



Republic of the Philippines  
PROVINCE OF LEYTE  
*City of Baybay*  
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## Office of the Sangguniang Panlungsod

CITY ORDINANCE NO. 01, Series 2017

THE BAYBAY CITY INVESTMENT AND TOURISM DEVELOPMENT CODE OF 2017

Sponsored by Honorable Vicente G. Veloso  
Unanimously seconded by the members of this august body.

Book 1

### GENERAL PROVISIONS

**Section 1 Title.** This ordinance shall be known as "The Baybay City Investment and Tourism Development Code of 2017."

#### ARTICLE 1 DECLARATION OF POLICY

1. It is the declared policy of the City to encourage the entry, expansion, diversification and modernization of enterprises in Baybay City in the commercial, industrial and service sectors through the provision of suitable incentive packages.
2. These incentive packages shall be geared towards:
  - 2.1 Accelerating a sound development of the local economy in consonance with the principles and objectives of the national government economic development programs.
  - 2.2 Boosting Filipino and foreign investments in projects to develop the agricultural, manufacturing and heavy industries, in order to attain inclusive growth characterized by the creation of more jobs and income generating opportunities resulting in the expansion of the city's revenue base and raising the social and economic well-being of the people.
  - 2.3 Promoting collaboration within the private sector or with government, in support of the City's socio-economic development objectives by means of Public-Private Partnerships, corporate social responsibility projects, cooperatives and other tools and modalities.
  - 2.4 Encourage foreign investments establish pioneer enterprises that are capital intensive, utilize domestic raw materials and employ domestic manpower.

- 2.5 Promoting Baybay as a favorable Investment destination through the provision of adequate utility services, infrastructure, accommodating business environment and responsive regulatory regimen.
- 2.6 Offering an "Aftercare Program" designed to assist investors in the efficient conduct of their business in the city.
- 2.7

## ARTICLE II SCOPE, NATURE AND PURPOSE

This Code applies to all **new** investments made in the City whether in the form of foreign direct investment (FDI) or domestic. Excluded are portfolio investments and short-term monetary operations.

This Code shall be consistent with the criteria set by the 1987 Philippine Omnibus Investment Code, the regulations of the Department of Trade and Industry (DTI) and the Department of Tourism, and shall be in conformity with the 1991 Foreign Investment Act, Retail Trade Liberalization Act of 2000, Republic Act 6977, as amended by R. A. No. 8289 and further amended by R. A. No. 9501 (Magna Carta for Micro, Small and Medium Enterprises (MSMEs)), the Special economic Zone Act of 1995 (R.A. No. 7916), the Tourism Act of 2009 (R.A. No. 9593), and other related laws.

## ARTICLE III DEFINITION OF TERMS

When used in this Code these terms shall have the following meaning:

1. BCIPB refers to the Baybay City Investment Promotion Board.
2. BTIPO refers to the Baybay Tourism and Investment Promotion Office
3. Foreign Investment shall mean an equity investment made by a non-Philippine national in the form of foreign exchange and/or other assets actually transferred to the Philippines and the duly registered with the Bangko Sentral ng Pilipinas (BSP), which shall assess and appraise the value of such assets other than foreign exchange. This term also means capital flows from one country to another granting extensive ownership stakes in domestic companies and accounts and denotes that a foreigner have an active role in management as part of their investment.
4. Baybay Tourism and Investment Promotion Office refers to the office established in Article V of this Code primarily tasked with implementing this Code.
5. CEIPO/IPO refers to the City Economic and Investment Promotion Officer also called as the Investment Promotion Officer.
6. Philippine National shall mean a citizen of the Philippines; or a domestic partnership or association wholly owned by Filipinos; or a corporation



organized under the laws of the Philippines of which at least sixty percent (60%) of the capital stock outstanding and entitled to vote is owned and held by citizens of the Philippines.

7. Rank and File Employee is any person in the employ of an employer. Such employee performs tasks that are routinary or clerical in nature, with no power to make any independent judgment in the interest of the employer. The term rank and file employee includes regular, casual, seasonal, probationary, project/non-project, fixed-term, or field personnel.
8. Registered Enterprise shall mean any individual partnership, cooperative, corporation or other entity incorporated or organized and duly registered with the Securities and Exchange Commission (SEC) or Department of Trade and Industry as the case may be, with a legitimate license to operate a business.
9. Investment shall mean the placing of money, capital or other resources for trade, business or industry for the purpose of profit or wealth creation.
10. Entrepreneur is a person, actual or juridical, who undertakes to start and conduct an enterprise or business, assuming full control and risks.
11. Capital or Capital Investment means money or property and other forms of asset invested in a business venture with the expectation of income, and recovered through the earnings generated by the business over time. It is understood that such capital shall be used for capital expenditure rather than day-to-day operations **and must be wholly invested in the city only.**
12. Tax Holiday means an exemption from business taxes and all other taxes due the city government. The share of the city from real property tax collections shall be waived **according to Section 2, Art. 1 Book IV.**
13. Registered Entrepreneur is any business activity or enterprise with an approved application of registration in this program with the Office of the City Mayor and has complied with all the necessary requirements of the national government; whose total assets inclusive of those arising from loans but exclusive on the land on which the particular business entity's office, plant and equipment are situated qualify for the fiscal incentives granted in this Code.
14. Start of Operation shall mean the date when particular enterprise begins production for commercial purposes **or has begun rendering services**, for which a written notice has been furnished to the Office of the City Mayor within 10 days from the start of operations, copy furnished the BCIPB.
15. Tourism Enterprises refer to facilities, services and attractions involved in tourism, such as, but not limited to travel and tour services; tourist transport services; tour guides; adventure sports services involving such sports as mountaineering, spelunking, scuba diving, and other sports activities of significant tourism potential; convention organizers; accommodation

establishments, including, but not limited to, hotels, resorts, apartelles, tourist inns, motels, pension houses, and home stay operators; tourism estate management services, restaurants, shops and department stores, sports and recreational centers, spas, museums and galleries, theme parks, convention centers and zoos.

16. IPP means Investment Priorities Plan.

#### ARTICLE IV BAYBAY CITY INVESTMENT PROMOTION BOARD

Section 1. **Creation and Organization.** The Baybay City Investment Promotion Board, referred to as the BCIPB is created by this Code and shall be composed of the following:

Chairperson Mayor

Members Chairperson, City Council  
Committee on Trade, Investments  
Commerce and Industry  
Chairperson, City Council  
Committee on Tourism  
Head, BTIPO  
Legal Officer  
BPLO  
City Accountant

Section 2. **Powers and Duties of BCIPB.** The BCIPB shall be responsible for the effective implementation of this Code. To achieve this end, it is primarily tasked to promote, regulate and monitor investments in Baybay City. It shall develop policies to enhance the business climate, attract investors and support existing businesses. It shall conduct at least one meeting every quarter of the year. In addition to its regular meetings, the Chairperson of the BCIPB or upon the request of the majority of the BCIPB members, may convene a special meeting, provided further that the matters taken up in such special meetings shall cover no other matters than those provided for in the Notice of Special Meeting and its corresponding agenda. A majority of the members of the majority of the BCIPB shall constitute a quorum. **The powers and duties of the BCIPB are as follows:**

1. Approve the Baybay City Economic Development and Investment Plan (BCEDIP) and cause its updating every three (3) years, in accordance with the Comprehensive Land Use Plan and the Comprehensive Development Plan, with consideration of economic developments and investment priorities and trends in the Philippines, the Asian region and the rest of the world that have an impact on Baybay City.
2. Approve an Investment Priorities Plan (IPP) to be drafted by the Baybay Tourism and Investment Promotions Office (BTIPO), and specifies the manner in which it shall be updated, revised or amended.



3. Review, evaluate and act on the applications for incentives packages of prospective local/foreign businessmen/entrepreneurs who would want to avail of the incentives provided by this Code.
4. Recommend, for the action of the City Mayor, agreements and/or contracts that can be entered into by the City Government of Baybay with other government agencies and/or private organizations for the purpose of improving the "ease of doing business" in Baybay City.
5. Conduct hearings, if necessary, on issues concerning possible violations committed on any provision of this Code and invoke the proper sanctions/penalties as stipulated herein.
6. Periodically review, evaluate and update the operations of Business-One-Stop-Shops (BOSS), guarantee the integration of appropriate inter-and-intra office processes thus ensuring optimum efficiency and compliance with the principles and model of a business-friendly city.
7. Review annually the process for the assessment and payment of business taxes in coordination with the Business Permit and Licensing Office (BPLO) and recommend ways to improve them in the interest of speed, comfort, fairness and transparency, giving serious consideration, feedback from the private sector.
8. Recommend to the City Council any amendment, revision and/or modification to the existing Baybay City Investment Code.
- 9.

#### ARTICLE V

#### BAYBAY TOURISM AND INVESTMENT PROMOTION OFFICE (BTIPO)

Section 1. **Baybay Tourism and Investment Promotion Office (BTIPO).** The BTIPO shall be operated as an **office** and shall be headed by the Tourism and Investment Promotions Head also acting as CEIPO who shall be appointed by the City Mayor; the CEIPO/BTIPO Head shall actively coordinate with the BCIPB on matters related to investment promotion and tourism. The BTIPO shall cover the mandates in the fields of Operations, Promotions and Marketing, and Support Services manned by competent personnel necessary to fulfill its mandate; provided, that any increase in its personnel complement shall be recommended by the BCIPB for approval by the city mayor **after its presentation to the SP for the approval of the new positions, if necessary.**

Section 2. **The CEIPO/BTIPO** shall be the implementing arm of the Baybay City Investment Code. It shall also function as the Technical Secretariat of the BCIPB. Likewise, it shall coordinate the drafting of the Baybay City Investment Priorities Plan, which shall be based primarily on the development agenda set forth by the City. The CEIPO/BTIPO shall ensure compliance with the IPP, and monitor and evaluate its effectiveness.

Section 3. **Functions, Duties and Responsibilities.** The BTIPO shall have the corresponding functions, duties and responsibilities:

1. Operations

- 1.1 Formulate annual and medium-term plans for Tourism and Investment Promotions and Development for approval by the BCIPB;
- 1.2 Prepare investment opportunity profiles and industry;
- 1.3 Identify activities that support investments, such as but not limited to trade agreements with other LGUs for sourcing of raw materials; cooperation agreements with other government entities to facilitate investor transactions; and Public-Private Partnership (PPP) arrangement;
- 1.4 Continuously review the local investment climate and incentives program in order to recommend improvements to the BCIPB;
- 1.5 Provide advisory and other support services to new investors to expedite their participation in the investment program promoted by this Code, and to established investors as well to encourage investment retention and/or investment expansion;
- 1.6 Prepare presentations and materials for the BCIPB in its meeting with Investors;
- 1.7 Assist and enroll registered entrepreneurs in the "After Care Program" of the City of Baybay.
- 1.8 Network with investment promotion organizations, support agencies of government and the private sector in investment promotion efforts; and
- 1.9 Improve the competencies of BTIPO staff to conduct investment and management promotion functions.

2. Promotions and Marketing

- 2.1 Promote and market Baybay City as an attractive, friendly investment/business destination;
- 2.2 Highlight promotions and marketing efforts in key investment opportunities/areas identified by the Operations Unit and disseminate information about such activities to potential investors through trade missions and fairs, exhibits, seminars, briefings and orientations; and
- 2.3 Prepare investment promotion materials and other general business information about the city.

3. Support Services

- 3.1 Provide assistance services to investors on the following requirements:
  - 3.1.1 Registration with the Securities and Exchange Commission (SEC), Department of Trade and Industry (DTI) or Cooperative Development Authority (CDA), as the case maybe;
  - 3.1.2 Barangay Clearance/Certification;
  - 3.1.3 Locational Clearance;
  - 3.1.4 Fire Safety Inspection Certificate (FSIC);
  - 3.1.5 Mayor's Permit;



- 3.1.6 Certificate of Registration (COR) and TIN at the Bureau of Internal Revenue (BIR);
- 3.1.7 Registration with the Social Security System (SSS);
- 3.1.8 Registration with the Philippine Health Insurance Corporation (Phil Health);
- 3.1.9 Environmental Clearance Certificates (ECC) from the DENR
- 3.2 Establish and maintain a database to provide investors updated information related to economic opportunities and incentives in the city;
- 3.3 Operate an information assistance desk;
- 3.4 Recommend and/or implement improvements in systems and procedures to achieve simplification or improved productivity;
- 3.5 Provide the mechanism to allow investors easy access to skilled, City-based manpower resources.

**Section 4. Reportorial Duties of BTIPO.** The BTIPO shall recommend strategies to further strengthen investments and prepare yearly reports on the status of the existing investors/industrial companies in the City:

1. Existing Registered Entrepreneurs/Investors before the grant of incentives packages provided hereunder;
2. Registered Entrepreneurs/Investors that have applied for incentive packages;
3. Registered Entrepreneurs/Investors invited by the Baybay City and/or CEIPO to invest in Baybay City and the number that made investments as a consequence of the invitation;
4. Registered Entrepreneurs/Investors that have ceased operations, including the reason/s for closure;
5. Analysis of the increase or decrease of investments in Baybay City;
6. Monitoring report on the compliance of the registered entrepreneurs vis-a-vis the Code; and

The report asked in this section shall contain the name of the company or corporation, the amount of capitalization, the nature of investment, and other information necessary to assist the BCIPT in carrying out its mandate.

## BOOK II

### THE BAYBAY ECONOMIC DEVELOPMENT AND INVESTMENT PLAN (BEDIP) AND INVESTMENT PRIORITIES PLAN (IPP)

#### ARTICLE I

#### BAYBAY ECONOMIC DEVELOPMENT AND INVESTMENT PLAN (BEDIP)

**Section 1. Baybay Economic Development and Investment Plan (BEDIP).** The Baybay Tourism and Investment Promotion's Office (BTIPO), after consultation with the private sector, the national government through the appropriate offices, shall submit to the BCIPB the Baybay Economic Development and Investment Plan (BEDIP), which shall define and outline the economic directions and investment priorities of the City.

The BEDIP shall detail the Role of the City Government of Baybay as discussed in Article III of this Code, relative to the needs and concerns of the registered entrepreneur, in order to achieve equally beneficial arrangements between the parties in consonance with the objectives provided herein.

Upon approval of the Baybay Economic Development Plan by the BCIPB, the same shall be forwarded by the Board to the Baybay City Council for confirmation through a Resolution.

The BEDIP shall be in effect for three (3) years, unless otherwise amended or revised earlier by the BCIPB by a three-fourths (3/4) vote of all its members in a meeting duly called for the purpose. Any amendment or revision of the BEDIP shall be made only after a comprehensive review and analysis demonstrate that the proposed amendment or revision is reasonable and necessary in terms of the prevailing business and economic environment in the city and current investment trends, both local and international.

## ARTICLE II

### INVESTMENT PRIORITIES PLAN (IPP) and INVESTMENT PRIORITY AREAS (IPA)

Section 1. **Formulation of the IPP.** The BTIPO shall formulate an Investment Priorities Plan (IPP) annually or every two (2) years that will look into the relative importance and the impact of investments that were made as a result of the implementation of this Code.

Section 2. **Contents of the IPP.** The IPP shall contain the following:

1. List of preferred and/or mandatory activities in the identified preferred areas of investment listed in the Baybay Economic Development Investment Plan;
2. Guidelines for the approval of the applications of the investors in preferred and/or mandatory activities; and
3. Nature of and period qualified investors engaged in the preferred and/or mandatory activities in the identified preferred areas of investment are entitled to the incentives.

Section 3. **Adoption and Review of the IPP.** The IPP prepared by the BTIPO/CEIPO shall be subject to the approval of the BCIPB through a majority vote, in a meeting duly called for the purpose. Amendments to the IPP may be made through a majority vote by the members of the BCIPB in a meeting duly called for this purpose.

Section 4. **Criteria in Determining Investment Priority Areas.** Economic activity that shall be included in the Investment 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 to be listed in the Investment Priorities Plan shall be based on the following:

1. Economic soundness
2. Extent of contribution of the activity to a specific development goal
3. Market and other technical considerations



4. Value of social objectives
5. Environmental sustainability

Section 5. **Preferred Investment Areas.** The following shall be adopted as priority investment areas by the BCIPB:

1. Tourism/Nature Tourism /Eco-tourism
  - 1.1 Accommodation Facilities
  - 1.2 Nature Parks/Mountain Resort
  - 1.3 Transportation Services
  - 1.4 Restaurants/ Food Outlets
  - 1.5 Other Tourism- Related Services
2. Agri-Business/Agriculture
  - 2.1 Post-harvest Facilities
  - 2.2 High Value Crop Production
  - 2.3 Feed Mill
  - 2.4 Coconut
  - 2.5 Abaca
  - 2.6 Rice
  - 2.7 Banana
  - 2.8 Manufacturing
3. Services/Technology
  - 3.1 Media/Advertising
  - 3.2 Medical Services/Facilities
  - 3.3 Information Technology
  - 3.4 Financial Services
  - 3.5 Engineering/ Architectural Services
  - 3.6 Training and Sports Facilities
  - 3.7 Human Resource Development
  - 3.8 **Semi-Conductor Processing**
  - 3.9 **Computer Manufacturing**

**Contractors providing services to the local government of the city shall not qualify for the fiscal incentives provided in this code even if the services rendered fall under any of the areas enumerated in this section.**

### ARTICLE III ROLE OF THE CITY GOVERNMENT OF BAYBAY

Section 1. The City Government is committed and dedicated to enhance and maintain a friendly business climate by way of the following support programs:

1. **Sufficient and Adequate Infrastructure and Ease of Access.** The City government shall enact policies and programs that will facilitate access to investment sites, whether by way of road infrastructure or by way of traffic and transportation policies and programs.

2. **Development of Information and Communications Technology (ICT) Infrastructure.** The City Government shall promote investments in ICT infrastructure and facilities. It shall also maximize the use of e-governance systems and mechanisms for promoting and facilitating interaction, access to information, and ease of private enterprise-local government transactions in the City, with both local and international publics.
3. **Public Private Partnership (PPP).** This Code recognizes the PPP as a potentially significant investment strategy for the City being a success story in the implementation of Local Regional Economic Development approach. The City may, by itself or in cooperation with the National Government, provide incentives to private sector proponents of PPP projects. Further, the City may explore other forms of PPP in such a way that qualified investors and/or MLEs may be given access to and allowed investment in government-owned properties by means of joint venture agreements for the establishment of factories and/or manufacturing industries including any tourism-related establishment in preferred areas of investment to be determined in the Baybay Economic Development Investment Plan. To address this, idle and lands forfeited to the City may be made available for investments. Finally, private properties may also be acquired and made available for public consumption only upon payment of just compensation.
4. **Ease of Doing Business.** It is the duty of the City Government to promote an environment conducive to the entry and growth of enterprises in the City, by way of clarity and transparency in tax assessment procedures, provision of express lanes in new business registration and renewals, and express lanes for the issuance of construction permits; provision of services that can act speedily on request for redress; provision of point person through BTIPO and/or direct lines to address immediate concerns of investors via the city government's "After Care Program," and other measures to fully effect the drive of creating a business-friendly City.
5. **Links to Human Resource Needs.** The City Government shall provide links to qualified manpower sources, such as colleges, universities and training centers, as well as to the manpower recruitment and the services of the City Government's Public Employment Services Office (PESO) and Visayas State University (VSU). To this effect, the BCIPB through the PESO and VSU shall establish systems to assist and endorse qualified employees from among the bona fide residents of Baybay City for employment by the qualified investors.
6. **Clean and Green Environment.** It is the duty of the City Government to ensure a clean, green and pleasant environment to enhance its livability. To this end, it is the City's policy to redevelop blighted and devastated areas in cooperation with private capital and assist informal settlers with their shelter needs.
7. **Safety and Security.** Ensuring the safety of investors and taking into consideration the peculiar security needs of global enterprises that undertake their operations during irregular work hours, it is the duty of the City Government to work more closely with the Philippine National Police to strengthen security and safety measures in these areas of operation as well



as to further train and equip local public order and safety officers and staff as a force multiplier.

8. **Industrial and Labor Relations.** The City Government shall create a business environment that promotes industrial peace, mutual growth and benefit among the investors and between labor and management. The rights of the employee to participate in policy or decision-making on matters affecting their rights, duties, benefits or welfare shall also be recognized.
9. **Economic Support and Safety.** The City may find means to help lessen the cost of inputs including power and other utilities to attract more quality investments. The BCIPB may be empowered to negotiate and enter into contracts with all utility providers to such effect.

### BOOK III

#### ARTICLE 1

#### REGISTERED ENTREPRENEUR/INVESTOR

Section 1. **Categories of Registered Entrepreneur.** A registered entrepreneur who has an approved application of registration in this program with the Office of the City Mayor and has complied with all the necessary requirements of the national government and involved national agencies are classified into three (3) categories:

1. Small – Investment with a minimum capital of 50 million pesos but not more than 70 million pesos.
2. Medium – Investment of more than 70 million pesos but not more than 150 million pesos, and
3. Large – Investment of more than 150 million pesos.

Section 2. **Coordination.** The BCIPB through its Chairman shall coordinate with regional national government agencies to ensure that the operations of the registered entrepreneur are facilitated and their rights and benefits are protected and readily available.

### BOOK IV

#### INVESTMENT INCENTIVES TO QUALIFIED INVESTORS

#### ARTICLE I INCENTIVES

Section 1. **Non-Fiscal Incentives.** In addition to the services provided by the BTIPO under Book I, Article V, Section 4 of this Code, qualified investors shall be entitled to the following non-fiscal incentives:

1. A point person or account officer shall be assigned by the BTIPO to assist pioneer or new enterprises in obtaining the requirements enumerated in Book I, Article V, Section 4. 3.3.1, provided that said enterprise has no

previous operation in the City and that the qualifications set forth in Book III, Article I, Section I have been duly complied with;

2. Transparency in the process of registering and qualifying for the grant of city government incentives;
3. No modifications by the City Government of regulatory or contractual requirements and arrangements or interference in the internal operations of the enterprise, after the grant by the local government of the incentives to the enterprise, unless such modifications are the result of mutual agreement between the registered enterprise and the city government;
4. Access to comprehensive information on investing and doing business in Baybay City, including all policies of the city government as they relate to economic growth and development;
5. Facilitate employment of qualified foreign personnel, as may be required, for the efficient operation of the enterprise or for technology transfer, provided that no Philippine national is qualified or available for the tasks or jobs they are to undertake;
6. Expeditious certification, registration, licensing and permitting operations through the installation of systems and procedures that guarantee minimal red tape and express processing;
7. Promotion of public safety for the enterprise and its personnel through police, fire and disaster-related public assistance services;
8. Resolution of all gray areas in the interpretation of benefits and incentives granted under this Code, in favor of the investor.

Section 2. **Fiscal Incentives.** Qualified registered entrepreneur/investor shall be entitled to the following fiscal incentives according to the amount of capital investments as follows:

1. Registered Entrepreneur/Investor - capital investment of P50 Million but not more than P70 million will qualify for three (3) years tax holiday on mayor's permit and other Local taxes.
2. Registered Entrepreneur/Investor - capital investment of over P70 million but not more than P150 million will qualify for four (4) years tax holiday on mayor's permit and other local taxes.
3. Registered Entrepreneur/Investor - capital investment of P150 million and above will qualify for five (5) years tax holiday on mayor's permit and other local taxes.
4. Registered Entrepreneur/Investor - minimum capital investment of P20 Million for any **TOURISM RELATED ESTABLISHMENT** will qualify for one 1 year Tax Holiday on Mayor's Permit and other local taxes with assistance on marketing and promotion.

Section 3. **Employment of Bona Fide Residents of Baybay City.** The employment of a bona fide and qualified Baybay City residents is a must and, at the minimum, should constitute no less than twenty (20) percent of the regular workforce.

## ARTICLE II



## REGISTRATION OF ENTERPRISES ENGAGED IN INVESTMENTS PROVIDED IN BEDIP

Section 1. **A Registration Certificate** shall be issued to all qualified registered entrepreneur/investor whose applications for incentives packages have been approved by the BCIPB.

### ARTICLE III IMPLEMENTING RULES AND REGULATIONS

Section 1. Within ninety (90) days after the passage of this ordinance, the BCIPB shall adopt the Implementing Rules and Regulations (IRR) of this Code.

### ARTICLE IV RESPONSIBILITIES OF REGISTERED ENTREPRENEUR/INVESTOR

Section 1. **Reportorial Obligations.** Registered enterprises shall submit reports to the BCIPB on the operations of the enterprise twice yearly, before the end of the second and fourth quarter of the calendar year, respectively, and the annual audited financial report on operations. The CEIPO/BTIPO Head may require other data/documents to be included in the said report.

Section 2. **Visitorial Rights.** The BCIPB, through its implementing arm (BTIPO) shall, in consultation and in coordination with the registered enterprise, undertake visits to the enterprise and request to be briefed on the status of operations, to be assured of the enterprises compliance with the grant of preferences and investment incentives, and to be alerted to any assistance or support that can be provided by the city government.

### ARTICLE V APPROPRIATIONS

Section 1. **BCIPB.** The maintenance and other operating expenses of the newly created department of tourism for Calendar Year (CY) 2017 shall be taken from the balance of the budgetary allocation through a supplemental budget mechanism from the general fund, or from any available funds of the city treasury. Henceforth, the annual fund necessary for the operation of the BCIPB and BTIPO shall be included in the yearly appropriations in the general fund of the Baybay City Government.

### ARTICLE VI MISCELLANEOUS PROVISIONS

Section 1. **Reimbursement/Return of the Fiscal Incentives.** The registered entrepreneur/investor shall be required to reimburse or return the equivalent amount of the fiscal incentives duly received in any of the following instances:

1. The Registered Entrepreneur/Investor's failure to comply or maintain the qualifications set forth under Book III, Article I, Section 1 or 2, except otherwise provided therein; or
2. The investor is found guilty of misrepresentation or fraud for the purpose of availing of the incentives contained in this Code.
3. **Violation of Section 2, Art. IV, Book IV of this Code**

Provided further, the Board shall determine after due notice and hearing, whether or not a reimbursement of the fiscal incentives is in order and shall make a determination of the amount to be reimbursed or returned.

**Section 2. Transitory Provisions.** Within thirty (30) days after the enactment of this Ordinance, the City Mayor shall convene the BCIPB. Likewise, the City Mayor shall delegate to the existing Tourism and Investment Promotions Head to perform the duties and responsibilities mandated under this Code.

**Section 3. Separability Clause.** The provisions of this Code are separable. If for any reason, any section of the Code shall be declared to be unconstitutional or invalid, the validity of other provisions shall not be affected and shall continue to be in full force and effect.


**Section 4. Repealing Clause.** All local legislation and executive directives inconsistent or in conflict with this Code are hereby repealed or modified accordingly.

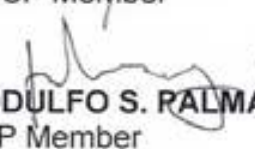
**Section 5. Effectivity.** This Ordinance shall take effect fifteen (15) days after publication thereof.

**Enacted, February 20, 2017.**

I HEREBY CERTIFY to the corrections of the foregoing ordinance which was duly adopted by the Sangguniang Panlungsod during its regular session held on February 20, 2017.


  
**HON. ERNESTO M. BUTAWAN**  
SP Member

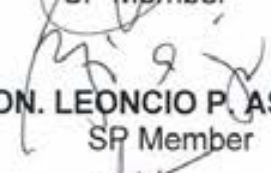
  
**HON. ARTURO ELISA O. ASTORGA**  
SP Member

  
**HON. RODULFO S. PALMA JR.**  
SP Member

  
**HON. ALAN D. FERNANDEZ**  
SP Member

  
**HON. FILEMON F. AVILA**

  
**HON. EDGARDO R. OMPOY**  
SP Member

  
**HON. LEONCIO P. ASILOM JR.**  
SP Member

  
**VICENTE VICTOR G. VELOSO**  
SP Member


  
**DOMINADOR R. MURILLO**  
SP Member


  
**HON. JORGE V. REBUCAS**



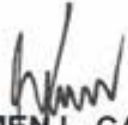
  
**MANDY G. MUNÉZ**  
ABC President

*Attested and Certified  
To be duly Adopted:*

  
**MICHAEL L. CARI**  
City Vice Mayor

  
**ATTY. VIVIAN E. VIDALLON**  
SP Secretary

*Approved by Her Honor:*

  
**CARMEN L. CARI**  
City Mayor