EXEMPLARY FROM THE MINUTES OF THE 21ST REGULAR SESSION OF THE
SANGGUNIANG BAYAN OF MALAY, AKLAN (2007-2010) HELD AT THE
SB SESSION HALL ON DECEMBER 12, 2007.

Present:
SB Member Esel L. Flores, Presiding Officer Pro-Tempore
SB Member Wilbec M. Gelito
SB Member Gideon T. Siñel
SB Member Rowen T. Aguirre
SB Member Cristina C. Prado
SB Member Charlie D. Villanueva
SB Member Dante C. Pagsuguiron
SB Member Mateo A. Tayco
SB Member Roldan M. Casidsid, Liga President
SB Member Niño Elpe D. De Sullan, SK Federation President

Absent:
Hon. John P. Yap, Municipal Vice Mayor (on leave)

X
X
X

MUNICIPAL ORDINANCE NO. 250
Series of 2007
AN ORDINANCE FIXING THE ANNUAL PRESUMPTIVE INCOME LEVEL
OF BUSINESS NOT ABLE TO DECLARE ANNUAL GROSS SALES OR
MISDECLARE THE SAME FOR MUNICIPAL TAXATION PURPOSES.
(Sponsor: Committee on Laws & Ordinances)

SECTION 1. - RATIONALE. By fixing the Annual Presumptive Income
Level (PIL) of businesses not able to declare annual gross income or
misdeclare the same, collection of proximated tax due the municipal
government can be realized. Further tax avoidance can likewise be
minimized if not eliminated, hence this piece of legislation.

SECTION 2. - DEFINITION OF TERMS. For purposes of this ordinance,
the term hereunder mentioned shall be defined as follows:

Annual Presumptive Income Level (PIL) - an approach implementing a schedule
of minimum gross sales/receipts to determine the gross income of
business establishments not able to declare real and current annual
gross sales, this then will serve as the basis in computing taxes due
to the municipal government.

SECTION 3. - BUSINESS CATEGORIES. For purposes of this ordinance,
business establishments within the municipal jurisdiction of Malay are
classified into the following categories:
A) Cottages/Resorts/Hotels/Lodging Houses/Boarding Houses/ and other
similar establishments;
B) Bars/Restaurants/Cafeterias/and other similar establishments;
C) Stores/Boutiques/Trading/Retailers/and other similar establishments;
D) Wholesalers/Importers/Exporters/Distributors/Dealers/and other
similar establishments;
E) Other establishments not covered by categories A, B, C and D.

SECTION 4. - **STRATIFIED SCHEDULE OF PRESumptive INCOME LEVEL.** To approximate gross receipt of business categories classified by the preceding section, the following stratified schedule of Presumptive Income Level shall be observed:

1) **CATEGORY A**

Number of Rooms x Room Rate x 30 days x 8 months = Annual PIL

2) **CATEGORY B**

Sales per day x 30 days x 12 months = Annual PIL

3) **CATEGORY C**

a) Sales per day x 30 days x 12 months x 2% (30,000.00 but not over 400,000.00 sales) = Annual PIL

b) Sales per day x 30 days x 12 months x 1% (sales over 400,000.00) = Annual PIL

4) **CATEGORY D**

Sales per day x 30 days x 12 months = Annual PIL

5) **CATEGORY E**

PIL shall be based on the schedule of minimum gross sales/receipts as prescribed by the subsequent section.

SECTION 5 - **SCHEDULE OF MINIMUM GROSS SALES.** In no case business establishments not having declared annual sales/receipts or misdeclare the same for purposes of municipal taxation, shall be allowed to claim annual gross sales/receipts lower than the minimum prescribed as follows:

<table>
<thead>
<tr>
<th>NO.</th>
<th>NATURE OF BUSINESS</th>
<th>MINIMUM GROSS SALES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sari-sari Stores</td>
<td>₱ 72,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Sari-sari Stores w/ Beers &amp; Cigarettes</td>
<td>₱ 108,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Retailers</td>
<td>₱ 108,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Restaurants</td>
<td>₱ 200,000.00</td>
</tr>
<tr>
<td>5</td>
<td>Restaurants w/ Bar</td>
<td>₱ 600,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Manufacturers</td>
<td>₱ 1,000,000.00</td>
</tr>
<tr>
<td>7</td>
<td>Wholesalers</td>
<td>₱ 400,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Dealers/Distributors</td>
<td>₱ 1,000,000.00</td>
</tr>
<tr>
<td>9</td>
<td>Contractors and other Independent Contractors</td>
<td>₱ 2,000,000.00</td>
</tr>
<tr>
<td>10</td>
<td>Banks/Lending/Pawnshops/Insurance Company/Forex</td>
<td>₱ 1,000,000.00</td>
</tr>
<tr>
<td>11</td>
<td>Barbers/Beauty Shops</td>
<td>₱ 50,000.00</td>
</tr>
<tr>
<td>12</td>
<td>Massage/Spa Centers</td>
<td>₱ 40,000.00</td>
</tr>
<tr>
<td>13</td>
<td>Commercial Livestock Farms/Fishponds</td>
<td>₱ 300,000.00</td>
</tr>
<tr>
<td>14</td>
<td>Cafeterias/Ice Cream &amp; Other Refreshments Parlor &amp; Carenderia</td>
<td>₱ 200,000.00</td>
</tr>
<tr>
<td>15</td>
<td>Bakeries/Pizza Parlors</td>
<td>₱ 400,000.00</td>
</tr>
<tr>
<td>16</td>
<td>Tailoring/Dress Shops</td>
<td>₱ 75,000.00</td>
</tr>
<tr>
<td>17</td>
<td>Souvenirs Shops/Dry Goods/RTW’s</td>
<td>₱ 72,000.00</td>
</tr>
<tr>
<td>18</td>
<td>Small Scale Services (Tricycles, Motorboats, Sailboats)</td>
<td>₱ 75,000.00</td>
</tr>
</tbody>
</table>
SECTION 6. - **AMENDMENTS.** All ordinances, rules and regulations, or parts thereof, provisions of which are in conflict with, or contrary to, the provisions of this ordinance are hereby repealed, amended, or modified accordingly.

SECTION 7. - **EFFECTIVITY.** This ordinance shall take effect upon its approval and proper publication.

**ENACTED.** JULY 12, 2007

**APPROVED.** DECEMBER 12, 2007.

**APPROVED: SP RESOLUTION NO. 2008-183, dtd. 5-29-2008**

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I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.

CONCORDIA S. ALCANTARA
Secretary to the Sangguniang Bayan

ATTESTED:

ESEL L. FLORES
SB Member
Presiding Officer Pro-Tempore

APPROVED:

CECIRON S. CAWALING
Municipal Mayor