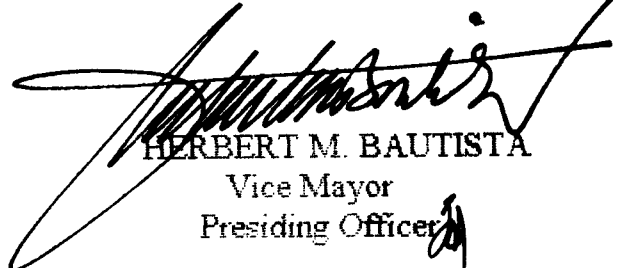
RESOLVED, FURTHER, that a deviation and/or the difference in the figures appearing in the statement of gross receipts or sales submitted/filed before the Office of the City Treasurer as compared from those of the Financial Statements and/or Value Added Tax Returns submitted to the BIR and the SEC as cited in Section I hereof shall be corrected and the business taxes due the Quezon City should be properly assessed and collected.

RESOLVED, FURTHERMORE, that this shall apply and require for all businesses with gross receipts or sales amounting to more than Five Hundred Thousand Pesos (P500,000.00) of the preceding calendar year.



RESOLVED, FINALLY, that provisions of this resolution shall not apply to businesses where the payment of the business tax is fixed for a certain amount as provided under Ordinance No. SP-91, S-93, otherwise known as "The Quezon City Revenue Code."

ADOPTED: November 20, 2001.



HERBERT M. BAUTISTA
Vice Mayor
Presiding Officer

ATTESTED:



EUGENIO V. JURILLA
City Council Secretary

CERTIFICATION

This is to certify that this Resolution which was APPROVED on Second Reading on November 20, 2001, was CONFIRMED by the City Council on November 27, 2001.



EUGENIO V. JURILLA
City Council Secretary

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