

**[MUNTINLUPA CITY ORDINANCE NO. 15-131,
August 02, 2015]**

**AN ORDINANCE ENACTING "THE INVESTMENT CODE OF THE
CITY OF MUNTINLUPA".**

Sponsored:

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Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Atty. Patrido L. Boncayao, Jr.
Hon. Coun. Bal Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Engr. Neptali S. Santiago
Hon. Coun. Elmer S. Espeleta
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WHEREAS, in consonance with the globalization of economies and the advent of the ASEAN Integration, it is paramount to initiate requisite steps to ensure the City of Muntinlupa is well prepared for the Philippines' full integration into the global economy;

WHEREAS, the requisite objectives to improve competitiveness, secure a superior quality of life, achieve sustainable economic growth, rekindle cultural renaissance, and institutionalize an efficient business environment, require initiatives focused on attracting foreign and local investments, businesses and visitors to the City of Muntinlupa;

WHEREAS, guided by the vision of the City of Muntinlupa as one of the leading investment hubs in the country, it is essential to draw potential investors using effective strategies and tools that offer incentives for businesses that establish operations and headquarters in the City;

WHEREAS, the City of Muntinlupa recognizes the strategic importance of collaboration with the private sector in the pursuit of its goals, and recognizes that this partnership can best be cultivated by creating conditions conducive to the growth and competitiveness of this sector;

WHEREAS, the partnership between the local government and the business sector needs to be enhanced and strengthened further by exploring avenues for collaboration which will also promote the qualities of the City of Muntinlupa as an investment destination;

WHEREAS, investors are more likely to locate their capital in destinations that offer an attractive combination of fiscal and non-fiscal incentives together with a strong business-friendly climate which is best enhanced by means of good infrastructure, a fair judicial system, strong governance, attractive markets, and an educated citizenry, among others;

WHEREAS, to maximize the potential for inclusive growth and development, the City Government of Muntinlupa finds it necessary to craft a measure to rationalize incentives in order to attract investors into the City, particularly those identified as providing value-added benefits to the City and its people;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the **7th Sangguniang Panlungsod of Muntinlupa** in session assemble that:

ARTICLE I GENERAL PROVISIONS

SECTION 1. Title. This ordinance shall be known as "The Investment Code of the City of Muntinlupa".

SECTION 2. Purpose. This ordinance seeks to provide the framework and reference in the formulation and implementation of investment policies and incentives to local and foreign investors who wish to establish and/or operate their respective businesses in the City of Muntinlupa.

SECTION 3. Policy Statement. it is hereby declared the policy of the City Government of Muntinlupa to exert and exhaust all efforts to promote the general welfare and improve the quality of life of its residents by developing and establishing itself as a major business and financial district. Towards this end, it shall come up with policies to:

Encourage domestic and foreign businesses to invest, establish business or conduct business operations in the City;

Foster a vibrant business environment that will be able to attract investor confidence and encourage the flow of investments into the City; and

Provide linkages and affiliations with domestic and foreign institutions and non-governmental organizations that would help maximize the economic potential of the city through the utilization of its labor and other resources.

SECTION 4. Scope of Application. This Code applies to all persons and juridical entities that shall invest, establish businesses or conduct business operations in the City.

SECTION 5. Rules of Interpretation. All controversies and differences arising from the implementation of this Code shall be resolved on the basis of the **1987 Philippine Constitution** and existing laws, rules, regulations and jurisprudence. In the resolution of controversies arising under this Code where no legal provision or jurisprudence applies, resort may be had to the customs and traditions in the place where the controversies take place.

SECTION 6. Definition of Terms. For the purposes of this Code, the following definitions shall apply:

- a) **Amusement** – shall mean places of entertainment and relaxation as enumerated in the investment priority areas in the City.
- b) **Board** – shall refer to the Muntinlupa Investment Board (MIB) created under Article II, Section 1 of this Code.
- c) **Bona Fide Local Personnel or Worker** – shall refer to those workers or personnel who are residents of the City of Muntinlupa for at least six (6) months and possess as proof of residency a Barangay Clearance from the Barangay where they reside.
- d) **Capitalization** – shall mean the total or initial investment in a business venture which may be in cash, securities, or property.
- e) **City** – shall refer to the City of Muntinlupa which includes all areas within its territorial jurisdiction and boundaries as provided by law and its charter.
- f) **City Council** – shall refer to the City Council of Muntinlupa. g) **Code** – shall refer to the Investment Code of the City of Muntinlupa.
- h) **Diversification** – shall refer to the pouring of fresh investment by an existing enterprise to extend its business activities into growth areas and varied ventures and to engage in the production and distribution of a wider and different range of products and service.
- i) **Existing Enterprise** – shall refer to those enterprises whose places of operation or production are presently located and are already engaged in a preferred/priority within the territorial jurisdiction and boundaries of the City.
- j) **Expansion** – shall mean the Infusion of new capital by an Existing Enterprise to increase of its base of operations and to broaden the size and volume of its core business activities.
- k) **Investment Development Plan** – shall mean an overall plan formulated by the Board and adopted by the City Council that includes and contains the analysis, synthesis and projections of data as defined under Article III, Section 13 of this Code.
- l) **New Investor** – shall refer to those prospective business establishments that have not engaged in any business activity yet and are intending to do business or establish headquarters, branches or places of operation or production in the City.
- m) **Preferred/Priority Investment Areas** – shall mean the

economic activities that the City of Muntinlupa has identified under the Code and those areas, which the Muntinlupa Investment Board may subsequently designate.

- n) **Registered Enterprise** – shall refer to those enterprises registered in accordance with the provisions of the Code.

Article II
CREATION, COMPOSITION, POWERS AND DUTIES
OF THE MUNTINLUPA INVESTMENT BOARD

SECTION 7. *Creation of the Muntinlupa Investment Board.* To carry out the purposes of this ordinance, there is hereby created a The City of Muntinlupa Board of investments, hereinafter referred to as the Board, which shall be organized within sixty (60) days after the approval of this ordinance.

SECTION 8. *Objectives of the Board.* The Board shall be guided by the following objectives:

- 1) *To encourage local and foreign investors to establish business and livelihood activities that will provide employment and widen investment opportunities in the City;*
- 2) *To encourage domestic and foreign investors to establish joint ventures, share arrangements or linkages to initiate and sustain commercial and service projects meant to spur livelihood opportunities in the City;*
- 3) *To rationalize and simplify the systems and processes of investment accreditation and develop promotional strategies that will enhance the viability of the City as an investment destination; and*
- 4) *To assist in the forging of partnerships between domestic and foreign investors that would facilitate the transfer of technologies and skills, promote consumer interest and strengthen the economic potential of local residents and entrepreneurs.*

SECTION 9. *Composition of the Board.* The Board shall be composed of the following:

- 1) **CHAIRMAN** – the Local Chief Executive
- 2) **CO- CHAIRMAN** – president of the Philippine Chamber of Commerce and Industries;
- 3) **Vice Chairman** – the City Vice Mayor;
- 4) **Nine (9) Members:**
 1. The Chairman of the Committee on Trade and Industry Sangguniang Panlungsod;
 2. Head of the Business Permit and License Office (BPLO);
 3. The City Treasurer;
 4. The Head of the Zoning Office;

5. The Head of the City Engineer's Office;
6. The head of the City Planning Office;
7. The cluster head of the Education Committee of the City Department Heads;
8. The Head of the City Competitiveness Office;
9. The Philippine National Police (PNP) Head of the City of Muntinlupa;

The terms of office of the members of the Board shall be co-terminus with that of the appointing authority.

SECTION 10. There shall be not more than **four (4) advisers** who shall be appointed by the Mayor. They shall have no voting rights.

SECTION 11. Powers and Functions of the Board. The Board shall be responsible for the formulation of policies and guidelines, subject to the prior approval of the Sangguniang Panlungsod, to help create a favorable investment and business friendly environment in the City.

It shall meet at least once a month or as often as may be necessary. The presence of a majority of all the Members of the Board shall constitute a quorum for the conduct of its business. An approval of the majority of the Members present during a meeting shall be required for the adoption of policies, proposals, programs, projects, activities or decisions. The Board shall be vested with the following powers and functions:

- 1) *Promulgate such rules and regulations as may be necessary to implement the intent and provisions of this Code, subject to the approval of the City Council;*
- 2) *Prepare annually, the Investment Development Plan of the City as provided under Article III, Section 13 of this Code;*
- 3) *Accept all applications and act upon them within 15 days from the time of receipt;*
- 4) *Evaluate, approve or disapprove the applications for registration to avail of investment incentives and issue certificates of registration to qualified applicants;*
- 5) *In coordination with the Office of the City Treasurer or with appropriate agencies of the national or city government, periodically check and verify, by inspection of the books, premises and business activity of the registered enterprise or applying for registration at any reasonable time of the day, during office hours ascertaining strict compliance with the provisions of this Code or when the Board deems it necessary in the effective exercise of its powers and duties;*
- 6) *Conduct hearings on issues concerning violations committed against*