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REPUBLIC OF THE PHILIPPINES  
**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**

A. Francisco Gold Condominium II,  
EDSA Cor. Mapagmahal St., Diliman  
Quezon City

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT  
CENTRAL RECORDS SECTION  
F E D

SIGNATURE: L  
DATE: 120321  
TIME: 2:25 PM  
CONTROL NO.: 093



**LEGAL SERVICE**

DILG Legal Opinion No. 18 s. 2012

FEB 23 2012

**MS. EVANGELINE P. MOLINA**

*Logistics Officer*

First Maestro Foodservice Company  
#39 4<sup>th</sup> Street, New Manila  
Quezon City 1102

Dear **Ms. Molina:**

This has reference to your 06 February 2012 letter which requests this Department's clarification on whether or not the collection of annual fixed tax is covered by MC No. 2009-76, which prohibits LGUs from charging pass through fees on vehicles especially those carrying agricultural goods and products.

In response to your query, please note that Section 141 of the Local Government Code of 1991 (the "Code") provides that provinces may levy an annual fixed tax in an amount not exceeding P500.00 for every truck, van or any vehicle used by manufacturers, producers, wholesalers, dealers or retailers in the delivery or distribution of distilled spirits, fermented liquors, soft drinks, cigars and cigarettes, and other products as may be determined by the *sangguniang panlalawigan*.

On the other hand, cities, who have a wider taxing power, may levy taxes, fees and charges which the province or municipality may impose, the rates of which may exceed the maximum rates allowed for said LGUs by not more than fifty percent (50%) with the exception of rates of professional and amusement taxes.<sup>1</sup>

As such, provinces and cities are permitted to impose an annual fixed tax subject to the conditions provided under Sections 141 and 151 of the Code.

We hope to have enlightened you on the foregoing.

Very truly yours,

**JESUS B. DOQUE IV**  
*Director III*

LS/08:rb

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REGISTRY RECEIPT

QUEZON CITY CENTRAL D

Post Office QUEZON CITY CENTRAL D

Letter/Package No. 1267

Posted on MAR 23 2012

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Postmaster/Teller