

March 30, 2009

MR. CECIL B. JIMENEZ
Administrative Officer
Doosan Heavy Industries
& Construction
Salcon Power Corporation
Colon, City of Naga
6037 Cebu

Dear Mr. Jimenez:

This has reference to your letter dated March 25, 2009, requesting guidance on the reported double payment of building permit fees by your company for the jetty and shore protection structures, one assessed and imposed by the ports authority and the other by the City of Naga.

In the operations of the local government unit, it is a basic rule that there can be no assessment, imposition and collection of fees and taxes unless there is a legal basis for it. Hence, it can be surmised that there is a local ordinance in the City of Naga which provides for the imposition, assessment and collection of building permit fees. Laws and ordinances are accorded with the presumption of validity, which an administrative body such as our Department does not have the authority to rule otherwise. It is only the court, which is the final arbiter of the law, that can declare whether a law or an ordinance is valid or not.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

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