



3rd City Council
39th Regular Session
Series of 2011

Republic of the Philippines
Province of Davao Oriental
CITY OF MATI

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF THE 39th REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF MATI, PROVINCE OF DAVAO ORIENTAL HELD AT THE SANGGUNIANG PANLUNGSOD SESSION HALL ON NOVEMBER 15, 2011.

PRESENT:

Hon. Carlo Luis P. Rabat	City Vice Mayor/Presiding Officer
Hon. Noli S. Balugo	City Councilor
Hon. Orlando F. Rodriguez, Jr.	-do-
Hon. Jerome C. Dayanghirang	-do-
Hon. Alan E. Andrada	-do-
Hon. Rosendo B. Linsag	-do-
Hon. Dennis T. Tolentino	-do-
Hon. Virginia M. Albao	-do-
Hon. Noel B. Aguinaldo	SKCF President

ABSENT:

Hon. Glenda Monette R. Gayta	City Councilor	- On Leave
Hon. Alan R. Acera, Sr.	-do-	- On Travel - Davao City
Hon. Naserio V. Lamonon, Sr.	ABC President	- On Leave

CITY ORDINANCE NO. 75
Series of 2011

INVESTMENT INCENTIVES CODE

INVESTMENT INCENTIVES CODE OF 2011 OF THE CITY OF MATI AS AMENDED FROM MUNICIPAL ORDINANCE NO. 79, SERIES OF 2002

CHAPTER I
TITLE AND POLICY DECLARATION

Section 1. Title. - This Ordinance shall be known and cited as the Investment Incentives Code of 2011 of the City of Mati as amended from Municipal Ordinance No. 79, series of 2002.

Section 2. Declaration of Principles and Policies. - It is the policy of the City Government of Mati to pursue and encourage new and existing domestic and foreign investments in the City.

Accordingly, the following shall serve as guiding principles:

1. The City Government shall promote investment projects or enterprises that will create employment opportunities for its people as well as optimize utilization of the city's physical and natural resources within the context of sustainable and equitable development;
2. The City Government shall prioritize value-adding investments in the areas of agri-business, aquaculture and fishery, eco-tourism, light manufacturing, energy and water system development, medical and educational facilities, transport facilities development, and environment protection and enhancement projects;
3. The City Government shall promote marketing of quality products and services of the City of Mati;
4. The City Government shall provide a package of incentives for investors in preferred investment areas such as agri-business, eco-tourism, infrastructure support services, light manufacturing and other activities that will contribute to the socio-economic development of the city;
5. The City Government shall ensure a business and investment-friendly and responsive governance that fosters enterprise development and growth and private sector initiatives; and
6. The City Government, in cooperation with the private sector, shall undertake proactive and aggressive location marketing and investment promotion programs.

Section 3. Scope and Coverage. - The provisions of this Ordinance shall apply to all persons, entities or enterprises, government and non-government organizations and instrumentalities operating within and for the City of Mati to the extent provided for.

CHAPTER II **DEFINITION OF TERMS**

Section 4. Definition of Terms. - When used under this Code, the following terms and phrases shall mean as follows:

1. "Board" shall refer to the Investment Incentives Board created under this Code;
2. "Center" shall refer to the Mati Investment Promotion Center which is tasked with the primary role of assisting the Board on matters of investment policies and investment promotion and in facilitating the inflow of investment to the city by attracting and assisting both domestic and foreign investors;
3. "City Government" shall mean the City of Mati covering the areas within its territorial jurisdiction as provided by law and its charter;
4. "Code" shall refer to the Investment Incentives Code of 2011 of the City of Mati;

5. "Cooperative" is a duly registered association of persons with a common bond of interest who have voluntarily joined together to achieve a lawful common interest and making equitable contribution to the capital required and accepting a share of the risk and benefit of the undertaking in accordance with universally accepted cooperative principles;
6. "Existing Enterprises" shall refer to those existing business establishments where the place of operation or production are physically located within the territorial jurisdiction of the City of Mati;
7. "Expanding Enterprise" shall refer to those existing enterprises which have plans to expand or diversify their operation or production in the City of Mati;
8. "Foreign Capital or Foreign Investment" shall mean equity investment owned by non-Philippine national made in the form of foreign exchange or other assets actually transferred to the Philippines and registered with the Bangko Sentral ng Pilipinas and the Board, which shall assess and appraise the value of such assets other than foreign exchange;
9. "Incentive" shall refer to tax exemptions and concessions;
10. "Joint Venture" shall mean two or more entities, whether natural or juridical, one of which must be a Philippine national or entity, combining their property, money efforts, skills or knowledge to carry out a single or more business enterprises to profit which is duly registered with the SEC as a corporation or partnership;
11. "Large-Scale Enterprises" refer to those registered enterprises/businesses whose capitalization is not less than One Hundred Million and One Pesos (P100,000,001.00);
12. "Local Capital or Local Investment" shall refer to equity investment owned by a Philippine national made in the form of Philippine currency or Philippine peso or other assets and registered with either in the Securities and Exchange Commission (SEC) or in the Department of Trade and Industry (DTI) or the Cooperative Development Authority (CDA);
13. "Medium-Scale Enterprises" shall refer to those registered enterprises whose capitalization is not less than Fifteen Million and One Pesos (P15,000,001.00) but not more than One Hundred Million Pesos (P100,000,000.00);
14. "New Enterprises" shall refer to those investment projects which have not engaged in any kind or type of business in the City of Mati and are interested in establishing their place of operation on production in the city;
15. "New Investor" shall refer to those prospective investors who have not engaged in any kind or type of business in the City of Mati and is interested in establishing its place of operation or production in the city;
16. "Preferred Areas of Investments" (PAI) shall mean to be of the same meaning as Investment Priority Areas;

17. "Priority Investment Areas" shall mean the economic activities that the Board shall have determined, approved and declared as such and where investors are encouraged to pour in their investment;
18. "Processing Fee" is the amount paid to the Center for processing the application of investors as approved by the Board;
19. "Production Capacity" is the quantity of products or services in a given time;
20. "Registered Enterprises" shall mean those enterprises/businesses registered in accordance with the provision of this Code;
21. "Residents/Citizens/People/Locals" shall refer to persons who are bonafide residents of the City of Mati for at least the past six (6) months;
22. "Sangguniang Panlungsod" shall refer to the local legislative council;
23. "Small-Scale Enterprises" shall refer to those registered enterprises whose capitalization is not less than Three Million and One Pesos (P3,000,001.00) but not more than Fifteen Million Pesos (P15,000,000.00);
24. "SMEs" shall refer to the small, medium enterprises as defined by the Small and Medium Enterprise Development Council (SMED); and
25. "Staff" shall refer to the personnel of the City of Mati Investment Promotion Center also designated as the technical advisory staff of the Board.

CHAPTER III

CREATION OF THE INVESTMENT INCENTIVES BOARD

Section 5. Creation of the Board. - There is hereby created an Investment Incentives Board to implement the provisions of this Code.

Section 6. Composition of the Board. - The Investment Incentives Board shall be composed of the following members:

The City Mayor; two (2) members of the Sangguniang Panlungsod (*the Chairman of the Committee on Trade and Industry and the Chairman of the Committee on Environment*); the Provincial Director of the Department of Trade and Industry; the City Planning and Development Coordinator; three (3) representatives from the private sector, one of whom shall serve as the ex-officio vice chairman and one (1) from the Civil Society Organization. The City Mayor shall be the Chairman of the Board and the Executive Director of the Mati Investment Promotion Center shall be the ex-officio Board Secretary without voting rights.

The three (3) representatives from the private sector shall come from the nominees representing the manufacturing, trade and services sector, the tourism sector, and the banking sector. The private sector representatives shall be appointed by the City Mayor from the nominees submitted by the private business organizations for a term not exceeding two (2) years. Provided, that the representatives from the private sector shall serve as such until their successors shall have been appointed and qualified.

The members of the Board shall not receive compensation, provided that they shall be entitled to a reasonable honorarium in their attendance to board meetings, subject to government accounting and auditing rules and regulations.

The Sangguniang Panlungsod may increase the membership of the Board through the recommendation of the Board as it deems necessary for the effective implementation of the provisions of this Code.

The Mati Investment Promotion Center shall be established to serve as the Technical Secretariat and act as the implementing arm for the city's investment development and promotion plan.

Section 7. Powers and Functions of the Board. - The primary function of the Board shall be to establish a stable and favorable business and investment policy which will encourage and support private sector investment and the operation of business activities consistent with the development needs of the City of Mati. It shall be vested with the following powers:

1. To promulgate within three (3) months after the approval of this ordinance the governing Implementing Rules and Regulations in the implementation of the provisions of this Code;
2. To create, design and adopt short and medium term investment promotion programs which include the list of incentives and support measures to be offered to investors;
3. To enter into agreements and forge contracts or partnership with domestic and international organizations, regional and national government agencies for fund access for mobilization and program implementation;
4. To approve, deny or suspend applications for registration with the Board, imposing terms and conditions as may be necessary to promote the purposes of this Code, including the refund and forfeiture of incentives when appropriate, restricting availment of incentives not needed by the project as determined by the Board, and payment of application, registration, publication and other fees when warranted;
5. To ascertain annually, by inspection of verified reports, the compliance of registered enterprises with the terms and conditions of its registration including, but not limited to, the proportion of employment of local residents in a registered enterprise to ensure compliance with its qualification to retain its registration under this Code;
6. To establish and maintain strong linkages and network with domestic and international business support organizations and regional and national government agencies involved in trade and investment regulation and promotion;
7. To submit to the Sangguniang Panlungsod an annual report on the Board's administration of this code, including recommendation on investment policies within two (2) months after the close of the calendar year;

8. To approve the organizational structure and the staffing of the Mati Investment Promotion Center consistent with the provisions of civil service laws, rules and regulations;
9. To submit the annual budget for its operations and maintenance including that of the Mati Investment Promotion Center to be included in the annual budget of the City Government; and
10. To exercise, in general, all powers and functions, necessary and incidental, to attain the purposes of this Code and other laws vesting additional functions on the Board.

Section 8. Powers and Duties of the Chairman. - The Chairman shall have the following powers and duties:

1. To preside over the meetings of the Board;
2. To render annual and special reports of the Board to the Sangguniang Panlungsod;
3. To oversee the proper implementation of Board policies and measures of this code;
4. To exercise general supervision over the Mati Investment Promotion Center; and
5. To generally exercise other powers and perform other duties as may be deemed necessary.

Section 9. Powers and Duties of the Vice Chairman. - The Vice Chairman shall have the following powers and duties:

1. To preside over board meetings in the absence of the chairman; and
2. To act as liaison between the business-support organizations for the simplification of systems and procedures involved in the investment regulation and promotion and other policy proposals and advocacy to make Mati City more business-friendly.

Section 10. Establishment of the Mati Investment Promotion Center. - The City Government shall establish the Mati Investment Promotion Center (MIPC) that shall execute all acts and promulgations of the Board in relation to the regulation, promotion and generation of investments and other approved programs and projects that will make Mati City an ideal business location. The Center shall perform the following duties and responsibilities:

1. To serve as secretariat, records custodian and technical staff of the Investment Board;
2. To act as one-stop action center for the accreditation and registration of qualified enterprises including providing assistance in:

- 2.1 Securing business permits or licenses of the registered enterprises and its other requirements to hasten their operations;
 - 2.2 Facilitating the availment of registered enterprises of the national investment incentives program; and
 - 2.3 Identifying ideal business locations and other requirements of applicant enterprises.
3. To implement the following, subject to the direction and approval of the Board:
 - 3.1 A vigorous and sustained image-building program including but not limited to, regular tri-media releases, production of business publications and trade updates or innovative marketing collaterals;
 - 3.2 A dynamic and sustained investment facilitation and generation program including, but not limited to, sending and receiving trade and investment missions, organizing and participating in trade fairs and exhibitions; and
 - 3.3 A sustainable program for the development and promotion of SMEs in coordination and consultation with the appropriate local, regional and national government agencies and business support organizations including, but not limited to, enterprise formation, technology transfers and licensing agreements and training.
 4. To conduct regular researches and policy studies to include, but not limited to, investment climate assessment, economic condition analysis, business opportunities identification and industry sector analysis;
 5. To establish and maintain a databank on general business information including, but not limited to, investment incentives promotion, identification of businesses and potential investors; and
 6. To perform such other functions and duties as may be assigned by the Board.

Section 11. Management of the Mati Investment Promotion Center. - The Mati Investment Promotion Center (MIPC) shall be managed and headed by an Executive Director who is a bonafide resident of the City of Mati, at least thirty (30) years old, of good moral character and at least a degree holder in the field of marketing, economics, finance, commerce or management from a recognized college or university or its equivalent. He must have acquired experience in investment planning and promotion or related field for at least three (3) years.

The Executive Director shall take charge of the Center and shall perform the following duties and responsibilities:

1. To plan, direct, organize and control the daily operations of the Center and ensures the efficient and effective execution of all acts and policies of administration of the Board;

2. To act as ex-officio Board Secretary to the Board without voting rights. He shall prepare the agenda for the meetings of the Board and submit for its consideration and approval applications for registration, the policies and measures which the chairman deems necessary and proper to carry out the provisions of this Code;
3. To assist registered enterprises and prospective investors to have their application papers processed quickly by all government offices, agencies, instrumentalities and financial institutions;
4. To prepare the Comprehensive Investment Promotion Strategy and industry and sectoral development programs, in coordination and consultation with the appropriate local and national government agencies for endorsement of the Board to the Sangguniang Panlungsod, and to gather and compile data and information for the effective implementation of this Code;
5. To prepare the feasibility and other pre-investment studies, on his/her own initiative, upon the direction of the Board or upon the request of an investor under terms and conditions mutually agreed upon;
6. To act as the official spokesperson and public relations officer of the Board and represent the Board and the Center in all public functions; and
7. To perform such other functions and duties as may be assigned by the Board.

Section 12. Meetings and Quorum. - The Board shall determine the frequency of the meeting at such time and day it may fix. A simple majority of its members shall constitute a quorum.

A written notice of regular and special meeting shall be given to all members of the Board at least three (3) days before the meeting stating the agenda therein.

CHAPTER IV

PREFERRED/PRIORITY INVESTMENT AREAS AND APPROPRIATE INCENTIVES

AND SUPPORT MEASURES

Section 13. Priority Investment Areas. - The pre-identified priority investment areas/projects and activities to be promoted and be considered for incentives under this ordinance shall be as follows:

1. Agri-business sector, such as, but not limited to:
 - 1.1 Fish Production and Processing;
 - 1.1.1 Includes Inland Culture Fishing
 - 1.1.2 Mariculture
 - 1.2 Livestock and Poultry Production and Processing;
 - 1.3 High Value Crops/Fruits Production and Processing;
 - 1.4 Value-adding activities on Coconut Industry; and
 - 1.5 Support Services

2. Tourism Facilities, such as, but not limited to:
 - 2.1 Beach, Mountain and Island Resorts;
 - 2.2 Hotels and other tourism accommodation facilities; and
 - 2.3 Projects related in support to tourism program
3. Infrastructure Facilities, such as, but not limited to:
 - 3.1 Water System Development Projects;
 - 3.2 Telecommunication facilities;
 - 3.3 Common bonded Warehouses; and
 - 3.4 Port Infrastructure
4. Real Property Development Projects
5. Establishment of Educational Facilities
 - 5.1 Academic and Training Facilities

The foregoing list shall be subject to the approval by the Board based on the review and recommendation of the Mati Investment Promotion Center.

The Board shall also update the list of priority investment areas upon due diligence and recommendation by the Mati Investment Promotion Center (MIPC) as may be deemed necessary.

Section 14. Appropriate Incentives and Support Measure. - To promote the growth of investment, in particular, the Board shall identify and recommend for the approval of the Sangguniang Panlungsod the necessary and appropriate incentives and support measures which the city may extend to targeted investors for proper availment.

Section 15. Effectivity of Appropriate Incentives and Support Measures. - The Board shall review the package of appropriate incentives and support measures every two (2) years. However, at any time prior to or after the holding of the regular review process that may be conducted (two (2) years), the Board may, after careful and judicious reckoning, delete an area or activity from the lists of preferred investment areas and activities. This may be done by the Board only if it has proven that sufficient investments in specific areas or activities have already been attained, and where it can be reckoned that the continued extensions of incentives or support measures for the expansion of the said areas or activities may place the interest of the city and the public in a reverse position. Further, the Board may also delete/remove an investment area or activity from the list where it is convinced that investment in such areas or activities cannot be attracted within reasonable cost or may result in creating an unfavorable business climate. Still further, the Board may also add to the list, specific areas of investment activities, which it may deem necessary and beneficial to the development of the city economy. The decisions of the Board on the matter of deleting specific areas of investment or activities in the list to be recommended to the Sangguniang Panlungsod decisions would have been made, with the use of any appropriate information dissemination medium. The effectivity of the incentive will be upon the approval of the Code.

CHAPTER V
REGISTRATION OF ENTERPRISES

Section 16. Qualifications of a New Enterprise. - New business enterprises intending to avail of the incentives provided in this Code must meet the following qualifications:

1. That the business enterprise must have complied with all the requirements mandated under existing local and national laws and the Constitution;
2. That the plant location and business address of the new enterprise must be within the territorial jurisdiction of the City of Mati;
3. That the investment must be among the approved "preferred/priority areas of investments";
4. That at least seventy percent (70%) of the total employment shall be bonafide residents of the City of Mati;
5. Capitalization for new enterprises must be as follows:
 - 5.1 Not less than Three Million and One Pesos (P3,000,001.00) but not more than Fifteen Million Pesos (P15,000,000.00) in case of small-scale enterprises;
 - 5.2 Not less than Fifteen Million and One Pesos (P15,000,001.00) but not more than One Hundred Million Pesos (P100,000,000.00) in case of medium-scale enterprise; and
 - 5.3 Not less than One Hundred Million and One Pesos (P100,000,001.00) in case of large scale industry, provided that the amount of capitalization shall be based on the total project cost as stated in the investor's study submitted and approved by the Board.

Section 17. Qualifications of an Existing Enterprise. - An existing enterprise may avail of the incentives of this Code, provided that it meets the following requirements:

1. That the business enterprise must have complied with all the requirements mandated under existing local and national laws and the Constitution;
2. That the expansion/diversification must engage in activities mentioned in Section 3 hereof or in other preferred areas of investments as may hereafter be referred to;
3. That the existing enterprise whose place of operation or production is already located within the territorial jurisdiction of the City of Mati or is in the process of expanding its existing production, construct new buildings and other civil works for improvements thereof which will result in an increase in production and service capacity;
4. That at least seventy percent (70%) of the total employment shall be bonafide residents of the City of Mati;

5. That the expansion/diversification shall have the capitalization as follows:
 - 5.1 Not less than Three Million and One Pesos (P3,000,001.00) but not more than Fifteen Million Pesos (P15,000,000.00) in case of small-scale enterprise;
 - 5.2 Not less than Fifteen Million and One Pesos (P15,000,001.00) but not more than One Hundred Million Pesos (P100,000,000.00) in case of medium-scale enterprise; and
 - 5.3 Not less than One Hundred Million and One Pesos (P100,000,001.00) in case of large-scale industry, provided that the amount of capitalization shall be based on the total project cost of such expansion/diversification as stated in the investor's study submitted to and approved by the Board.

Section 18. Application Requirements - Application must be filed with the Board, recorded in a registration book and date appearing therein and stamped on the application shall be considered the date of its official acceptance. In the event that ownership of a registered enterprise is transferred, sold or assigned to another individual, partnership or corporation, only the remaining unutilized incentives shall be enjoyed by the new owners of the registered enterprise.

Applications filed shall be deemed officially accepted upon submission of the documentary requirements as mandated under the implementing rules and regulations enacted for this purpose and after a non-refundable processing fee of Ten Thousand Pesos (P10,000.00) for small-scale enterprise; Fifteen Thousand Pesos (P15,000.00) for medium-scale enterprise; and Twenty-five Thousand Pesos (P25,000.00) for large-scale enterprise shall have been paid to the Investment Incentives Board through the City Treasurer.

Section 19. Approval and Registration Procedures. - The Board shall formulate appropriate rules and regulations to facilitate action on application filed with the center to prescribe criteria for the evaluation of application and to devise standard forms for use by applicants. The Executive Director shall strictly abide with these rules and all completed applications shall be endorsed to the Board for approval.

Section 20. Issuance of Registration. - A registered enterprise shall be issued a Certificate of Registration with the signature of the Chairman of the Board and such other officer as the Board may empower and designate for the purpose.

The certificate shall be in such form and style as the Board may determine and shall state, among other matters, the following:

1. The name of the registered enterprise;
2. The preferred/priority area of investment in which the registered enterprise will engage in; and
3. The other terms and conditions to be observed by the registered enterprise by virtue of its regulation.

CHAPTER VI **RIGHTS AND PRIVILEGES**

Section 21. Rights and Privileges– All investors and registered enterprises are entitled to the rights and privileges provided by law and the Constitution. In addition to such rights and privileges and to enhance investor confidence in the incentives program, the City Government, thru the Investment Incentives Board shall:

1. Provide concise and comprehensive information to prospective investors on the economic priorities of the city including target investment areas and general conditions applicable to incoming direct private investment;
2. Communicate investment evaluation criteria and procedures to enhance transparency in the process of granting incentives;
3. Take the fullest possible account of the need of the investors for stability, growth and profit in their operation in the formulation or modification of policies and ordinances that affect investments;
4. Not interfere or modify arrangements with the investors after the details of the implementation of an investment project has been accepted and approved, and the ownership and management structure of the enterprise has been established unless the law provides otherwise;
5. Avoid undue distortion of composition between or among enterprise operating within its territorial jurisdiction, whether domestic or foreign, when granting any special exemption or incentives aimed at encouraging investments in the identified target areas;
6. In accordance with the law and where no local personnel or workers are capable and available, allow the employment of qualified foreign personnel where this is necessary for the efficient operation of the enterprise or for technology transfer; and
7. Resolve all doubts concerning the benefits and incentives granted under the Ordinance enacted for the purpose of encouraging investment.

CHAPTER VII **INCENTIVES TO REGISTERED ENTERPRISES**

Section 22. Administration, Monitoring and Implementation of Incentives. – The Board shall be responsible for the administration and implementation of the incentives granted to registered enterprises. For proper monitoring, the Board, through the Mati Investment Promotion Center, shall create a single database of all incentives provided by the Board and all information thereto.

Tax Incentives to Registered Enterprises are the following:

1. New Enterprise
 - 1.1 Full exemption from all local government taxes, fees and charges for small, medium and large-scale enterprises from date of registration within the prescribed period;

1.1.1 For Small and Medium Enterprises – Two (2) years

1.1.2 For Large Enterprises – Three (3) years

2. Expanding Enterprise

2.1 Full exemption from all local government taxes, fees and charges for small, medium and large-scale industries from date of registration within the prescribed period;

2.1.1 For Small and Medium Enterprises – Two (2) years

2.1.2 For Large Enterprises – Three (3) years

Section 23. Incentives for Cooperatives. - Cooperatives engaged in business activities covered by the investment priority areas as defined in Section 13 of this Code are qualified for the incentives.

Section 24. Tax Incentive Review Committee. - The Tax Incentive Review Committee (TIRC) is hereby established composed of the City Treasurer as Chairman; the City Assessor and the Executive Director of the Center as members, to act as oversight committee to annually assess and evaluate the implementation of this Code.

CHAPTER VIII
APPROPRIATION

Section 25. Appropriations. - The amount needed to carry out the provisions of this Code shall be charged against the current year budgetary allocation of the Board. Thereafter, the City Government shall appropriate annually, based on a budget presented by the Board, the funding requirements which are deemed necessary for the continued implementation of the provisions of this Code, subject to the usual government accounting and auditing rules and regulations.

Section 26. Authority to Loan Apparatus or Equipment and Detail of Personnel. - The heads of the offices of the city government are hereby authorized to loan or transfer, upon the request of the Executive Director and concurred by the Board, such apparatus, equipment or supplies as may be needed by the Center and to detail employees for duty therein when, in the judgment of the head of office, such apparatus, equipment or services of such employees can be spared without serious detriment to public service. The detailed employees shall perform such duties as required of them by the Executive Director and the time so employed shall be counted as part of their regular services.

CHAPTER IX
FINAL PROVISIONS

Section 27. Safety Nets. - For the safeguard of the City of Mati, in case the investor will declare closure, important provisions are incorporated under the Implementing Rules and Regulations of the Code.

Section 28. Annual Monitoring. - The Investment Incentives Board shall conduct an annual monitoring on all enterprises registered under this Code on their progress either by itself or through the Mati Investment Promotion Center. The said monitoring shall be limited to the compliance of the applicable provisions of this Code and the terms and conditions as stated in the Certificate of Registration.

Section 29. Reporting. - At the end of each calendar year but not later than April 30th, all registered members to this program shall submit copies of duly audited Financial Statements to the Center for evaluation and record purposes.

Section 30. Penal Clause. - Any violation of the provisions of this Code, existing laws, ordinances, rules and regulations shall be a ground for the cancellation or revocation of the registration of the business and the withdrawal of all incentives granted under this Code.

Section 31. Separability Clause. - The provisions of this Code are hereby declared to be separable and in the event that one or more of the other provisions are held illegal or unconstitutional, the validity of the other provisions shall not be affected.

Section 32. Repealing Clause. - Municipal Ordinance No. 79, series 2002 is hereby repealed. All ordinances, executive orders and rules and regulations inconsistent or in conflict with the provisions of this Code are hereby repealed, amended or modified accordingly.

Section 33. Effectivity. - This Ordinance shall take effect immediately upon its approval.

WHEREFORE, sponsored by Hon. Virginia M. Albao, Hon. Alan E. Andrada, Hon. Carlo Luis P. Rabat, Hon. Dennis T. Tolentino, Hon. Alan R. Acera, Sr., Hon. Rosendo B. Linsag and Hon. Orlando F. Rodriguez, Jr., duly seconded by Hon. Cesar D. de Erio, Hon. Noli S. Balugo and Hon. Jerome C. Dayanghirang, it was;

ENACTED : NOVEMBER 15, 2011

* * * * *

I HEREBY CERTIFY to the correctness of the foregoing resolution which was duly adopted by the Sangguniang Panlungsod during its 45th Regular Session on November 15, 2011.

CERTIFIED CORRECT:

(SGD) **JUVY L. MABINI**
Secretary to the Sangguniang Panlungsod
(City Government Department Head)

ATTESTED BY:

(SGD) **CARLO LUIS P. RABAT**
City Vice Mayor
Presiding Officer

APPROVED:

(SGD) **MICHELLE MARIE DENISE N. RABAT**
City Mayor