



Republic of the Philippines  
Province of La Union  
Municipality of Burgos  
**OFFICE OF THE SANGGUNIANG BAYAN**

1<sup>ST</sup> INDORSEMENT  
July 29, 2015

Respectfully forwarded to the Hon. Sangguniang Panlalawigan, Province of, La Union, the herein attached Municipal Ordinance No. 56, s, 2015 of the Sangguniang Bayan of Burgos, La Union, "An Ordinance Enacting the Municipal Investment and Incentive Code of the Municipality of Burgos, La Union." for their review and appropriate action.

BY AUTHORITY OF THE  
SANGGUNIANG BAYAN

MARYLENE F. FLORES  
Secretary to the Sanggunian



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OFFICE OF THE SANGGUNIANG  
PANLALAWIGAN


Republic of the Philippines: 67-29-15  
Province of La Union  
Municipality of Burgos  
OFFICE OF THE SANGGUNIANG BAYAN

### CERTIFICATION

TO THE HONORABLE  
SANGGUNIANG PANLALAWIGAN  
Province of La Union

THIS IS TO CERTIFY THAT Public Hearing regarding the Proposed Ordinance Enacting the Municipal Investment and Incentive Code of Burgos, La Union was, La Union was conducted last July 3, 2015.

Issued this 29th day of July 2015.

  
MARYLENE F. FLORES  
Secretary to the Sanggunian



Republic of the Philippines  
Province of La Union  
Municipality of Burgos  
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**OFFICE OF THE SANGGUNIANG BAYAN**

**MUNICIPAL ORDINANCE NO. 56 S. OF 2015**

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**ORDINANCE ENACTING THE MUNICIPAL INVESTMENT  
INCENTIVE CODE OF THE MUNICIPALITY OF BURGOS, LA  
UNION**  
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Sponsored by: Hon. Nestor O. Abansi

**EXPLANATORY NOTE**

Section 192 of the Local Government Code provides that the municipal government may, through an ordinance duly approved, grant tax exemptions, incentives or reliefs under such terms and conditions as the municipal government may deem necessary. Tax incentives attract investors and aim to create a friendlier and more favorable business climate to the municipality. There is also a need to develop markets for Burgos products to attain productivity and self efficiency. Considering the topography and location of Burgos, agribusiness and eco tourism are promising prospects.

There is a need, therefore, to promote the municipality as an investment destination having adequate power, water resources, free of urban congestion and pollution and easily accessible to markets. As a consequence, there would arise a multiplier effect in terms of job creation, improvement of the quality of life of the people and an equal distribution of wealth. It is for the foregoing reasons that the enactment of this ordinance is necessary.

**BURGOS INVESTMENT INCENTIVE CODE OF 2015**

**CHAPTER 1**

**Title, Declaration of Policy and Purpose**

Section 1. Short Title – This ordinance shall be known as the “ Burgos Investment Incentive Code of 2015”.

Section 2. Declaration of Policy – It is hereby declared a policy of the Municipal Government to attract investors, both local and foreign to invest in Burgos, La Union by providing incentives in order to increase the profitability of their projects and the competitiveness with other localities which are means for the development, income and employment generation of its people.

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OFFICE OF THE MAYOR  
BURGOS, LA UNION

Date: 1-27-15



Section 3. Purpose, Intent and Objectives – The purpose, intent and objectives of this Ordinance:

- a. To transform the municipality of Burgos into a highly developed agricultural and industrial – led economy in the Province of La Union;
- b. To promote the flow of investors, both foreign and local which would generate employment opportunities and provide backward and forward linkages among micro, small, medium, and large businesses or industries in the municipality, province and the countryside;
- c. To promote sustainable development of undeveloped and underdeveloped areas of the municipality without jeopardizing the environment and welfare of the next generation;
- d. To attract and encourage investments in priority areas such as agribusiness, eco tourism and other economic activities that will significantly contribute to the socio-economic development of the municipality;
- e. To make Burgos a very competitive municipality for investment development in terms of adequate human resources, accessible basic services for employees – employer needs, low crime incidence and extensive government support.

## CHAPTER 2 Definition of Terms

Section 4. Definition of Terms – For purposes of this Code, the following terms and definitions shall apply:

- a. "BOI" refers to Board of Investment under Executive Order No. 226 or the omnibus Investment Code.
- b. "BIProc" refers to the Burgos Investments Promotion Center that serves as the Secretariat and implementing arm of the Board;
- c. "Board" refers to the Local Investment Board.
- d. "Capitalization" refers to total project cost.
- e. "Code" refers to the Burgos Investments and Incentives Code of 2014.
- f. "Existing Firms" refers to those firms whose places of operation are presently located in Burgos.

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- g. "Expansion Projects" include modernization and rehabilitation and shall mean an increase of the existing volume or value of production or upgrading the quality of product and efficient utilization of idle equipment under such guidelines as the Board may adopt;
- h. "Fiscal Incentives" are annual incentives granted through the recommendation of the Board in terms of monetary values.
- i. "Firms under Diversification" refers to existing firms that are investing in other products or services.
- j. "Foreign Investment" refers to the equity investment owned by a non - Philippine national.
- k. "New Investor/Enterprise" shall refer to investors or enterprises that have not or are not currently engaged in any kind or type of business in Burgos, La Union but intend to or actually establish their place of operation in Burgos, La Union;
- l. "Non-Fiscal Incentives" refers to the annual incentives other than monetary values that may be enjoyed by a business based on the recommendation of the Board.
- m. "Preferred Areas of Investment" refers to economic activities or sectors declared as priority investment areas by the Board in consultation with other sectors.
- n. "Project Study" refers to the profile of the project which presents its marketing, technical, financial and socioeconomic aspects.
- o. "RA 7718" refers to the Build-Operate-Transfer Law or BOT Law enacted on May 5, 1994.
- p. "RA 7916" refers to Special Economic Zone of 1995.
- q. "RA 7844" refers to the Export Development Act of 1991.
- r. "RA 7160" refers to the Local Government Code of 1991.
- s. "Registered Enterprise" refers to any individual, partnership, cooperative, corporation or other entity incorporated and/or registered with the Board of Investment (BOI) or any governing body.

### CHAPTER 3 The Local Investment Board

Section 5. Local Investment Board – There shall be created a Local

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Investment Board (LIB) for the purpose of overseeing the implementation of this Code.

Section 6. Composition of the Local Investment Board – The Board shall be composed of the following:

- a. Board Chairperson – Local Chief Executive
- b. Co-chairperson – Municipal Vice Mayor
- c. Secretary – one representative from the business sector
- d. Members:
  1. Municipal Planning and Development Coordinator;
  2. Chairman, SB Committee on Tourism;
  3. Chairman, SB Committee on Trade and Industry;
  4. Chairman, SB Committee on Appropriation;
  5. Municipal Agricultural Officer;
  6. Municipal Environment and Natural Resources Officer;
  7. SB Member representing the IP
  8. three(3) representatives of Accredited Non-Government Organizations
- e. Advisers: Provincial DTI, Provincial DILG.

Section 7. Meeting of the Board – Within sixty (60) days upon approval of this Code, the Local Chief Executive, in his capacity as chairman, shall convene the first Board meeting after appointing the members mentioned in Section 6 hereof. The Board shall meet at least once every quarter of each year and the Chairman may convene the Board anytime it is deemed necessary.

Section 8. –Powers and Duties of the Local Investment Board – The Board shall be responsible for the regulation and promotion of investment in the municipality. The majority members of the Board shall constitute a quorum for it to exercise its powers and perform its duties which shall be as follows:

1. Prepare the list of preferred areas of investment in consultation with the public and private sectors;
2. Promulgate the implementing rules and regulations of this Code as

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may be necessary to implement its provisions;

3. Endorse the enjoyment of incentive benefits of qualified investors to the Sangguniang Bayan through an ordinance enacted by the Sanggunian for that purpose.
4. After due notice, cancel the registration or suspend the enjoyment of incentive or benefit of any registered enterprise for failure to maintain the qualifications required under this Code for the registration with the Board or violations of any provisions of the Code.
5. Formulate new fiscal or non-fiscal incentives other than those stated in this Code.
6. Formulate amendments to any provision of this Code subject for approval of Sangguniang Bayan.

Section 9. Term of Office – Terms of office shall take effect immediately upon appointment of the incumbent Mayor for three (3) years. Members shall elect among themselves the Secretary and Board of Directors.

In case of vacancies, the Chairperson will appoint for the vacant position with consideration on equal representation of the business group.

The appointed member fills the vacant position and serves for the remaining years of the 3-year term.

#### CHAPTER 4 THE BURGOS INVESTMENTS PROMOTION CENTER

Section 10. Creation of the Burgos Investment Promotion Center (BIPProC). There is hereby created a Burgos Investments & Incentives Promotion Center, herein after referred to as BIPProC, that will serve as the Secretariat of the Board. In addition, BIPProC shall have the following duties and functions:

- a) To undertake pro-active and re-active market development and investment promotion activities;
- b) To receive, process and evaluate applications for registration for the availment of the local incentives and submit its recommendation to the Board within a specified period from the receipt of application;
- c) To serve as One-Stop Processing Center for existing and potential investors and enterprises;
- d) To assist in securing licenses and permits, arranging to avail

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of local and national government incentives and identifying business or joint venture partners, raw materials suppliers, possible business sites and other requirement of existing and potential investors and enterprises;

- e) To establish and maintain data bank on general business information, information on economic activities, available technology, financing sources and other relevant data information;
- f) To network with counterpart investment promotion organizations and coordinate with support agencies of the government and the private sector in investment promotions efforts and;
- g) To develop the BIProC's staff the ability to conduct investment and environmental management promotion functions.

The Burgos Investments & Incentives Promotion Center shall be located inside the Burgos Municipal Hall. It shall be staffed with one (1) personnel from the local government unit appointed or designated by the Municipal Mayor who shall discharge the function of seeing the day to day activity of the said office. He shall be sent to the Department of Trade and Industry, San Fernando City, La Union office for appropriate training in his job at the expense of the local government unit. Office supplies and material and other maintenance and operating expenditures such as but not limited to computer units, telephone or fax, and the like shall be provided by the local government unit through the Office of the Mayor under the regular annual budget.

Section 11. Burgos Investment Promotion Center Services. Pursuant to its duties and functions; the Burgos Investment & Incentive Promotion Center (BIProC) shall provide the following services, among others:

- a) Provide information on investment opportunities, business procedures, permit requirements, government regulations and other data required by the investor.
- b) Assist investors in completing requirements of government regulatory agencies.
- c) Make referrals to relevant government bodies, support organizations, service providers and important contacts.
- d) Organize appointments, itineraries and site visits including arrangement for logistic support.
- e) Make updates regarding major infrastructure projects in the

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municipality both existing and planned, as well as programs and developments that will impact the business environment.

- f) Undertake an active advocacy campaign to push infrastructures programs aimed at providing necessary facilities, as well as policy reforms to enhance Burgos Investment Code.

## CHAPTER 5 INVESTMENTS PRIORITIES AREAS

Section 12. Criteria in Determining Investment Priority Areas. Economic activities that shall be included in the Investments Priorities Plan must be environmentally, socio-economically, technically and financially sound after thorough investigation and analysis by the Board. The determination of preferred areas of investment priorities plan shall be based on the following:

- a) Generation of high levels of employment;
- b) Creation of linkages with local industries.

Section 13. Preferred Investment Areas. In the initial years of implementation, the following priority areas shall be adopted as priority investment areas by the Board:

### a. Tourism Related Establishments

- Accommodation Facilities;
- Nature Parks/Mountain Resorts;
- Transportation Services;
- Development of Tourist Spots;
- Construction of Zip Lines and Cable transport;
- Construction of Commercial establishments. Recreation and Amusement Centers;
- Provision of financial institutions with ATM services.

### b. Traditional Craft and Industries

- Food Processing;
- Iron Works;
- Handicrafts;
- Product innovation from the raw materials of tiger

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grass for export;

c. Agriculture

- High Value Crops Production and Processing;
- Mango & Banana Production & Processing;
- Organic Fertilizer Production.

d. Infrastructure and Services

- Water Source Development;
- Low Cost housing project;
- Establishment of telecommunication facilities;
- Establishment of Hospitals;
- Quarrying (crushing plants);

Section 14. Determination of Additional Investment Areas:

a) Additional economic activities may be included in the list priority investment areas upon approval by the Board and shall then be adopted for implementation under the Burgos Investment & Incentive Promotion Program. The inclusion of investment priority areas should be based on the criteria enumerated under Section 12 above.

b) The Board, however, may remove an area or activity from the list, at any point, when any of the following conditions is present: sufficient investments in the areas or activity have been attained, continued extension of incentives or support measures for the specific government investment area is no longer to the interest of Burgos or may place the government and the public in adverse position, the investment area or activity cannot attract investors with reasonable time and cost or may result in unfavorable business climate and lack of progress in the implementation of an environmental management plan.

Section 15. Review of Investment Incentives and Support Measures. To promote the growth of investment in the municipality particularly in the preferred investment areas, the Board shall review the package of incentives and support measures once in every two (2) years and recommend for approval of the Sangguniang Bayan the appropriate specific fiscal and non-fiscal incentives that the municipality shall grant to targeted investors and enterprises.

Approved





## CHAPTER 6 REGISTRATION OF ENTERPRISES

Section 16. Qualification for New Enterprises. All new enterprises intending to avail of the incentive as provided for this Code must be able to meet the following requirements:

- a. The business enterprise must have complied with all the requirements mandated under existing laws, local and national and under the Philippine Constitution.
- b. The prospective investor's place of operation or production shall be located within the municipality.
- c. The prospective environment must engage in any of the areas or activities cited in the preferred areas of investment as may hereafter be declared by the Board.
- d. The enterprise must have a capitalization of at least P3 Million Pesos and below for micro business; P3 Million – P15 Million Pesos for small business; Above P15 Million to not more than P100 Million Pesos for medium business; above P100 Million Pesos for large business; provided that the amount of capitalization shall be based on the total project cost as stated in the investor's project study submitted to and approved by the Board;
- e. The new enterprise will actually employ qualified bonafide residents of the municipality equivalent to at least 50% of its total labor/manpower requirements.
- f. Foreign companies intending to apply for registration must comply with Foreign Investment Act of 1991 and other pertinent and applicable related laws.
- g. The project must not be included in negative list as provided for under the Foreign Investment Act.
- h. Project must not negatively impact the environment, whether in terms of pollution or resource use.

Section 17. Qualification for Existing Enterprise. Any existing enterprise may avail of the Incentives Under this Code provided that the following qualifications are met:

- a.) The business enterprise must have complied with all the requirements mandated under existing laws, rules and regulations.
- b.) The intended expansion or diversification of the existing enterprise must engage in economic activity identified as an investment priority area by the Board.

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P1,500.00 – for enterprise with a capitalization of three to Fifteen Million Pesos (P3-15 Million);

P2,5000.00 – for enterprise with capitalization of Sixteen to One Hundred Million (16-100 Million);

P5, 000.00 – for enterprise with capitalization of P100 Million and above.

Section 19. Registration Procedures and Approval of Applications. The board shall formulate appropriate rules and regulations to facilitate action on application filed, prescribe criteria for the evaluation of applications, and devise standard forms for use by applicants. The chairman of the board shall approve all applications processed by the BIProC twenty (20) days upon receipt of complete documents.

Section 20. Certificate of Registration. Under this Code, an enterprise is considered registered upon approval of its application with the Board, and as such, legally entitles it to fully avail of any or all of the fiscal incentives provided in this code. A registered enterprise shall be issued a Certificate of Registration duly signed by the Board's Chairman in such style and form as the Board may determine.

## CHAPTER 5 FISCAL AND NON-FISCAL INCENTIVES

Section 21. Incentives Given to Investors Enjoying Incentives Under the National Laws – Investors enjoying incentives under National Laws, such as but not limited to EO 226, RA 7916 and RA 7718, shall be exempted from the following:

1. Payment of business fees, business sales taxes, and other fees and charges imposed by existing Municipal Ordinances for the following periods from start of commercial operation.

1.a. Micro Businesses- One (1) year

1.b. Small Businesses – Two (2) years

1.c. Medium Businesses- Three (3) years

1.d Large Businesses – Four (4) Years

2. Payment of Basic Real Property Tax and Building Permit Fees imposed by the municipality for a period of 2 (two) years from the date of approved registration with the BOI.

Section 22. Incentives Given to new Investors Under Preferred Area of Investment – Investors eligible under Section 16 of this Code shall be

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- c.) The intended expansion or diversification of the existing enterprise must engage in economic activity identified as an investment priority area by the Board.
- d.) The existing enterprise whose place of operation or production is already located within the territorial jurisdiction of the Municipality, but which intends to undertake any of the following:
  - 1. Relocate its principal office and production site from other place of the Philippines or abroad to Burgos, La Union or
  - 2. 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.
- e.) The expansion or diversification shall have additional project cost in the scale as provided in this Code, provided that the amount of capitalization shall be based on the total additional project cost and such expansion or diversification as stated in the investor 's project study submitted and approved by the Board.
- f.) The expansion or diversification project will provide employment to confide residence of the Municipality, and
- g.) The expansion or diversification will include an environmental management plan.

Section 18. Registration Requirements. New or existing enterprises shall fill its application for Registration with the Board through the Burgos Investment & Incentive Promotion Center. A registration book shall be used to record all applications filed. The date appearing and stamped on the application shall be considered the date of official acceptance. The following documents shall likewise be submitted:

- a) Three (3) copies of duly completed application form to be provided by the Burgos Investment & Incentive Promotion Center in accordance with the provisions of this Code;
- b) A certified copy of its certificate of Registration with the SEC/DTI/CDA;
- c) For corporate type of ownership, a board resolution authorizing the person to file the application;
- d) That the following non-refundable filing shall be paid as follows;

P1, 000.00 – for enterprise with a capitalization of at least Three Million Pesos (P3Million) and below;

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exempted from the following:

1. Payment of business fees, business sales taxes, and other fees and charges imposed by existing Municipal Ordinances for the following periods from start of commercial operation;
  - 1.a. Micro Businesses- One (1) year
  - 1.b. Small Businesses – Two (2) years
  - 1.c. Medium Businesses- Three (3) years
  - 1.d. Large Businesses – Four (4) Years
2. Payment of basic Real Property Tax and Building Permit Fees imposed by the municipality for a period of 2 (two) years from the date of approval of registration by the Board/Council;

Section 23. Incentives Given to Investors Under the New Expansion and Diversification – An existing business that is expanding and/or diversifying to preferred areas of investment as determined by the Board shall be exempted from the payment of the following:

1. Payment of Business Fees, Building Permit Fees, Business Sales Taxes, and other fees and charges imposed by existing Municipal Ordinances which are attributable to the expansion or diversification for the following periods beginning the date of commercial operation as determined by the local government.
  - 1.a. Micro Businesses- One (1) year
  - 1.b. Small Businesses – Two (2) years
  - 1.c. Medium Businesses- Three (3) years
  - 1.d. Large Businesses – Four (4) Years
2. Payment of the Municipal Share to Basic Real Property Tax (excluding Special Education Fund) and imposed by the municipality for a period of two(2) years from the date of business operation or determined from the date of issuance of certificate of building completion whichever comes first.

## CHAPTER 6 TAX CREDITS

Section 24. Tax Credit to Persons Donating Property to the Municipality – Persons donating land or property or money to the municipality for the purpose of road right of way, squatter relocation and/or

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housing projects, constructing community center for public use shall be entitled to tax credit which can be used by the taxpayer to pay his obligations when tax due comes effective.

Section 25. Tax Credit to Persons Donating second hand equipment and appliances are not covered by tax credits.

Section 26. Basis of Tax Credit – The amount of tax credit shall correspond to fifty percent (50%) of the assessor value of the property at the time the donation is executed as jointly certified by the Office of the Municipal Assessor, Municipal Engineer and Municipal Treasurer or fifty percent (50%) of the money donated to the municipal government.

#### CHAPTER 7 REQUIREMENTS FOR AVAILMENT OF TAX INCENTIVES

Section 27. Any person may avail of the tax credit upon approval of the Local Investment Board and consequently by the Sangguniang Bayan through a resolution approved by a majority of vote.

Section 28. Requirements for Firms Enjoying Incentives Under National Laws – For firms to enjoy the incentives under this Code, they must comply with the following:

1. Submit the certificate of registration issued by the concerned national agencies;
2. The investor's place of business or operation must be located in Burgos;
3. The investment has no delinquency with the national agencies.

Section 29. Requirements for New Business – For firms to enjoy the incentives under this Act, they must comply with the following:

1. The new business shall have complied with Section 16 of this Code;
2. The investment must be among the approved preferred areas of investment;
3. Must have complied with all requirements of local and national agencies.

Section 30. Requirements for Expanding and Diversifying Establishments – For firms to enjoy the incentives under this Code, they must comply with the following:

1. The existing firms have been doing business in the Municipality of Burgos; if not, intends to locate its expansion and diversification to Burgos;

Approved by the Sangguniang Bayan

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2. The expansion or diversification must be among the approved preferred areas of investment;
3. The expansion or diversification shall have complied with the requirements of Section 12 of this Code.

Section 31. The LIB shall coordinate with the Burgos Investments Promotion Center for the purpose of facilitating the registration and issuance of business permit to the enterprise covered under this Code.

## CHAPTER 8 APPROPRIATIONS

Section 32. The Municipality shall appropriate the funding requirements which are necessary for the implementation of the provisions of this Code based on the budget presented by the Board.

## CHAPTER 9 FINAL PROVISION

Section 33. Penal Clause – Any violation of the provisions of this Code, Ordinance, Rules and Regulations, shall be ground for the cancellation of the registration of the business, withdrawal of all incentives granted under this Code and refund of the fiscal incentives granted.

Section 34. Separability Clause – The provisions of this Code are hereby declared separable. The invalidity of one or more provisions shall not affect the validity of the other provisions thereof.

Section 35. Repealing Clause – All Municipal Ordinances, Resolutions, Executive Orders and Rules or Regulations inconsistent with the provisions of this Code are hereby repealed.

Section 36. Effectivity – This Code shall take effect after ten (10) days upon its publication or posting in conspicuous places in the municipality.

**UNANIMOUSLY APPROVED.**

  
Hon. MARIO C. MARTINEZ

  
Hon. DENNIS C. COMEDIS

  
Hon. DANIEL N. NISPEROS

  
Hon. NESTOR O. ABANSI

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Hon. ISIDRO C. DE LOS REYES

  
Hon. ROLANDO A. CACHERO

  
Hon. EDGAR L. SALLATIC

  
Hon. ROLANDO G. ANCHETA

  
Hon. JESSIE A. PANTA


  
Hon. FELIX C. ANGOLO

**Certification:**

I Hereby Certify that the foregoing Ordinance was approved in Regular Session assembled by the Sangguniang Bayan on July 27, 2015.

  
MARYLENE F. FLORES  
Secretary to the Sanggunian

Attested and Certified to be duly Adopted:

  
JUANITO D. GACAYAN  
Vice Mayor/ Presiding Officer

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I hereby **APPROVE** Municipal Ordinance No. 58 s. of 2015 in its entirety this 28 day of July 2015:

  
JOSE B. ABANSI  
Municipal Mayor

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*Attested*