EXCERPT TAKEN FROM THE JOURNAL OF THE REGULAR SESSION OF THE
SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON
JANUARY 30, 2017.

PRESENT:

Vice Mayor Jose Antonio Miguel Y. Perez - Presiding Officer
Councilor Apolonia G. Bacay - Presiding Officer Pro-Tempore
Councilor Rufina J. Gabriel - Majority Floor Leader
Councilor Joselito O. Fontelera - Member
Councilor Alfred Felix E. de Castro - Member
Councilor Perlitro V. Rabago - Member
Councilor Cirilo B. Radoc - Member
Councilor Froebel A. Ranoy - Ex-Officio Member
LBP Raul B. Bacay

ABSENT:

Councilor Margielou Orange Humilde-Verzosa, DPA - On official travel
Councilor Carolyn D. Sison - On official travel
Councilor Rany S. de Leon - On leave

ORDINANCE NO. 2017-04

AN ORDINANCE ENACTING THE REVISED INVESTMENTS AND
INCENTIVES CODE OF THE CITY OF ALAMINOS, PANGASINAN

Sponsor: Councilor Cirilo B. Radoc

WHEREAS, the Investments and Incentives Code articulates the Local Government
Unit-Alaminos City's investment policies and programs, Investments Priority Areas (IPAs),
local incentives available to domestic and foreign investors and mechanics for availing them;

WHEREAS, the Alaminos City Investments and Incentives Code was enacted on
October 13, 2006 making some of its provisions no longer applicable to present day
decision;

WHEREAS, the revision of the Investments Code aims to draw more local and
foreign investments especially in priority areas or industries for development and to speed
economic progress, provide employment opportunities, increase revenues, reduce poverty
and improve the quality of life of both women and men in the most proactive way;

WHEREFORE, premises considered, and on motion of Councilor Cirilo B. Radoc,
duly seconded by Councilor Rufina J. Gabriel

BE IT ENACTED as it is hereby ENACTED by the Sangguniang Panlungsod of
the City of Alaminos, Pangasinan in session duly assembled that:

CHAPTER I
TITLE AND DECLARATION OF POLICY

SECTION 1. Title - This ordinance shall be known and cited as the "REVISED
INVESTMENTS AND INCENTIVES CODE OF THE CITY OF ALAMINOS,
PANGASINAN"
SECTION 2. Declaration of Investment Policy

The Local Government Unit of the City of Alaminos, Pangasinan hereby sets the following policy guidelines for investments in the City:

- Incentives to be established shall be fair, clear, time-bound, and consistent with national laws to ensure a level playing field on investments in the city;
- The incentives shall support and promote the development vision of the City of Alaminos as expressed in the Comprehensive Development and Land Use Plans;
- Industries/businesses to be set up in the city shall minimize adverse impacts and enhance positive effects on the environment, by undertaking business practices that adhere to the country’s environmental laws such as efficient solid waste or pollution management and reduction of greenhouse gas emissions which contribute to the reduction of climate change by adopting appropriate measures for disaster risk management, among others.
- Encourage the efficient use of natural resources to conserve and protect especially those indigenous to the locality.
- Treat their employees and contractors fairly, respect their dignity, well-being and comply with labor laws and other legislations.
- Ensure safe and healthy working conditions for employees and shall safeguard those affected by the business by producing healthy and safe products, among others.
- Provide opportunities and protection for women, children, disabled and indigenous people and contribute to improve quality of life through corporate social responsibility programs.

CHAPTER II

DEFINITION OF TERMS - For the purpose of this Code the following shall be defined as:

a. "BOARD" shall refer to the Alaminos City Investment and Incentives Board created under the Alaminos City Investments and Incentives Code.

b. "CAPITALIZATION" shall mean the total project cost.

c. "CENTER" shall mean the Alaminos City Investment and Marketing Center/Section, which is the unit that shall act as the technical secretariat of the Board in the implementation of this Code.

d. "CITY" shall mean the City of Alaminos covering all areas within its territorial jurisdictions provided for by law and its charter.

e. "CODE" shall refer to the Alaminos City Revised Investment and Incentives Code.

f. "EXISTING ESTABLISHMENTS/ENTERPRISES" refer to those establishments/enterprises whose places of operation or production are presently located within the territorial jurisdiction of the City of Alaminos.

g. "LOCAL PERSONNEL/WORKER" refers to those workers or personnel who are residents of Alaminos City for at least six (6) months wherein proof residency is the presentation of a Barangay Clearance from the barangays where he/she resides.

h. "NEW INVESTORS/ENTERPRISE" refers to those who intend to venture into new project(s) in the city with interests in establishing their place of operation or production within the territorial jurisdiction of Alaminos City.
i. "PREFERRED /PRIORITY INVESTMENT AREAS" refer to the economic activities cited under Chapter V of this ordinance and those areas which the Board may subsequently recommend and approve by the Sangguniang Panlungsdon.

j. "PROJECT STUDY" refers to a Project Profile which present, among others highlights of the financial and the socio-economic impact of the project.

k. "REGISTERED ENTERPRISE" refers to those enterprises/business registered in accordance with the provision of the Code.

l. "New Projects" refer to a project/activity listed in the IPAs that has not started commercial operation undertaken by:
   1. A newly organized/formed enterprise; or
   2. An existing enterprise that shall engage in an entirely distinct and different activity from its existing business operations; or the same activity provided it shall establish a new facility in an area not contiguous to the premises of its existing project and with new investments.

m. "Expansion Projects" shall mean installation of additional facilities/equipment that will result in increase in production capacity of the same product line within the same existing plant/facilities of the enterprise.

n. "Modernization Project" shall, in general, mean modernization must result in any of the following:
   1. At least 25% substantial reduction of production cost/provision of the service; or
   2. Upgrading of product/service quality or classification of the facility (e.g., hospitals, hotels, resorts) to a higher class.

o. "Existing Project" shall refer to a project of an existing enterprise that has started commercial operation at the time of application with the Board that does not qualify as new expansion or modernization project.

p. "Biodiversity (BD)-Friendly Businesses" refer to those investments that either directly or indirectly support the protection of the flora and fauna species and other natural resources conservation initiatives and activities. These types of businesses should incorporate biodiversity relevant knowledge and technical resources management and development processes and practices that enhance BD resource conservation to include those businesses that directly or indirectly support BD (i.e. use of indigenous species, protection of flora and fauna and the like).

q. The National Economic Development Authority (NEDA) defines MSMEs in terms of capitalization as follows:
   - Micro - below Php 3 Million
   - Small - Php 3 Million - 15 Million
   - Medium - Php 15 Million - not more than 100 Million
   - Large - Over Php 100 Million

CHAPTER III

ALAMINOS CITY INVESTMENTS AND INCENTIVES BOARD

Section 1. Creation - The Alaminos City Investment and Incentives Board (ACIIB) is hereby created to implement the provisions of this Code.

Section 2. Composition - The Alaminos City Investments and Incentives Board shall be composed of the following:
Chairman - The City Mayor  
Vice-Chairman - The City Vice Mayor  
Members:  

a. The City Planning and Development Coordinator;  
b. The City Tourism Officer;  
c. The City Agriculturist;  
d. The Sanggunian Chairperson of the Committee on Trade, Commerce and Industry  
e. The Sanggunian Chairperson of the Committee on Ways and Means;  
f. Civil Society Organization/People’s Organization of significant business/industry in the locality to be appointed by the Local Chief Executive, for a term of two (2) years, duly accredited by the Sanggunian

The LGU may invite representatives from National Government Agencies (NGAs) and other relevant stakeholders into the ACIIIC or as resource persons/advisers.

Section 3. Meetings and Quorum of the Board - The Board shall meet once every quarter or as often as necessary, on such a day and time as it may fix. The presence of at least a majority of all the members shall constitute a quorum. All decisions and policies acted upon by at least the majority of the members present during the meeting, there being a quorum, shall be considered valid.

Section 4. Powers and Functions of the Board - The primary function of the Board is to establish a favorable and a stable policy on business climate which will encourage and support private sector investment and in the operation of business activities. Pursuant to this, the Board is generally vested with the following powers:

a. Promulgate the Implementing Rules and Regulations (IRR) of the ACIIIC;  
b. Recommend to the Sanggunian any amendments on the Code;  
c. Adopt an investments promotion program;  
d. Periodically review Investment Priority Areas (IPAs) eligible for incentives;  
e. Act on applications for registration of projects and availment of local incentives;  
f. Supervise the operations of the IPC;  
g. Establish cooperative undertakings with other LGUs, the private sector, NGOs or other institutions as may be necessary;  
h. 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 the ACIIIC;  
i. Establish trade and investment satellite offices in such other places as may be necessary to effectively carry out its mandates; and  
j. Perform such other tasks necessary and incidental to the exercise and performance of their functions.

Section 5. Powers and Functions of the Chairperson - The Chairman of the Board shall have the following powers and duties:

a. To preside over the regular and special meetings of the Committee;  
b. To sign the Certificate of Registration in accordance with the rules and regulations of this Code;  
c. Generally, to exercise such other powers and perform such other duties as may be necessary to carry out the objectives of this Code.
Section 6. Powers and Functions of the Vice Chairperson - The Vice-Chairman of the Board shall have the following powers and duties:

a. To preside over the regular and special meetings of the Committee in the absence of the Chairperson; and
b. To perform such other duties and functions as may be necessary for and in behalf of the latter.

Section 7. Visitorial Power of the Board - The Board or any duly authorized member thereof, shall be empowered and authorized to conduct an ocular inspection of the premises or examination of the business activity of any enterprise, including the records and books of any enterprise, registered or applying for registration at any reasonable time of the day, during office hours, for verification or ascertaining the enterprise’s compliance with the provisions of the Code, or when the Board deems it necessary or incidental to the effective exercise and performance of their respective functions and powers.

CHAPTER IV
ALAMINOS CITY INVESTMENTS AND MARKETING CENTER/SECTION

Section 1. Alaminos City Investment and Marketing Center/Section - The Alaminos City Investment and Marketing Center/Section is mandated to carry out the objectives of this Code and shall be staffed by one (1) Economist IV and one (1) Administrative Aide II.

The Center/Section shall be attached as a regular division under the Office of the City Mayor.

SECTION 2. Powers and Duties of Alaminos City Investment and Marketing Center/Section. The Center/Section shall act as the Technical Secretariat of the Board, and shall implement its policies and guidelines and shall specifically perform the following duties:

a. Accept, process, and evaluate applications for registration for availment of local incentives, and submit recommendations to the Board for final action.
b. Provide the necessary support services to investors as guaranteed under the Code;
c. Establish and maintain networking services with other offices and agencies whenever appropriate and necessary.
d. 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;
e. Recommend to the Board any modifications/amendments to existing legislation and procedures on local investments;
f. Prepare agenda for meetings of the Board, and submit for the latter’s consideration and approval of the policies and measures which are deemed necessary to carry out the provisions of the Code;
g. Submit Annual Reports to the Board about the activities relative to the implementation of the Code within sixty (60) days after close of each calendar year; and
h. Perform such other functions that are necessary and incidental for effective implementation of this Code.
SECTION 4. Technical Functions Of The Center /Section- The Technical and Support Services Staff shall have the corresponding functions:

1. **Investor Assistance And Servicing** - Assist prospective Investors by providing assistance, among others;
   a. One-stop documentation services (facilitating business permits, licenses, incentive availment);
   b. Investment Counseling; and
   c. Brokering and Business matching

2. **Investment And Trade Promotion And Generation** - Handle promotional activities that will directly influence infusion of investments and influx or trade and tourism, such as:
   a. Trade and investment missions;
   b. Investment for seminars;
   c. Direct investment marketing;
   d. Trade fairs and exhibits;
   e. Investment briefings/orientation;
   f. Setting-up of a showroom/exhibitional area; and
   g. Promo collateral preparation and dissemination.

3. **Information Managements And Development** - In the area of information and development shall;
   a. Handle data generation, processing and packaging;
   b. Handle data storage and retrieval;
   c. Support direct investor servicing through operation of an on-time information assistance desk;
   d. Review existing incentives and prepare recommendation and/or policy papers for its improvement; and
   e. Prepare projects profiles, pre-investment studies, viability and feasibility industry profiles and situationer.

**CHAPTER V**
Preferred Investments Priority Areas (IPAs)

**Preferred Investment Priority Areas** - Incentives shall be provided to new and expanding enterprises in the following Preferred Priority Investment areas, to wit:

1. Agri-business Sectors such as but not limited to:
   a. Vacuum, Dehydrated and Spray-dried Fruit Processing;
   b. Canned Specialty Vegetables;
   c. Extruded Snack Food;
   d. Cut flower Production, Silk Production, Organic Fertilizer Production, Certified Seed Production, Corn/Feed mill.

2. Tourism Facilities such as but not limited to:
   a. Mid-range Business Hotels;
   b. Beach and Mountain Resort;
   c. Theme Parks, Restaurants and Marina

3. Transshipments Facilities such as but not limited to:
   a. Port Infrastructure;
   b. Common Bonded Warehouses

4. Miscellaneous Light Manufacturing Activities such as but not limited to:
   a. Garments;
   b. Footwear;
   c. Bulky House wares;
d. Toys
5. Property Development such as but not limited to;
   a. Private Industrial Estates;
   b. Commercial/Office Buildings;
   c. Residential Area Development;
   d. Convention Center Establishment
6. Branches of Foreign Banks;
7. Telecommunications;
8. Environmental Protection and Enhancement Projects;
9. Establishment of Medical, Education, Training, and Sport Facilities;
10. Establishment of IT-outsourcing service facilities for medical transcription, legal transcription, graphic designs, systems development and other IT allied services;
11. Establishment of Malls.
   A periodic review of the IPAs should be undertaken every two (2) years.
   
   For purposes of inclusion of additional areas in the list of IPAs:
   - Number of local residents to be employed by the enterprise
   - High degree of value added features
   - Creation of linkages with local industries such as joint ventures with local investors
   - Projects of historical or cultural value such as restoration of historical buildings, cultural revivals, etc. in accordance with the program for historical or cultural revival of the locality

   For purposes of exclusion from the current list of IPAs:
   - Sufficient investments in the area has been attained;
   - Continued extension of incentives is no longer to the interest and benefit of the locality;
   - The investment area or activity cannot attract investors within a reasonable time and cost may result in unfavorable business climate; and;
   - Lack of progress in the implementation of an environmental management plan.

CHAPTER VI
REGISTRATION

Section 1. Pre-Qualification Requirements - For purposes of application for registration and availing of incentives under this Code, the following qualifications must be complied with:

   a. The enterprise must have complied with all the requirements mandated under existing laws, rules and regulations for doing business in the Philippines;
   b. The activity engaged in must be listed in the IPAs of LGU-Alaminos City, Pangasinan;
   c. The place of operation or production be located within the territorial jurisdiction of Alaminos City, Pangasinan;
   d. Fifty Percent (50%) of its workforce must be bonafide residents of the City of Alaminos, Pangasinan, giving equal opportunities for men, women, the poor, indigenous people and the physically handicapped;
   e. Project must have safeguards against pollution or resource use is necessary.
Section 2. Types of Projects for Registration
   a. New Projects
   b. Expansion Projects
   c. Modernization Projects
   d. Diversification Projects

Section 3. Documentary Requirements
   a. Single Proprietorship
      • Copy of Business Name Registration issued by the Department of Trade and Industry (DTI);
      • Copy of Audited Financial Statements (if existing);
      • Copy of completed application form for registration under the LIIC; and
      • Such other documents that may be required by the LGU to be submitted.
   
   b. For Partnership / Corporation
      • Copy of the Articles of Partnership or Incorporation;
      • Certified true copy of its Certificate of Registration issued by the Securities and Exchange Commission (SEC), for Corporation / Partnership;
      • Resolution of the applicant's Board of Directors, in case of a Corporation authorizing the filing of application;
      • Copy of Audited Financial Statements (if existing);
      • Certificate (ECC) or Non Compliance Certificate (NCC), if applicable;
      • Copy of completed application form for registration under the LIIC; and
      • Such other documents that may be required by the LGU to be submitted.
   
   c. For BOI Registered Enterprises
      • Certified true copy of the BOI Certificate of Registration;
      • Copy of the documents submitted to BOI pertaining to their registration;

Section 4. Registration Procedures
   a. Filing of Applications - All applications shall be filed with the Alaminos City Investments and Marketing Center/Section.
   b. Assessment of Documents - Client presents documents for check listing on its completeness and consistency of information.
   c. Date of Official Acceptance - Only complete application shall be officially accepted and registered in the Registration Book. Date stamped on the application shall be considered as the date of official acceptance of the application.
   d. Notice of filing of application in provincial, city, municipal or barangay hall shall suffice publication requirement.
   e. Order of Payment shall be issued for complete application for payment of the necessary fees.
   f. Evaluation/Approval of Application - Once an application is officially accepted, the project will be evaluated by the IPC, which may conduct an ocular inspection at the premises of the business, if necessary. The evaluation of the application shall be presented for the action of the Board. If the application is approved, the Investments and Marketing Center/Section shall notify the applicant and inform the Treasurer/s and the Assessor/s of such approval, guidance and appropriate action. If the application is denied, the Investments and Marketing Center/Section shall inform the applicant in writing. In both cases, a Board Resolution shall be entered in the minutes of the meeting of the Board.
g. **Processing Time** - Applications shall only be deemed officially accepted upon submission of complete requirements to the Center/Section. Application for incentives shall be acted by the Center/Section within ten (10) working days from the official acceptance thereof and by the Chairman of the Board within an additional ten (10) working days. If and when the application is not acted upon within the stated period of a total of twenty (20) days, the application is deemed approved.

h. **Filing Fee** - A non-refundable filing fee shall be paid together with the required documents for registration:

- **P 10,000.00** - for enterprise with a capitalization of at least Three Million Pesos (Php 3-Million) up to Fifteen Million Pesos (Php 15-Million);
- **P 20,000.00** - for enterprise with a capitalization of more than Fifteen Million Pesos (Php 15-Million) up to One Hundred Million Pesos (Php 100-Million);
- **P 30,000.00** - for enterprise with a capitalization of more than One Hundred Million Pesos (Php 100-Million)

i. **Certificate of Registration** - Upon approval, an enterprise shall be issued a Certificate of Registration with the signature of the Chairman of the Board. It shall state among others, the following:

1. Name of the Registered Enterprise;
2. The Investment Priority Area (IPA) in which the registered enterprise will engage in; and
3. The incentives granted and period of its availment

**Section 5. No double availment** of incentives/benefits under different laws and/or programs.

**CHAPTER VII INCENTIVES**

**SECTION 1. Incentives to Registered Enterprises** - In addition to the Incentives provided by the City Government and the National government as well, an enterprise registered under the Code shall be fully exempted from the payment of:

1. Building Permit fees and other fees and charges;
2. Mayor’s permit fees, business sales taxes, other fees and charges within one (1) year from the start of commercial operations;
3. Exemption from the basic real property tax due the City, excluding the Barangay share for a period of one (1) year from the start of commercial operations.

**Section 2. Real Property Fiscal Incentive**

The period of fiscal incentive should be not more than one (1) year. The incentive shall pertain only to the share of the LGU-Alaminos City.
Section 3. Incentives to Regional or Area Headquarters (RHQ) or Regional Operating Headquarters under Article 66, Chapter IV of RA 8756 (Amended Book III of EO 226)

"Art. 66. Exemption From All Kinds of Local Taxes, Fees, or Charges. - The regional or area headquarters and regional operating headquarters of multinational companies shall be exempt from all kinds of local taxes, fees, or charges imposed by a local government unit except real property tax on land improvements and equipment".

Section 4. Green Incentives

Exemption from Payments for Environmental Services (PES) - Incentives for enterprises engaged in payments for environmental or ecosystem services with poor, marginalized communities or local governments for environmental protection and climate change adaptation. PES contributions may be in the form of direct technical and financial assistance on sustainable livelihood activities that will reduce the poor’s vulnerability to climate change, financing protection or rehabilitation of degraded ecosystems, and other environmental activities formally agreed on with concerned communities and local government units.

a. An enterprise availing of the green investment incentive shall file an application with the IPC regarding its intent to undertake a green/social activity, the location and the date. Said activity shall either be a regular activity or that can be completed within the timeframe approved by the ACIIB.

b. The IPC shall be in charge of issuing a certification that the registered enterprise is in its environmental services program, or has undertaken regular green and socially responsible activities and is qualified for the incentive.

c. After due verification of contributions to payments for environmental or ecosystem services program, urban greening and restoration, reforestation and planting of trees, and similar investments, the IPC shall issue a certification indicating the costs of such activities. Such certification shall be presented to the local treasurer concerned during the payment of the business tax to avail of the incentive.

d. This incentive is non-transferable. In case of a change of ownership of the enterprise, the incentives shall not be transferred to the new owner, but shall continue to be enjoyed by the original owner and applied to his new business enterprise, if any, provided that, the period of incentive shall expire within a given period from the date of application regardless of whether the owner availed of it or not. The new owner of the enterprise has the option to apply for green incentives, provided further that, the enterprise continues its green initiatives and complies with all the requirements to avail of the incentives.

e. Community infrastructure projects aligned with the development plan of the LGU of the City of Alaminos, Pangasinan

f. Such other projects or activities based on the development needs of the community where the project is located or identified under NAPC.
CHAPTER VIII
FINAL PROVISIONS

Section 1. Penal Clause. Any violation of the provision of the Code shall be a ground for the cancellation or revocation of the Certificate of Registration of the project/business. The cancellation or revocation of the Certificate of Registration shall mean the withdrawal of all the incentives granted under the Code; and all fees and charges previously exempted shall become due and demandable.

Section 2. Grounds for the Cancellation of the Certificate of Registration as follows:
   1. Violation of the provisions of the Code and such other violation of laws, rules and regulation or ordinances;
   2. Violation of the terms and conditions specified in the Certificate of Registration as may be promulgated by the Board;
   3. Material misrepresentation

Section 3. Appeal from the Decision of the Alaminos City Investments and Incentives Board - The applicant or business enterprise adversely affected by any decision of the Board relative to its cancellation/revocation of registration or the impositions of fines/penalties in accordance with this Code may file a motion for reconsideration within 15 days from receipt of the decision, otherwise the decision shall become final and executory.

Section 4. Refund and Penalties - In case of the cancellation of the Certificate of Registration, the Board shall require the refund of incentives availed of and pay a fine of Five Thousand Pesos (Php 5,000.00) or an imprisonment for a period not exceeding six(6) months, or both upon the discretion of the court.

CHAPTER X

Separability Clause. If, for any reason, any portion or provision, section or part of this Code is declared not valid by a Court of competent jurisdiction or suspended or revoked by the Sanggunian, such judgment shall not affect or impair the remaining portions, provisions, sections, or parts thereof which shall remain or continue to be in full force and effect.

CHAPTER XI

Repealing Clause. All ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of the Code, shall be considered repealed, amended or modified accordingly.

CHAPTER XII

Effectivity. The ordinance or the Local Investments and Incentives Code shall take effect immediately upon or after a specified period after its approval.
CHAPTER XIII

Implementing Rules And Regulations - The City Mayor, upon the recommendation of the Board, shall formulate Implementing Rules and Regulations necessary for the efficient and effective implementation of any and all provisions of this Code.

I HEREBY CERTIFY to the correctness of the foregoing ordinance consisting of twelve (12) pages including this page.

ATTESTED:

JOSE ANTONIO MIGUEL Y. PEREZ
City Vice Mayor/Presiding Officer

APOLODIO S. BACAY
Presiding Officer Pro-Tempore

RUFINA J. GABRIEL
Majority Floor Leader

JOSELITO O. FONTELERA
Member

ALFREDO FELIX E. DE CASTRO
Member

PERLITO V. RABAGO
Member

CIRILO B. RADOC
Member

FRIDEBEL A. RANOY
Member

RAUL B. BACAY, LBP
Ex-Officio Member

APPROVED BY:

ARTHUR F. CELESTE
City Mayor

Date