

Republic of the Philippines  
Province of Iloilo  
MUNICIPALITY OF MINA  
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Office of the Sangguniang Bayan

**ORDINANCE NO. 2010-170**

**The Municipality of Mina  
INVESTMENT INCENTIVES CODE OF 2010 AS AMENDED BY  
ORDINANCE NO. 2011-194**

BE IT enacted by the Sangguniang Bayan of the Municipality of Mina, that:

**ARTICLE I  
POLICY STATEMENT**

**Section 1. POLICY STATEMENT.** It is hereby declared as a policy of the Municipality of Mina to expedite and facilitate the economic growth and development of this locality through the encouragement of new investment, expansion of existing businesses, diversification in agri-businesses, industries and other endeavors that will create employment opportunities and will increase economic activities which aimed to poverty alleviation with due consideration to the basic principles of disaster preparedness and environmental concerns and will eventually improved and sustain the quality of life of the citizenry.

**Section 2. Declaration of Investment Principles and Policies**

It is the policy of the municipal government to encourage both local and foreign investments in its jurisdiction that will redound to the mutual benefits of its citizens and the investors taking into account the principles of sustainable development, wise utilization of natural resources, equitable distribution of wealth and holistic human development.

Its citizenries openly declare that it recognizes the role of the civil society as an indispensable partner of the Municipal Government in translating the dreams and ideals of the Minanhons into realities.

Its citizenries acknowledge its role as catalyst of industrial peace security, infrastructure implementation and agent in the transformation of the communication to a responsible citizenry.

To promote the Municipality of Mina as an investment destination in the Province of Iloilo with a Skills Training Center, which is the first of its kind in the Province, directly managed and operated by the LGU that can provide globally competent and highly skilled workers; and assurance of a clean, reliable and cheaper power rates with the presence of the first Biomass Power Plant established in this municipality; and the established political stability through a strong professional and harmonious working relationship between the Executive and the Legislative branch of Government.

Finally, the Province in general and the municipality in particular manifest its desire to attract investors on the basis of sound management, continuity of policies, fiscal incentives and efficient service.

### **Definition of terms when Applied in this Code:**

1. **Board** – shall refer to the Municipality of Mina Investment Board (MMIB) created under this code.
2. **Build-Lease-and-Transfer (BLT)** – shall refer to any contractual arrangement whereby a project proponent is authorized to finance and construct an infrastructure or development facility and upon its completion turns it over to the government agency or local government unit concerned on a lease arrangement for a fixed period after which ownership of the facility is automatically transferred to the agency or local government unit concerned.
3. **Build-Own-and-Operate (BOO)** – shall refer to any contractual arrangement whereby a project proponent is authorized to finance, construct, own, operate and maintain an infrastructure or development facility from which the proponent is allowed to recover its total investment, operating and maintenance costs plus a reasonable return thereon by collecting tolls, fees, rentals or other charges from facility users: Provided, that all such projects upon recommendation of the Investment Coordination Committee (ICC) of the **National Economic and Development Authority (NEDA)**, shall be proponent, which owns the assets of the facility, may assign its operation and maintenance to a facility operator.
4. **Build-and-Transfer (BT)** – shall pertain to any contractual arrangement whereby the project proponent undertake the financing and construction of a given infrastructure or development facility and after its completion turns it over to the government agency or local government unit concerned, which shall pay the proponent on an agreed schedule of its total investment expended on the project plus a reasonable of return thereon. This arrangement may be employed in the construction of any infrastructure or development project, including critical facilities which for security or strategic reasons, must be operated directly by the Government.
5. **Built-Operate-and-Transfer (BOT)** – shall pertain to any contractual arrangement

whereby the project proponent undertakes the construction, including financing of a given infrastructure facility, and the operation and maintenance thereof. The project proponent operates the facility over a fixed term during which he or she is allowed to charge facility users appropriate tolls, fees, rentals, and charges not exceeding those proposed in its bids or as negotiated and incorporated in the contract to enable the project, proponent to recover its investment and operating and maintenance expenses in the project. The proponent transfer the facility to the government agency or local government unit concerned at the end fixed term which shall not exceed fifty (50) years; provided, the in case of an infrastructure or development facility whose operation requires a public utility franchise the proponent must be a Filipino or, if a corporation, must be duly registered with the Securities and Exchange Commission and at least sixty percent (60%) Filipino-owned.

The Build-Operate-and-Transfer shall include a supply-and-operate situation, which is a contractual arrangement whereby the supplier of equipment and machinery for a given infrastructure facility, if the interest of the Government so requires, operates the facility providing in the process technology transfer and training to Filipino nationals.

6. **Code** – shall refer to the Mina Investments Code.
7. **Comprehensive Land use Plan** - provides specific direction to implementers in terms of land uses and other development objectives.
8. **Comprehensive Development Plan** – refers to the overall medium term development plan of the Municipality of Mina.
9. **Duration of Tax Holiday** – refers to the specific period of exemption or in the availment of incentives.
10. **Expanding Enterprise** - refers to the existing enterprises who added its capital investment and business activities in order to meet the bracket for the availment of incentives.
11. **Fiscal Incentives** – refers to the direct financial or monetary benefit to the investor.
12. **Government Agencies** – refer to the branch of national government involve in promoting regulation and supervising investments, such as Department of Trade and Industry (DTI), Securities and Exchange Commission (SEC), Social Security System (SSS), Bureau of Internal Revenue (BIR), National Economic and Natural Resources (DENR) etc.
13. **Incentives** – refer to the benefits or privileges granted by the Municipality of Mina to encourage investments.
14. **Investment** – refers to money, equipment or properties, professional services rights expressed in monetary value put in for the purpose of engaging in business activity.

15. **Investment Promotion Unit** – shall pertain to the one-stop Investment Action Unit. It assists the investors in his dealing with the LGUs with regard to his/her business operations and other documentary requirements.

16. **Investor After-Care Services** - refers to the assistance which the investor gets after he has registered his business.

17. **Large-Scale-Enterprise** – shall refer to the business enterprises having a total asset (except land) of 100 million pesos or more.

18. **Medium-Scale Enterprise** - shall refer to the business enterprises having a total asset (except land) of 15 million to 100 million pesos.

19. **Non-fiscal Incentives** – pertains to the non-monetary value or incentive that provide indirect benefit to investor.

20. **Non-pioneering Enterprises** – shall men industry or business endeavor already exiting the municipality.

21. **Official Acceptance** – refers to the final acceptance of application for registration with completed requirements.

22. **Pioneering Enterprises**- shall mean a newly introduces or business endeavor in the Municipality of Mina.

23. **Registered Enterprises** – refers to any business entity operating in the Municipality of Mina whose application for the availment of investment incentives has been approved by the Board.

24. **Rehabilitate-Own-and-Operate (ROO)** – shall mean a contractual arrangement whereby an existing facility is turned over to the private sector to refurbish and operate with no time limitation imposed on ownership; As long as the operator is not in violation of its franchise, it can continue to operate the facility in perpetuity.

25. **Rehabilitate-Operate-and-Transfer (ROT)** – shall pertain to any contractual arrangement whereby an existing is turned over to the private sector to refurbish and maintain for a franchise period, at the expiry of which the legal title to the facility is turned over to the government. The term is also to described the purchase of an existing facility from abroad, importing refurbishing erecting and consuming it within the host country.

26. **Small-Scale Enterprise** – shall refer to the business enterprises having a total asset

(except land) of 1.5 million to million pesos.

27. **Tax Holiday** - shall refer to the tax exemption granted to registered enterprises.

#### **Section 4. ACRONYMS**

1. **BIR** – Bureau of Internal Revenue
2. **BLT** – Build-Lease-and Transfer
3. **BOO** – Build-Own and Operate
4. **BOT** – Build-Operate and Transfer
5. **BT** – Build and Transfer
6. **CBBE** – Countryside and Barangay Business Enterprises
7. **CDA** – Cooperative Development Authority
8. **CENRO** – Community Environment and Natural Resources
9. **CLUP** – Comprehensive Land Use Plan
10. **CSO** – Civil Society Organization
11. **DENR** – Department of Environment and Natural Resources
12. **DTI** – Department of Trade and Industry
13. **IEEC** – Initial Environmental Examination Certificate
14. **IPU** – Investment Promotion Unit
15. **LGU** – Local Government Unit
16. **LIPA** – Local Investment Priority Area
17. **LIPP** – Local Investment Priority Plan
18. **MMIB** – Municipality of Mina Investment Board

19. **NEDA** – National Economic Development Authority

20. **NGO** – Non-Government Organization

21. **PAI** – Preferred Area Investment

22. **ROO** – Rehabilitate-Own-and Operate

23. **ROT** – Rehabilitate-Operate and Transfer

24. **SEC** – Securities and Exchange Commission

25. **SSS** – Social Security System

26. **TAS** – Technical Assistance Staff

## **ARTICLE II**

### **Purpose, Objectives & Goal**

**Section 1.** It is the purpose, objectives and goal of this code to:

1. To integrate and supplement the investment incentives laws of the national government to suit to local initiatives, to attract both foreign and local investors.
2. To encourage local and foreign investors in the municipality by providing the fiscal and non-fiscal incentives.
3. To maximize Land Use identifies for investment purposes and in accordance with approved Land Use Plan of the Municipality of Mina.
4. To promote a friendly investment atmosphere by setting up a one-stop processing unit to assist investors on processing papers and documents.
5. To proper implement promulgate investment policy guidelines for investors to have a ready and accessible information on local investment priority areas and corresponding tax exemption, privileges and incentives.
6. Encourage the setting-up of labor intensive but environment-friendly industries.

## **ARTICLE III**

**Section 1. Creation of the Municipality of Mina Investment Board (MMIB)** – The Municipality of Mina Investment Board is hereby created to implement the provisions of this code.

**Section 2. Composition of the Board** – The MMIB shall be composed of the following:

Chairman: Municipal Mayor  
Members: Municipal Vice Mayor  
SB Member – Committee Chairman on Infrastructure and Land Use  
SB Member – Committee Chairman on Commerce, Trade and Industry  
SB Member – Committee Chairman on Legal Matters  
SB Member – Committee Chairman on Barangay Affairs  
Municipal Planning and Development Coordinator  
Municipal Treasurer  
Municipal Assessor  
Municipal Engineer  
Four (4) representatives from Civil Society representing the following:  
One (1) from Business Sector, One (1) from the Academe, one (1) from  
People’s Organization and One (1) from farmers Cooperative.

Provided, that said representatives from the Civil Society came from organization duly accredited by the Local Sanggunian. Provided further, that the term of office of the representative from the Civil Society shall be the co-terminus to the term of office of the set of Sanggunian granting its accreditation, unless otherwise earlier revoked.

Provided further that, in the event that there would be less than 5 accredited CSO’s in the Municipality, the Board has the prerogative to identify representatives from duly recognized non-accredited CSO’s of good reputation and track record in Mina.

Upon its discretion the Mayor may appoint an authorized representative in its behalf.

Secretary: To be designated by the Mayor upon recommendation of the Board, with a honorarium to be fixed by the Board.

### **Section 3. Meeting and Quorum of the Board**

The Board shall hold an organizational meeting upon approval and publication of this code. The Municipal Mayor, after the civil society organization representatives has been duly determined by the CSO’s concerned, shall issue, an executive order organizing the MMIB. The Board shall meet at least once every quarter or often as necessary, as determined by the Board Members themselves. The

Quorum shall be fifty percent (50%) plus one of the total memberships of the Board. Special Board meeting maybe called upon the request of at least five (5) members of the Board. The chairman of the Board is included on the determination of the quorum. The meeting venue is the Session Hall or any venue to be designated by the Board. Fifteen (15) days after the election of officers, the Board shall adopt its own Internal Rules and Procedures.

#### **Section 4. Power and Duties of the MMIB.**

The Municipality of Mina Investment Board (MMIB) shall be responsible for the regulation and promotion of investment in the Municipality of Mina. The Board having constituted a quorum shall have the following powers and duties:

1. To formulate and prescribed Implementing Rules and Regulations of this Code;
2. To identify Priority and Preferred Areas of Investment;
3. To design, create and publish promotion materials and brochures to promote the municipality as preferred investment destination;
4. To prepare a site development plan congruent to the Municipality's approved medium term Comprehensive Development Plan;
5. To accept, process, appraise, evaluate and approve or disapprove application for incentives availment;
6. To recommend to the Sangguniang Bayan the grant of incentives and tax exemption provided for this code;
7. To recommend to the Sangguniang Bayan the cancellation and suspension of incentives and benefits granted for violating any provisions of this Code.
8. To establish an Investment Promotion Unit which will serve as an implementing arm, one-stop documentation processing, investment information and promotional units?
9. To decide on any controversy or issue that may arise from the grant of tax incentives, relief and privileges provided in this Code and its decision shall be final and executory;
10. Recommend to the Sangguniang Bayan through the Mayor/Chairman additional budget and/or identify funding alternatives for the effective implementation of the provision of this code;
11. Evaluate and determine whether the applicant enterprise is qualified to avail of the incentives granted in the code based on the project study presented;
12. To exercise and assume all other powers and duties necessary for the attainment of the purpose of this Code;
13. To authorize the Chairman through 2/3 votes of all its members to enter into agreement with other government agencies and/or private organization for the purpose of simplifying systems, procedures and requirements on investment and business operation in the Municipality of Mina;
14. To conduct a periodic review of all registered enterprises;



15. To recommend to the Municipal Mayor/Local Chief Executive, where it deemed beneficial to the LGU, to enter into an agreement of contract with any private business consortium for a build-operate-Transfer (BOT) Scheme or any other partnership schemes with the Non-Government Organizations (NGO's) or Private Sectors such as but not limited to (1) Build and Transfer (BT); (2) Build-Own-and and Operate (BOO); (3) Build-Lease and transfer (BLT); (4) Rehabilitate-Operate-and-Transfer (ROT); (5) Rehabilitate-Own-and Operate (ROO) or a Joint Financing Scheme or a Joint Venture. This will enable the Local Government Unit to implement its infrastructure program in the attainment of its objectives.

Provided, however, that any of the schemes shall be within and shall not violate the provision of R.A. 6957 (Build, Operate and Transfer Law) and R.A. 7160 (Local Government Code of 1991). Provided further, that any agreements or contracts shall be approved by a 23 vote of the Sangguniang Bayan members in the form of a resolution adopted for the purpose.

16. The Board may also recommend to the Local Chief Executive the possibility of floating Municipal Bond, to finance specific project that would hasten economic growth and provide infrastructure support facilities to further invite investors to come in. Final approval decision, however, is subject to a 2/3 positive votes of the Sangguniang Bayan.
17. The Board shall determine the capital investment of the new and continuing enterprise. New enterprises shall submit a certification under oath as to its capital investment, on the other hand the owner of the enterprises for expansion should submit an audited financial statement by Bureau of Internal Revenue (BIR) or a Certified Public Accountant (CPA) of the existing business including the added investment cost.

## SECTION 5. POWERS AND DUTIES OF THE CHAIRMAN OF MMIB

The chairman of the Board of the MMIB shall have the following powers and duties:

1. To serve as executive officer/chief implementor of this Code;
2. To call and preside over the meeting of the Board;
3. In case of vacancy due to resignation on incapacity of any member, appoint new members subject to the approval of the majority members of the Board;
4. Upon approval, sign all warrants/disbursement pertaining to the operation of the Board;
5. To render an annual report to the Board;
6. To oversee the implementation of the Investment Incentives Code.

7. Exercise general supervision over the operation of the Investment Promotion Unit (IPU);
8. To act as liaison between investors and other government agencies concerned and upon authorization of the majority of all MMIB for the purpose of simplifying systems, procedures and requirements on investment and business operations in the Municipality of Mina;
9. Recommended to the Board for approval with a 2/3 votes of its members for the extension of availment of incentives of any registered enterprises; provided that such shall not exceed two (2) years subject to any of the following criteria:
  - a. The Registered Enterprises suffered operational force majeure that has impaired its viability.
  - b. The Registered Enterprises has not fully enjoyed the incentive granted to it for reason beyond its control;
  - c. The registered enterprises has not commenced its commercial operation;
10. To submit to the Sangguniang Bayan for ratification with 2/3 positive votes of its members any agreements or contracts entered into with any Business Consortium, Private Sectors or Non- Venture or any other scheme whatsoever. Government Organizations on a Build-Operate-and Transfer (BOT) scheme, Joint
11. To submit to the sangguniang Bayan for appropriation and approval in the form of a resolution or amendment of the Code additional budgetary requirement, over-and-above the mandatory appropriation needed or required for the effective implementation of projects and operations of the Municipality of Mina Investment Unit.
12. To present to the Sangguniang Bayan for approval with a 2/3 votes of its members any decision on Board Floation.
13. To exercise such other powers and performs such other duties as the Board mat direct or authorize from time to time.

**SECTION 6. DUTIES, RESPONSIBILITIES AND FUNCTIONS OF THE  
INVESTMENT PROMOTION UNIT (IPU)**

The Investment Promotion Unit shall be composed of the Secretary who shall be the head of the Secretariat and two other members to be designated by the Chairman of the MMIB.

**DUTIES AND RESPONSIBILITIES OF THE SECRETARY:**

1. to keep a journal and complete record of proceedings of every meeting in a form of minutes duly approved by the majority of the member present;
2. to act as “Investment Promotion Unit Officer”;
3. to keep and act as custodian of the records of the minutes of the Board meeting and other official records of the Board;
4. to take responsibility on the production, printing and maintenance of a substantial number of application forms for incentives availment, promotional brochures, flyers and other literatures regarding investment;
5. to serve as liaison between MMIB and DTI especially on matters of new investment marketing techniques in luring investment;
6. To assist the implementation of the Investment Incentives Code.
7. To take care of Investors-After-Care Service-or the assistance rendered to the investors after he has registered his business or even after the incentives granted to him/her provided in this Code had long been expired, to include but not limited to the following:
  - a. Assistance to the registration needs, permits and license of the business;
  - b. Facilitation of application for utilities;
  - c. Identification of physical sites;
  - d. Introduction to suppliers and services providers.
  - e. Assist in gaining access to Databank.

#### DUTIES AND RESPONSIBILITY OF THE MEMBERS:

1. Assist the Secretary in the performance of his/her duties, responsibilities and functions.

#### SECTION 7- INVESTMENT PROMOTION UNIT (IPU)

There is hereby created an Investment Promotion Unit (IPU) which shall be ran by the Secretary of the Board who is hereby designated as Investment Promotion Unit Officer and shall have the following functions:

1. To serve as a one-stop-shop documentation and processing unit;
2. To serve as an investment information unit;
3. To serve as business unit between the MMIB and its clients.

## **ARTICLE IV**

### **TECHNICAL ASSISTANCE-TAS**

**SECTION 1- TECHNICAL ASSISTANCE STAFF (TAS)** – The Municipal Planning and Development Office shall render technical assistance to the MMIB on matters concerning site development plan, priority areas and land uses, in coordination with the office of the Municipal Engineer.

**SECTION 2- DUTIES AND RESPONSIBILITIES OF THE TAS.** The Technical Assistance Staff shall have the following duties and responsibilities;

- a. To conduct studies and research, gather data, provide and supply these data to the Board to serve as reference in future decision making;
- b. To assist the Board on technical matters concerning Zoning, Land Use and Land Conversion; and matters concerning the protection of the environment; and
- c. To perform such other functions and duties as maybe directed by the Board.

## **ARTICLE V**

### **LOCAL INVESTMENT PRIORITY PLAN (LIPP)**

**SECTION 1- LOCAL INVESTMENT PRIORITY PLAN.** Within sixty (60) days after the organization of MMIB, The Board shall formulate its Local Investment Plan which shall be made available to prospective clients. In the formulation of the Local Investment Priority Plan, the Board shall primarily considered the acceleration of development and economic growth of the Municipality without sacrificing ecological balance so that environmental protection can be established.

## **ARTICLE VI**

### **LOCAL INVESTMENT PRIORITY AREAS (LIPA)**

**SECTION 1- LOCAL INVESTMENT PRIORITY AREA (LIPA).** Local Investment Priority Areas shall be identified by the Board with reference to the duly approved Master Development Plan of the Municipality.

## **ARTICLE VII**

### **PREFFERED AREAS OF INVESTMENT (PAI)**

**SECTION 1-** The MMIB shall consider the following preferred areas for investment:

- a. Agri-business Enterprise
  - i. Aquaculture
  - ii. Livestock and poultry production and processing
  - iii. Horticulture
  - iv. Dairy farming

- v. Feed mill
  - vi. Cereal production and processing
  - vii. High value crop production and processing
- b. Manufacturing and Processing Enterprise
- i. Handicrafts
  - ii. Garments, toys and novelties
  - iii. Furniture
  - iv. Semi conductors and electronics
  - v. Metal and steel productions and assemblers
  - vi. Food processing and repacking
  - vii. Other manufacturing activities using indigenous and raw material locally available
- c. Tourism Oriented Enterprise
- i. Inland resorts
  - ii. Eco park
  - iii. Commercial and entertainment centers
- d. Services Oriented Enterprise
- i. Manning agency
  - ii. Production and development of renewable energy
  - iii. Courier, forwarding and other logistics services
  - iv. Warehousing and storage services
  - v. Engineering and construction services
  - vi. Financial and banking services
  - vii. Information technology services
- e. Subdivision and Housing Development

Section 2. Additional Preferred Areas of Investment.

The Board at anytime may add Additional Preferred Areas of Investment.

## ARTICLE VIII QUALIFICATIONS

**Section 1. General Qualifications.** All new and expanding enterprise/cooperative may apply for incentives provided in this Code, on the basis of:

1. The projects/or business enterprises/cooperatives shall engage in activity as listed in the Investment Priority Area. If not listed in the IPA, he proposed project proponent shall employ 20 or more workers.
2. Must be qualified to do business and must have complied with all the requirements as mandated under the local and existing national Laws and the Constitution;
3. Project must entail an investment of at least One Hundred Thousand Pesos (P100,000.00).

4. Project on expansion must directly generate employment to at least five (5) persons who are bonafide residents of the Municipality of Mina.
5. Except for supervisory and managerial position at least seventy percent (70%) of the employees/workers & a bonafide resident of the Municipality of Mina.
6. In cases of Department of Trade and Industry (DTI) – registered enterprises, subject business/enterprises/cooperative shall show proof by submitting a photocopy of its Certificate of Registration issued by the DTI.

Section 2. **Qualifications of New Business enterprises/Cooperatives.** To avail of the incentives provided in this Code, the New Business Enterprises/Cooperatives, must meet the following requirements:

- a. Compliance with all requirements mandated under existing local and national laws.
- b. Place of operation/production shall be in the Municipality of Mina.
- c. Investment must be in the priority or preferred area list as the Board may hereinafter declare.
- d. Must establish its branch office in the Municipality of Mina

Section 3. **Qualifications of an Expanding Business Enterprise/Cooperatives.** In addition to the requirements as mentioned in Section 1 chapter VIII of this Code, existing business enterprises/cooperative must meet the following:

- a. Compliance with all requirements mandated under local and national laws.
- b. Expansion or diversification must be within IPA or PAI list as declared by the Board.
- c. Place of operation or production is already located in the Municipality of Mina.
- d. Principal office shall be located in the Municipality of Mina.
- e. That the expansion/diversification shall provide out of the labor force an employment of at least five (5) persons in the case of small-scale enterprises, at least ten (10) persons for medium-scale enterprises, who shall be bonafide residence of the Municipality.

Section 4. **Registration Requirements.** All applications for registration for the purpose of the incentives, privileges and benefits as provided for in this Code shall be secured and filed with the Investment Promotion Unit (IPU) Office. A onetime non-refundable filing fee of Five Hundred Pesos (P500.00) shall be paid to the IPU to cover the cost of supplies, printing materials, forms and other administrative needs of the IPU. The following documents must be submitted:

1. Three (3) copies of duly accomplished official application form provided by the IPU;

2. The proponent shall show that it has completely complied with all permit requirements or authority from the pertinent government agencies, such, permit or authority shall form part of the application papers to be submitted to the Board to include but not limited to the following:

- a. SEC Registration for Corporation and Partnership
- b. Registration with D/TI for single proprietorship
- c. Cooperative Development Authority (CDA) Accreditation/Registration for cooperatives
- d. Articles of Incorporation and By-Laws of Corporation and Partnership
- e. Registration from the BIR
- f. Board Resolution of Secretary's Certificate for Corporation or partnership authorizing official representative to sign application and transact with the IPU regarding its application with the MMIB
- g. Environmental Protection permit or Initial Environmental Examination Certificate (IEEC) issued by DENR.

3. A copy of the complete projects study of the proposed investment showing that the project is economically, technically and financially feasible and clearly stating its Anti-pollution strategies and its capital investment to exclude land cost.

4. Audited Financial Statement for existing and expanding business enterprises and the Income Tax return (ITR) for the last 3 years.

5. Interim Financial Statement for new enterprises.

Section 5. Disqualification. Existing Business Enterprises that had already retired but recognized for the purpose of availing of privileges/incentives under this Code is automatically disqualified.

The Board reserves the right to disapprove any application on valid grounds taking into consideration the entrenchment of the environment and welfare of the inhabitants.

Section 6. Registration Procedures. To ensure an orderly manner of registration, the following procedures shall be observed:

1. The Board shall prescribe an official application form to be accomplished by the applicant with all the required information appearing thereon;
2. The duly accomplished application form shall be filed at the Office of the Secretariat or Investment Promotion Unit (IPU) for appraisal;

3. After submitting the complete requirements and paying the non-refundable filing fee of Five Hundred Pesos (P500.00), the documents relative to the application shall be acted upon within thirty (30) working days from the date of official acceptance, after which if no action has been taken the application shall be deemed approved.
4. The Board shall in writing, inform the applicant within seven (7) working days after its disapproval including the reason thereof.

Section 7. **Certificate of Registration.** A Certificate of registration shall be issued to a business entity whose application has been approved by the Board. This certificate shall then serve as the applicant's proof in availing the incentives and privileges granted by the Sanggunian.

Section 8. **Cancellation.** The Certificate of Registration duly issued to a qualified business entity can be cancelled by the Local Chief Executive as recommended by the Board based on the following grounds:

- a. Violation of any provision of this code;
- b. Non-compliance with anti-pollution-laws or ordinance and such other regulatory measures passed thereon by the local and national government;
- c. Non-submission of the periodic requirements that the Board may find necessary for the review of all registered enterprises including annual audited financial statements;
- d. Non-compliance with Labor Laws, Social Security System, Bureau of Internal Revenue requirements, and other national issuances relevant thereof.

## **ARTICLE IX INCENTIVES AND PRIVILEGES**

Section 1. Fiscal and Non-Fiscal Incentives. An enterprise registered under this Code shall enjoy the local incentives, privileges, tax exemptions and relief and other economic benefits provided in the following provisions:

- a. DTI regulations
- b. Foreign Investment Act of 1991 (R.A. 7042)
- c. Local Government Code of 1991 (R.A. 7160)
- d. Omnibus Investment Code of 1987 (E.O 2260)
- e. Internal Revenue Regulations
- f. Other pertinent national laws granting incentives

### **A. FISCAL INCENTIVES**



1. For new business with investment of:
  - a. Below P1M – No exemption for payment of Municipal Business Tax for one year.
  - b. Above P1M but not more than 3M – Exemption for payment of Municipal Business Tax for 1 year.
  - c. Above 3.1 M but not more than 5M for 3 years.
  - d. Above 5.1M but not more than 10M for 4 years.
  - e. Above 10M but not more than 20M for 5 years.
  - f. Above 20.1 M for 6 years.

B. NON-FISCAL INCENTIVES. All qualified business shall enjoy unqualified support and assistance from LGU officials, members of the MIB and IPU, matters of lot acquisition or lease, processing of documents, including mediation during dialogue, in the vent of labor unrest and strikes, provided however, that labor rights are not jeopardized.

The Municipality of Mina guarantees peace & orders, access to municipal Socio-Economic Data Bank, non-political intervention in manning their internal business affairs of the investors; sustained water & power sources; assistance in identification of site and availment of Investor After Care Services which shall include but not limited to assistance in renewal of licenses and permits.

Section 2. Period of Exemption. Registered enterprises may avail of the incentives provided for under this Code and may enjoy such privileges on a certain period depending on the capital investment. The availment of privileges shall be based on the following:

**Capital Investment Duration of Tax Incentives (FISCAL)**

<b><u>Php</u></b>	<b><u>Pioneering</u></b>	<b><u>Non-Pioneering</u></b>
1M – 3M	-----1 year	----- 1 year
3.1 M – 5 M	-----3 years	----- 2 years
5.1 M – 10 M	-----4 years	----- 3 years
10.1 M – 20M	-----5 years	----- 4 years
20.1 M – above	-----6 years	----- 5 years

One month prior to the termination of the duration of fiscal incentives, the subject establishment enjoying such shall be notified in writing by the MMIB through the Chairman.

Section 3. Non-Applicability. The incentives granted under this Code shall not apply to banking, financing and lending institutions, which are governed by the General Banking Act.

Section 4. Incentives to Business Enterprises Employing Fifty or more direct Workers who are Bonafide residents of the Municipality of Mina. New business enterprises not eligible under this Code but residents of the Municipality of Mina, can still enjoy tax exemptions/privileges provided for in the Code subject to the approval of the Municipality of Mina Investment Board. Provided further, that the duration does not exceed three (3) years.

## **ARTILCE X. Mandated Appropriation**

In order for the MMIB-IPU to operate effectively and ultimately serve the purpose for which they were created, an initial amount of ONE HUNDRED THOUSAND PESOS (P100,000.00) shall be a Budgetary requirements appropriated which shall be taken from any available fund.

## **ARTICLE XI Repealing and Separability Clause and Penal Provision**

**Section 1. Repealing Clause.** This ordinance hereby repeals all other ordinances and resolutions inconsistent with any provisions of this code.

**Section 2. Separability Clause.** The provisions of this code are hereby declared separable. Should any provisions herewith be declared unconstitutional and unlawful, the invalidity of one or more provisions shall not affect the validity of the other provisions thereof.

**Section 3. Monitoring and Evaluation** – a technical working group shall be created by MMIB Chairman to monitor and evaluate the implementation of this code in coordination with the IPU.

**Section 4. Penal Provisions.** Any misrepresentation or violation to any provisions of this Code committed by any relative to its application filed before the Board shall be fined in the amount of not less than One Thousand Pesos (P1,000.00) but not more than Fifteen (15) days but not more than six (6) months or both at the discretion of the court for each instance of misrepresentation.

Any violations of the conditions provided in this code shall be a ground for the withdrawal or revocation of all the incentives granted herein.

## **ARTICLE XII AMENDMENT**

Amendment/s to any provisions of this Code shall only be done through legal proceedings and with the authority of the Sangguniang Bayan. The Municipality of Mina Investment Board through its chairman may propose an amendment to the Code if they find necessary to increase economic activity.

Any amendments made to this Code in the future shall and will not affect the incentives already granted to registered enterprises prior to the amendment. However, Registered Enterprises may claim

the additional benefits/incentives made available with the approval of the amendments/ through a written request. Approval thereof will be subject to the discretion of the Board.

**ARTICLE XIII  
EFFECTIVITY**

This Code shall take effect after three (3) publications in a newspaper of general circulation in the Municipality of Mina, Mina's Official Website and after posting in the bulletin board at the entrance of the Municipal Building and in at least two (2) conspicuous places in the Municipality for three consecutive weeks.

ADOPTED this 5<sup>th</sup> day of August 2011, on motion of Hon. Juliet L. Sobrevega duly seconded by Hon. Benje S. Pelobello, Hon. Ireneo D. Pecina and Hon. Giovanni R. Grabato.

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I hereby certify to the correctness of the above-stated Ordinance.

**(SGD.) MA. DAISY P. PARREÑO**  
Secretary to the Sanggunian

**ATTESTED:**

**(SGD.) EVANGELINE D. DABLEO**  
Presiding Officer

**APPROVED:**

**(SGD.) LYDIA E. GRABATO**  
Municipal Mayor