

01

Item No.: 01
Date: MAY 02 2023

Republic of the Philippines
PROVINCE OF LEYTE

Province of Leyte
Legal Office
Jose Acol
4.14.23

SANGGUNIANG PANLALAWIGAN
RECEIVED
20 Apr. 2023
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
April 13, 2023

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 02, S. 2023 of the SB of Tolosa, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) of R.A 7160, the same being, to the opinion of the Provincial Legal Office (PLO), in consonance with the authority of R.A 9501 or the "Magna Carta for Micro Small and Medium enterprises" mentioned in Resolution No. 02-38-2023, accompanying subject ordinance No. 02, S. 2023

Jose Acol
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
12 April 2023



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 02**, series of **2023** of the **Municipality of TOLOSA, LEYTE**, entitled: An Ordinance mandating all the departments of the Local Government of Tolosa, Leyte to utilize at least ten percent (10%) of their respective approved Annual Procurement Plans (APPs) for the purchase of locally produced products and services of MSMEs and to allocate funds thereof for the establishment and operation of its implementing mechanism.

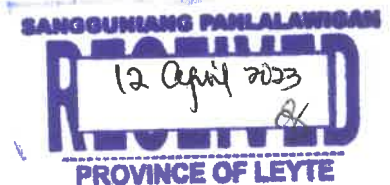

FLORINDA JILLS UYVICO
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
Municipality of Tolosa

Office of the Sangguniang Bayan

1st Endorsement
April 12, 2023



Respectfully forwarded to the Sangguniang Panlalawigan, Province of Leyte, Palo, Leyte, the herein attached **RESOLUTION NO. 03-38-2023, Re: RESOLUTION ENACTING AN ORDINANCE MANDATING ALL THE DEPARTMENTS OF THE LOCAL GOVERNMENT UNIT OF TOLOSA, LEYTE TO UTILIZE AT LEAST TEN PERCENT (10%) OF THEIR RESPECTIVE APPROVED ANNUAL PROCUREMENT PLANS (APPS) FOR THE PURCHASE OF LOCALLY PRODUCED PRODUCTS AND SERVICES OF MSMEs AND TO ALLOCATE FUNDS THEREOF FOR THE ESTABLISHMENT AND OPERATION OF ITS IMPLEMENTING MECHANISM**, Attendance of Regular Session and Certification of Posting.

For review and approval.

Issued this **12th** day of **April 2023** at Tolosa, Leyte, Philippines.

Please acknowledge receipt hereof.


CONSUELO R. LUMBRE
Sangguniang Bayan Secretary



Republic of the Philippines
 Province of Leyte
 Municipality of Tolosa
 Office of the Sangguniang Bayan

SANGGUNIANG PANLALAWIGAN
RECEIVED
 12 April 2023
 def
 PROVINCE OF LEYTE

**EXCERPT FROM THE MINUTES OF THE 31ST REGULAR SESSION
 OF THE SANGGUNIANG BAYAN OF TOLOSA, HELD AT THE
 SESSION HALL ON FEBRUARY 20, 2023, AT 9:30 A.M.**

PRESENT:

Hon. Manuel B. Balleo	-	-	SB Member (Temporary Presiding Officer)
Hon. Felicitto D. Beltran III	-	-	Sangguniang Bayan Member
Hon. Manny R. Martinez, RN, MPRM.-	-	-	Sangguniang Bayan Member
Hon. Edilberto R. Zabala, Jr.	-	-	Sangguniang Bayan Member
Hon. Felipe V. Canonigo III	-	-	Sangguniang Bayan Member
Hon. Virman Jessie O. Pundavela-	-	-	Sangguniang Bayan Member
Hon. Rolly A. Cinco	-	-	Sangguniang Bayan Member
Hon. Angelo R. Lumbre	-	-	Ex-Officio Member/SK Fed. President
Hon. Ireneo Rolando A. Lumbre -	-	-	SB Member/OIC-Municipal Mayor
Hon. Menardo M. Mate	-	-	Municipal Vice-Mayor (Official Travel)

ABSENT:

Hon. Melanie Felisa M. Vivero	-	-	Ex-Officio Member/ABC President
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RESOLUTION NO. 02-38-2023

A RESOLUTION ENACTING AN ORDINANCE MANDATING ALL THE DEPARTMENTS OF THE LOCAL GOVERNMENT UNIT OF TOLOSA, LEYTE TO UTILIZE AT LEAST TEN PERCENT (10%) OF THEIR RESPECTIVE APPROVED ANNUAL PROCUREMENT PLANS (APPS) FOR THE PURCHASE OF LOCALLY PRODUCED PRODUCTS AND SERVICES OF MSMEs AND TO ALLOCATE FUNDS THEREOF FOR THE ESTABLISHMENT AND OPERATION OF ITS IMPLEMENTING MECHANISM

WHEREAS, it is widely accepted that Micro, Small and Medium Enterprises (MSMEs) play a very important and significant role in the economic and social development of a community;

WHEREAS, it is a declared policy of the State to promote, support, strengthen and encourage the growth and development of MSMEs in all productive sectors of the economy particularly rural/agri-based enterprises by assuring to them a fair share of government contracts, related incentives, and preferences;

WHEREAS, Republic Act 6977 as amended by Republic Act 8289 and further amended by Republic Act 9501 otherwise known as the **Magna Carta for Micro, Small and Medium Enterprises** recognizes the potential of MSMEs to generate more employment and economic growth and therefore can help provide a self-sufficient industrial foundation for the country;

WHEREAS, Section 4 of the Magna Carta for Micro, Small and Medium Enterprises entitles eligible MSMEs a share of at least ten percent (10%) of the total procurement value of goods and services supplied to Government, its bureaus, offices and agencies, annually;

WHEREAS, Article XII, Section 43 of Republic Act 9148, otherwise known as the **Government Procurement Reform Act** permissively provides that in the procurement of goods services for the Government, procuring entity may give preference to the purchase of domestically-produced and manufactured goods, supplies and materials that meet the specified or desired quality;

HON. FELICITO D. BELTRAN III
 Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN, MPRM
 Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
 Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
 Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
 Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
 Sangguniang Bayan Member

(OIC-MUNICIPAL MAYOR)
 HON. IRENEO ROLANDO A. LUMBRE
 Sangguniang Bayan Member

HON. ROLLY A. CINCO
 Sangguniang Bayan Member

(ABSENT)
 HON. MELANIE FELISA M. VIVERO
 Sangguniang Bayan Member
 ABC President

HON. ANGELO R. LUMBRE
 Sangguniang Bayan Member
 PPSK President

WHEREAS, it is the incumbent duty of the Local Government Unit of Tolosa to formulate local laws, rules, policies and regulations that will address the distinct needs of its MSMEs by helping them promote their products and services and thereby expand their market access;

WHEREAS, the passage of this Ordinance will greatly help the continuous viability and growth of MSMEs and thereby attain countryside industrialization;

WHEREFORE, on Motion of Hon. Manny R. Martinez, RN, MPRM, duly seconded unanimously, be it

RESOLVED, as it is hereby resolved, to Enact An Ordinance Mandating all the Departments of the Local Government Unit of Tolosa, Leyte to Utilize at least Ten Percent (10%) of their Respective Approved Annual Procurement Plans (APPs) for the Purchase of Locally Produced Products and Services of MSMEs and to Allocate Funds Thereof for the Establishment and Operation of its Implementing Mechanism;

ORDINANCE NO. 02
Series of 2023

AN ORDINANCE MANDATING ALL THE DEPARTMENTS OF THE LOCAL GOVERNMENT UNIT OF TOLOSA, LEYTE TO UTILIZE AT LEAST TEN PERCENT (10%) OF THEIR RESPECTIVE APPROVED ANNUAL PROCUREMENT PLANS (APPs) FOR THE PURCHASE OF LOCALLY PRODUCED PRODUCTS AND SERVICES OF MSMEs AND TO ALLOCATE FUNDS THEREOF FOR THE ESTABLISHMENT AND OPERATION OF ITS IMPLEMENTING MECHANISM

Introduced and Authored by: Hon. Manny R. Martinez, RN, MPRM

Be it Ordained, by the Sangguniang Bayan of the Municipality of Tolosa that:

CHAPTER I

PRELIMINARY PROVISIONS

SECTION 1. SHORT TITLE – This Ordinance shall be Market Access Expansion and Promotion of Locally Produced Products and Services, otherwise known as **"Buy Local Products"**.

SECTION 2. DECLARATION OF POLICY – Consistent with the policy of the state to promote, strengthen, support and encourage the growth and development of MSMEs, it is hereby declared as a policy of the Local Government Unit of Tolosa, to utilize at least ten percent (10%) of its Approved Annual Procurement Plan (APP) for the purchase of locally produced products and services of MSMEs. Along this line, all Government Entities holding offices and/or implementing Programs, Projects, and Activities (PPAs) within the Municipality are enjoined to observe the same.

SECTION 3. DEFINITION OF TERMS – The words, terms and phrases enumerated hereunder shall be understood to have the meaning correspondingly indicated as follows:

- a. **Government Entities** – refer to all government institutions holding offices and/or implementing Program, Projects or Activities within the locality, be it Local, National, State Universities and Colleges, Government Owned and/or Controlled Corporations, and Government Financial Institutions.
- b. **Local MSME** – refer to a Micro, Small and Medium Enterprise duly established with place of operation located within the locality and producing/selling food and/or non-food products, or offering services to customers and included in the MSME Registry.

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member


HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member


HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

(OIC-MUNICIPAL MAYOR)
HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member


HON. ROLLY CINCO
Sangguniang Bayan Member

(ABSENT)
HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President


HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President

- c. **Locally Produced Products and Services** – refer to both food and non-food products produced or sold by MSMEs including services, be it personal, professional or business support.
- d. **Micro, Small and Medium Enterprise** – refers to any business or enterprise engaged in industry, agribusiness, trade and/or service whether single proprietorship, partnership, corporation, association or cooperative whose total assets inclusive of those arising from loans but exclusive of the value of land on which the enterprise use for its operation shall not exceed One Hundred Million Pesos (PhP100,000,000.00).
- e. **MSME Registry** – refers to the list of eligible Local MSMEs registered by the Economic Enterprise Office of the LGU producing and/or offering locally produced food and non-food products and services, and the ones entitled of the benefits provided for by this Ordinance.
- f. **Display Center** – refers to the place where locally produced products of MSMEs are displayed and made available for sale to interested buyers especially government entities.
- g. **Service Enterprise Office** – refers to a place where a service enterprise, holds office and accepts transactions/services for its clients.

CHAPTER II

REGISTRATION, ELIGIBILITY AND BENEFITS OF MSMEs

SECTION 4. REGISTRATION OF MSMEs – Within three (3) months after the effectivity of this Ordinance, the Economic Enterprise Office of the Local Government Unit of Tolosa in coordination with its Business Permit and Licensing Office (BPLO) shall assess and register qualified MSMEs to be entitled with the benefits of this Ordinance. Registered MSMEs shall be compiled and be known as the MSME Registry of the Local Government Unit. The MSME registry shall be updated annually, or as often as possible by the Economic Enterprise Office, and through the Local Chief Executive, recommends its approval by the Sangguniang Bayan of Tolosa. Any inclusion or exclusion from the list shall be thoroughly evaluated by the Economic Enterprise Office. The approved MSME registry shall be posted in the official website of the LGU and this shall serve as the basis of all concerned Government Entities for their procurement of needed locally produced products and services.

SECTION 5. ELIGIBILITY OF MSME – Any business entity having the qualifications herein enumerated below shall be included in the MSME Registry.

- a. Total asset of the enterprise shall not be more than ^100 million;
- b. It must be duly registered with appropriate registering agency like DTI, SEC, CDA or DOLE, including other statutory and regulatory registrations;
- c. Presently doing business within the locality with duly updated Mayor's Permit and engaged in the production, distribution and sale of local food and/or non-food products, or extending services to customers; and
- d. Other qualifications the LGU may require on a case-to-case basis.

SECTION 6. BENEFITS/PRIVILEGES OF REGISTERED MSMEs – MSMEs included in the registry of MSMEs are the ones entitled of the benefits/privileges provided for under this Ordinance. Benefits/privileges enjoyed include but not limited to the Supply of at least 10% of the total procurement value of goods and services of the Local Government Unit of Tolosa including all government entities holding offices and/or implementing Programs, Projects and Activities within the municipality.

CHAPTER III

IMPLEMENTING MECHANISM, MONITORING AND BUDGET APPROPRIATION

SECTION 7. IMPLEMENTING MECHANISM – To help promote the distributions/sale of locally produced products and services of MSMEs, and to facilitate the compliance of the Local Government Unit of Tolosa and other Government Entities holding offices and/or implementing Programs, Projects and Activities (PPAs) within the municipality in relation to the provision of Section

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN,MPRM
Sangguniang Bayan Member

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Sangguniang Bayan Member

HON. MAJUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
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HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

(OIC-MUNICIPAL MAYOR)
HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY CINCO
Sangguniang Bayan Member

(ABSENT)
HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President

4 of the Magna Carta for MSMEs, data or information regarding the locations of display outlets of locally produced products and/or offices of service enterprises shall be generated by the Economic Enterprise Office with the assistance of the Business Permit and Licensing Office, during MSME registration. The data generated likewise include the list of locally produced products and services offered by registered MSMEs and there shall compiled and submitted to Executive (LCE), copy furnish all concerned Government Entities for their information and guidance.

SECTION 8. MONITORING AND EVALUATION – To keep track of the compliance of the Local Government Unit of Tolosa as well as other Government Entities to the provisions of this Ordinance and that of the Magna Carta for MSMEs, those included in the MSME Registry are mandated to prepare monthly reports on products sold or services rendered to all Government Entities and submit these to the Economic Enterprise Office for consolidation. The MSME consolidated monthly reports shall be submitted to the Local Chief Executive (LCE), copy furnish concerned Government Entities and the Department of Budget and Management (DBM).

SECTION 9. DEPARTMENT BUDGET APPROPRIATION – The Local Government Unit of Tolosa shall appropriate in its budget or any supplemental budget that may be approved thereafter, the amount necessary to implement the provisions of this Ordinance.

CHAPTER IV

FINAL PROVISIONS

SECTION 10. PENAL CLAUSES – Any violation of the provisions of this Ordinance including violations to all related laws, rules and regulations shall be subjected to a fine of not more than Two Thousand Five Hundred Pesos (PhP 2,500.00) or imprisonment of not exceeding six (6) months or both at the discretion of the court, without prejudice to administrative sanctions in case of public officials.


SECTION 11. IMPLEMENTING RULES AND REGULATIONS – The office of the Local Chief Executive through its Economic Enterprise Office and in consultation with all concerned Government Entities and the private sector especially local MSMEs shall formulate the Implementing Rules and Regulations (IRR) necessary to implement the provisions of this Ordinance within sixty (60) days upon the final consideration and approval of this Ordinance by the Sangguniang Bayan of Tolosa.

SECTION 12. SEPARABILITY CLAUSE – If for any reason, any provision of this ordinance is deemed not valid by a court of competent jurisdiction or suspended or revoked by Sangguniang Bayan of Tolosa, such judgement shall not affect or impair the remaining portions, provisions sections or parts thereof, which shall remain to be in full force and effect.

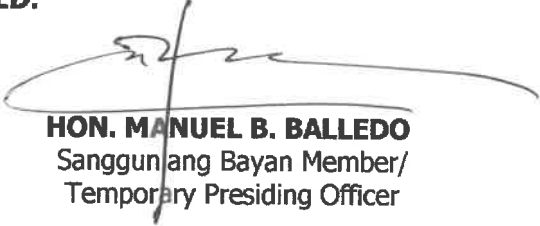
SECTION 13. REPEALING CLAUSE – All local ordinances, executive orders, resolutions, memoranda, regulations, or part thereof in conflict or inconsistent with any provision of this Ordinance shall be considered repealed, amended or modified accordingly.

SECTION 14. EFFECTIVITY – This Ordinance entitled Market Access Expansion and Promotion of Locally Produced Products and Services otherwise known as "**Buy Local Products**" shall take effect immediately upon its approval, and in accordance with the provisions of the Local Government Code of 1991.

ENACTED this 20th day of February 2023 at Tolosa, Leyte.


CONSUELO R. LUMBRE
Sangguniang Bayan Secretary

ATTESTED:



HON. MANUEL B. BALLEDO
Sangguniang Bayan Member/
Temporary Presiding Officer



HON. FELICITTO D. BELTRAN III
Sangguniang Bayan Member



HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member



HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member



HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member



HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member



HON. ROLITO A. CINCO
Sangguniang Bayan Member

(ABSENT)
HON. MELANIE FELISA M. VIVERO
Ex-Officio Member/ABC President



HON. ANGELO R. LUMBRE
Ex-Officio Member/SK Fed. President

APPROVED:



HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member/
OIC-Municipal Mayor



Republic of the Philippines
Province of *Leyte*
Municipality of Tolosa

Office of the Sangguniang Bayan

ATTENDANCE SHEET

31ST Regular Session
of the Sangguniang Bayan

SB Session Hall
Venue

February 20, 2023
Date

No.	Name	Designation	Signature
1	Hon. Manuel B. Balledo	Municipal Councilor/ Temporary Presiding Officer	
2	Hon. Felicito D. Beltran III	Municipal Councilor	
3	Hon. Manny R. Martinez, RN, MPRM	Municipal Councilor	
4	Hon. Edilberto R. Zabala, Jr.	Municipal Councilor	
5	Hon. Felipe V. Canonigo III	Municipal Councilor	
6	Hon. Virman Jessi O. Pundavela	Municipal Councilor	
7	Hon. Ireneo Rolando A. Lumbre	Municipal Councilor/ OIC Municipal Mayor	
8	Hon. Rolly A. Cinco	Municipal Councilor	
9	Hon. Angelo R. Lumbre	SK Fed. President, Ex-Officio	
10			
11			

CERTIFICATION

I hereby **CERTIFY** that those who have signatures above, have actually attended the **31ST Regular Session** of the Sangguniang Bayan of Tolosa, Leyte, held at the SB Session Hall on February 20, 2023.

CONSUELO R. LUMBRE
Sangguniang Bayan Secretary



Republic of the Philippines
Province of Leyte
Municipality of Tolosa

Office of the Sangguniang Bayan

MINUTES OF THE 31ST REGULAR SESSION OF THE SANGGUNIANG BAYAN OF TOLOSA, HELD AT THE SESSION HALL ON FEBRUARY 20, 2023 AT 1:00 P.M.

PRESENT:

Hon. Edilberto R. Zabala, Jr.	-	-	SB Member (Temporary Presiding Officer)
Hon. Felicito D. Beltran III	-	-	Sangguniang Bayan Member
Hon. Manny R. Martinez, RN, MPRM.-	-	-	Sangguniang Bayan Member
Hon. Manuel B. Balleo	-	-	Sangguniang Bayan Member
Hon. Felipe V. Canonigo III	-	-	Sangguniang Bayan Member
Hon. Virman Jessie O. Pundavela-	-	-	Sangguniang Bayan Member
Hon. Rolly A. Cinco	-	-	Sangguniang Bayan Member
Hon. Angelo R. Lumbre	-	-	Ex-Officio Member/SK Fed. President
Hon. Ireneo Rolando A. Lumbre -	-	-	SB Member/OIC Municipal Mayor
Hon. Menardo M. Mate	-	-	Municipal Vice-Mayor (Official Travel)

ABSENT:

Hon. Melanie Felisa M. Vivero - - Ex-Officio Member/ABC President

By Law of succession – Hon. Felicito D. Beltran III opened the table for the Temporary Presiding Officer.

Hon. Manuel B. Balleo nominated Hon. Edilberto R. Zabala, Jr., Since only one was nominated he automatically become the Temporary Presiding Officer.

CALL TO ORDER. - The session was called to order by the Temporary Presiding Officer at 1:00 P.M.

NATIONAL ANTHEM, INVOCATION, TOLOSA HYMN. – Computer Generated.

APPROVAL OF THE MINUTES OF THE PREVIOUS SESSION. – Hon. Manny R. Martinez, RN, MPRM, moved to dispense the reading of the previous minutes and seconded by Hon. Felicito D. Beltran III.

REFERENCE OF BUSINESS:

1. Resolution requesting financial assistance from the Tingog Partylist thru Rep. Yedda Marie K. Romualdez in the amount of Php3,000,000.00 for Solar Streellight in Barangay San Vicente to Barangay Cantariwis, Tolosa, Leyte.

Hon. Felicito D. Beltran explained where the solar street will be installed which is San Vicente going to the mountain side its so dark during night time and requested to suspend the rule.

Hon. Manny R. Martinez, RN, MPRM moved to suspend the rule.

Hon. Felicito D. Beltran III asked for any comments. There being none he moved to pass a resolution and seconded unanimously.

RESOLUTION NO. 02-34-2023

RESOLUTION RESPECTFULLY REQUESTING FINANCIAL ASSISTANCE FROM THE TINGOG PARTYLIST THRU REP. YEDDA MARIE K. ROMUALDEZ IN THE AMOUNT OF PHP3,000,000.00 FOR SOLAR STREETLIGHT IN BARANGAY SAN VICENTE AND BARANGAY CANTARIWIS, TOLOSA, LEYTE

(OFFICIAL TRAVEL)

HON. MENARDO M. MATE
Municipal Vice Mayor


CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

(OIC-MUNICIPAL MAYOR)
HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
Sangguniang Bayan Member

(ABSENT)
HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
ppSK President

SECTION 6. The Term Loan Agreement, Deed of Assignment with Hold-Out Agreement and other collateral loan documents are now before the Sanggunian for its perusal, study, ratification and approval and the same are found fair, just, legal and in order;

SECTION 7. The Municipality is hereby authorized the following:

1. To open and maintain with DBP a Deposit Account where the proceeds of the loan shall be maintained during the term of the loan, and for the Mayor to execute the covering Deed of Assignment;
2. To undertake not to incur additional obligations/indebtedness without the prior written consent of DBP which consent will not be unreasonably withheld; and
3. To authorize DBP to debit the LGU's deposit account to cover loan payments of its obligation with the Bank.

SECTION 8. The Sanggunian undertakes, as it hereby undertakes to appropriate in the LGU's Annual Budget for the years 2023 to 2038 an amount sufficient to pay its loan with DBP including interest thereon and other charges.

SECTION 9. Any Ordinance or parts thereof, inconsistent with this enactment is hereby repealed or amended accordingly.

SECTION 10. The obligation shall not be subject to recall by the Sanggunian concerned for the whole term of the loan, regardless of any change in the composition of the Sanggunian. This ratification includes any and all subsequent requests by the Municipality concerned for modification/ revision/ reallocation and/ or amendment to be made on the project as well as on its approved terms and conditions.

SECTION 11. This Ordinance shall take effect upon its publication and compliance with all procedures required under Republic Act No. 7160 of an ordinance for its validity, including the affixation of signatures of the Sanggunian Bayan members, in concurrence thereto, composing at least a majority thereof, out of the total of eight (8) members, **on all the pages** of this Ordinance.

SO ORDAINED/ENACTED.

RESOLVED FURTHER, that copies of this Ordinance be furnished to the Honorable Mayor and the Auditor, all of this including the Bangko Sentral ng Pilipinas and the Development Bank of the Philippines, for their information and appropriate action.

ADOPTED this 20th day of **February, 2023.**

- 2) Proposed Ordinance Mandating all the Department of the Local Government Unit of Tolosa, Leyte to utilize at least ten percent (10%) of their respective approved Annual Procurement Plans (APPs) for the purchase of locally products and services of MSMEs and to allocate funds thereof for the establishment and operation of its implementing mechanism

Hon. Manny R. Martinez, RN, MPRM moved to pass a resolution.

The Temporary presiding Officer asked who are infavor of the motion of Hon. Manny R. Martinez, RN, MPRM. All members present voted on the motion of Hon. Manny R. Martinez, RN, MPRM.

Hon. Manny R. Martinez, RN, MPRM moved to pass a resolution approving Ordinance No. 02 and seconded by the members present.

RESOLUTION NO. 02-38-2023

A RESOLUTION ENACTING AN ORDINANCE MANDATING ALL THE DEPARTMENTS OF THE LOCAL GOVERNMENT UNIT OF TOLOSA, LEYTE TO UTILIZE AT LEAST TEN PERCENT (10%) OF THEIR RESPECTIVE APPROVED ANNUAL PROCUREMENT PLANS (APPs) FOR THE PURCHASE OF LOCALLY PRODUCED PRODUCTS AND SERVICES OF MSMEs AND TO ALLOCATE FUNDS THEREOF FOR THE ESTABLISHMENT AND OPERATION OF ITS IMPLEMENTING MECHANISM

WHEREAS, it is widely accepted that Micro, Small and Medium Enterprises (MSMEs) play a very important and significant role in the economic and social development of a community;

HON. FELICITO D. BELTRAN II
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member

HON. EDI BERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. SANONIGON III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

(OIC-MUNICIPAL MAYOR)
HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
Sangguniang Bayan Member

(ABSENT)
HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President

(OFFICIAL TRAVEL)
HON. MENARDO M. MATE
Municipal Vice-Mayor


CONSUELO R. LUMBRE
SB Secretary

WHEREAS, It is a declared policy of the State to promote, support, strengthen and encourage the growth and development of MSMEs in all productive sectors of the economy particularly rural/agri-based enterprises by assuring to them a fair share of government contracts, related incentives, and preferences;

WHEREAS, Republic Act 6977 as amended by Republic Act 8289 and further amended by Republic Act 9501 otherwise known as the **Magna Carta for Micro, Small and Medium Enterprises** recognizes the potential of MSMEs to generate more employment and economic growth and therefore can help provide a self-sufficient industrial foundation for the country;

WHEREAS, Section 4 of the Magna Carta for Micro, Small and Medium Enterprises entitles eligible MSMEs a share of at least ten percent (10%) of the total procurement value of goods and services supplied to Government, its bureaus, offices and agencies, annually;

WHEREAS, Article XII, Section 43 of Republic Act 9148, otherwise known as the **Government Procurement Reform Act** permissively provides that in the procurement of goods services for the Government, procuring entity may give preference to the purchase of domestically-produced and manufactured goods, supplies and materials that meet the specified or desired quality;

WHEREAS, it is the incumbent duty of the Local Government Unit of Tolosa to formulate local laws, rules, policies and regulations that will address the distinct needs of its MSMEs by helping them promote their products and services and thereby expand their market access;

WHEREAS, the passage of this Ordinance will greatly help the continuous viability and growth of MSMEs and thereby attain countryside industrialization;

WHEREFORE, on Motion of Hon. Manny R. Martinez, RN, MPRM, duly seconded unanimously, be it;

RESOLVED, as it is hereby resolved, to Enact An Ordinance Mandating all the Departments of the Local Government Unit of Tolosa, Leyte to Utilize at least Ten Percent (10%) of their Respective Approved Annual Procurement Plans (APPs) for the Purchase of Locally Produced Products and Services of MSMEs and to Allocate Funds Thereof for the Establishment and Operation of its Implementing Mechanism;

ORDINANCE NO. 02
Series of 2023

AN ORDINANCE MANDATING ALL THE DEPARTMENTS OF THE LOCAL GOVERNMENT UNIT OF TOLOSA, LEYTE TO UTILIZE AT LEAST TEN PERCENT (10%) OF THEIR RESPECTIVE APPROVED ANNUAL PROCUREMENT PLANS (APPs) FOR THE PURCHASE OF LOCALLY PRODUCED PRODUCTS AND SERVICES OF MSMEs AND TO ALLOCATE FUNDS THEREOF FOR THE ESTABLISHMENT AND OPERATION OF ITS IMPLEMENTING MECHANISM

Introduced and Authored by: Hon. Manny R. Martinez, RN, MPRM

Be it Ordained, by the Sangguniang Bayan of the Municipality of Tolosa that:

CHAPTER I

PRELIMINARY PROVISIONS

SECTION 1. SHORT TITLE – This Ordinance shall be Market Access Expansion and Promotion of Locally Produced Products and Services, otherwise known as **"Buy Local Products"**.

SECTION 2. DECLARATION OF POLICY – Consistent with the policy of the state to promote, strengthen, support and encourage the growth and development of MSMEs, it is hereby declared as a policy of the Local Government Unit of Tolosa, to utilize at least ten percent (10%) of its Approved Annual Procurement Plan (APP) for the purchase of locally produced

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member

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HON. FELIPE T. CANONIGO III
Sangguniang Bayan Member


HON. YRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

(OIC-MUNICIPAL MAYOR)
HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
Sangguniang Bayan Member

(ABSENT)
HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President

products and services of MSMEs. Along this line, all Government Entities holding offices and/or implementing Programs, Projects, and Activities (PPAs) within the Municipality are enjoined to observe the same.

SECTION 3. DEFINITION OF TERMS – The words, terms and phrases enumerated hereunder shall be understood to have the meaning correspondingly indicated as follows:

- a. **Government Entities** – refer to all government institutions holding offices and/or implementing Program, Projects or Activities within the locality, be it Local, National, State Universities and Colleges, Government Owned and/or Controlled Corporations, and Government Financial Institutions.
- b. **Local MSME** – refer to a Micro, Small and Medium Enterprise duly established with place of operation located within the locality and producing/selling food and/or non-food products, or offering services to customers and included in the MSME Registry.
- c. **Locally Produced Products and Services** – refer to both food and non-food products produced or sold by MSMEs including services, be it personal, professional or business support.
- d. **Micro, Small and Medium Enterprise** – refers to any business or enterprise engaged in industry, agribusiness, trade and/or service whether single proprietorship, partnership, corporation, association or cooperative whose total assets inclusive of those arising from loans but exclusive of the value of land on which the enterprise use for its operation shall not exceed One Hundred Million Pesos (PhP100,000,000.00).
- e. **MSME Registry** – refers to the list of eligible Local MSMEs registered by the Economic Enterprise Office of the LGU producing and/or offering locally produced food and non-food products and services, and the ones entitled of the benefits provided for by this Ordinance.
- f. **Display Center** – refers to the place where locally produced products of MSMEs are displayed and made available for sale to interested buyers especially government entities.
- g. **Service Enterprise Office** – refers to a place where a service enterprise, holds office and accepts transactions/services for its clients.

CHAPTER II

REGISTRATION, ELIGIBILITY AND BENEFITS OF MSMEs

SECTION 4. REGISTRATION OF MSMEs – Within three (3) months after the effectivity of this Ordinance, the Economic Enterprise Office of the Local Government Unit of Tolosa in coordination with its Business Permit and Licensing Office (BPLO) shall assess and register qualified MSMEs to be entitled with the benefits of this Ordinance. Registered MSMEs shall be compiled and be known as the MSME Registry of the Local Government Unit. The MSME registry shall be updated annually, or as often as possible by the Economic Enterprise Office, and through the Local Chief Executive, recommends its approval by the Sangguniang Bayan of Tolosa. Any inclusion or exclusion from the list shall be thoroughly evaluated by the Economic Enterprise Office. The approved MSME registry shall be posted in the official website of the LGU and this shall serve as the basis of all concerned Government Entities for their procurement of needed locally produced products and services.

SECTION 5. ELIGIBILITY OF MSME – Any business entity having the qualifications herein enumerated below shall be included in the MSME Registry.

- a. Total asset of the enterprise shall not be more than ^100 million;
- b. It must be duly registered with appropriate registering agency like DTI, SEC, CDA or DOLE, including other statutory and regulatory registrations;
- c. Presently doing business within the locality with duly updated Mayor's Permit and engaged in the production, distribution and sale of local food and/or non-food products, or extending services to customers; and
- d. Other qualifications the LGU may require on a case-to-case basis.

(OFFICIAL TRAVEL)

HON. MENARDO M. MATE
Municipal Vice-Mayor

Consuelo R. Lumbre
CONSUELO R. LUMBRE
SB Secretary

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HON. RELICTO D. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MANTANES
Sangguniang Bayan Member

HON. EDIBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIX V. CANONIGO III
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Sangguniang Bayan Member
PPSK President

SECTION 6. BENEFITS/PRIVILEGES OF REGISTERED MSMEs – MSMEs included in the registry of MSMEs are the ones entitled of the benefits/privileges provided for under this Ordinance. Benefits/privileges enjoyed include but not limited to the Supply of at least 10% of the total procurement value of goods and services of the Local Government Unit of Tolosa including all government entities holding offices and/or implementing Programs, Projects and Activities within the municipality.

CHAPTER III

IMPLEMENTING MECHANISM, MONITORING AND BUDGET APPROPRIATION

SECTION 7. IMPLEMENTING MECHANISM – To help promote the distributions/sale of locally produced products and services of MSMEs, and to facilitate the compliance of the Local Government Unit of Tolosa and other Government Entities holding offices and/or implementing Programs, Projects and Activities (PPAs) within the municipality in relation to the provision of Section 4 of the Magna Carta for MSMEs, data or information regarding the locations of display outlets of locally produced products and/or offices of service enterprises shall be generated by the Economic Enterprise Office with the assistance of the Business Permit and Licensing Office, during MSME registration. The data generated likewise include the list of locally produced products and services offered by registered MSMEs and there shall compiled and submitted to Executive (LCE), copy furnish all concerned Government Entities for their information and guidance.

SECTION 8. MONITORING AND EVALUATION – To keep track of the compliance of the Local Government Unit of Tolosa as well as other Government Entities to the provisions of this Ordinance and that of the Magna Carta for MSMEs, those included in the MSME Registry are mandated to prepare monthly reports on products sold or services rendered to all Government Entities and submit these to the Economic Enterprise Office for consolidation. The MSME consolidated monthly reports shall be submitted to the Local Chief Executive (LCE), copy furnish concerned Government Entities and the Department of Budget and Management (DBM).

SECTION 9. DEPARTMENT BUDGET APPROPRIATION – The Local Government Unit of Tolosa shall appropriate in its budget or any supplemental budget that may be approved thereafter, the amount necessary to implement the provisions of this Ordinance.

CHAPTER IV

FINAL PROVISIONS

SECTION 10. PENAL CLAUSES – Any violation of the provisions of this Ordinance including violations to all related laws, rules and regulations shall be subjected to a fine of not more than Two Thousand Five Hundred Pesos (PhP 2,500.00) or imprisonment of not exceeding six (6) months or both at the discretion of the court, without prejudice to administrative sanctions in case of public officials.

SECTION 11. IMPLEMENTING RULES AND REGULATIONS – The office of the Local Chief Executive through its Economic Enterprise Office and in consultation with all concerned Government Entities and the private sector especially local MSMEs shall formulate the Implementing Rules and Regulations (IRR) necessary to implement the provisions of this Ordinance within sixty (60) days upon the final consideration and approval of this Ordinance by the Sangguniang Bayan of Tolosa.

SECTION 12. SEPARABILITY CLAUSE – If for any reason, any provision of this ordinance is deemed not valid by a court of competent jurisdiction or suspended or revoked by Sangguniang Bayan of Tolosa, such judgement shall not affect or impair the remaining portions, provisions sections or parts thereof, which shall remain to be in full force and effect.

SECTION 13. REPEALING CLAUSE – All local ordinances, executive orders, resolutions, memoranda, regulations, or part thereof in conflict or inconsistent with any provision of this Ordinance shall be considered repealed, amended or modified accordingly.

SECTION 14. EFFECTIVITY – This Ordinance entitled Market Access Expansion and Promotion of Locally Produced Products and Services otherwise known as **"Buy Local Products"** shall take effect immediately upon its approval, and in accordance with the provisions of the Local Government Code of 1991.

ENACTED this 20th day of February 2023 at Tolosa, Leyte.

(OFFICIAL TRAVEL)
HON. MENARDO M. MATE
 Municipal Vice-Mayor

[Signature]
CONSUELO R. LUMBRE
 SB Secretary

HON. FELICITO B. BELTRAN III
 Sangguniang Bayan Member

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 Sangguniang Bayan Member

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 ABC President

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 Sangguniang Bayan Member
 PPSK President


OTHER MATTERS:

1. None

Adjournment. - There being no further business. Hon. Angelo R. Lumbre moved for the adjournment of the session. The session was adjourned at 4:00 P.M.

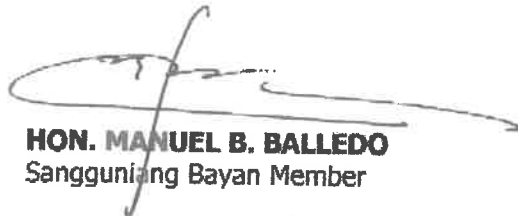

CONSUELO R. LUMBRE
Sangguniang Bayan Secretary

ATTESTED:


HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member
Temporary Presiding Officer


HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member


HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member


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(ABSENT)
HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member


HON. ANGELO R. LUMBRE
Ex-Officio Member/SK Fed. President