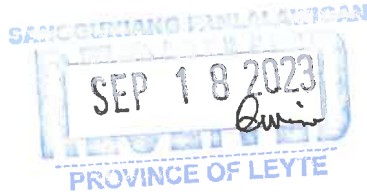


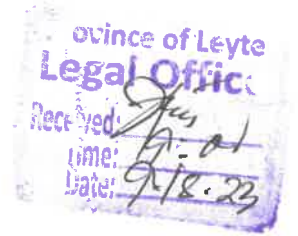
16
Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

Item No.: 16
Date: SEP 26 2023

PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
September 12, 2023



Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached **Ordinance No. 11 S.2023** of the Sangguniang Panlungsod of **Baybay, Leyte**, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160, to the opinion of the Provincial Legal Office (PLO), in consonance with the authority under R.A. 11032 mentioned in the ordinance. Provided that, pursuant to Section 458(1),(iii) of the Code, a fine not exceeding P 5,000 or an imprisonment for a period not exceeding one year or both , may be imposed for violations of City Ordinances.

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



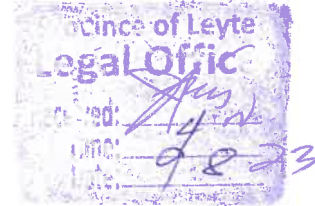


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
08 September 2023



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **CITY ORDINANCE NO. 11, S. 2023** of the **CITY OF BAYBAY, LEYTE**, entitled: **AN ORDINANCE PROMOTING EASE OF DOING BUSINESS IN THE CITY OF BAYBAY, PRESCRIBING GUIDELINES IN THE ISSUANCE OF BUSINESS PERMITS AND FOR OTHER PURPOSES.**


FLORINDA JILLS BYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
-000000-



Office of the Sangguniang Panlungsod

Telefax No. (+63-53)335-4808/563-9009 2nd Floor, Legislative Bldg., Magsaysay Ave., Baybay City, Leyte 6521 @ sangguniangpanlungsod@gmail.com

The Sangguniang Panlalawigan
Province of Leyte
Tacloban City


Sir/Madam



I am pleased to transmit herewith the Soft and Hard copies of City Ordinance No. 11 S. 2023 of the Sangguniang Panlungsod of Baybay City:

It is hoped that said Ordinance is in order and therefore, merits your kind consideration.

Thank you very much.


ATTY. VIVIAN E. VIDALLON
SP Secretary

Incl.: as stated

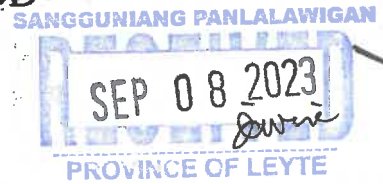


Office of the Sangguniang Panlungsod

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 @ panlungsodsangguniang@gmail.com

6th SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 11, S. 2023
21st Regular Session



"AN ORDINANCE PROMOTING EASE OF DOING BUSINESS IN THE CITY OF BAYBAY, PRESCRIBING GUIDELINES IN THE ISSUANCE OF BUSINESS PERMITS AND FOR OTHER PURPOSES"

Sponsored by: Hon. Jose Rommel A. Peñaranda
And Hon. Simoune Astorga

WHEREAS, Republic Act No. 11032 was enacted into law to promote the ease of doing business in the Philippines and efficient delivery of government service;

WHEREAS, the City of Baybay encourages and promotes business investments and opportunities in the City to improve the economic condition of the City and its residents;

WHEREAS, there is a need to enact an ordinance that would entice entrepreneurs to open up their businesses in the City of Baybay by expediting business and non-business transactions including the issuances of permits and licenses, and holding local government officials and employees accountable for graft and corruption;

NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the 6th Sangguniang Panlungsod of the City of Baybay, Province of Leyte, in its 21st Regular Session duly assembled that:

Section 1. This ordinance shall be known as **"AN ORDINANCE PROMOTING EASE OF DOING BUSINESS IN THE CITY OF BAYBAY, PRESCRIBING GUIDELINES IN THE ISSUANCE OF BUSINESS PERMITS AND FOR OTHER PURPOSES"**

Section 2. It is hereby declared the policy of the City of Baybay to promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices, aimed at efficient turnaround of the delivery of local government services, and the prevention of graft and corruption in the local government. Towards this end, the City Government shall maintain honesty and responsibility among its officials and employees, and shall take appropriate measures to promote transparency with regards to the manner of transacting with the public, which shall encompass a program for the adoption of simplified requirements and procedures that will reduce red tape and expedite business and non-business related transactions in the City Government.

Section 3. As used in this Ordinance, the following terms are defined as follows:

- A. *Business One Stop Shop (BOSS)* – a single common site or location, or a single online website or portal designated for the Business Permit and Licensing System (BPLS) of the City Government to receive and process applications, receive payments, and issue approved licenses, clearances, permits, or authorizations;
- B. *Business-related transactions* – a set of regulatory requirements that a business entity must comply with to engage, operate or continue to operate a business, such as, but not limited to, collection or preparation of a number of documents, submission to national and local government authorities, approval of application submitted, and receipt of a formal certificate or certificates, permits, licenses which include primary and secondary, clearances and such similar authorization or documents which confer eligibility to operate or continue to operate as a legitimate business;
- C. *Complex transactions* – applications or requests submitted by applicants or requesting parties to the local government office which necessitate evaluation in the resolution of complicated issues by an officer or employee of said local government office, such transactions to be determined by the office concerned;
- D. *Highly technical application* – an application which requires the use of technical knowledge, specialized skills and/or training in the processing and/or evaluation thereof;
- E. *Non business transactions* – all other government transactions not falling under Section 3 (B) of this Ordinance;
- F. *Red tape* – any regulation, rule, or administrative procedure or system that is ineffective or detrimental in achieving its intended objectives and, as a result, produces slow, suboptimal, and undesirable social outcomes;
- G. *Simple transactions* – applications or requests submitted by applicants or requesting parties to the local government office which only require ministerial actions on the part of the public officer or employee, or that which present only inconsequential issues for the resolution by an officer or employee.

Section 4. Citizen's Charter. All offices in the City Government shall set up their respective most current and updated service standards to be known as the Citizen's Charter in the form of information billboards which shall be posted at the main entrance of offices or at the most conspicuous place, in their respective websites, if any, and in the form of published materials written either in English, Filipino, or in the local dialect, that detail:

- A. A comprehensive and uniform checklist of requirements for each type of application or request;
- B. The procedure to obtain a particular service;
- C. The person/s responsible for each step;
- D. The maximum time to conclude the process;
- E. The document/s to be presented by the applicant or requesting party, if necessary;
- F. The amount of fees, if necessary; and
- G. The procedure for filing complaints.

Section 5. Zero-Contact Policy. Except during the preliminary assessment of the request and evaluation of sufficiency of submitted requirements, no officer or employee of the City Government shall have any contact, in any manner, unless strictly necessary with any applicant or requesting party concerning an application or request. Once the Department of Information and Communications Technology (DICT) has completed a web-based software enabled business registration system that is acceptable to the public as

mandated under Section 26 of Republic Act No. 11032, all transactions shall be incorporated or coursed through such system.

Section 6. Accountability of Heads of Offices. The heads of offices of the City Government shall be primarily responsible for the implementation of this Ordinance and shall be held accountable to the public in rendering fast, efficient, convenient and reliable service.

Section 7. Accessing Government Services. The following shall be adopted by all offices in the City Government:

A. Acceptance of Applications or Requests. –

- a) All officers or employees shall accept written applications, requests, and/or documents being submitted by applicants or requesting parties of the offices or agencies.
- b) The receiving officer or employee shall perform a preliminary assessment of the application or request submitted with its supporting documents to ensure a more expeditious action on the application or request. The receiving officer or employee shall immediately inform the applicant or requesting party of any deficiency in the accompanying requirements, which shall be limited to those enumerated in the Citizen's Charter.
- c) The receiving officer or employee shall assign a unique identification number to an application or request, which shall be the identifying number for all subsequent transactions between the government and the applicant or requesting party regarding such specific application or request.
- d) The receiving officer or employee shall issue an acknowledgement receipt containing the seal of the office or the City Government, the name of the responsible officer or employee, his/her unit and designation, and the date and time of receipt of such application or request.

B. Action of Offices.

- a) All applications or requests submitted shall be acted upon by the assigned officer or employee within the prescribed processing time stated in the Citizen's Charter which shall not be longer than three (3) working days in the case of simple transactions and seven (7) working days in the case of complex transactions from the date the request and/or complete application or request was received.
 - i. For applications or requests involving activities which pose danger to public health, public safety, public morals, public policy, and highly technical application, the prescribed processing time shall in no case be longer than twenty (20) working days.
 - ii. The maximum time prescribed above may be extended only once for the same number of days, which shall be indicated in the Citizen's Charter. Prior to the lapse of the processing time, the office concerned shall notify the applicant or requesting party in writing of the reason for the extension and final date of release of the government service/s requested. Such

written notification shall be signed by the applicant or requesting party to serve as proof of notice.

- iii. If the application or request for license, clearance permit, certification or authorization shall require the approval of the *Sangguniang Panlungsod*, the *Sanggunian* concerned shall be given a period of forty-five (45) working days to act on the application or request, which can be extended for another twenty (20) working days. If the *Sanggunian* concerned has denied the application or request, the reason for the denial, as well as the remedial measures that may be taken by the applicant shall be cited by the *Sanggunian*.
- iv. In cases where the cause of delay is due to force majeure or natural or man-made disasters, which result to damage or destruction of documents, and/or system failure of the computerized or automatic processing, the prescribed processing times mandated in this ordinance shall be suspended and appropriate adjustments shall be made.

b) No application or request shall be returned to the applicant or requesting party without appropriate action. In case an application or request is disapproved, the officer or employee who rendered the decision shall send a formal notice to the applicant or requesting party within the prescribed processing time, stating therein the reason for the disapproval. A finding by a competent authority of a violation of any or other laws by the applicant or requesting party shall constitute a valid ground for the disapproval of the application or request, without prejudice to other grounds provided in this ordinance or other pertinent laws.

C. Denial of Application or Request for Access to Government Service. – Any denial of application or request for access to government service shall be fully explained in writing, stating the name of the person making the denial and the grounds upon which such denial is based. Any denial of application or request is deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the office concerned.

D. Limitation of Signatories – The number of signatories in any document shall be limited to a maximum of three (3) signatures which shall represent officers directly supervising the office concerned: *Provided*, that in case the authorized signatory is on official business or official leave, an alternate shall be designated as signatory. Electronic signatures or pre-signed license, clearance, permit, certification or authorization with adequate security and control mechanism may be used.

E. Electronic Versions of Licenses, Clearances, Permits, Certifications or Authorizations. – The City Government shall, when applicable, develop electronic versions of licenses, clearances, permits, certifications or authorizations with the same level of authority as that of the signed hard copy, which may be printed by the applicants or requesting parties in the convenience of their offices.

F. Adoption of Working Schedules to Serve Applicants or Requesting Parties. – Heads of local government offices which render government services shall adopt appropriate working schedules to ensure that all applicants or requesting parties who are within their premises prior to the end of official working hours are attended to and served even during lunch break and after regular working hours.

- G. Identification Card. – All employees transacting with the public shall be provided with an official identification card which shall be visibly worn during office hours.
- H. Establishment of Public Assistance/Complaints Desk. – Each office in the City Government shall establish a public assistance/complaints desk in their respective offices.

Section 8. Automatic Approval or Automatic Extension of License, Clearance, Permit, Certification or Authorization.

- A. If an office in the City Government fails to approve or disapprove an original application or request for issuance of license, clearance, permit, certification or authorization within the prescribed processing time, said application or request shall be deemed approved: *Provided*, that all required documents have been submitted and all required fees and charges have been paid. The acknowledgment receipt together with the official receipt for payment of all required fees issued to the applicant or requesting party shall be enough proof or has the same force and effect of a license, clearance, permit, certification or authorization under this automatic approval mechanism.
- B. If an office in the City Government fails to act on an application or request for renewal of a license, clearance, permit, certification or authorization subject for renewal within the prescribed processing time, said license, clearance, permit, certification or authorization shall automatically be extended: *Provided*, that the City Government shall provide a listing of simple, complex, highly technical applications, and activities which pose danger to public health, public safety, public morals or to public policy.

Section 9. Streamlined Procedures for the Issuance of Local Business Licenses, Clearances, Permits, Certifications or Authorizations. The City Government, in accordance with RA 11032, is mandated to implement the following revised guidelines in the issuance of business licenses, clearances, permits, certifications or authorizations:

- A. A single or unified business application form shall be used in processing new applications for business permits and business renewals which consolidates all the information of the applicant or requesting party by various local government offices, such as, but not limited to, the local taxes and clearances, building clearance, sanitary permit, zoning clearance, and other specific LGU requirements, as the case may be, including the fire clearance from the Bureau of Fire Protection (BFP). The unified form shall be made available online using technology-neutral platforms such as, but not limited to, the central business portal or the city's website and various channels for dissemination. Hard copies of the unified forms shall likewise be made available at all times in designated areas of the concerned office.
- B. A one-stop business facilitation service, hereinafter referred to as the business one stop shop (BOSS), for the City's business permitting and licensing system to receive and process manual and/or electronic submission of application for license, clearance, permit, certification or authorization shall be established within the city's *Negosyo Center* as provided for under Republic Act No. 10644, otherwise known as the "Go Negosyo Act." There shall be a queuing mechanism in the BOSS to better manage the flow of applications among the City's various

offices receiving and processing applications. The City Government shall implement collocation of the offices of the treasury, business permits and licensing office, zoning office, including the BFP, and other relevant City Government offices, among others, engaged in starting a business, and dealing with construction permits.

- C. The City Government is also mandated to automate their business permitting and licensing system or set up an electronic BOSS within a period of three (3) years upon the effectivity of this Ordinance for a more efficient business registration processes in accordance with RA 11032.
- D. To lessen the transaction requirements, other local clearances such as, but not limited to, sanitary permits, environmental and agricultural clearances shall be issued together with the business permit.
- E. Business permits shall be valid for a period of one (1) year. The City Government have the option to renew business permits within the first month of the year or on the anniversary date of the issuance of the business permit.
- F. Barangay clearances and permits related to doing business shall be applied, issued, and collected by the City Government, through its Business Permits and Licensing Office (BPLO), in accordance with the prescribed processing time of this Ordinance. *Provided*, that the share in the collections shall be remitted to the respective barangays.

Section 10. Procedure in the issuance of Barangay Clearance. For the issuance of Barangay Clearance by the City Government, the following guidelines shall be adopted to make business permitting more efficient, to wit:

- A. Application for business permits or licenses shall accompany the required application for issuance of Barangay Clearance.
- B. Issuance of Barangay Clearance shall in no case be longer than two (2) working days.
- C. The BPLO, which receives the application for business permit or license, shall immediately coordinate with the concerned Barangay regarding the application for Barangay Clearance and shall require the said Barangay to immediately confirm if the applicant is compliant with the existing laws, rules and regulations of the Barangay. Otherwise, the Barangay shall state the cause, in writing, why no Barangay Clearance may be issued to the applicant as well as the remedial measures that may be taken by the applicant in order to be issued with a Barangay Clearance.
- D. Upon receipt of the confirmation from the Barangay, the BPLO shall then cause the issuance of the Barangay Clearance upon payment of the required fees. An e-signature of the concerned Barangay official shall be stamp on the Barangay Clearance.
- E. The Barangay is required to submit to the City, through the BPLO, a copy of its barangay ordinance levying fees on the issuance of Barangay Clearance for the proper fees that may be imposed and collected by the City Government.
- F. If the Barangay fails to confirm with the BPLO the application for Barangay Clearance within two (2) working days from notice by the latter, the business entity shall be deemed to have complied with the requirement for the issuance of a Barangay Clearance.

Section 11. Streamlined Procedures for Securing Fire Safety Evaluation Clearance (FSEC), Fire Safety Inspection Certificate (FSIC), and Certification of Fire Incidents for Fire Insurance. For the issuance of FSEC, FSIC, and certification of fire incidents, the following shall be adopted to make business permitting more efficient:

- A. Issuance of FSEC and FSIC shall in no case be longer than seven (7) working days;
- B. For new business permit application, the FSIC already issued during the occupancy permit stage shall be sufficient as basis for the issuance of the FSIC for a business entity as a requirement for the business permit;
- C. For renewal of business permit, the BFP shall, within three (3) working days from application, present the FSIC to the BPLO, either thru the copy of the FSIC or the negative/positive list: *Provided*, That the business entity shall inform the BFP and submit the necessary documentary requirements if renovations, modifications or any form of alterations are made to the original building structure thirty (30) working days before the expiration of the business permit;
- D. If the BFP fails to furnish the BPLO with an FSIC or to inform the same through the negative/positive list within three (3) working days from the application of business renewal, the business entity shall be deemed to have a temporary valid FSIC and, therefore, shall serve as the basis for the automatic renewal of the business permit;
- E. Issuance of the certification of fire incident for fire insurance purposes shall in no case be longer than twenty (20) working days, and may be extended only once for another twenty (20) working days;
- F. The BFP shall collocate with the BOSS or in an appropriate area designated by the City Government within its premises to assess and collect the fire safety inspection fees; and
- G. The BFP may enter into agreements with the City Government, allowing the latter to be deputized as assessors and/or collecting agents for the fire safety inspection fees.

Section 12. The City Government may coordinate with the Department of Information, Communication and Technology (DICT) in the integration of the City's business permits system to a central business portal which DICT may establish in accordance with AR 11032 to eliminate bureaucratic red tape, avert graft and corrupt practices, and promote transparency and sustain ease of doing business in the City of Baybay.

Section 13. Violations and Persons Liable. – Any person who performs or cause the performance of the following acts shall be liable:

- a) Refusal to accept application or request with complete requirements being submitted by an applicant or requesting party without due cause;
- b) Imposition of additional requirements other than those listed in the Citizen's Charter;
- c) Imposition of additional costs not reflected in the Citizen's Charter;
- d) Failure to give the applicant or requesting party a written notice on the disapproval of an application or request;
- e) Failure to render government services within the prescribed processing time on any application or request without due cause;

- f) Failure to attend to applicants or requesting parties who are within the premises of the office concerned prior to the end of official working hours and during lunch break;
- g) Failure or refusal to issue official receipts; and
- h) Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage."

Section 14. Penalties and Liabilities. – Any violations of the preceding section shall be proceeded upon in accordance with Section 22 and Section 23 of RA 11032.

Section 15. Implementing Rules and Regulations. – The Business Processing and Licensing Office (BPLO) of the City Government shall promulgate the necessary rules and regulations of this Ordinance within ninety (90) working days from its effectivity incorporating therein the provisions of RA 11032 in so far as it is not inconsistent with the provisions of this Ordinance.

Section 16. SEPARABILITY CLAUSE - If for any reason, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.

Section 17. REPEALING CLAUSE - All ordinances, rules, and regulations or parts thereof in conflict with this ordinance are hereby repealed or modified accordingly, provided, that the rights that are vested upon the effectivity of this ordinance shall not be impaired.

Section 18. EFFECTIVITY CLAUSE - This Ordinance shall take effect 15 days upon its approval by the Sangguniang Panlalawigan and after due compliance with all the requirements as provided for under R.A. 7160, otherwise known as the Local Government Code of 1991.

Enacted: June 8, 2023
Baybay City, Leyte, Philippines.

CARRIED BY ALL OF THE MEMBERS PRESENT:


ROMULO B. ALCALA
SP Member


SIMOUNE L. ASTORGA
SP Member


DR. FULTON IKE C. ARRADAZA
SP Member


JOSE L. BACUSMO
SP Member


FILEMON E. AVILA
SP Member


CARMEN L. CARI
SP Member


RAMON RONALD J. VELOSO
SP Member


ATTY. JOSE ROMMEL A. PEÑARANDA
SP Member







DOMINIC JUNIE F. MURILLO
SP Member



JORGE V. REBUCAS
SP Member



PHILIP L. SIU
President, LIGA Ng Mga Barangay
Ex-Officio SPM



MARK MICHAEL O. UNLU-CAY
SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Florante Cayunda Jr.; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Jay Ryan Austero; City Treasurer Alberta A. Manatad, CLGOO Juvy C. Pedrera, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.



ATTY. VIVIAN C. ENARIO-VIDALLON
SP Secretary

Attested & Certified True & Correct:



ATTY. ERNESTO M. BUTAWAN
City Vice Mayor, Presiding Officer

Approved by His Honor:



ENGR. JOSE CARLOS L. CARI
City Mayor

Date Approved: _____

9/01/23



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
-000000-



Office of the Sangguniang Panlungsod


Telefax No. (+63-53)335-4808/563-9009 2nd Floor, Legislative Bldg., Nagsaysay Ave., Baybay City, Leyte 6521 @ sangguniangpanlungsod@gmail.com

CERTIFICATION

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that the **City Ordinance No. 11 s. 2023** " AN ORDINANCE PROMOTING EASE OF DOING BUSINESS IN THE CITY OF BAYBAY, PRESCRIBING GUIDELINES IN THE ISSUANCE OF BUSINESS PERMITS AND FOR OTHER PURPOSES".was posted in the bulletin board at Legislative Department, New City Hall, Diversion Road, the public market and Baybay City Bus and Terminal immediately upon approval thereof.

Issued this 6TH day of September, 2023, at Baybay City, Leyte.


ATTY. VIVIAN E. VIDALLON
SP Secretary

NCES

Province of Leyte
City of Baybay

6th Sangguniang Panlungsod
City of Baybay, Leyte 6521 | panglungsod@sangguniang@gmail.com

GGUNIANG PANLUNGSOD

ORDINANCE NO. 09, S. 2023
21st Regular Session

"AN ORDINANCE PROMOTING EASE OF DOING BUSINESS IN THE CITY OF BAYBAY, PRESCRIBING GUIDELINES IN THE ISSUANCE OF BUSINESS PERMITS AND FOR OTHER PURPOSES"

Sponsored by: **Hon. Jose Rommel A. Peharanda**

Any local business license issued to facilitate business...
In the Urban Development and Housing Act (UDHA)...
"Local government units" as its main implementing...
are authorized to provide urban poor communities...

Province of Leyte
City of Baybay

Office of the Sangguniang Panlungsod
Big Plaza City Mall, Diversion Road, Brgy. Gant, Baybay City, Leyte 6521 | panglungsod@sangguniang@gmail.com

6th SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 11, S. 2023
21st Regular Session

"AN ORDINANCE PROMOTING EASE OF DOING BUSINESS IN THE CITY OF BAYBAY, PRESCRIBING GUIDELINES IN THE ISSUANCE OF BUSINESS PERMITS AND FOR OTHER PURPOSES"

Sponsored by: **Hon. Jose Rommel A. Peharanda
And Hon. Bimoun Astorga**

WHEREAS, Republic Act No. 10012 was enacted into law to promote the ease of doing business in the Philippines and efficient delivery of government service;

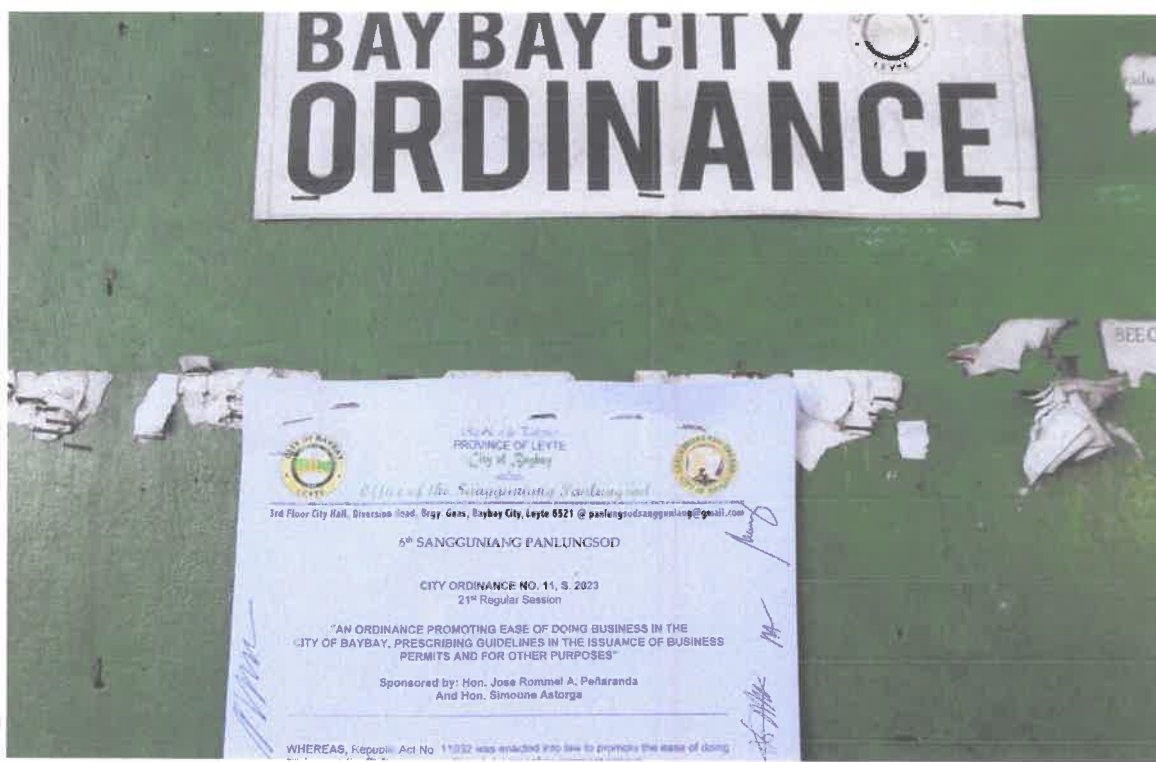
WHEREAS, the City of Baybay encourages and protects business investments and opportunities in the City to improve the economic condition of the City and its residents;

WHEREAS, there is a need to enact an ordinance that would entice entrepreneurs to open up their businesses in the City of Baybay by expediting business and non-business transactions, including the issuance of permits, licenses, and holding local government officials and employees accountable for graft and corruption;

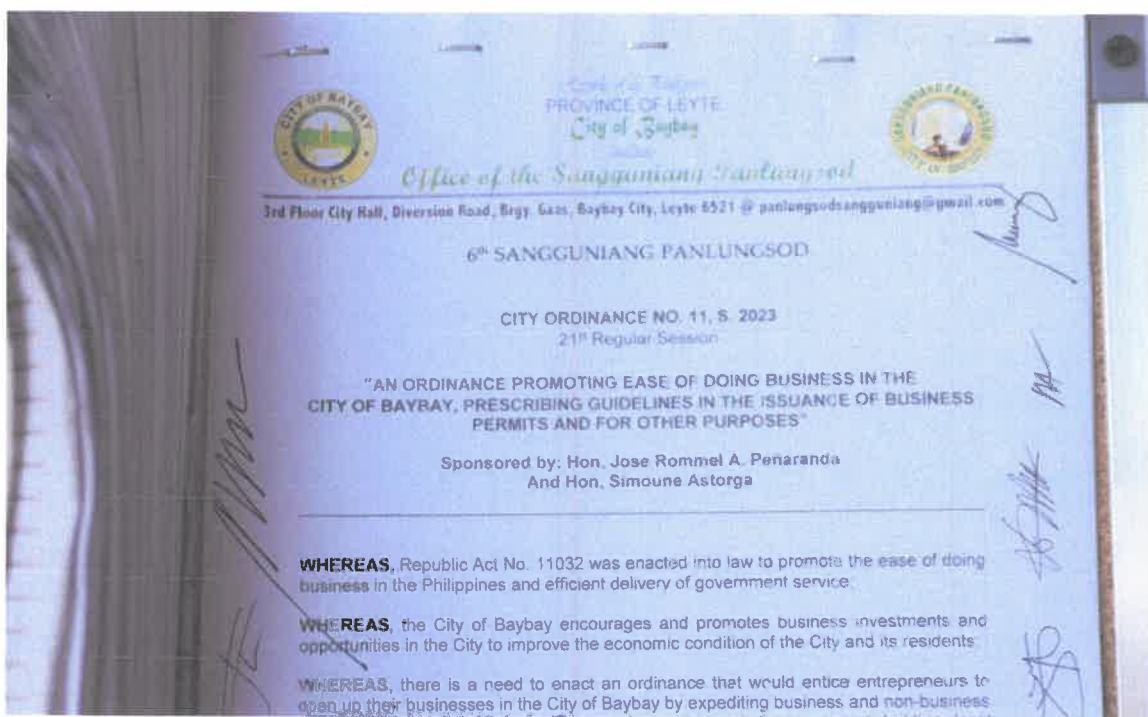
NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the 6th Sangguniang Panlungsod of the City of Baybay, Province of Leyte, in its 21st Regular Session duly assembled that:



SP OFFICE BULLETIN BOARD



BAYBAY CITY BUS TERMINAL



BAYBAY CITY PEDICAB/TRICYCLE TERMINAL