

28<sup>th</sup> Regular Session.

ORDINANCE NO. SP-1846, S-2008  
(PO2008-37)

AN ORDINANCE GRANTING AN EXEMPTION FROM THE PAYMENT OF TRANSFER TAX TO OWNERS/DEVELOPERS OF SUBDIVISION LOTS CONCERNING THE DONATION OF OPEN SPACES, ROAD LOTS AND OTHER REAL PROPERTIES TO THE CITY GOVERNMENT IN COMPLIANCE WITH THE REQUIREMENT OF LAWS AND/OR ORDINANCES.

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*Introduced by Councilors ANTONIO E. INTON, JR., VICTOR V. FERRER, JR., JESUS MANUEL C. SUNTAY, JANET. M. MALAYA, EDCEL B. LAGMAN, JR., VINCENT DG. BELMONTE, BAYANI V. HIPOL, BERNADETTE HERRERA-DY, DOROTHY A. DELARMENTE, WINSTON "Winnie" T. CASTELO, RAMON P. MEDALLA, VOLTAIRE GODOFREDO L. LIBAN III, EDEN "Candy" A. MEDINA, AIKO S. MELENDEZ, FRANZ S. PUMAREN, DIORELLA MARIA G. SOTTO and JAIME F. BORRES.*

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WHEREAS, Sections 25, 26 and 27, Article II, Chapter IV of Ordinance No. SP-91, S-93, otherwise known as the Quezon City Revenue Code of 1993, provides that:

*"Section 25. Imposition of Tax. - There is hereby imposed a tax at the rate of sixty percent (60%) of one percent (1%) for 1993-1994 and seventy five percent (75%) of one percent (1%) for 1995 and the succeeding years thereafter on the*

sale, donation, barter, or any mode of transferring ownership of title of real property within the territorial jurisdiction of Quezon City based on the total consideration involved in the sale of the property or of the fair market value and/or zonal value of the property in case the monetary consideration involved in the transfer is not substantial, whichever is higher.

Real property, for purposes of this tax, shall mean lands, buildings, improvements and machineries as covered and defined by Title Two, Book II of Republic Act No. 7160 which includes real property used for residential, commercial, industrial and special purpose. Real property exempt those covered by Republic Act No. 6656, otherwise known as the Act on Comprehensive Agrarian Reform Program.”

“Section 26. Administrative provisions. – The Register of Deeds of Quezon City shall, before registering any deed, require the presentation of evidence of payment. The City Assessor shall likewise make the same requirement before canceling an old tax declaration and issuing a new one in place thereof. Notaries public shall furnish the City Treasurer with a copy of any deed transferring ownership or title to any real property located in Quezon City within thirty (30) days from the date of notarization.”

Section 27. Time of Payment. – It shall be the duty of the seller, donor, transferor, executor, or administrator, to pay the tax herein imposed within sixty (60) days from the date of execution of the deed as regards sale, barter, donation, or any other mode of transfer of ownership from the date of the decedent's death in the case of transfer by succession.”

WHEREAS, Section 192 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, states that "Local government units may, through an ordinances duly approved, grant tax exemptions, incentives or relief under such terms and conditions as they may deem necessary";

WHEREAS, under the Quezon City Subdivision Ordinances, Presidential Decree No. 957 as amended by Presidential Decree No. 1216 and other related laws, the subdivision owners/developer are mandated to provide, develop in accordance with the approved subdivision plan, open spaces, road lots and other real properties for public use and to donate said real properties to the Local Government Unit;

WHEREAS, the Local Government Unit is, likewise, mandated to accept such donations;

WHEREAS, in the interest of justice and equity said owners and/or developers may be exempted from paying Transfer Tax in the donation of the said real properties.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. Owners/Developers of subdivision lots which are approved pursuant to the Quezon City Subdivision Ordinances, Presidential Decree No. 957, as amended by Presidential Decree No. 1216 and other related laws are exempted from paying Transfer Tax to the City government concerning the donation of open-spaces, road lots and other real properties to the City government in compliance with the requirement of said laws/ordinance.

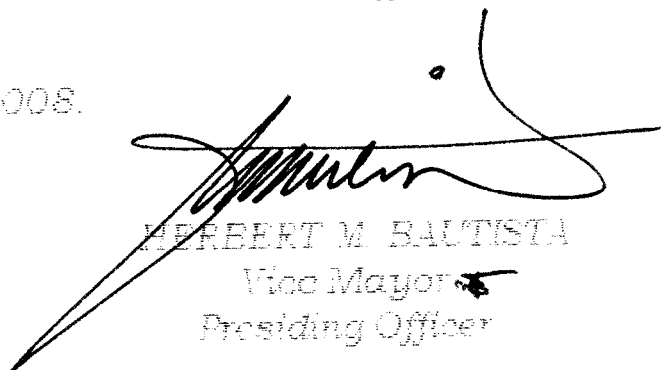
SECTION 2. The acceptance by the City government of said donation shall not in any absolve, extinguish and/or free the owners/developers from their liabilities, responsibilities and duties imposed upon them under said ordinances, and/or laws.

SECTION 3. The City government may, at its option, accept the donation of undeveloped open spaces, road lots and other real properties, and develop the same in accordance with the approved subdivision plan using public funds, provided, however, that the cost of development be collected from the owners/developers with 12% interest per year from the date of development up to the date of payment, plus damages in case of court action.


SECTION 4. Notwithstanding the acceptance of the donation by the City government, the owners/developers are still liable to all hidden defects which may later on be discovered and the City government may take legal action against them.

SECTION 5. This Ordinance shall take effect upon its approval.


ENACTED: May 19, 2008.

  
HERBERT M. BAUTISTA  
Vice Mayor  
Presiding Officer

ATTESTED:

  
DOROTHY D. LAGRADA, CPA  
City Gov't Asst. Dept. Head III

APPROVED: JS 23, 2008

  
FELICIANO R. BELMONTE, JR.  
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on May 19, 2008 and was finally PASSED on Third/Final Reading under Suspended Rule on the same date.