

- c. Recommend to the Board such policies and measures to better carry out the objectives of this Code.
- d. Ensure that registered enterprises and prospective investors received expeditious assistance from other government offices, instrumentalities and financial institutions.
- e. Issue application forms and advice investors on how to comply with registration requirements.
- f. Handle all inquiries from investors including the provision of relevant socio-economic and zoning data.
- g. Accept completed application for registration and submit the recommendations to the Board.
- h. Relay the decision of the Board to the applicant.
- i. Assist the registered enterprise in dealing with regulatory agencies of the government.
- j. Act as the secretariat of the Board.

SECTION 15. Operation of the Prosperidad Investment Promotion Action Center – The Municipal Economic & Investment Promotion Office shall serve as the interim PIPAC until such time that the municipal government and the private sector shall have come up with the permanent Investment Promotion and Action Center. Once constituted, the MEIPO shall head the PIPAC who shall be appointed by the Municipal Mayor and shall receive compensation as recommended by the Board and shall be approved by the Sangguniang Bayan.

SECTION 16. Duties and Responsibilities of the Municipal Economic & Investment Promotion Officer (MEIPO) – The MEIPO shall have the following duties and responsibilities;

- a. To execute, direct and implement the policies, regulations and resolutions issued by the Board.
- b. To arrange and Coordinate the implementation of the Investment Promotions Program.
- c. To manage the budgetary appropriations and financial disbursement of the PIPAC.
- d. To supervise the PIPAC and to maintain official records, files and proceedings of both the PIPAC and Board.
- e. To prepare blue-print on how to do business in Prosperidad.

SECTION 17. Tenure – The tenure of office of the MEIPO is permanent. Hiring of the staff of PIPAC shall be controlled by the Board.

CHAPTER VI- PRIORITY AREAS (IPAS)

SECTION 18. Priority Investment Areas – There shall be six priority investment areas within the municipality each of which shall have its own priority investment activities. Duly approved IPAs by the Board shall be the basis for the availment of Tax Holidays and incentives under this Code. Incentives will be provided to new and expansion projects in the following investment areas, but not limited to wit;

A. AGRICULTURE:

- a. Grain Crops
 - Rice Production
 - Corn Production
- b. High Value Commercial Crops
 - b.1. Industrial Crops
 - Rubber Plantation
 - Coconut Production
 - Oil Palm Plantation
 - Cacao Production
 - Coffee Production
 - Abaca Production
 - b.2. Fruits
 - Banana Production
 - Durian Production
 - Lanzones Production
 - Rambutan Production
 - Mangosteen Production
 - Jackfruit Production
 - Guayabano Production
 - b.3. Industrial Tree Plantation
 - Falcata
 - Mangium
 - Mahogany
 - Gemelina
 - b.4. Vegetable Production
 - b.5. Rootcrops Production
 - b.6. Legumes Production
 - b.7. Nuts Farming
- c. Other Crops
 - Sugar Palm Plantation
 - Cutflower and Ornamental Production
 - Agsam/Romblon
 - Softbroom Raw Material Production
(tiger & tambo grass)
- d. Organic Fertilizer Production
- e. Freshwater Inland Fishery Production
 - Tilapia (Oreochromis/mossambicus)
 - Bangus (milkfish)
 - Carp (Cyprinus carpio)
 - Eel (hito)(Anbuilliformes/Siluriformes)
- f. Livestock & Poultry Production
 - Swine Production
 - Goat Production
 - Poultry Production
 - Cattle Production
 - Duck Raising

B. AGRIBUSINESS

- a. Crumb Rubber Processing Plant
- b. Livestock Processing Center
- c. Poultry Dressing Plant
- d. Fruit Processing and Trading Center
- e. Kaong Processing and Marketing Center
- f. Banana & Cassava Processing
- g. Rice Processing & Consolidation Center (RCPC)
- h. Food Terminal
- i. Feed Mill
- j. Farm Level Grains Center
- k. Meat Processing Center
- l. Coconut Processing Center for :
 - Virgin Coconut Oil (VCO)
 - Water
 - Flour
 - Sugar

- m. Processing plant for :
 - Durian Fruits
 - Kapeng Barako (coffee)

- n. Sago Processing
- o. Abaca and/or other Ethnic Textiles Production Center
- p. Fresh Vegetables & Fruits Packaging and Marketing Center
- q. Wine and Vinegar Processing made of Rice
- r. Dried Calamansi Processing Plant
- s. Cacao Processing and Marketing
- t. Corn coffee Processing and Marketing

C. RESOURCE BASED :

- a. Handicraft & Furniture
 - a.1 Bamboo Furniture & Handicraft
 - a.2 Rattan Furniture & Handicraft
- b. Ceramics & stone ware, pottery, molding & concrete decoration
- c. Solid Wastes Recycling (recyclable materials)
- d. Abaca Handicraft & Cottage Industry
- e. Fine Jewelry
- f. Gold Mine Processing Plant (Minahan ng Bayan Processing for small scale mining)
- g. Wood Processing Plant
- h. Plywood Processing Plant
- i. Limestone Processing and Trading
- j. Caolin Clay Processing Plant

D. SERVICES :

- a. Telephone & Communication Services
- b. TV & Radio Services
- c. Malls & Supermarkets (provided that at least more than 50% of need sourcing of local raw materials for restaurants and free, managed and conspicuous marketing space for locally produce products)
- d. College and Universities
- e. Mass Housing (Low Cost)
- f. Health Wellness Services e.g Secondary and Tertiary Hospitals, Physical Fitness Equipment and Facilities
- g. Sports & Recreational Center
- h. Multi-Purpose Dams
- i. Service Providers/School of Practical Agriculture
- j. Call Center Services-Business Market Accessories
- k. Water Refilling Stations
- l. Gas and Fuel Refilling Stations
- m. Power Plant such as, but not limited to renewable and thermal Plant, etc.
- n. Consultancy and Construction Services
- o. Housing and Real Estate Development

E. TOURISM :

a. Primary Tourism Enterprises

- Travel and Tours Services
- Accommodation Establishments
- Hotel and Tourism Estate Management Services
- Sports and Recreational Facilities such as dive shops, amusement parks, adventure and eco tourism facilities

b. Secondary Tourism Enterprises

- Restaurants, specially shops and Department stores
- Cafes and refreshments
- Sports facilities and recreational centers such as museums and galleries, theme parks and zoos
- Health and wellness facilities such as SPAs, tertiary hospitals, ambulatory clinics and medical concierge
- Rest areas in gas stations
- Agri-tourism farms and facilities
- Tourism training centres' or institutes, including tourism trainers
- Outbound travel agencies

c. Other Tourism Activities

- Bega Falls Ecological Park Development including establishment of amenities and facilities and construction of access road
- Gibong River Tourism Development
- Putting Buhangin Cave Tourism Development
- Tugunan Falls Development
- Binaba Falls Bird Sanctuary Development

F. Private-Public Partnership Projects (Infrastructure Projects) :

- a. Recreational Facilities
- b. Commercial Complex
- c. Cold Storage Facility
- d. Ice Plant Facility
- e. Mini-hydro power generation
- f. Solar Power Generation
- g. Mineral Refinery and Processing Plant

SECTION 19. Identification of additional Investment Priority Areas (IPAs). Under certain circumstances additional IPA, shall be determined and approved by the Board to be included in the Investment Priorities Plan (IPP). Economic activities that shall be included in the IPP must be financially, socio-economically, environmentally and technically sound after thorough investigation, evaluation and analysis by the Board.

SECTION 20. Investors Under Preferred Areas of Investment – Investors engaged in business identified by the Board as Preferred Areas of Investment are eligible for incentives under this Code provided they comply in the following conditions:

- a. The new investment must have a total project cost of least one million pesos.
- b. The new enterprise shall employ bonafide residents of Prosperidad (certified by the local barangay council) as regular workers as stipulated in the IRR of this code.
- c. Seventy percent (70%) of the manpower requirements are hired through PESO this municipality.
- d. The project size occupies 100 houses or more for housing projects for the offsite developments and 50 houses for on-site developments.
- e. The environmental facility caters to the needs of the residents of the municipality and complies with the local and national environmental standards.
- f. The operators of all types of projects shall have their business office in the municipality of Prosperidad.

SECTION 21. Expansion Projects – Expansion projects by firms which qualify as labor intensive, value extensive or eco-tourism or those which are joint agri-business ventures. It may include modernization, to be registrable and should meet all the conditions stated in Chapter III Section 5.h.

SECTION 22. Compliance with Land Use Plan and Zoning Ordinance - The location of investments projects shall comply with the provision of the Comprehensive Land Use Plan and Zoning Ordinance of the Municipality of Prosperidad.

CHAPTER VII – REGISTRATION OF ENTERPRISES

SECTION 23. Qualification of Enterprises – Any person, partnership, cooperative, corporation, or any other form of business organization intending to engage in an economic activity qualified for incentive under this code may apply for registration provided the applicant is a Filipino national and/or foreign nationals.

SECTION 24. Registration Requirements – Enterprises intending to avail of the incentives granted under this code shall register with the Board submitting the following documents to the PIPAC.

- a. Simplified feasibility study/Project Proposal of the proposed investment depending on the project classification;
- b. Certified true copies of the article of incorporation or cooperation, by-laws, and certificate of registration issued by the Securities and Exchange Commission, the Cooperative Development Authority, the Department of Trade and Industry and Board of Investment, whichever are applicable;
- c. Letter of application from the owner or proprietor of the enterprise or resolution of the applicant's board of directors authorizing the filing of the application;
- d. List of directors, principal officers, their respective nationalities and current addresses as certified by the corporate secretary;
- e. Information on the applicant's technical, financial, marketing and management capability and competence to undertake the proposed project or business, including promotional company brochures if any, and photographs of products;
- f. Environmental clearance from the Department of Environment and Natural Resources for projects requiring such clearance and such other permits and clearances required and issued by other agencies of the national government.

SECTION 25. Registration Fee - An applicant shall pay a registration fee as follows:

- | | | |
|--|---|-----------|
| a. Micro Enterprises | - | P 500.00 |
| b. Cottage Enterprises | - | P1,000.00 |
| c. Small Enterprises | - | P1,500.00 |
| d. Medium Enterprises | - | P2,000.00 |
| e. Large Enterprises | - | P2,500.00 |
| f. Other enterprises identified by the Board | - | P 500.00 |

SECTION 26. Acceptance of Application - Completed application for registration shall be filed with the PIPAC. Recorded in a registration book and the date appearing in the book and stamped on the application shall be considered as the date of official acceptance.

SECTION 27. Board Action - (a) Approval or disapproval of each application shall be by resolution furnishing the concerned applicant with a copy of such resolution. One resolution may be issued for all approved applications but each rejected application shall be covered by one resolution explaining the reasons for the rejection therein.

- (a) Applications filed shall be considered automatically approved if not acted upon by the Board within 15 working days from official acceptance.
- (b) The Board shall adopt rules and regulations to facilitate action on applications filed with it and devise standard forms for use by applicants.

SECTION 28. Certificate of Registration - Upon approval of an application, the Board shall issue a Certificate of Registration which shall entitle the enterprise to the applicable incentives set forth in this Code.

SECTION 29. Board Decision - Any order or decision of the Board shall be final and executor.

SECTION 30. Confidentiality of Applications - All applications and their supporting documents filed under this code shall be confidential and shall not be disclosed to any person, except with the consent of the applicant or on orders of a court of competent jurisdiction.

SECTION 31. Minimum Benefits - Workers, employees and other personnel employed by registered enterprise shall be accorded wages and benefits not less than those provided under the Labor Code and other relevant laws, issuances, rules and regulations of the Department of Labor and Employment and the Regional Wage Board.

SECTION 32. Basic Rights – All workers shall be assured of their basic rights under the constitution and Labor Code including the right to security of tenure and humane conditions of work and the right to self-organization.

SECTION 33. Environment Impact Assessment – Environmentally critical projects of enterprises locating their activities or expansion project in environmentally critical areas shall comply with the requirements of Presidential Decree No. 1586 (Philippine Environmental Impact Statement System) and related issuances of the Department of Environment and Natural Resources.

SECTION 34. Hazardous Substances – Projects involving the handling, transport, processing and storage of toxic, hazardous substances and/or nuclear waste shall not be entitled to any incentives under this Code.

Specific prohibitions - No industrial or manufacturing facility shall be operated without proper solid and waste water disposal facilities.

1. No individual or manufacturing plant shall be operated at levels beyond the operating capacity of their respective waste treatment facilities in order to maintain the effluent quality within the standards require by law.
2. All industrial and manufacturing establishments shall subject their operations and premises facilities and systems to periodic environmental assessments which shall be conducted by the municipal government in coordination with the Department of Environment and Natural Resources. Refusal to be subject to each inspection shall be sufficient ground for the forfeiture of any incentive and the revocation of its business permit

SECTION 35. Requirements for New Business – For firms to enjoy the incentives under this Code, they must comply with the following:

1. The new business shall have complied with Section 24 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 36. Requirements for Expanding and Diversifying Establishments – For firms to enjoy the incentives under this Code, they must comply with the:

1. The existing firms have been doing business in the Municipality of Prosperidad.
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 21 of this Code.

CHAPTER VIII – INCENTIVES (FISCAL AND NON FISCAL)

SECTION 37. Fiscal Incentives and Tax Holidays Given to Investors Enjoying Incentives Under the National Laws – Investors enjoying incentives under National Laws, such as but not limited to E.O. 226, RA 7916 and RA 7718, shall be discounted from the following:

a. As per LGC, investors registered under EO226 are exempted from local business taxes for the duration of their income tax holiday, on payment of business taxes, other fees and charges imposed by existing Municipal Ordinances for a period of three years from start of commercial operation, to wit:

First Year of operation	-	35%
Second Year of operation	-	25%
Third Year of operation	-	15%

b. Payment of the Municipal Share to Basic Real Property Tax, the investors shall seek approval and secure Certificate of Registration from the Provincial Investments Board.

SECTION 38. Fiscal Incentives and Tax Holidays Given to new Investors Under Investment Priority Area – Investors eligible under Section 18 of this Code shall be Exempted from the following:

- a. Payment of business taxes, other fees and charges imposed by existing Municipal Ordinances for a period of three years from start of commercial operation.
- b. Payment of the Municipal Share to Basic Real Property Tax, the investors shall seek approval and secure Certificate of Registration from the Provincial Investment Board.

SECTION 39. Non Fiscal Incentives and Tax Holidays Given to new Investors Under Investment Priority Area – Investors eligible under Section 18 of this Code shall avail:

1. Job Placement Assistance thru PESO;
2. Investment Promotion thru ICT, Sponsorship, Exhibits, Trade Missions;
3. Technical Assistance in Project Study;
4. Human Resources Development Assistance.

SECTION 40. Incentives and Tax Holidays Given to Investors Under the New Expansion and Diversification – An existing business who 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 taxes, other fees and charges imposed by existing Municipal Ordinances which are attributable to the expansion or diversification for a period as determined by the local government.
2. Payment of the Municipal Share to Basic Real Property Tax, the investors shall seek approval and secure Certificate of Registration from the Provincial Investment Board.

SECTION 41. Rights and Privileges – The Municipal Government of Prosperidad through the Prosperidad Investments and Incentives Board, guarantees to all registered enterprises their full entitlement of the rights and privileges as provided in this Code and other applicable laws, to wit:

1. Access to comprehensive information to perspective investors such as economic priorities of the municipality, target investment areas, and the general information applicable to incoming direct private investments;
2. Allowed to hire skilled workers outside the municipality, in case there are no available local workers.

CHAPTER IX – BUDGET AND APPROPRIATION

SECTION 42. Budgetary Support –

- (a) The operations of the Board and of the PIPAC shall be funded out of the registration fees mandated by this code as augmented from an annual allocation as maybe determined in the annual budget.
- (b) Release of the fund shall be subject to the submission of a three year investment promotion program and its component program for the budget year.
- (c) The Sangguniang Bayan shall conduct an annual review of the program and activities of the Board and the PIPAC and may provide additional funds for their operations.

SECTION 43. Revenues from the operation of the Code. Income derived from the operation of this Code, shall be held in Trust. Said Trust Fund shall be solely used for thee operation, maintenance and other operation expenses of the MEIPO or PIPAC.

CHAPTER X – FINAL PROVISIONS

SECTION 44. Activation of the Board - Within 30 days from the effectivity of this Code, the municipal mayor shall convene and activate the members and vice-chairman of the Board and in partnership with the private sector, constitute the Prosperidad Investment Promotion Action Center (PIPAC).

SECTION 45. Implementing Rules and Regulations – Within 45 days from the effectivity of this Code, the Board shall formulate the Implementing Rules and Regulation which shall take effect upon approval of the Board.

SECTION 46. Coordinate in the alignment of the systems and procedures of municipal government offices – The Municipal Mayor's Office, the Municipal Treasurer's Office; and such other offices of the Municipal Government Involved at any stage of the application for the availment on incentives shall henceforth modify their systems and procedures in the issuance of applicable permits and license so as to be consistent with the provisions of this Code and its implementing rules and regulations. These offices shall further coordinate with the PIPAC for the purpose of setting up a one-stop processing center to expedite the processing of all applications.

SECTION 47. Refund and Penalties – In case of cancellation of the Registration Certificate, the Board shall require the refund of incentives availed of and impose corresponding fines and penalties.

SECTION 48. Exception – This Ordinance does not apply to financing or banking institutions, which are governed by the Central Banking Act and under the supervision of the Banko Sentral ng Pilipinas.

SECTION 49. Non-Transferability of Incentives and Privileges – Incentives and privileges granted under this Code are non-transferable, except in the event of death, permanent incapacity or registered member wherein the incentives and privileges shall be transferred to the heirs of descendants in accordance with the law of succession.

SECTION 50. Penal Clause – Violation of any provision of this Code or of the terms and conditions of registration, or of this Code's Implementing Rules and Regulations, or the act of abetting or aiding in any manner any such violation, shall be punished by a fine not exceeding P5,000.00. If offense is committed by a juridical entity, its president and/or other officials responsible therefore shall be individually subject to the penalty prescribed above.

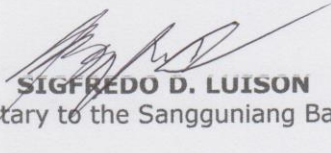
SECTION 51. Separability Clause – In the event any provision of this Code or parts thereof are declared unconstitutional, the other parts with this Code are hereby repealed or modified accordingly.

SECTION 52. Repealing Clause – The provisions of ordinances, executive orders and other issuances or parts thereof inconsistent with this Code are hereby repealed or modified accordingly.

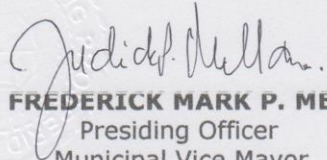
Mun. ord. no. 06, series of 2017
Page eighteen (18)

SECTION 6. EFFECTIVITY – This ordinance shall take effect upon its approval.

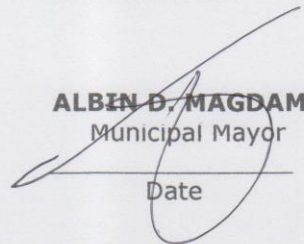
CERTIFIED CORRECT:


SIGFREDO D. LUISON
Secretary to the Sangguniang Bayan

ATTESTED BY:


FREDERICK MARK P. MELLANA
Presiding Officer
Municipal Vice Mayor

APPROVED BY:


ALBIN D. MAGDAMIT
Municipal Mayor

Date

SDL/fmr

Republic of the Philippines
Province of Agusan del Sur
MUNICIPALITY OF PROSPERIDAD

17TH SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 28TH REGULAR SESSION OF THE 17TH SANGGUNIANG BAYAN OF PROSPERIDAD, AGUSAN DEL SUR HELD IN ITS SESSION HALL ON FEBRUARY 28, 2017 AT 10:00 A.M.

INTRODUCED BY: COUNCILOR RICHEL B. TUMULAK

PRESENT:

Hon. Frederick Mark P. Mellana	Mun. Vice Mayor/Presiding Officer
Hon. Jesusimo L. Ronquillo	Sangguniang Bayan Member
Hon. Cesar M. Romero, Jr.	Sangguniang Bayan Member
Hon. Emidita A. Jagonia	Sangguniang Bayan Member
Hon. Samson L. Auxtero	Sangguniang Bayan Member
Hon. Richel B. Tumulak	Sangguniang Bayan Member
Hon. Benecio A. Manliguez	ABC President
Hawudon Lumadnon	
Victorico C. Mondejar, Jr.	Indigenous People Representative

ON OFFICIAL BUSINESS

Hon. Gina A. Ceballos	Sangguniang Bayan Member
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EXCUSED

Hon. Roland D. Magdamit	Sangguniang Bayan Member
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ON LEAVE

Hon. Alicia S. Demecillo	Sangguniang Bayan Member
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MUNICIPAL ORDINANCE NO. 06
Series of 2017

"AN ORDINANCE ENACTING THE PROSPERIDAD INVESTMENT INCENTIVE CODE"

BE IT ORDAINED by the Sangguniang Bayan of Prosperidad, Agusan del Sur in session assembled that:

CHAPTER 1- TITLE

SECTION 1. Title – This Ordinance shall be known as the Local Investment and Incentives Code of the Municipality of Prosperidad, Agusan del Sur.

CHAPTER II SCOPE AND DECLARATION OF POLICY

SECTION 2. Scope – The Incentives granted under this Code Shall be in addition to any incentives granted by the national government to a registered enterprise.

SECTION 3. Objectives – This Code has the following objectives.

- a. To generate jobs;
- b. To increase value-added of local products;
- c. To develop the municipality's tourism potential;
- d. To promote balance growth;
- e. To make the business sector a partner in enhancing the environment;
- f. To make encourage modernization and promote global competitiveness;

SECTION 4. Declaration of Policies – in pursuit of these objectives, the municipal government shall be guided by the following policies:

- a. Incentives shall not give undue advantage to new investors to detriment the existing enterprises engaged in the same or similar line of economic activity.
- b. Project shall preserve biodiversity and shall use, or impact upon, natural resources in ways that do not diminish their ability to provide for future generations.
- c. Joint ventures between commercial enterprises and farmers association or cooperative shall be encouraged as a strategy to modernize agriculture an improve its competitiveness.
- d. Balanced growth within Prosperidad and within the Mindanao Region shall determine the density and spatial distribution of private investments.
- e. Investments shall not compromise nor impose upon the people's socio-cultural values.

CHAPTER III-DEFINITIONS

SECTION 5. Definition of Terms – For purposes of this Ordinance, the following definitions shall mean:

- a. Code – shall refer to this Ordinance, 2017 Prosperidad Investments and Incentives Code.
- b. Board – shall refer to the Prosperidad Investments and Incentives Board (PIIB).
- c. PIPAC – shall refer to Prosperidad Investment Promotion Action Center.
- d. Municipality – comprises the thirty two (32) barangays.

- e. Investment Priority Areas (IPAS) – refers to the economic activities and under Chapter III Section 6 of the Code and of those areas, which the Board may subsequently approved.
- f. New Enterprise – shall refer to a project/activity listed in the IPAS that has not started commercial operation or started up to one year operation undertaken by
 - 1. a newly organized or formed enterprise; or
 - 2. an existing enterprise that shall engage in an entirely separate or different activity from its existing business operations; or
 - 3. an existing enterprises with the same activity provided it shall establish a new facility in an area not contiguous to the premises of the existing project with new investment poured.
- g. Existing Enterprise – refers to a business enterprise that has started operation more than one year already.
- h. Expansion – shall mean installation of additional facilities and/or equipment that will result in the increase of production capacity or the diversification of products which can be made by a labor intensive, or value extensive, or eco-tourism enterprise. It may include modernization to be registrable, should meet all of the following conditions;
 - 1. The phases/stages of production sought to be modernized must be identified;
 - 2. It must not result in the layoff of workers;
 - 3. the facilities or equipment to be installed must be brand new;
 - 4. It must result in any of the following:
 - 1a. Substantial reduction in production cost;
 - 1b. Significant increase in productive efficiency including debottlenecking;
 - 1c. Upgrading of product quality;
 - 1d. keeping a breast with the state of the art in the production of the enterprises principal product line.
- i. Registered Enterprise – refers to those enterprises/businesses which are granted Tax Holidays by the Prosperidad Investment Board as provided under this Code.
- j. Tax Holidays – shall refer to the tax exemption, tax incentives or tax relief granted to Registered Enterprise as provided under this Code.
- k. Project Cost – shall mean the total cost of setting up a project, which includes, but not limited to: land, building, office equipment, furniture, pre operating expenses and working capital.
- l. Processing – shall mean the conversion of raw materials into marketable form through physical, mechanical, chemical, electrical, biochemical, biological or other means but shall exclude packing and packaging and rice and corn milling.

- m. Tourism Interprises-refers to facilities, services and attractions involved in tourism, such as, but not limited to: travel and tour service; tourist transport services, whether for land, air transportation; tour guides; spelunking 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 provided that at least more than 50% of need sourcing of local raw materials for restaurants and free, manages and conspicuous marketing space for locally produced products, sports and recreational centers, spas, museums and galleries, theme parks, convention centers and zoos;
- n. MEIPO – Municipal economic and Investment Promotion Officer.
- o. Micro Enterprises – refers to an enterprises with project capital of five hundred thousand pesos and below.
- p. Small Enterprises – refers to an enterprises with project capital of five hundred thousand pesos but not above than fifteen million pesos.
- q. Medium Enterprises – refers to an enterprises with project capital of fifteen million pesos but not above to one hundred million pesos.
- r. Large Enterprises – refers to an enterprises with project capital of one hundred million pesos and above.
- s. Diversifying Establishment – refers to an establishment with mix and wide variety of investments.

CHAPTER IV
THE PROSPERIDAD INVESTMENTS AND INCENTIVES BOARD
(PIIB)

SECTION 6. Creation –There is hereby created the Prosperidad Investment and Incentives Board, herein after referred to as the Board, which shall administer this code.

SECTION 7. Function – The Board shall have the following functions:

- a. Promulgate Implementing Rules and Regulations (IRR) to ensure compliance with the provisions of this Code.
- b. Approve of disapprove applicants for registration.
- c. Recommend to the Sangguniang Bayan any amendment/revision of policies to strengthen Prosperidad attractiveness to investors.
- d. Ensure compliance of registered enterprises with the provisions of this Code particularly with regards to the hiring of local residents, adherence to labor laws, rules and regulations; sourcing of raw materials from local farmers, manufacturers and producers and the protection of the environments.
- e. In coordination with the office of the Municipal Treasurer or with appropriate agencies of the national government, periodically check and verify by inspection of the books and premises of the registered enterprise or by requiring periodic reports, compliance with this Code, with the implementing rules and regulations promulgated under this

- f. After due notice, cancel the registration or suspend the enjoyment of incentives of any registered enterprise and/or require refund of incentives enjoyed by such enterprise including interests and monetary penalties, for failure to maintain the qualification required by this Code for registration, for violation of any provision of this Code, of the implementing rules and regulations issued under this Code or of the terms and conditions of registration. Provided that the registration of an enterprise whose project timetable, as approved by the Board, is delayed by one year, shall be considered automatically cancelled unless otherwise reinstated upon its renewal of application to the Board.
- g. Extend the period of availment of incentives provided that the total period of availment shall not exceed ten years, subject to any of the following criteria;
 - 1. The registered enterprise has suffered operational force majeure that has impaired its viability; or
 - 2. The project of the registered enterprise has a gestation period which goes beyond the period of availment of incentives.
- h. Formulate, review and adopt the Investment Promotion Program submitted by the MEIPO/PIPAC.
- i. Within three months from the close of the calendar year, submit an annual report to the Sangguniang Bayan covering its activities in the administration of this Code including recommendation or investment policies.
- j. Fix the compensation of the Municipal Economic and Investment Promotion Officer and the staff of the MEIPO.
- k. Periodically review the list of priority investment areas and activities and, after due public hearing delete or add such areas or activities necessary to further advance the objectives and the declared policies of this Code.
- l. Generally, exercise all the powers prescribed by this Code and those necessary or incidental to attain the purpose of this Code.

SECTION 8. Composition – The Prosperidad Investment Incentive Board shall be composed of the following:

Chairman : The Municipal Mayor
Co-Chairman : The Municipal Vice Mayor
Co-Chairman : President, Prosperidad Business Club
Members

- 1. Sangguniang Bayan Member, Chairman, Committee on Budget, Finance and Appropriation/Ways and Means.
- 2. Sangguniang Bayan Member, Chairman, Committee on Economic & Enterprises.
- 3. Sangguniang Bayan Member, Chairman, Committee on Tourism/Food Security and Agriculture.

4. Sangguniang Bayan Member, Chairman, Committee on Environment and Natural Resources.
5. President of League of Barangays of Prosperidad.
6. Representative of duly accredited NGOs in Prosperidad.
7. Municipal Treasurer.
8. Municipal Agriculturist.
9. Municipal Tourism Officer.
10. Municipal Planning & Development Coordinator.
11. Municipal Environment & Natural Resources Officer.

SECTION 9. Term of Office – The term of Office of the members of the Board shall be coterminous with term of office of local officials without prejudice to their reappointment by the successor Municipal Mayor.

SECTION 10. Duties and Responsibilities of the Chairman – The Chairman shall have the following duties and responsibilities;

- a. To preside over the meeting of the Board.
- b. To ensure that applications for registration are acted upon expeditiously.
- c. To render annual reports to the Sangguniang Bayan.
- d. Generally, to exercise such powers and perform such other duties to carry out the objectives of this Code.

SECTION 11. Quorum – Eight members of the Board shall constitute a quorum. A simple majority of the members constituting a quorum shall be sufficient to carry its acts. If the chairman is not present, the vice chairman shall preside, if both the chairman and vice chairman are not present, then the presiding officer shall be elected by the members present from among themselves.

SECTION 12. Meetings - The regular meeting of the Board shall be held quarterly. The chairman shall convene a special meeting of the Board at any time if he deems immediate action is crucial on a given application for income or on a given policy issue.

CHAPTER V THE PROSPERIDAD INVESTMENT PROMOTION ACTION CENTER (PIPAC)

SECTION 13. Creation – The municipality of Prosperidad, in partnership with the private sector, shall establish an Investment Promotion Action Center to actively promote investments in the municipality.

SECTION 14. Functions – The PIPAC shall have the following functions:

- a. Prepare an Investment Promotions Program for submission to the Board.
- b. Assists the Board in arranging joint ventures among local and outside investors.