

May 8, 2009

MS. HELGA N. CANEN  
Secretary to the Sanggunian  
Sangguniang Bayan of Compostela  
Compostela Municipal Hall  
6003 Cebu

Dear Ms. Canen:

This has reference to Resolution No. 48 S2009 of the Sangguniang Bayan of Compostela which you forwarded to us under your 1<sup>st</sup> Indorsement dated April 17, 2009, requesting legal opinion on the legality of the special permit issued by Mayor Ritchie R. Wagas to a certain Nestor Batucan.

The subject matter of the request was first brought to our attention by way of an unofficial report that Mayor Ritchie Wagas has issued a Special Hauling Permit to a certain Nestor Batucan to haul excess soil from an on-going private real property development. On this regard, we sent him a Memorandum on April 08, 2009, calling his attention of his action in issuing a special permit with the advise that it may not be within his power and authority to issue, and that he should be guided by law or ordinance in the issuance of a license or permit. In reply to our said memorandum, Mayor Ritchie Wagas presented to us a a copy of the 2002 Revised Revenue Code of the Municipality of Compostela, which under Section 7.28 thereof, is the imposition of fees, charges or taxes on the hauling of filling materials, among other types of business. We hold that Mayor Ritchie Wagas was able to present a legal basis of his action to issue a Special Hauling Permit.

Very truly yours,

PEDRO A. NOVAL, JR.  
Regional Director