

LODGING HOUSE – includes any house or building or portion thereof, in which any person or persons maybe regularly harbored or receive as transients for compensation, Taverns or inns shall be considered as lodging houses.

MAGAZINES AND/OR NEWSPAPER STAND – means an outdoor stall or enter where newspapers, periodicals, and/or other reading materials are sold and may include as item for sale, cigars and cigarettes, sweepstake ticket only and no other commodity provided a separate permit fee is paid for the retail of cigar and cigarette as provided in this code.

MANUFACTURED TOBACCO PRODUCTS – include cigar, cigarettes, chewing tobacco and snuff and all other forms of manufactured and partially manufactured tobacco.

MANUFACTURER – includes every person who, by physical or chemical process, alters the exterior texture or form or inner substance of any raw material or manufactured or partially manufactured product in such manner as to prepare it for special use or uses to which it could not have been put in its original condition, or who by any such process, alters the quality of any such raw materials or manufactured or partially manufactured products so as to reduce it to marketable shape or prepare it for any of the use of industry, or who by any such process combined any such raw materials or product of the same or of different kinds and in such manner that the finish products of such process manufacturer can be put to special use or uses to which such raw materials or manufactured or partially manufactured products in their original condition could not have been put, and who in addition, alter such raw material or manufacture to partially manufactured products or combines the same to produce such finish product for the purpose of their sale or distribution to others and not for his own use or consumption.

MANUFACTURER OF CIGAR OR CIGARETTES – includes those whose business it is to make or manufacture cigars or cigarettes or both for sale or who employs others to make or manufacture cigar or cigarettes for sale: but the term does not include artisans or apprentice employed to make cigars or cigarettes from materials supplied by the employer, the latter being lawfully engaged in the manufacture of cigars or cigarettes.

MANUFACTURER OF TOBACCO – includes every person whose business is to manufacture tobacco or snuff, or who employs others to manufacture tobacco or snuff, whether such manufacture, be by cutting, pressing, grinding or rubbing, any raw or leaf tobacco, or otherwise preparing raw or leaf tobacco or manufacture or partially manufactured tobacco and snuff, or putting for consumption scraps, refuse or stem of tobacco resulting from any waste by shifting, twisting, screening or by any other process.

MARGINAL FARMER OR FISHERMAN – refers to an individual engaged in subsistence farming or fishing which shall be limited to the sale, barter or exchange of agricultural or marine products produced by himself or by his family.

MARKET PREMISES - refers to any open space in the market compound, part of the market lot consisting of bare ground not covered by the market buildings, usually occupied by transient vendors especially during market days.

MERCANTILE AGENCY - is any person engages in the business of gathering information as to the financial standing ability, or credit of persons engaged in the business, and reporting the same to subscribers or to customers applying and paying therefore.

MONEY SHOP – is an extension service unit of a banking institution usually operating in the public markets with authority to accept money for deposits and extend short-term loans for specific purposes.

MOTEL – includes any houses or buildings, or portion thereof, in which any persons maybe regularly harbored or received as transients or guests and which provided with a common enclosed garage or individually enclosed garage where such transients or guests may park their motor vehicles.

MOTOR VEHICLE – means any vehicle propelled by any power other than muscular power using the public road, rollers, trolley cars, street sweepers, sprinklers, lawn mowers, bulldozers, fork-lifts, amphibian trucks, and cranes if not used on public roads, vehicles which run only on rails or trucks, and tractors and trailers and tractor engines of all kinds used exclusively for agricultural purposes.

MUNICIPAL / MUNICIPALITY – refers to the Municipality of Mati, Davao Oriental, unless specified otherwise.

MUNICIPAL WATER – include not only streams, lakes and tidal waters within the municipality, not being subject of private ownership and not comprised within the national parks, public forest, timberlands, forest reserves or fishery reserves, but also marine waters include between two lines drawn perpendicularly to the general coastline from points where the boundary lines of the municipality touch the sea and low tide and are third line parallel with the general coast line and fifteen (15) kilometers from it. Where two (2) municipalities are so situated in the opposite shores that there is less than fifteen (15) kilometers of marine waters between them, the third line shall be equally distant from opposite shores of the respective municipalities.

NIGHT OR DAY CLUB – includes places frequented at nights or days, as the case maybe, where foods, wines and drinks are served and music is furnished by the operator and the patrons are allowed to dance with their own partners or with the hostesses furnished by the management.

OCCUPATION – means one’s regular business or employment or an activity which principally takes up one’s time thought and energies. It includes any calling, business, trade, profession, or vocation.

OPERATOR – includes the owner, manager, administrator or any other person who operates or is responsible for the operation of a business establishment or undertaking.

OPPRESSIVE – means unreasonably burdensome, unjustly severe or harsh.

PEDDLER – means any person who, either for himself or on commission, travels from place to place and sells his goods or offers to sell and delivers the same. Whether the peddler is wholesale peddler or a retail peddler or a particular commodity shall be determined from the definition from the wholesale dealer or retail dealer as provided in the Article.

PEDDLER, HAWKER OR HUSTLER – includes any person, whether adult or minor, who peddles or hawks goods, wares, merchandise, or any articles, in any manner, from place to place; or one who offers for sale articles without any regular fixed and established place of business in the municipality.

PERSONS – means every natural or juridical being susceptible of rights and obligations or of being the subject of legal relations.

PRIVATELY-OWNED OR OPERATED PUBLIC MARKET – means those established by a private fund and operated by private persons, natural or juridical, under government permit.

PRIVILEGE – means a right or immunity granted as a peculiar benefit, advantage or favor.

PRODUCER – means essentially the same as manufacturer except that it is more commonly used to denote a person who raises agricultural crops and puts them in a condition for the market.

PROFESSIONAL DANCER – includes any woman employed in cabarets or similar establishments who offers herself as dancing partner for a fee for those who may pick her.

PUBLIC MARKET – refers to any place, building or structure of any kind designated as such by the local board or council except public streets plazas, parks and the like.

RACE TRACK – includes any place or compound, where exhibitions or trials of speed for a purse or price consideration are run by the competitors usually on

horse or any other animal, or power conveyances as trucks, automobiles or race cars.

REAL ESTATE BROKER – includes any person, other than a real estate salesman as hereinafter defined, who for another, and for a compensation or in the expectancy or promise of receiving compensation: (1) sells or offers for sale, buys or offers to buy; lists or solicits for prospective purchasers, or negotiates the purchase, sale or exchange of real estate or interest therein; (2) or negotiate loans of real estate; (3) or leases or offers to lease or negotiate the sale, purchase or exchange of lease or rents or places for rent or collects rent from real estate or improvements thereon; (4) or shall be employed by or on behalf of the owner or owners of lots or parcels of real estate on salary, on commission, or otherwise to sell such real estate or any parts thereof in the lots or parcels. Real Estate Salesman – means any person regularly employed by a real estate broker to perform in behalf of such broker any or all of the functions of real estate broker. One act of character embraced within the above definition shall constitute the person performing or attempting to perform the same real estate broker. But the foregoing definition do not include a person who shall directly perform any of the acts aforesaid with reference to his own property where such act are performed in the regular course of or an incident to the management of such property; nor shall they apply to persons acting in pursuant to a duly executed power of attorney from the owner authorizing final consummation by performance of a contract conveying real estate by sale, mortgage or lease; nor shall they apply to any receiver, trusts or assignee in bankruptcy or insolvency, or to any person acting pursuant to the order of any court; nor to a trustee selling under a deed of trust.

REAL ESTATE DEALER – includes any person engage in the business of buying, selling , exchanging, leasing or renting property as principal and holding himself out as a full or part time dealer in real estate or as an owner of rental property or properties rented or offers to rent for an aggregate amount of one thousand pesos or more a year. Any person shall be considered as engaged in business as real estate dealer by the mere fact that he is the owner or sublessor of property rented or offered to rent for an aggregate amount of one thousand pesos or more a year; provide however, that an owner of sugar lands subject to tax under Commonwealth Act Numbered Five Hundred and Sixty-Seven shall not be considered as real estate dealer under this definition.

RECITAL – a performance by one or two players or by a string quartet

RECTIFIER. - comprise every person who rectifies, purifies or refines distilled spirits or wines by any process other than by original or continuous distillation from mask, wort, wash, or syrup through continuous closed vessels and pipes until the manufacture thereof is complete. Every wholesale or retail liquor dealer who has his own possession any still mash tub, or who keeps any other apparatus for the purpose of distilling spirits, or in any manner refining distilled

spirits shall also be also be regarded as rectifier and as being engage in the business of rectifying.

REFRIGERATING – means the storage or keeping of articles at a temperature not to exceed 40 degrees Fahrenheit above zero degree in a refrigerating case.

RENTAL - means the value of the consideration, whether in money or otherwise given for the enjoyment or use of a thing.

REPACKER OF WINES OR DISTILLED SPIRITS – includes all persons who remove wines or distilled spirits from the original containers for repacking or selling the same at wholesale.

RESIDENTS – refer to natural persons who have their habitual residence in the province, city, or municipality where they exercise their civil rights and fulfill their civil obligations and to juridical person for whom the law or any other provision creating or recognizing them fixes their residence in a particular province, city, or municipality. In the absence of such law, juridical persons are residents of the province, city or municipality where they have their legal residence or principal place of business or where they conduct their principal business or occupation.

RESTAURANT – refers to any place which provides food to the public and accept orders from them at a price. This term includes caterers.

RETAIL – means a sale where the purchasers buy the commodity for his own consumption irrespective of the quantity of the commodity sold.

RETAIL DEALER IN FERMENTED LIQUOR – include every person, except retail dealers in tube, basi and tapuy, who for himself or on commission sells or offers for sale fermented liquors in quantities of five liters or less at any one time and not for resale.

RETAIL LEAF OR TOBACCO DEALER – includes very person who for himself or on commission sells leaf tobacco or offers the same for sale to any person except a registered dealer in tobacco or a manufacturer of cigars, cigarettes or manufactured tobacco but the term does not include a planter or producer so far as concerns the sale of leaf tobacco of his own production.

RETAIL LIQUOR DEALER – includes every person except a retail wine dealer, who for himself or on commission sells or offers for sale wine or distilled spirits (other than denatured alcohol) in quantities of five liters or less at any one time and not for resale.

RETAIL VINO DEALER – includes every person who for himself or on commission sells or offers for sale only domestic distilled spirits in quantities of five liters or less at any one time and not for resale.

REVENUE – includes taxes, fees and charges that a state or its political subdivision collects and receives the treasury for public purposes.

SERVICES – means duties work or functions performed or discharged by a government officer or by a private person contracted by the government as the case maybe.

SHOPPING CENTER – means a building, establishment, or a place or part thereof, leased to several different persons but not less than (10) persons to be used principally by them, especially for selling, assorted, non-perishable or dry goods, merchandise or articles including refrigerated goods.

SKATING RINK – includes any private place or compound where, for a fee or compensation, the customers are allowed to skate n or around the place.

SODA FOUNTAIN – includes all places where refreshment and/or drinks are served, provided that, in such places, there is a counter stand with chairs and where customers are not permitted to congregate or loiter within the premises, such as in bars and saloons or in restaurants and public eating places.

SPECIALTY CONTRACTOR – is a person whose operations pertain to the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

STALL – refers to any allotted space or booth in the public market where merchandise of any kind is sold or offer for sale.

STOCKBROKER – includes all persons whose business it is for themselves as such brokers or for other brokers, to negotiate purchases or sales of stocks, bond, exchanges, bullion, coined money, bank notes, promissory notes, or other securities; but does not include underwriters of one or more investment companies as defined in the Investment Company Act;” Dealer In Securities” includes all persons who for their own account are engaged in the sale of stock, bond, exchange, bullion, coined money, bank notes, promissory notes, or other securities.

SUPER FAMILY CLUB – includes any establishment where food and drinks are served to its patron to the accompaniment of music furnished by such establishment with musicians under its employ or by jukebox installed within its premises and where patrons are allowed to dance with partners whom they bring along but not hostess as in the case of night club or bars.

TAX – means an enforced contribution, usually monetary in form, levied by the law-making body on persons or property subject to its jurisdiction for the precise purpose of supporting government needs.

TAXI DANCER – a woman entertainer professionally engaged in dancing for fee.

THEATER OR CINEMA HOUSE – includes any place, edifice, building or enclosure where motion picture are exhibited and/or presentation of plays or other above including performances, stage shows, musical or dramatic shows, concerts or gymnastics or acrobatic feats are held.

UNJUST – means deficient in justice and fairness.

VESSEL – includes every type of boat, craft or other artificial contrivance used or capable of being used as a means of transportation on water.

WAITER/WAITRESS – a man or woman entertainer whose services are hired by a business establishment serving food and/or intoxicating or vinous beverage or drinks to its customers and duty it is to serve such food and/or drinks to its customers or patrons and is allowed by such business establishment to entertain its customer or patrons only by congregating, conversing, talking or chatting with and for no other purpose.

WAREHOUSE – includes every building or warehouse or portion thereof where goods, ware, merchandise, articles or other personal property are received and stored.

WHARFAGE – means a fee assessed against the cargo of a vessel engaged in apparent of domestic trade based on quantity, weight, or measured received and/or discharged by vessel.

WHOLESALE – means a sale where the purchaser buys or imports the commodities for resale to persons other than the end-user regardless of the quantity of the transaction.

WHOLESALE DEALER – means a person or entity that resells goods or merchandise at a profit, the goods being unaltered when resold, is as a general rule wholesale dealer only with respect to persons who buys for resale.

WHOLESALE DEALER IN FERMENTED LIQUOR – means any one who for himself or on commission sells or offers for sale fermented liquors in larger quantities than five liters at any one time, or who sells or offers for sale such fermented liquor (excluding tuba, basi, tapuy, and similar fermented liquors) for the purpose of resale regardless of quantity.

WHOLESALE DEALER OF DISTILLED SPIRITS AND WINE – comprehends every person who for himself or on commission sells or offers for sale wines or distilled spirits in larger quantities than five liters at any one time, or who sells or offers the same for sale for the purpose of resale irrespective of quantity.

WHOLESALE DEALER IN LIQUOR – includes every person who for himself or on commission sells or offers for sale wines, or distilled spirits for the purpose of resale regardless of quantity.

WHOLESALE OF TOBACCO DEALER – comprehends every person who for himself or on commission sells or offers for sale cigar, cigarettes or manufactured tobacco in larger quantities than two hundred cigars, eight hundred cigarettes or five kilos of manufactured tobacco at any one time or who sells or offers the same for the purpose of resale regardless of quantity : retail tobacco dealer comprehends every person who for himself or on commission sells or offers for sale not more than five kilos or manufactured tobacco at any one time and not for resale.

CHAPTER II- COMMUNITY TAX

ARTICLE 6 – COMMUNITY TAX

A COMMUNITY TAX as authorized under Section 154, Article 4 of the Local Government Code of 1991 is hereby levied in accordance with the provisions of this Article.

SECTION 1. INDIVIDUALS LIABLE TO COMMUNITY TAX .Every inhabitant of the Philippines, eighteen (18) years of age or over who has been regularly employed on wage or salary basis for at least thirty (30) consecutive working days during any calendar year, or who is engaged in business or occupation, or who owns real property with an aggregate assessed value of One Thousand (1,000) Pesos or more, or who is require by law to file an income tax return shall pay an annual community tax of Five (5.00) Pesos and an annual additional tax of One (1.00) Peso for every One Thousand (P1,000.00) Pesos of income regardless of whether from business, exercise of profession or from property which in no case shall exceed Five Thousand (5,000.00) Pesos.

In no case, of husband and wife, the additional tax herein imposed shall be based upon the total property owned by them and the total gross receipts or earnings derived by them.

SECTION 2. JURIDICAL PERSONS LIABLE TO COMMUNITY TAX. Every corporation no matter how created or organized, whether domestic or resident foreign, engaged in or doing business in the Philippines shall pay an annual community tax of Five Hundred (500.00) Pesos and an annual additional tax which in no case shall exceed Ten Thousand (10,000.00) Pesos in accordance with the following schedule:

- a) For every Five Thousand (5,000.00) Pesos worth of real property in the Philippines owned by it during the preceding year based on the valuation used for the payment of the real property tax under existing laws, found in

- the assessment rolls in the municipality where the real property is situated
– Two (2.00) Pesos; and
- b) For every Five Thousand (5,000.00) Pesos gross receipts or earning derived by it from its business in the Philippines during the preceding year
– Two (2.00) Pesos.

The dividends received by a corporation from another corporation however shall, for the purpose of additional tax, be considered as part of the gross receipts or earnings of said corporation.

SECTION 3. EXEMPTIONS. The following are exempt from the community tax:

- a) Diplomatic and consular representatives;
- b) Transient visitors when their stay in the Philippines does not exceed three (3) months.

SECTION 4. PLACE OF PAYMENT. The community tax shall be paid in the Municipality of Mati, Davao Oriental, if it is the place of residence of the individual, or it is the place where the principal office of the juridical entity is located.

SECTION 5. TIME FOR PAYMENT; PENALTIES FOR DELINQUENCY.

- a) The community tax shall accrue on the first day of January of each year which shall be paid not later than the last day of February of each year. If a person reaches the age of eighteen (18) years or otherwise loses the benefit of exemption on or before the last day of June, he shall be liable for the community tax on the day he reaches such age or upon the day the exemption ends. However, if the person reaches the age of eighteen (18) years or lose the benefit of exemption on or before the last day of March, he shall have twenty (20) days to pay the community tax without becoming delinquent.

Person who come to reside in the Philippines or reach the age of eighteen (18) years on or after the first day of July of any year, or who cease to belong to an exempt class or on after the same date shall not be subject to community tax for that year.

- b) Corporation established and organized on or before the last day of June shall be liable for the community tax for that year. But corporations established and organized on or before the last day of March shall have twenty (20) days within which to pay the community tax without becoming delinquent. Corporations established and organized on or after the first day of July shall not be subject to the community tax for that year.

If the tax is not paid within the time prescribed above, there shall be added to the unpaid amount an interest of twenty four (24%) percent per annum from the due date until it is paid.

SECTION 6. COMMUNITY TAX CERTIFICATE. A community tax certificate shall be issued to every person or corporation upon payment of community tax. A community tax certificate may also be issued to any person or corporation not subject to the community tax upon payment of one (1.00) Peso.

SECTION 7. PRESENTATION OF COMMUNITY TAX CERTIFICATE ON CERTAIN OCCASIONS.

- a) When an individual subject to community tax acknowledges any document before a Notary Public takes the Oath of Office upon election or appointment to any position in the government service; receives any license, certificate or permit from any public authority; pays any tax or fee receives any money from any public fund; transacts other official business; or receives any salary or wage from any person, officer or corporation with whom such transaction is made or business done or whom any salary or wage is received to require such individual to exhibit the community tax certificate.

The presentation of community tax certificate shall not be required in connection with the registration of a voter.

- b) When through its authorized officers, any corporation subject to the community tax receives any license, certificate, or permit from any public authority, pays any tax or fee, receives money from public funds, or transacts other official business, it shall be the duty of the public official with whom such transaction is made or business done, to require such corporation to exhibit the community tax certificate.
- c) The community tax certificate required in the two (2) preceding paragraphs shall be one issued for the current year except for the period for the period from January until the fifteenth (15th) of April of each year, in which case, the certificate issued for the preceding year shall suffice.

SECTION 8. DISTRIBUTION OF PROCEEDS.

- a) The proceeds of the tax shall accrue to the general funds of the municipality except a portion thereof which shall accrue to the General fund of the National Government to cover the actual cost of printing and distribution of the forms and other related expenses. The Municipal Treasurer concerned shall remit to the National treasurer the said share of the National Government and the proceeds of the tax within ten (10) days after the end of each quarter.
- b) The Municipal Treasurer may deputize the Barangay Treasurer to collect the community tax in their respective jurisdiction. Provided, however, that the said Barangay Treasurer shall be bonded in accordance with existing laws.
- c) The proceeds of the community tax actually and directly collected by the Municipal Treasurer shall accrue entirely to the general fund of the

municipality. However, proceeds of the community tax collected by the Barangay Treasurer shall be apportioned as follows;

1. Fifty (50%) percent shall accrue to the general fund of the municipality; and
2. Fifty (50%) percent shall accrue to the barangay where the tax is collected.

CHAPTER III – BUSINESS AND OCCUPATION TAX

ARTICLE 7. TAX AND FEES FOR BUSINESS, TRADE AND OCCUPATION

SECTION 1. GRADUATED BUSINESS TAX. There is hereby imposed in the following business in the Municipality an annual graduated tax, collectible quarterly, except on those for fixed taxes are already provided for as follows:

- a) On manufactures assemblers, repackers, processors, brewers, distillers, rectifiers, and compounders of liquors, distilled spirits and wines or manufacturers of any article of commerce of whatever kind or nature in accordance with the following schedule:

With gross sales or receipts for the preceding calendar year in the amount of :	Amount of Tax Per Annum
Less than P 10,000.00	P 165.00
P 10,000.00 or more but less than 15,000.00	220.00
15,000.00 or more but less than 20,000.00	302.00
20,000.00 or more but less than 30,000.00	440.00
30,000.00 or more but less than 40,000.00	660.00
40,000.00 or more but less than 50,000.00	825.00
50,000.00 or more but less than 75,000.00	1,320.00
75,000.00 or more but less than 100,000.00	1,650.00
100,000.00 or more but less than 150,000.00	2,200.00
150,000.00 or more but less than 200,000.00	2,750.00
200,000.00 or more but less than 300,000.00	3,850.00
300,000.00 or more but less than 500,000.00	5,500.00
500,000.00 or more but less than 750,000.00	8,000.00
750,000.00 or more but less than 1,000,000.00	10,000.00
1,000,000.00 or more but less than 2,000,000.00	13,750.00
2,000,000.00 or more but less than 3,000,000.00	16,500.00
3,000,000.00 or more but less than 4,000,000.00	19,800.00
4,000,000.00 or more but less than 5,000,000.00	23,100.00
5,000,000.00 or more but less than 6,000,000.00	24,375.00
6,000,000.00 or more	at a rate of thirty – seven and a half (37 ½%) percent of one (1%) percent

- b) On wholesalers, distributors, or dealers in any article of commerce of whatever kind or nature in accordance with the following schedule:

With gross sales or receipts for the preceding calendar year in the amount of :		Amount of Tax Per Annum	
-----		-----	
	Less than P	1,000.00	P 18.00
P	1,000.00 or more but less than	2,000.00	33.00
	2,000.00 or more but less than	3,000.00	50.00
	3,000.00 or more but less than	4,000.00	72.00
	4,000.00 or more but less than	5,000.00	100.00
	5,000.00 or more but less than	6,000.00	121.00
	6,000.00 or more but less than	7,000.00	143.00
	7,000.00 or more but less than	8,000.00	165.00
	8,000.00 or more but less than	10,000.00	187.00
	10,000.00 or more but less than	15,000.00	220.00
	15,000.00 or more but less than	20,000.00	275.00
	20,000.00 or more but less than	30,000.00	330.00
	30,000.00 or more but less than	40,000.00	440.00
	40,000.00 or more but less than	50,000.00	660.00
	50,000.00 or more but less than	75,000.00	990.00
	75,000.00 or more but less than	100,000.00	1,320.00
	100,000.00 or more but less than	150,000.00	1,870.00
	150,000.00 or more but less than	200,000.00	2,420.00
	200,000.00 or more but less than	300,000.00	3,330.00
	300,000.00 or more but less than	500,000.00	4,400.00

- c) On exporters, and on manufacturers, millers, producers, wholesalers, distributors, dealers, or retailers of essential commodities enumerated hereunder at a rate of fifty (50%) percent or one half (1/2) of the rates prescribed under subsections (a), (b), and (d) of this section:

1. Rice and corn;
2. Wheat, flour, meat, milk, dairy products, locally manufactured canned goods and other prescribed foodstuffs, sugar, salt, and other agricultural products such as corn, palay, sorghum, mongo, coffee, cacao, bananas, ramie, rubber, peanuts, tangan tangan, soybeans, copra, mangoes, pineapple, oranges, and other fruits, cassava, cotton, kapok, hemp, maguey, ramie, and other fibers, spices and vegetables; marine, fishponds, and other fresh water products such as bangus, eel, lapu lapu, prawns, prawn fry, shrimps, crabs, and other crustaceans, seashells and seaweeds in large quantities whether in their original form or not;
3. Cooking oil and cooking gas;
4. Laundry soap, detergents: