



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
 Pasig City
 Ordinance No. 33
 Series of 2013

AN ORDINANCE ENACTING THE PASIG CITY INVESTMENT INCENTIVE CODE OF 2013, AND FOR OTHER PURPOSES.

Authored by: Councilor Richard C. Eusebio
 Co-Authored by: Councilors Christian G. Sia, Reynaldo R. San Buenaventura III, Augustin Alexee C. Santiago, Ferdinand A. Avis, Gregorio P. Rupisan, Jr., Rhichie Gerard T. Brown, Orlando R. Benito, Reynaldo F. Raymundo, Charmie Q. Benavides, Rosalio D. Martires, Wilfredo F. Sityar and Liga President Celestino U. Chua

Be it ordained by the Sangguniang Panlungsod of Pasig, that:

CHAPTER I. TITLE AND DECLARATION OF POLICY

SECTION 1. Title. - This ordinance shall be known and cited as the PASIG CITY INVESTMENT INCENTIVE CODE OF 2013.

SECTION 2. Declaration of Policy. - To accelerate the sound development of Pasig City in accordance with the city development plan and the national development plan, it is hereby declared to be the policy of the City of Pasig to encourage new investments or expansions / diversification in' business activities in realty development, banking, garments, tourism, information technology, footwear, bulky housewares, kitchenwares, call centers, glass and other development areas of investments as may be determined from time to time, which will provide employment opportunities, generate revenues, raise the standard of living of the people of Pasig City, and provide for an equitable distribution of wealth.

The City of Pasig welcomes and encourages domestic and foreign capital to establish enterprises that would utilize substantial amount of labor, raw materials and natural resources of the City.

It is further declared to be the policy of the City to promote the establishment and operation of non-government organizations to serve as active partners in achieving local autonomy.

CHAPTER II. PASIG CITY INVESTMENT INCENTIVE BOARD

SECTION 3. The Pasig City Investment Incentive Board. - There is hereby created a Pasig City Investment Incentive Board (PCIIB) to implement the provisions of this Code.

SECTION 4. Composition of the Board. - The Board shall be composed of the following:



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- The City Mayor, as Chairperson;
- The City Vice-Mayor, as Vice-Chairperson;
- The City Administrator;
- The City Planning and Development Coordinator;
- The City Treasurer
- The Chairperson of the SP Committee on Trade, Commerce and Industry;
- The Chairperson of the SP Committee on Finance, Ways and Means;
- The Chairperson of the SP Committee on Public Works;
- The Provincial Director of the Department of Trade and Industry (DTI), NCR;
- The President of the Pasig City Chamber of Commerce and Industry (PCCCI);
- The Chairperson of the Ortigas Center Association Inc. (OCAI);
- The President/Chief Executive Officer of MERALCO
- The President/Chief Executive Officer of Ortigas Partnership Ltd.
- The Chairman of the Pasig Tourism Council (PATC);
- The President of Pasig City Chamber of Commerce and Industry
- The President of the Cooperative Federation of Pasig City;
- The Private Sector Representative to be appointed by the City Mayor, for a term of two (2) years
- The Pasig City Business Center shall serve as the Technical Secretariat of the Board.
- The membership of the Board may be increased by the Mayor upon recommendation of the Board as it deems necessary for the effective implementation of the provisions of the Code.

(Plants R. J. Berto)

SECTION 5. Meetings and Quorum of the Board.- The Board shall meet at least once every quarter or as often as may be necessary, on such a day and time as it may fix. The presence of at least a majority of its members shall constitute a quorum and a majority of the quorum of a meeting, validly held, shall be required for the Board to exercise its powers and perform its functions.

SECTION 6. Powers and Functions of the Board. – The primary function of the Board shall be to establish a favorable and stable policy on business climate which will encourage and support private sector investment and in the operation of business activities consistent with the development needs of Pasig City. Pursuant to this, the Board shall be vested with the following powers:



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To promulgate the governing Implementing Rules and Regulations in the implementation of the provisions of this Code, subject to the approval of the City Mayor;

To commission economic and technical research for the purpose of identifying priority investment areas and/or activities to be promoted as well as appropriate incentives and support measures which should be extended to new investors, to attract investors into these areas and/or activities;

To adopt a short and medium-term investment promotion program, which shall specify the list of priority investment areas and activities and corresponding incentives and support measures to be used to attract targeted investors;

To designate the Pasig City Business Center to act as the Secretariat and to consequently supervise the same in its operations specifically in the implementation of the provisions of this Code;

To secure additional funding and other resources to supplement the budgetary support provided by the Pasig City Government for the operation of the Secretariat in its implementation of the Code; and

To enlist the assistance of local government offices, national agencies and private sector organizations, as may be necessary, useful and incidental to the effective and efficient implementation of this ordinance.

To establish trade and investment liaison offices in places to be determined by the Board as may be necessary to promote the City's business climate; and,

Such other powers and functions which are necessary and incidental to the exercise and performance of the aforesaid functions.

SECTION 6-A. Pasig City Business Center (The Center). - The Pasig Business Center shall also be known as the Pasig City Investment Promotions Center, which shall be staffed by one (1) Economist IV, three (3) Economist III, one (1) Economist II, one (1) Economist I, and one (1) Economic Researcher. Pasig Business Center is hereby renamed as Pasig City Investment Promotion Center.

(Glenn R.) Benda



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The Center shall be attached as a regular division of the Office of the City Planning and Development Office.

SECTION 6-B. Powers and Duties of the Center. – The Center shall act as the Technical Secretariat of the Board, which shall implement its policies and guidelines, and shall specifically perform the following duties:

Accept, process and evaluate applications for registration for availment of local incentives and submit recommendations for action by the Board;

Provide the necessary support services to investors as guaranteed under the Code;

Establish and maintain networking relations with other offices and agencies whenever appropriate and necessary;

Collate, analyze and compile pertinent data and information and conduct studies concerning areas that have been or may be declared as "preferred/priority areas of Investments" by the Board;

Recommend to the Board modifications/amendments to existing legislations and procedures on local investments when the need warrants;

Prepare agenda for meetings of the Board and submit for the latter's consideration and approval the policies and measures which are deemed necessary to carry out the provisions of the Code;

Submit annual reports to the Board about its activities relative to the implementation of the Code within 60 days after the close of each calendar year; and

Perform such other functions that are necessary and incidental for the effective implementation of the Code.

Orlando R. Borja



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SECTION 6-C. Technical Functions of the Center. – The Technical and Support Services Staff shall have the corresponding functions, viz.:

INVESTOR ASSISTANCE AND SERVICING. Assist prospective investors by providing assistance, among others:

One-stop documentation services (facilitating business permits, licenses, incentive availment); Investment counseling; and Brokering and business matching.

INVESTMENT AND TRADE PROMOTION AND GENERATION. Handle promotional activities that will directly influence infusion of investments and influx of trade and tourism, such as:

- Trade and investment missions;
- Investment for seminars;
- Direct investment marketing;
- Trade fairs and exhibits;
- Investment briefings/orientations;
- Setting-up of a showroom/exhibition area;
- Promo collaterals preparation and dissemination.

INFORMATION MANAGEMENT AND DEVELOPMENT. – In the area of information and development, shall:

- Handle data generation, processing and packaging;
- Handle data storage and retrieval;
- Support direct investor servicing through operation of an on-line information assistance desk;
- Review existing incentives and prepare recommendations and/or policy papers for its improvement;
- Prepare project profiles, pre-investment studies, viability and feasibility, industry profiles and stationers.

SECTION 6-D. Reporting. – The City Planning and Development Officer shall report to the Board matters affecting the plans, programs and performance of the Center.

CHAPTER III. DEFINITION OF TERMS

SECTION 7. Definition of Terms. – When used under this Code, the following terms and phrases shall mean as follows:

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“Board” shall refer to the Pasig City Investment Incentive Board created under this Code.

“City” shall refer to the City of Pasig covering all the areas within its territorial jurisdiction as provided for by law and its charter.

“Code” shall refer to the Pasig City Investment Incentive Code of 2013.

“Existing establishments/enterprises” shall refer to those establishments/enterprises whose places of operation or production are located within the territorial jurisdiction of Pasig City.

“Local Personnel/Worker” shall refer to those workers or personnel who are bonafide residents of Pasig City.

“New investors/enterprises” shall refer to those prospective investors who have not engaged in any kind or type of business in Pasig City and is interested in establishing its places of operation or production in the City.

“Preferred Areas of Investment” shall mean the economic activities that the Board shall have approved and declared as such after a thorough study and evaluation.

“Registered Enterprises” shall mean those enterprises/businesses registered in accordance with the provisions of this Code.

**CHAPTER IV. PRIORITY INVESTMENT AREAS/ACTIVITIES
AND APPROPRIATE INCENTIVES AND SUPPORT MEASURES**

SECTION 8. Priority Investment Areas. – A list of priority areas and activities to be promoted to targeted investors shall be drawn up by the Board, based on findings and recommendations of economic and technical research commissioned for the purpose, and in consultation with the Advisory Committee and other government and private sector leaders of Pasig City. The Board shall adopt the list for implementation under the Pasig City Investment Program upon the concurrence of the Sangguniang Panlungsod.



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SECTION 9. Appropriate Incentives and Support Measures. – The Board shall identify and recommend for the approval of the Sangguniang Panlungsod appropriate incentives and support measures which it shall be willing to extend to targeted investors, to promote priority investment areas and activities.

SECTION 10. Effectivity of Appropriate Incentives and Support Measures. The Board shall review the package of appropriate incentives and support measures every three (3) years, provided that the Board may remove an area or activity from the list, at any point, when it deems that sufficient investments in the areas of activity have been attained and where continued extension of incentives or support measures for the expansion of the said area or activity may place the interest of the City and the public in adverse position. The Board may also remove an investment area or activity from the list where it is convinced that investments in such areas or activities in Pasig City cannot be attracted within reasonable cost or may result in unfavorable business climate.

CHAPTER V. REGISTRATION OF ENTERPRISES

SECTION 11. Qualifications of a New Enterprise. – New investors who intend to avail of the incentives provided in this Code must meet the following qualifications:

That the business enterprise must have complied with all the requirements mandated under existing local and national laws and the Constitution;

That the prospective investor's place of operation or production be located within the territorial jurisdiction of Pasig City;

That the prospective investors must engage in activities in preferred areas of investments as may hereafter be declared by the Board;

The new enterprise must have a capitalization of at least Three Million Pesos (P3,000,000.00) but not more than Fifteen Million Pesos (P15,000,000.00) in case of a small-scale enterprise; at least Fifteen Million Pesos (P15,000,000.00) but not more than One Hundred Million Pesos (P100,000,000.00) in case of a medium-scale enterprise; and more than One Hundred Million Pesos (P100,000,000.00) in case of a large industry; Provided,

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that the amount of capitalization shall be based on the total project cost as stated in the investor's study submitted to and approved by the Board; and

That the new enterprise will provide out of the labor force an employment of no less than ten (10) persons in case of a small-scale enterprise; at least twenty (20) persons in case of a medium-scale enterprise; and at least one hundred (100) persons in case of a large industry who are bonafide residents of Pasig City.

SECTION 12. Qualifications of an Existing Enterprise. – An existing enterprise may avail of this Code provided that it meets the following requirements:

That the business enterprise must have complied with all the requirements mandated under existing local and national laws and the Constitution;

That the expansion/diversification must engage in activities mentioned in Section 2 hereof or in other preferred areas of investments as may hereafter be declared by the Board;

That the existing enterprise whose place of operation or production is already located within the territorial jurisdiction of Pasig City, but which will undertake any of the following activities/projects:

- i) Relocate its principal office from other places in the Philippines to Pasig City; or
- ii) Expand its existing production capacity or construct new buildings and other civil works for the installation of new machinery and equipment or improvements thereof which will result in an increase in production capacity.

That the expansion/diversification shall have a capitalization of at least Three Million Pesos (Php 3,000,000) but not more than Fifteen Million Pesos (Php 15,000,000) in case of a small scale enterprise; at least Fifteen Million Pesos (Php 15,000,000) but not more than One Hundred Million Pesos (Php 100,000,000) in case of a medium scale enterprise; and more than One Hundred Million Pesos (Php 100,000,000) in case of a large industry;

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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;

That the expansion/diversification shall provide out of the labor force an employment of no less than ten (10) persons in case of a small-scale enterprise; at least twenty (20) persons in case of a medium-scale enterprise; and at least one hundred (100) persons in case of a large industry, who are bona fide residents of Pasig City.

SECTION 13. Application Requirements. – Application shall be filed with the Board, recorded in a registration book and the date appearing therein and stamped on the application shall be considered the date of official receipt thereof.

A non-refundable filing fee shall be paid together with the following documents for registration:

Three (3) copies of completed application form to be provided for by the Board in accordance with the provisions of this Code;

A copy of the complete project study of the proposed investment showing the project is economically, technically, and financially feasible and viable;

A copy of its Articles of Incorporation and By-laws as approved by the Securities and Exchange Commission, and the Board of Investments, as the case may be;

A certified true copy of its Certificate of Registration with the Securities and Exchange Commission, the Board of Investments, and the Department of Trade and Industry, as the case may be; and

Resolution of the applicant's Board of Directors, in case of a corporation, authorizing the filing of application.

SECTION 14. Approval and Registration Procedures. – The Board is authorized to adopt rules and regulations to facilitate action on applications filed with it; prescribe criteria for the evaluation of several applications filed in one preferred area; and devise standard forms for use of applicants.



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SECTION 15. Certificate of Registration. – A registered enterprise under this Code shall be issued a Certificate of Registration with the signature of its Chairman and/or such other officer of the Board as it may empower and designate for the purpose. The Certificate of Registration shall be in such form and style as the board may determine.

CHAPTER VI. RIGHTS AND PRIVILEGES

SECTION 16. Rights and Privileges. – All investors and registered enterprises are entitled to the rights and guarantees provided by law and the Constitution. In addition to such rights and guarantees, and to enhance investors confidence in the incentives program, the City Government, thru the Pasig City Investment Incentive Board, shall:

Provide, a concise and comprehensive information to prospective investors on the economic priorities of the City Government, including target investment areas and the general conditions applicable to incoming direct private investments;

Communicate investment evaluation criteria and procedures to enhance transparency in the process of granting government incentives;

Take the fullest possible account of the need of the investors for stability, growth and profit in their operations in the formulation or modification of policies and ordinances that effect investments;

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;

Avoid undue distortion of competition between or among enterprises operating within its territorial jurisdiction, whether domestic or foreign, when granting any special exemptions or incentives aimed at encouraging investments in the identified target areas;

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In accordance with law and where no local personnel or worker is capable and available, allow the employment of qualified foreign personnel where this is necessary for the efficient operation of the enterprises or for technology transfer; and, resolve all doubts concerning the benefits and incentives granted under the ordinance enacted for the purpose of encouraging investments, in favor of the investors.

CHAPTER VII. INCENTIVES TO REGISTERED ENTERPRISES

SECTION 17. Tax Incentives to Registered Enterprises. - In addition to the incentives provided under Republic Act 7160, otherwise known as The Local Government Code of 1991, Republic Act 7916 known as The Special Economic Zone Act of 1995, Executive Order No. 226 known as Omnibus Investments Code of 1987, Republic Act 9593 known as the Tourism Act of 2009, Revenue Code of Pasig series of 1992 as amended, and other pertinent laws, a registered enterprise under this Code shall enjoy the following tax incentives:

- a) Tax credit equivalent to ten percent (10%) of the total cost of approved infrastructure project to be deducted from the future real property tax liability of the registered enterprise within a period of two (2) years starting from the date of the expiration of the tax exemption of the registered enterprise; provided, that said infrastructure project shall be open for public use; and,
- b) Exemption of thirty percent (30%) from the real property tax imposed under Ordinance No 25 Series Of 1992, otherwise known as the Pasig Revenue Code, for registered enterprises for a period of two (2) years from start of commercial operation; provided, that the tax exemption shall exclude the share of the barangay.

Section 18. Non-Fiscal Incentives. - Registered enterprises and investors shall be granted the following non-fiscal incentives:

- a) Provision of a one-stop business registration center for simplified procedures;
- b) Consistent support for industrial peace;
- c) Assistance in labor recruitment and mediation; and,
- d) Other non-fiscal incentives as may be determined by the Board.



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CHAPTER VIII. APPROPRIATIONS

SECTION 19. Appropriations. – To defray the expenses for personal services (P.S.), monthly operating and overhead expenses (MOOE) and capital/equipment outlay necessary for the implementation of the provisions of this Ordinance, funds shall be sourced thru a Supplemental Budget from the General Fund for CY 2014. Appropriations for the succeeding years shall be included in the regular Annual Budget, upon the recommendation of the Board.

CHAPTER IX. FINAL PROVISIONS

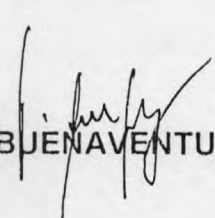
SECTION 20. Penal Clause. – Any violation of the provisions of this Code, existing laws, ordinances, rules and regulations, shall be ground for the cancellation or revocation of the registration of the business and the withdrawal of all the incentives granted under this Code.

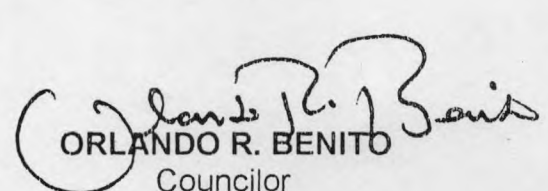
SECTION 21. Separability Clause. – The provisions of this Code are hereby declared to be separable and in the event that one or more of the other provisions are held illegal or unconstitutional, the validity of the other provisions shall not be affected.


SECTION 22. Repealing Clause. – Ordinances, executive orders and other local legislation inconsistent with this Ordinance are hereby modified or repealed accordingly.


SECTION 23. Effectivity. – This Ordinance shall take effect immediately upon its approval.

APPROVED, this 19th day of **December 2013** at Pasig City.


 REYNALDO R. SAN BUENAVENTURA III
 Councilor


 ORLANDO R. BENITO
 Councilor


 AUGUSTIN ALEXEE C. SANTIAGO
 Councilor


 REYNALDO F. RAYMUNDO
 Councilor

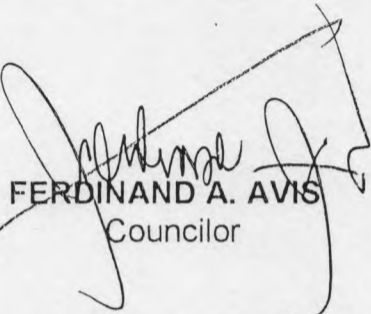


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FERDINAND A. AVIS
Councilor



CHARMIE Q. BENAVIDES
Councilor



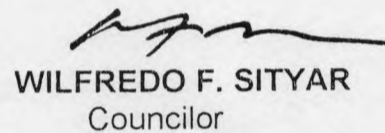
GREGORIO P. RUPISAN JR.
Councilor



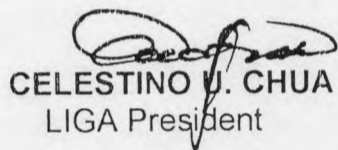
ROSALIO D. MARTIRES
Councilor



RHICHIE GERARD T. BROWN
Councilor

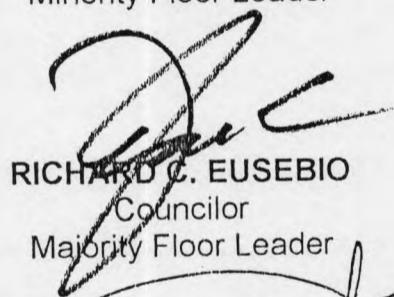


WILFREDO F. SITYAR
Councilor



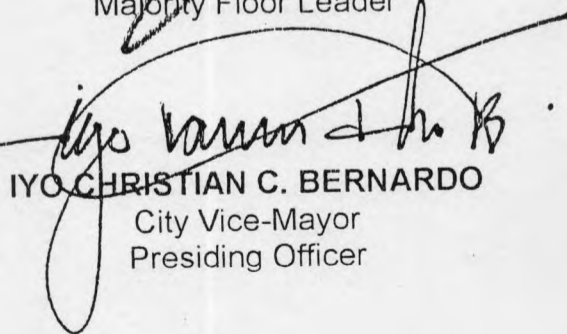
CELESTINO U. CHUA
LIGA President

CHRISTIAN G. SIA
Councilor
Minority Floor Leader



RICHARD C. EUSEBIO
Councilor
Majority Floor Leader

Attested by:



IYO CHRISTIAN C. BERNARDO
City Vice-Mayor
Presiding Officer

(Plants & Soil)




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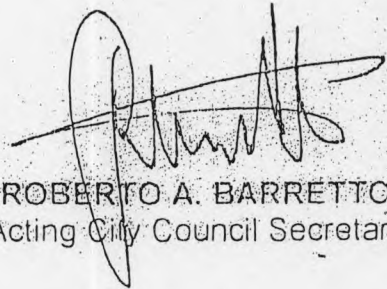
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APPROVED:


 MARIA BELEN A. EUSEBIO
 City Mayor

Attested by:


 ROBERTO A. BARRETTO
 Acting City Council Secretary