

# **INVESTMENT CODE OF 2013**

## **CITY OF BIÑAN, LAGUNA**



**REGULAR SESSION**  
**SEPTEMBER 19, 2013**

**CITY RESOLUTION NO. 70-A (2013)**  
**CITY ORDINANCE NO. 01-B (2013)**



REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LAGUNA  
**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**  
SANTA CRUZ, LAGUNA

SPO 008

OFFICIAL  
STAMP

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE  
SANGGUNIANG PANLALAWIGAN OF LAGUNA HELD AT THE BATASANG  
PANLALAWIGAN (BULWAGANG RESTITUTO L. LUNA) ON AUGUST 17, 2015

**PRESENT:**

VICE-GOV. ATTY. KATHERINE C. AGAPAY	-----	Presiding Officer
Hon. Lorenzo B. Zuñiga, Jr.	-----	Majority Floor Leader
		Ex-Officio Member
		(President-LnB-Laguna)
Hon. Joseph Kris Benjamin B. Agarao	-----	Senior Board Member
Hon. Dave M. Almarinez	-----	Member
Hon. Rai-Ann Augustine L. San Luis	-----	Member
Hon. Angelica B. Alarva	-----	Member
Hon. Neptali B. Bagnes	-----	Member
Hon. Atty. Pursino C. Oruga	-----	Member
Hon. Carlo M. Almoro	-----	Member
Hon. Juan M. Unico	-----	Member
Hon. Jeffrey A. Palce	-----	Ex-Officio Member
		(PCL-President)

**ABSENT:**

Hon. Gabnulang A. Alatiit	-----	Member
		(Official Business)

Resolution No. 204-B, S. 2015

**A RESOLUTION APPROVING CITY RESOLUTION NO. 70 – A CITY ORDINANCE NO. 01- B, S. 2013 - AN ORDINANCE ENACTING THE CITY OF BIÑAN INVESTMENT CODE OF 2013.**

**Whereas**, the above stated Resolution/ Ordinance was referred to the Committee on Trade & Industry, Chaired by Hon. Dave M. Almarinez of the First District of Laguna,

**Whereas**, after extensive deliberation, the Committee hereby recommends to adopt the above stated resolution/ordinance based on the following merits:

- a. In accord with the provisions stated in the Omnibus Investment Code of 1987, which provides a comprehensive set on incentives for local and foreign enterprises engaged



in activities considered by the Philippine Government as high priority for national & local development

- b. Stated Local Government Unit/s aim to encourage investments in desirable areas of activities by adopting various interrelated and consolidated local investment incentive laws, rules and regulations to harmonize the provisions for the guidelines of local and foreign investors of the Province of Laguna
- c. Said measures shall create a more favorable and conducive investment environment to various types of investors

**WHEREFORE** in view of the foregoing and on motion of Hon. Dave M. Almarinez, duly seconded by Hon. Lorenzo B. Zuñiga, Jr., Hon. Angelica B. Alarva, Hon. Rai-Ann Augustine L. San Luis, Hon. Jeffrey A. Palce and by unanimous consent of all Board Members present there being a quorum,

**RESOLVED** As it is hereby **RESOLVED** to **APPROVE "A RESOLUTION APPROVING CITY RESOLUTION NO. 70 – A CITY ORDINANCE NO. 01- B, S. 2013 - AN ORDINANCE ENACTING THE CITY OF BIÑAN INVESTMENT CODE OF 2013."**

**ORDERED:** The Secretary to transmit a copy of this ordinance to all concerned.

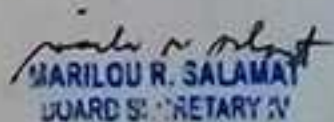
**CERTIFIED CORRECT AND DULY ADOPTED:**

  
**FRANCISCO R. MACABUHAY**  
 Secretary to the Sangguniang Bayan

**ATTESTED.**

  
**ATTY. KATHERINE C. AGAPAY**  
 Presiding Officer  
 Vice-Governor

**CERTIFIED COPY  
 FROM FILE**

  
**MARILOU R. SALAMAT**  
 BOARD SECRETARY IV

CTM 2015



REPUBLIC OF THE PHILIPPINES  
PROVINCE OF LAGUNA  
CITY OF BIÑAN  
**OFFICE OF THE CITY COUNCIL**



**CITY RESOLUTION**

EXCERPT FROM THE MINUTES OF REGULAR SESSION OF THE CITY COUNCIL OF BIÑAN HELD AT THE AMBROSIO RIANZARES BAUTISTA HALL AT CITY HALL, BARANGAY ZAPOTE, CITY OF BIÑAN, PROVINCE OF LAGUNA DATED 21 FEBRUARY 2017.

**CITY RESOLUTION NO. 67-(2017)**

A RESOLUTION APPROVING THE CHANGE OF TITLE OF THE INVESTMENT CODE OF THE CITY OF BIÑAN ENACTED BY THE 3<sup>RD</sup> CITY COUNCIL OF BIÑAN DATED SEPTEMBER 19, 2013 UNDER CITY RESOLUTION NO. 70-A (2013)/CITY ORDINANCE NO. 01-B (2013).

FROM: THE CITY OF BIÑAN'S INVESTMENT CODE OF 2013  
TO: THE CITY OF BIÑAN'S INVESTMENT AND INCENTIVE CODE

IN COMPLIANCE WITH THE SEAL OF LOCAL GOOD GOVERNANCE (SLGG);

**WHEREAS**, the City of Biñan aims to expand, strengthen and sustain its economic initiatives and commitment to the various stakeholders of the City's economy through policies establishing, equitable and reliable investment landscape;

**WHEREAS**, the City of Biñan in its commitment to promote good governance and to empower its citizen by giving them access through transparency and accountability in their service delivery;

**NOW THEREFORE**, on motion of Councilor WILFREDO I. BEJASA, JR., duly seconded by Councilor ALEXIS H. DESUASIDO be it resolved as it is hereby resolved "A RESOLUTION APPROVING THE CHANGE OF TITLE OF THE INVESTMENT CODE OF THE CITY OF BIÑAN ENACTED BY THE 3<sup>RD</sup> CITY COUNCIL OF BIÑAN DATED SEPTEMBER 19, 2013 UNDER CITY RESOLUTION NO. 70-A (2013)/CITY ORDINANCE NO. 01-B (2013)".

FROM: THE CITY OF BIÑAN'S INVESTMENT CODE OF 2013  
TO: THE CITY OF BIÑAN'S INVESTMENT AND INCENTIVE CODE

IN COMPLIANCE WITH THE SEAL OF LOCAL GOOD GOVERNANCE (SLGG);

**UNANIMOUSLY APPROVED.**

ATTESTED BY:

Engr. EDWARD A. REYES  
Secretary, City Council





TANGGAPAN NG SANGGUNIANG PANLUNGSOD

OFFICE OF THE PROVINCIAL  
BOARD SECRETARY

EXCERPT FROM THE MINUTES OF REGULAR SESSION OF THE CITY COUNCIL  
OF BIÑAN HELD AT THE AMBROSIO RIANZARES BAUTISTA HALL AT CITY  
HALL (ANNEX BUILDING), BARANGAY ZAPOTE, CITY OF BIÑAN, PROVINCE  
OF LAGUNA DATED 19 SEPTEMBER 2013.

SANGGUNIANG PANLALAWIGAN LAGUNA

PRESENTS:

Atty. WALFREDO R. DIMAGUILA, JR.	- City Vice-Mayor/ Presiding Officer
Hon. ANGELO B. ALONTE	- Councilor
Hon. WILFREDO I. BEJASA, JR.	- "
Hon. JOSE FRANCISCO RUBEN P. YATCO	- "
Hon. MARIELLE THERESE B. MICOR	- "
Hon. JAIME M. SALANDANAN	- "
Hon. VICENTE J. TAN GANA, JR.	- "
Hon. LIZA L. CARDEÑO	- "
Hon. GERONIMO D. ROMANTIGUE	- "
Hon. ALEXIS H. DESUASIDO	- "
Engr. EDWARD A. REYES	- Secretary, City Council

ABSENT:

Councilor MAGTANGOL JOSE C. CARATT, III

Councilor /ABC-President JAYSON SOUZA

Councilor /SK-President RAMON GARCIA, JR.

*Sangguniang Panglalawigan  
ng Laguna*

*Resolution No. 204-B S. 2015  
peton August 14, 2015  
'Kalahip ang sign ng approval  
ng Sangguniang Panglalawigan  
ng Laguna'*



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- CITY RESOLUTION NO. 70-A (2013) -  
- CITY ORDINANCE NO. 01-B(2013) -  
**AN ORDINANCE ENACTING THE CITY OF BINAN  
INVESTMENT CODE OF 2013**

**Hon. VICENTE J. TAN GANA JR., MBA**  
Author

Chairman, Committee on Commerce, Trade and Industry  
Chairman, Committee on Health, Sanitation and Hospital Affairs  
Chairman, Committee on Agriculture and Fisheries

*Whereas*, it is fundamental to consistently advance the socio-economic development of the City of Binan in congruence with the attributes and goals of economic nationalism pursuant to the Omnibus Investment Code of 1987 ( Executive Order No.226), towards practical and viable promotion of industrial peace, empowered competition; restrained monopolies and expansion of employment, job and livelihood opportunities;

*Whereas*, the City of Binan, with its strategic geographic location, being the home of the Philippine Export Processing Zone Authority (PEZA) and the country's premier industrial parks, namely, Laguna International Industrial Park (LIIP) and Laguna Technopark Incorporated (LTI), has substantially accelerated growth opportunities, thus continuously transforming into a major investment area in the CALABARZON Region and South of Metro Manila;

*Whereas*, with its adept resources and suitable advantages, the City of Binan aims to dynamically expand, strengthen and sustain its economic initiatives and commitment to the various stakeholders of the City's economy through policies establishing steadfast coherence, equitable and reliable investment landscape;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BINAN,  
LAGUNA IN SESSION ASSEMBLED:

**ARTICLE I  
TITLE AND DECLARATION OF POLICY**

**Section 1. Title.** This Ordinance shall be known as the "City of Binan Investment Code of 2013".

**Section 2. Declaration of Policy.** The persistent growth opportunities and promising economy of the City of Binan necessitates unwavering sustainability in order to complement the needs of the increasing population, and consistently advance the general welfare of its citizens, by equally accelerating and reinforcing the socio-economic development of the City, enthralling investments and forging effective, reliable and formidable investor partnerships that shall ensure the goals of equitable and stable progress, thus, the following are declared policies of the City of Binan:

1. The City of Binan shall encourage both local and foreign investments: that will provide employment and livelihood opportunities as well as improved technical skills of the people employed in the enterprises; establish dynamic linkages among micro, small, medium and large businesses and enterprises within its territorial jurisdiction; increase productivity of the City's agricultural, aquatic, industrial and other resources, and enhance the utilization of the products thereof; and accelerate the development of less developed areas of the City without compromising the City's environment and welfare;



2. The City of Binan, recognize the essential contributions in agriculture, commercial, tourism, industrial and service enterprises of the private sector being a prime mover for economic growth, so that the City shall endeavor to escalate their investment opportunities;
3. The City of Binan recognize the imperative role of the national government and the need for coherent collaboration and integration of the investment laws, policies and regulations of the national government to the City's economic development initiatives; and aims to undertake sustainable collaborative efforts with the national government to consistently address poverty alleviation through economic development
4. The City of Binan shall consistently improve and promote the attributes of good governance, and provide a considerable and dynamic economic climate through investment incentives, while safeguarding and upholding the well-being of the social, cultural and ecological life of the Binanenses.

## ARTICLE II DEFINITION OF TERMS

**Section 3.** For purposes of this Ordinance, the following terms and definitions shall apply:

1. "BOI" - refers to Board of Investment under Executive Order No. 226 or The Omnibus Investment Code.
2. "Board" - refers to the City Investment Board/Council
3. "Capitalization"- refers to total project cost.
4. "City" - refers to the City of Binan
5. "Executive Order No. 226" - refers to the Omnibus Investment Code of 1987.
6. "CODE" - refers to the City of Binan Investment Code of 2013
7. "Existing Establishments/Firms/Enterprises" - refers to establishments, firms or enterprises whose places of operation or production are presently located within the City of Binan
8. "LOCAL WORKER" - refers to workers who are residents of the City of Binan for at least six(6) months
9. "LCE" - refers to Local Chief Executive or the City Mayor.
10. "SP" - refers to the Sangguniang Panlungsod of the City of Binan
11. "Fiscal Incentives" - are incentives granted through the recommendation of the Board in terms of monetary values.
12. "Non-Fiscal Incentives" - refers to the incentives other than monetary values that may be enjoyed by a business based on the recommendation of the Board.
13. "New Enterprise/Investor" - refers to first time investors/enterprise who intend to establish business or industry within the City of Binan
14. "Firms under Diversification" - refers to existing firms that are investing in other products or services
15. "Foreign Investment" - refers to the equity investment owned by a non - Philippine national
16. "Local Investment" - refers to the equity investment owned by Filipino or a domestic partnership or association wholly owned by Filipino citizens;



- or a corporation organized under Philippine laws of which at least 60% of the capital stock outstanding and entitled to vote is owned and held by Filipino citizens
17. "Preferred Areas of Investment" - refers to priority investments and economic activities as provided under Section 12 of this Ordinance, identified by the Board in consultation with the other sectors and with approval by Sangguniang Panlungsod
  18. "National Laws" refers to Executive Order No. 226, RA 7844, RA 7916 and RA 7718, among others.
  19. "Project Study" - refers to the Project Profile which presents and highlights the Project's marketing, technical, financial and socioeconomic aspects
  20. "Registered Enterprise" - refers to any individual, partnership, cooperative, association, corporation or other entity who is registered in accord with the provisions of the Code.
  21. "RA 7718" - refers to the Build-Operate-Transfer Law or BOT Law which was enacted on May 5, 1994.
  22. "RA 7916" - refers to Special Economic Zone of 1995.
  23. "RA 7844" - refers to the Export Development Act of 1991.
  24. "RA6975" - refers to Department of Interior and Local Government Act of 1990
  24. "RA 7160" - refers to the Local Government Code of 1991.

### ARTICLE III CITY OF BINAN INVESTMENT BOARD

**Section 4. City Investment Board.** - There shall be created a City Investment Board for the purpose of implementing the provisions of this Code.

**Section 5. Composition of the Board.** - The Board shall be composed of the following:

Chairperson - City Mayor

Vice-Chairperson - City Vice Mayor

Members:

- Chairperson, SP Committee on Trade, Commerce and Industry
- Chairperson, SP Committee on Finance, Ways and Means
- Chairperson, SP Committee on Public Works and Highways
- Head, City Planning and Development Office
- Head, City Business Permit and Licensing Office
- Head, City PESO
- Representative, Region IV-A Department of Trade and Industry
- Representative, Region IV-A National Economic Development Authority
- Representative, Philippine Economic Zone Authority
- Chairman, City of Binan Tourism Council
- Chairperson, Binan Business Club
- President, City of Binan Federation of Cooperatives
- One Representative from each of the following :
  - Real Estate Developer Group



- Manufacturing Group
- Educational Business Group
- Recreational and Tourism Business Group
- Micro-Small-Medium Business Group
- Food Services or Utilities Related Business
- Agricultural Production Group
- Two Representatives from Accredited/Recognized Non-Governmental Organization (NGO) in the City of Binan

**Section 6. Meeting of the Board.** – The Board shall meet at least once every quarter of each year. The Chairperson may however convene the Board anytime it is deemed imperative.

The presence of the majority of its members shall constitute a quorum.

**Section 7. Powers and Duties of the City Investment Board.** – The Board shall be responsible for the promotion and regulation of investments in the City of Binan. The majority of the members of the Board shall constitute a quorum which shall be necessary to exercise its powers and perform its duties which shall be as follows:

1. Promulgate the Implementing Rules and Regulations (IRR) of this Code as may be necessary to implement the intent and provisions of this Code.
2. Assist the City government of Binan in formulating and adopting investment priority plan programs and projects that are enticing to investors and contributory to rapid socio-economic development growth as well as in determining development and economic priorities.
3. Effect and implement favorable investment policies and development plans.
4. Assess/Evaluate, process and approve applications for registration with the Board, imposing such terms and conditions as it may deem necessary to uphold the declared policies of this Code.
5. Periodically monitor, check and verify, the compliance by registered enterprises with the provisions of this Code, with the Rules and Regulations promulgated under this Code and with the terms and conditions of registration.
6. Collate, Analyze, Compile pertinent data/information concerning areas that have been or may be declared as preferred areas for investments and recommend to the Sangguniang Panlungsod all determined Preferred Areas of Investments in consultation with private and public sectors.
7. Endorse the enjoyment of incentive benefits of qualified investors to the Sangguniang Panlungsod through an Ordinance enacted by the Sanggunian for that purpose.
8. Recommend to the City Mayor to enter into cooperative agreements with the national government, other government agencies or private organizations that will favorably promote the objectives and provisions of this Code particularly the simplification and facilitation of systems and procedures involved in the promotion of investments and operation of registered enterprises.
9. Formulate and/or recommend new fiscal or non-fiscal investment incentives other than those stated in this Code.
10. Recommend to the Sangguniang Panlungsod amendments to any provision of this Code.
11. Conduct appropriate consultations and discussions with the national government through the appropriate offices, as well as with the private sector.



12. Hear and decide issues on the following: (a) failure to maintain the qualifications required by this Code for registration with the Board, (b) violation of any of the provision of this Code, of the rules and regulations issued under this Code, of the terms and conditions of registration, or of laws for the protection of labor or of the consuming public; and after due notice, cancel the registration or suspend enjoyment of incentives benefits of any registered enterprise and/or require refund of incentives enjoyed by such enterprise with appropriate interests and penalties.
13. Generally, exercise all the powers incidental or necessary to attain the purpose of this Code and other laws vesting additional functions on the Board.

#### ARTICLE IV PRIORITY AREAS FOR INVESTMENT/INCENTIVES

**Section 8. Coverage of Priority Areas.** – Both the existing development sectors and new enterprises will be encouraged and promoted and will be given equal growth opportunities in the City of Binan.

**Section 9. Criteria and Requirements for Priority Investments Projects/Enterprises.** – Investors engaged in business and enterprises identified by the Board as Preferred and Priority Areas of Investment are eligible for incentives under this Code provided they fulfill the following conditions:

**Section 9A – General Criteria. -**

1. Those which are in high growth sectors contributing significantly to the City gross domestic productivity.
2. Those which are high employment generating.
3. Those which take advantage of the City growth resources such as spacious land area and location sites.
4. Those which will accelerate or enhance the competitive advantages of existing enterprises in the City.
5. Those new enterprises whose contribution to the City of Binan development will be significant and growing.

**Section 9B – Requirements. –**

1. The new investment must have a capitalization of at least one million pesos, but not more than ten million pesos in case of small size enterprise; at least ten million pesos, but not more than forty million pesos in case of medium size enterprise; and more than forty million pesos for large enterprise. The amount of capitalization shall be based on the total project cost in the investor's project study submitted and approved by the Board.
2. The new enterprise shall employ bonafide residents of the City of Binan (certified by the City Barangay Council concerned) who qualify to their job description and specification requirements, as regular workers - no less than 10 persons in case of small size enterprise, at least 20 persons in case of medium size enterprise and at least 100 persons in case of large size industry.



3. A minimum of twenty percent (20%) of the manpower requirements are hired through the PESO of the City of Binan.
4. Relevant project size occupies 200 houses or more for housing projects for offsite developments and 100 houses for on-site developments.
5. The environment facility caters to the needs of both the industry and residents of the City and complies with the local and national environmental standards.
6. Operators of agricultural support facilities like rice/corn mills, dryers, aquatic ponds and lessors of processing equipment shall have their business offices in the City of Binan.

**Section 10 – Investments Under Expansion and Diversification** – Investors who are expanding their businesses or diversifying to areas identified as preferred or priority of investment within the City of Binan are eligible for incentives under this Code, provided that they shall also comply with Section 9B of this Code.

**Section 11 - Coverage for Projects Under the Public-Private Partnerships Arrangements and Relevant National Laws.** - Investment Projects covered or allowed under the Public-Private Partnerships Arrangements as provided for under RA 6975 as amended shall enjoy the incentives provide in this Code on top of those to be provided under RA 6975. Investors enjoying incentives under EO 226, RA 7844, RA7916 and RA 7718 are also eligible for incentives under this Code subject to the general criteria and requirements prescribed in Section 9 of this Code.

**Section 12. – Preferred Investments Priority Areas.** – Pursuant to the aforecited general criteria for investments preference and priorities, the following sectors are hereby identified as preferred or priority areas for investment:

1. Tourism and Hospitality Services and Facilities, including but not limited to:

- a. Boutique and Business Hotels/Condotels
- b. Cultural and Historical Centers
- c. Theme Parks and Restaurants
- d. Eco-Tourism Centers and Facilities
- e. Convention and Conference Facilities
- f. Trade Exposition Centers and Facilities
- g. Entertainment Centers

2. Property Development and Mass Housing, including but not limited to:

- a. Private Industrial Estates;
- b. Residential Subdivision Development
- c. Commercial Area/Facilities Development
- d. Low Cost Housing and Mass Housing Construction

- e. Fabrication of Housing Components
- f. Resettlement Estate for Informal Settlers and Support Facilities

3. Infrastructure and Services, including but not limited to:

- a. Public utilities and public transport services;
- b. Public Markets and Slaughterhouses
- c. Privately Owned Transportation Terminals Serving Inter Town or Regional Transport Services

4. Infrastructure and Communications Technology, including but not limited to:

- a. Customer Contact Centers or Call Centers
- b. Business Process Outsourcing (BPO) , IT Outsourcing Facilities
- c. Information Technology Parks and Centers, Economic Zones
- d. Software Development Enterprises
- e. Telecommunications and Communications Service Providers
- f. Cinema, Broadcasting Services for TV and Cable

5. Healthcare, Wellness and Health Services, including but not limited to:

- a. Healthcare and Wellness Facilities
- b. Paramedical, disasters control and management centers
- c. Healthcare and Wellness Parks
- d. Hospitals, Medical Clinics and Treatment Facilities

6. Environmental Protection and Enhancement, including but not limited to:

- a. Pollution Abatement and Mitigation
- b. Ecological Facilities
- c. Water Waste Management and Distribution
- d. Water Treatment Facility/System
- e. Solid Waste Disposal System

7. Light Manufacturing, including but not limited to:

- a. Light Metals
- b. Toy Manufacturing
- c. Ceramics



- d. Jewelry Making
- e. Herbal Medicines
- g. footwear
- h. garments
- i. house wares

8. Electronic and Computer Products, including but not limited to:

- a. Micro-chips
- b. Computer and Cellphone Manufacture
- c. Household Appliances

9. Education, Training and Sports Facilities Development

10. Businesses Operating as Micro-Small-Medium Enterprises in Approved MSME Subdivisions

11. Semi Conductors and Automotive Industry

12. Agricultural Milling/Facilities, Food Processing Industry

13. All Other Future Preferred Areas Of Investment Endorsed by the Board and Approved by the Sangguniang Panlungsod.

## ARTICLE V INVESTMENTS/~~INCENTIVES~~ TO PREFERRED AND PRIORITY INVESTMENTS PROJECTS

**Section 13. Fiscal Incentives Under this Code to Registered Enterprises and Projects.** - The incentives to be provided under this Code by the City of Binan are deemed to be in addition to incentives to enterprises as provided for under the Investment Omnibus Code of 1987 (Executive Order no. 226), the PEZA investments incentives and other incentives as already provided under national laws. The following incentives, are accordingly, **granted the preferred/priority enterprises, to take effect during the next calendar year, for a period of two (2) years, as provided for in implementing rules to be adopted for this Code.**

- a) Mayor's Permit Fees
- b) Business Sales Taxes
- c) Building Permit Fees
- d) Occupancy Permit Fees
- e) Basic real property tax due the city, excluding the barangay share.



**Section 14. Administrative or Operational Assistance Services and Privileges to New Enterprises.** - In addition to fiscal incentives as enumerated above, incentives and assistance services by the City shall be given to new enterprises to enable the same to set up operations and for smooth continuance of the same. Among others, the following will be accorded the new enterprises:

1. Accelerated registration, certification, registration and licensing processes through the creation of a one stop shop documentation center (for simplified documentation procedures) as may be specified by the investment incentives implementing rules and regulations;
2. Exemptions from Barangay requirements form locational or construction clearances once enterprises has been declared as preferred or pioneer enterprise under this Code;
3. Preferences in locational sites for the enterprise as may be allowed for under the approved City Land Use Plan or by special authority to be granted by the City Council;
4. Exemptions for Occupational Permits for employees of the enterprise particularly for those engaged in BOP-ICT operations or those engaged in technologically high-skilled activities;
5. Assistance in personnel recruitment and provision of training services for employees of the registered enterprise, including exemptions from payment of training fees; and
6. Promotional assistance for the preferred or priority investments enterprises will be provided for by the City of Binan which will include, but are not limited to, information campaign and publicity for marketing activities, public relations program and liaison

**Section 15. Incentives for Pioneer Enterprise and Expansion of Business Activities.** - The aforecited tax incentives and grant of assistance services shall apply to pioneer or new enterprises which have no previous operations in the City of Binan, as well as to expansion operations such as increase in production capacities as well as increase in the number of branch operations in the City resulting in increased investments or capitalization by the enterprise and diversification to identified priority/preferred areas of investments.

**Section 16. Rights and Privileges of Registered Enterprises.** - All registered enterprises shall enjoy the rights, privileges, and guarantees provide for by the Constitution and relevant statutes and legislations by the City Government. -

1. Disseminate investment evaluation criteria and procedures to assure transparency in the process of granting local government incentives;
2. Enhance and ensure stability of operations of the registered enterprises through robust and resilient policies and regulations on the part of the City Government;
3. No modifications of regulatory or contractual arrangements or interference in international operations of the enterprise after approved registration of the enterprise unless by mutual agreement between the registered enterprise and the City Government, modifications become necessary;
4. Provide comprehensive information to and briefing for investors on the economic priorities of the City Government, including preferred investments areas, economic



development priorities and investment policies, as provided for in the approved plans and programs of the City;

5. Assist in the resolution of business and investments disputes as expeditiously and as equitably as possible without recourse to expensive and long-drawn judicial processes, and by avoiding possible conflict situations;

6. Allow employment of qualified foreign personnel as may be required for efficient operation of the enterprise or for technology transfer purposes;

7. Guarantee and secure the expeditious certification, registration, licensing and permitting operations by installation of systems and procedures; and

8. Guarantee enterprise and personnel public safety through its police, fire and other accident and disaster public assistance services.

#### **Section 17A. RESPONSIBILITIES OF REGISTERED ENTERPRISES. -**

**Reportorial Obligations.** - Registered enterprises shall submit periodic reports semi-annually, on the operations of the enterprise, and its annual audited financial report.

**Section 17B. Visitorial Requirements.** - The Office of the Mayor, through designated/authorized representative shall undertake, in consultation and in coordination with the registered enterprise, visits on the enterprise. The visitorial requirement is to pursue a briefing on the status of operations, to determine compliance with the grant of preferences and investments incentives, and to be alerted for possible assistance that may be provided by the City Government.

### **ARTICLE VI**

#### **REGISTRATION OF PRIORITY OR PREFERRED ENTERPRISES**

**Section 18.** - The investor or new enterprise, upon meeting the criteria and requirements set forth under Section 9 of this Code shall be granted Certificate of Registration attesting to the eligibility of said investment/enterprise for grant of incentives and privileges as provided for in the Code for qualified investors.

**Section 19.** - Submitted proposals for investment projects shall be timely and competently evaluated by the Board, in accordance with the criteria, requirements and regulatory prescriptions to be met, which will classify the proponent enterprise as a preferred new enterprise or expansion of existing enterprise in order to be accorded the necessary incentives and support under this Code and relevant laws.

### **ARTICLE VII**

#### **IMPLEMENTING RULES AND REGULATIONS**

**Section 20.** The City Investment Board shall upon passage of this Investment Code, formulate and adopt the Implementing Rules and Regulations (IRR) covering the requisite organizational and management system to implement the policies and programs, specifications of the qualifications and eligibility of the proponent enterprises



or investors, the specifications of the criteria for evaluation of investments proposals, the process to be followed and adopted in the evaluation of investments projects including the process flows and guarantees to be accorded by the City of Binan to approved projects and registered enterprises.

**Section 21.** Pertinent and satisfactory information dissemination propaganda for the Implementing Rules and Regulations, shall be given to the concerned economic sectors and industry stakeholders as well as the prospective investments proponents.

## ARTICLE VIII MISCELLANEOUS PROVISIONS

**Section 22. Appeal.** – A new investor or enterprise meeting adverse decisions by the City Government, or the Board or a registered enterprise not satisfied by specific aspect/s of the grant of preferences and incentives, may within fifteen (15) days appeal the grant or decision. The decision on the appeal shall be final and executory.

**Section 23. Refund and Penalties.** – Failure to maintain the qualifications required by this Code for registration with the Board shall be ground for the suspension of the enjoyment of incentives benefits of the registered business or enterprise.

Any violation of the provisions of this Code and its Implementing Rules and Regulations, the terms and conditions of the registration shall be ground for the cancellation of the registration of the business or enterprise, withdrawal of all incentives granted under this Code and in appropriate cases require the refund of the fiscal incentives availed of with corresponding interests and penalties.

**Section 24. Separability Clause.** - The provisions of this Code are separable. If for any reason, any section of the Code shall be held to be unconstitutional or invalid, the validity of the other provisions shall not be affected and shall continue to be in full force and effect.

**Section 25. Repealing Clause.** - All local legislations and executive directives inconsistent or are in conflict with this Code are hereby repealed or accordingly modified.

**Section 26. Effectivity.** - This Code shall take effect after fifteen (15) days upon publication in a newspaper of general circulation.

UNANIMOUSLY APPROVED.



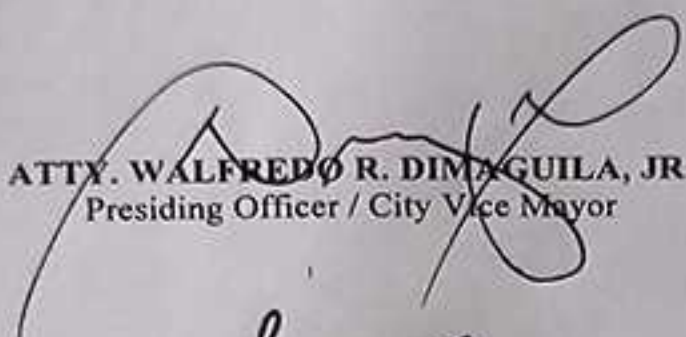


ATTESTED:




ENGR. EDWARD A. REYES  
City Council Secretary

APPROVED:



ATTY. WALFREDO R. DIMAGUILA, JR.  
Presiding Officer / City Vice Mayor



DR. MARLYN B. ALONTE-NAGUIAT  
City Mayor