

Republic of the Philippines
Province of Davao Oriental
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
SP Complex, Government Center, Dahican
CITY OF MATI



EXCERPTS FROM THE MINUTES OF THE 39TH REGULAR SESSION OF THE 17TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON TUESDAY, MARCH 28, 2023 AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Hon. Niño Sotero L. Uy, Jr. Vice Governor – Presiding Officer

Regular Members:

District I

Hon. Nelson R. Dayanghirang, Jr.
Hon. Anna Cheryl N. Castro
Hon. Art Benjie C. Bulaong
Hon. Marietta D. Palmera
Hon. Andy A. Monday

District II

Hon. Shella Marie S. Go
Hon. Harold A. Montes
Hon. Rotchie M. Ravelo
Hon. Daud V. Linsag
Hon. Stephen Paul L. Uy

Ex-Officio Members:

Hon. Joselito B. Villademoso	President, Philippine Councilors League (PCL) - Davao Oriental Chapter
Hon. Rustan R. Castellones	President, Liga Ng Mga Barangay (LNB) - Davao Oriental Chapter
Hon. Eleuterio C. Manaytay	Indigenous Peoples Mandatory Representative (IPMR)

ABSENT:

Hon. Ronald T. Lara, Jr. Sangguniang Kabataan Provincial Federation President (SKPFP)

PROVINCIAL ORDINANCE NO. 17-13-03-2023

Author : Hon. Marietta D. Palmera
Sponsor : Hon. Marietta D. Palmera

AN ORDINANCE PROVIDING ADDITIONAL GUIDELINES FOR THE LEVY AND CONDUCT OF PUBLIC AUCTION OF DELINQUENT REAL PROPERTIES IN THE PROVINCE OF DAVAO ORIENTAL.

WHEREAS, the amount of delinquent real property taxes continue to increase, thus, availing the Levy on Real Property and sale through public auction for the collection of the said tax is in order, as provided under Sections 256-264 of the Local Government Code of 1991;

WHEREAS, considering the calamities and unstable economy that the province has experienced in the past three (3) years, the Provincial Government offers the delinquent taxpayers a way to ease their burden and give them time to settle their delinquency, thereby temporarily halting the proceedings of the public auction of their property;

WHEREFORE, on motion of SP Member Marietta D. Palmera, duly and jointly seconded by SP Members Shella Marie S. Go, Rotchie M. Ravelo, Harold A. Montes, Stephen Paul L. Uy, Anna Cheryl N. Castro, Art Benjie C. Bulaong, and Andy A. Monday, it was

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Be it ordained by the 17th Sangguniang Panlalawigan of Davao Oriental, in session duly assembled that:

SECTION 1. LEVY OF REAL PROPERTY AND CONDUCT OF PUBLIC AUCTION. The levy of real property and conduct of public auction of delinquent real property shall be in accordance with Sections 258-264 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 and its Implementing Rules and Regulations and the additional guidelines provided under this Ordinance.

SECTION 2. TERM PAYMENT FOR DELINQUENT REAL PROPERTY TAXES AND STAYING OF PUBLIC AUCTION. The owner of the delinquent real property or person having a legal interest, may avail of term payment arrangement for settlement of the delinquent amount of real properties upon payment of at least twenty-five percent (25%) of the delinquent real property taxes, including interest and surcharges, and upon reimbursing the Province for the full amount of the cost of sales, if any, and submission of a sworn undertaking to pay the balance of the delinquency in equal monthly installments within a period of not more than one (1) year from such date. The monthly installments shall be adjusted periodically by the Provincial/Municipal Treasurer's Office to include interest and surcharges accruing on the remaining balance.

This option shall stay the auction of the property but will not free the taxpayer from payment of any interest and surcharges that will continue to accrue from the remaining delinquent amount and from payment of the current taxes as they fall due.

Upon failure of the taxpayer to pay the installments and/or any current taxes as they fall due, the Provincial Treasurer will proceed to auction the property. This privilege may be availed of not later than 5:00 p.m. of the day before the date of the auction and maybe availed of only once for every property.

On the actual date of the auction sale, the sale may only be prevented by paying the full amount of delinquent taxes, interests, and surcharges, and cost of sales, provided that the particular delinquent real property subject for public auction is not yet announced by the Provincial Treasurer.

SECTION 3. AUCTION BY LOT. Delinquent buildings may only be subject to auction if so located on a delinquent land. Such building(s) and land shall be auctioned off as one (1) lot.

SECTION 4. MINIMUM BID PRICE. The bid price of the property to be auctioned shall be the total amount of the unpaid taxes, penalties, interests and cost of sale rounded off to the nearest thousands immediately higher than the floor price.

Bidders may raise the bid price by an amount not less than Five Hundred Pesos (₱500.00) per bid.

SECTION 5. COST OF SALE. The cost of sale shall be the actual cost of registering the levy with the Registry of Deeds, including the cost for securing certified copies of the title, and the proportionate share of the property in the actual cost of publication and posting plus the amount of Two Thousand Pesos (₱2,000.00) for other incidental expenses.

SECTION 6. POSTING OF CASH BOND. All bidders are required to post a cash bond of Five Thousand Pesos (₱5,000.00) per title or lot consisting of land and

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building(s) located thereon. The cash bond of the winning bidder shall be deemed as advance payment for the final winning bid amount of the property. The bonds of the non-winning bidders shall be returned immediately after the auction of that property or may be used as cash bonds for other properties also subject of the auction.

SECTION 7. PAYMENT OF THE BID PRICE. The bidder with the highest bid must pay the bid amount not later than 5:00 p.m. of the day following the auction date. Payments shall be made in cash or manager's/cashier's check payable to the Province of Davao Oriental for the exact amount of the winning bid.

Failure of the bidder to tender the bid amount within the said period shall result in the forfeiture of the cash bond in favor of the Province and the award is deemed automatically cancelled.

It shall be the duty of the second highest bidder to check and ascertain whether the highest bidder has paid his bid within the period prescribed herein and to pay the amount of his bid not later than 5:00 p.m. of the day next following the expiration of the deadline of the highest bidder.

It shall be the duty of the third highest bidder to check and ascertain whether the first and second highest bidder has paid his bid within the period prescribed herein and to pay the amount of his bid not later than 5:00 p.m. of the day next following the expiration of the deadline of the first and second highest bidder. If no payment of the bid price is still made thereafter, the Provincial Treasurer shall cause the property to be re-auctioned.

SECTION 8. PROHIBITION ON DESTRUCTION OF PROPERTY / TREATMENT OF NEW STRUCTURES OR IMPROVEMENTS. From the date of the sale until the expiration of the period of redemption as provided by law, the owner of the delinquent real property or its authorized representative is prohibited from cutting, destruction of the plants, trees, buildings and other permanent improvements found thereon.

Permanent improvements or constructions found on the property, including those introduced or constructed from the date of the sale until the expiration of the period of redemption shall inure to the benefit of the winning bidder.

SECTION 9. IMPLEMENTING RULES AND REGULATIONS. The Provincial Governor may form a committee to formulate the rules and regulations to implement the provision of this ordinance and to facilitate the orderly conduct of public auctions. Whenever deemed necessary by the Provincial Governor, such committee maybe tasked to assist the Provincial Treasurer in the levy and conduct of public auction of delinquent real properties.

SECTION 10. PENALTY. The owner of the property or any person acting on his behalf who knowingly cuts or destroys or has caused the cutting or destruction of any plant, tree, structure or any other improvement on the property already awarded to a bidder during the public auction in the violation of this ordinance shall be subject to six (6) months imprisonment and a fine for Five Thousand Pesos (₱5,000.00), without prejudice to such other legal remedies which the aggrieved party may pursue.

SECTION 11. SEPARABILITY CLAUSE. If any section or portion of this Ordinance is declared unconstitutional or invalid by a competent authority, the other

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portions or sections hereof which are not affected shall continue to be in full force and effect.

SECTION 12. REPEALING CLAUSE. All previous ordinances, rules or regulations, or part hereof, which are inconsistent with this ordinance are hereby repealed.

SECTION 13. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon its approval.

ENACTED: MARCH 28, 2023


CARRIED, by thirteen (13) affirmative votes of SP Members Nelson R. Dayanghirang, Jr., Shella Marie S. Go, Anna Cheryl N. Castro, Harold A. Montes, Rotchie M. Ravelo, Art Benjie C. Bulaong, Daud V. Linsag, Stephen Paul L. Uy, Marietta D. Palmera, Andy A. Monday, Joselito B. Villademoso, Rustan R. Castellones, and Eleuterio C. Manaytay; negative votes – none; and abstention - none.

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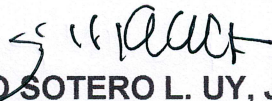
**I hereby Certify to the Correctness
of the foregoing Ordinance.**



EVANGELINE UY-PLAZA

*Provincial Government Assistant Department Head
Assistant Secretary to the Sangguniang Panlalawigan
Acting Secretary*

**Attested and Certified
to be duly Adopted:**



NIÑO SOTERO L. UY, JR.
Vice Governor and Presiding Officer

APPROVED:



CORAZON N. MALANYAON
Governor

Date approved
and signed APR 03 2023