



Republic of the Philippines
PROVINCE OF PANGASINAN

Lingayen

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OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on July 2, 2012 at Lingayen, Pangasinan, the following provincial ordinance was approved:

Authored by Vice Governor Jose Ferdinand Z. Calimlim, Jr. and
all Members of the Sangguniang Panlalawigan

PROVINCIAL ORDINANCE NO. 161-2012

AN ORDINANCE GRANTING RELIEF TO THE SM PRIME HOLDINGS, INC. IN THE FORM OF 50% CONDONATION OF SURCHARGES AND INTERESTS ON AMUSEMENT TAX DUE TO THE PROVINCE FOR THE PERIOD SEPTEMBER 2010 TO OCTOBER 2011

WHEREAS, the power of the Sanggunian to levy taxes, fees and charges goes with it also the power to declare tax exemptions or relief and/or grant amnesty on interests, penalties and surcharges;

WHEREAS, Provincial Ordinance No. 109-2004 of the Sangguniang Panlalawigan known as the Pangasinan Investment Code of 2003 provides for the fiscal and non-fiscal incentives to registered enterprises;

WHEREAS, as of date, SM Prime Holdings, Inc. has already paid albeit delayed, its basic amusement tax of P1,472,920.29 covering the period October 1, 2010 to October 1, 2011;

WHEREAS, it is the request of SM Prime Holdings, Inc. in its letter dated December 14, 2011, that the provincial government of Pangasinan shall waive any penalty and surcharge incurred by the company as a result of its non-remittance of the fifty percent (50%) amusement tax provincial share;

WHEREAS, in a Memorandum dated February 10, 2012, SM Prime Holdings, Inc. stated that the company voluntarily paid the amusement tax due to the Province without any written or formal notice, tax assessment, or order to do so by the Provincial Government of Pangasinan. Therefore, SMPHI should not be made to pay surcharges and interests on the amusement tax it already voluntarily paid/remitted to the Provincial Government;



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WHEREAS, local investors should be accorded with the proper fiscal incentives and other forms of tax exemption;

WHEREFORE, on unanimous motion, duly seconded, it was –

RESOLVED, as it is hereby resolved by the Sangguniang Panlalawigan in session assembled to ordain the following:

SECTION 1. *Scope and Limitation.* This Ordinance shall govern the unpaid surcharges and interests on amusement tax by SM Prime Holdings, Incorporated.

SECTION 2. *Relief in the Form of Condonation.* A relief in the form of 50% condonation of unpaid surcharges and interests on amusement tax by SM Prime Holdings, Incorporated in the amount of P460,287.58.

SECTION 3. *Period of Coverage.* The relief shall cover the period September 2010 to October 2011.

SECTION 4. *Separability Clause.* Should any provision of this Ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, those parts which are not affected thereby shall continue to be in full force and effect.

SECTION 5. *Repealing Clause.* Any ordinance, resolution, order, issuance or pertinent law not in conformity with this Ordinance is hereby amended, superseded, modified or repealed accordingly.

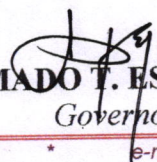
SECTION 6. *Effectivity.* This Ordinance shall take effect immediately upon approval.

ATTY. VERNA T. NAVA-PEREZ
Secretary to the Sanggunian

ATTESTED:


VICE GOVERNOR JOSE FERDINAND Z. CALIMLIM, JR.
Presiding Officer

APPROVED:


AMADO T. ESPINO, JR.
Governor