



GENERAL ORDINANCE NO. 31
Series of 2008

AN ORDINANCE ESTABLISHING THE MUNICIPAL ECONOMIC ENTERPRISES OF TUNGAWAN, ZAMBOANGA SIBUGAY

Sponsored by : Hon. Loreto F. Caracol

Be it Ordained by the 15th Legislative Council of Tungawan, Zamboanga Sibugay during its 26th Regular Session, that

Article I – General Provisions

Section 1 **Title** – This Ordinance shall be known as “ An Ordinance Establishing the Municipal Economic Enterprises of Tungawan, Zamboanga Sibugay”.

Section 2 **Declaration of Policy** - (a) It is hereby declared the policy of the municipality to optimize the utilization of its resources to attain and enjoy genuine and meaningful autonomy to enable its fullest development as self-reliant community.

(b). It is also the policy of the municipality to ensure the accountability and responsibility of local governance through the institution of effective mechanism of pro-active, transparent and participatory leadership.

Section 3 **Scope and Application** – This ordinance shall apply to all forms of business or enterprise undertaken by the municipality.

Section 4 **Definition of Terms** – When use in this ordinance, the following terms and phrases shall mean as follows:

- (a) Board – shall refer to the Municipal Board of Economic Enterprise.
- (b) Enterprise - refers to business activity engaged in industry, tourism, processing, manufacturing, utilities, agribusiness and services undertaking of the municipality.
- (c) Expanding Enterprise - means an existing and operational enterprise of the municipality proposing to expand its operation in the same or related activities including acquisition of lands, buildings, increased labor force, acquisition of vehicles and installation of machineries and equipment which will increase production capacity and employment opportunities.
- (d) Municipality - shall refer to the Municipal Government of Tungawan.
- (e) Ordinance - means the Ordinance Establishing the Municipal Economic Enterprises of Tungawan, Zamboanga Sibugay.

Section 5 **Governing Laws** - The laws governing this ordinance shall be, but not limited to R.A. No. 7160 and other pertinent national and local laws, rules and regulations.

Article II – Administrative Provisions

Section 6 **The Local Chief Executive** - As mandated by law, the Local Chief Executive shall exercise general supervision and control over the management and operation of the Municipal Economic Enterprises.



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Section 7 Municipal Board of Economic Enterprise - There shall be created a Municipal Board of Economic Enterprise to be composed of the following :

Chairman ----- Municipal Mayor
Vice Chairman - - SB Chairman of Com on Trade & Industry
Members ----- Municipal Engineer
Municipal PDC
Municipal Agriculturist
SB Chairman on Tourism
SB Chairman on Finance
ABC President
MAFC Representative
MFARMC Representative
Indigenous Peoples Representative

The first organizational meeting of the Board shall be held thirty (30) days from the effectivity of this Ordinance. The Board shall meet regularly or as often as necessary. The presence of at least a majority of its members, which means one-half plus one, shall constitute a quorum to transact business. A meeting of the Board may be called by the Chairman or by at least a request of six (6) members of the Board.

Section 8 Powers and Functions of the Board - As the policy making body of the Enterprise, the Board shall establish policies and programs for a favorable and stable operation of the Municipal Economic Enterprises. Pursuant to this, the Board shall:

- (a) Formulate the Medium and Long Term Development Plan of the Economic Enterprise;
- (b) Prescribe the duties and functions of the positions in the Enterprise's Plantilla;
- (c) Prepare the Annual Investment Plan, Annual and Supplemental Budgets of the Enterprise and submit them to the Sangguniang Bayan for approval;
- (d) Declare the suspension, closure or expansion of any business component of the Economic Enterprise.
- (e) Recommend to the Sangguniang Bayan for the authorization of the Municipal Mayor to enter into Joint Venture, Memorandum of Agreement or Partnership with foreign or local investors in engaging business in the municipality;
- (f) Authorize the Municipal Mayor to enter into Lease Agreement with the farmers, single proprietor, or corporations for the utilization of lands including machineries, equipment, buildings and vehicles use in the operation or expansion of business undertakings of the municipality;
- (g) Perform such other functions and powers as may be deemed necessary;

Section 9 Honorarium - An honorarium, through a Board Resolution, may be paid to the Members of the Board, subject however to availability of funds and the usual accounting and auditing rules and regulations.

Article III Business, Plans and Activities

Section 10 Business Priorities - The Business Priorities of the enterprise shall be, but not limited on the following:



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- (a) Motor Pool Services (Roads and Bridges)
- (b) Market and Slaughterhouse Operation
- (c) Fruit & Forest Trees Seedling Nursery and Marketing;
- (d) Buying, Selling and Processing of Agricultural and Marine Products;
- (e) Eco-tourism Industry
- (f) Agricultural Plantation
- (g) Mariculture and Aquasilviculture Industry
- (h) Solid Waste Management Services
- (i) Tertiary, Vocational and Technical Education
- (j) Livestock and Poultry Industry
- (k) Municipal Water Works Authority;
- (l) Mining and Quarry Industry
- (m) Cottage Industry;
- (n) Integrated Terminal Facilities;
- (o) Post Harvest and Storage Facilities;
- (p) Export-Oriented Business

Section 11 **Plans** - (a) A Plant Now Pay Later Plan is a scheme offered to individual, partnership, associations or cooperatives, or corporations who may be interested to plant vegetables, seaweeds, forest trees, rubber, mango and other commercial crops within the area of the town. Parties who wish to avail this plan shall apply at the Office of the Municipal Agriculturist (OMA) together with his pro-forma Promissory Note reflecting the term of payment of the plan, at First-Come-First-Served basis. It is the OMA who will provide the planting materials at current market price. The Plan Holder shall shoulder the delivery cost of the planting materials from the OMA to the planting site. The payment of the Plan shall be paid to the Municipal Treasurer immediately upon harvest for vegetables and seaweeds, and payable within 3 or 5 years, at lump sum or stagger, or as may be provided in the Promissory Note upon the start of its harvesting period for forest trees, rubber, mango and other commercial crops. A planting materials which are dead, weathered or burned at the custody of the plan holder may be replaced by the OMA and added in the Plan or may be replaced at the initiative of the plan holder.

(b) A Culture Now Pay Later Plan and Raise Now Pay Later Plan may be also offered to individual, partnership, associations, cooperatives and corporations who is interested to culture commercial species of fish and to raise poultry or livestock following the mechanics of the Plant Now Pay Later Plan.

In case of failure or default of payment of the plan on prescribed date due to negligence or deliberate refusal of the plan holder to pay, an interest of 12 percent per annum shall be charge to the principal amount of the plan. Should the plan holder continuously refuses to pay his plan including its interest, the Board shall impose more drastic remedies and legal actions on how to appropriately collect the payment of the plan.

The Board may, after investigation and evaluation, declare the plan as "Good as Paid" in case the business or project of the plan holder was totally damaged due to natural or man made calamity.

Section 12 **Activities** - The Municipal Economic Enterprise shall offer services, and entertainment, but not limited to the following:

a. Motor Pool Services	Rate of Fees and Charges
1. Welding works	P 20.00 per rod (ordinary) 150.00 per rod (stainless)
2. Acetylene and Oxygen	
2.a Soldering Works	P 80.00 per inch (tie wire) 120.00 per inch (bronze rod)



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|---|---|
| 2.b Cutting Works | 150.00 per inch (steel plate)
100.00 per inch (any kind) |
| 3. Battery Charging | P 30.00 per battery (any no. of plates) |
| 4. Electrical Works (automotive) | |
| 4.a General Wiring | P 2,500 to P 5,000 per unit (labor only) |
| 4.b Alternator | 1,500 to 2,500 per unit (labor only) |
| 4.c Starter | 1,500 to 2,500 per unit (labor only) |
| 4.d Auto bulb | 50 per piece |
| 5. Others (Overhauling and other repairs) | P 4,000 to P 7,000 |
| 6. Quarry Materials | |
| 5.a Sand and Gravel or (mixed) | P 500.00 per cu. |
| 5.b Mountain Quarry | 200.00 per load |
| 7. Rental of Multi-Function Heavy Equipment
(JCB 4CX4X4X4) | P 10,000 per day |

b. Market and Slaughter House Operation.

c. Fruit and Forest Trees Seedling Nursery and Marketing

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|----------------------------|------------------|
| 1. Rubber seedling | P 10.00 per hill |
| budded | 25.00 per hill |
| 2. Mango seedling | 5.00 per hill |
| Grafted | 10.00 per hill |
| 3. Mahogany | 6.00 per hill |
| 4. Narra | 10.00 per hill |
| 5. Field budding of rubber | 5.00 per hill |
| 6. Others | 5.00 per hill |

d. Buying, Processing and Selling of Agricultural and Marine Products.

The buying and selling price of Agricultural and Marine Products shall follow the prevailing market price.

e. Eco-tourism Industry

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|--|----------------------------------|------------------|
| 1. Swimming Pool admission – local | Children P 5.00 | Adult P 10.00 |
| foreigner | Children 20.00 | Adult 50.00 |
| 2. Room Accommodation | local | 600.00 per day |
| foreigner | | 1,000.00 per day |
| 3. Restaurant service | shall be determined by the Board | |
| 4. Recreation facilities | | |
| 4.1 Bowling | P 60 per game or P 180 per hour | |
| 4.2 Billiard | P 20 per game or P 60 per hour | |
| 4.3 Vinta rental | P 20 per hour | |
| 4.4 Hook and line fishing (wharf area) | P 10.00 per day | |
| 4.5 Video-5 | P 5.00 for 2 songs | |
| 4.6 Video -5 rental | P 400.00 per day (max. 12 hours) | |

The Tour Packaging to Eco-tourism destinations shall be prescribed by the Board.



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f. Tertiary, Vocation and Technical Education

1. WMSU-ESU

- 1a. Tuition Fee P 70.00 per unit
1b. Miscellaneous Fees 290.00 per semester

2. Vocational and Technical Education

a. Short Term or Special Courses

The wages of Part Time Instructors of the WMSU and the wages of Trainers and Matriculation and other fees at the Vocational and Technical Training Center shall be determine by the Board.

g. Integrated Terminal Facilities

1. Logpond Fishing Wharf and Limbaguhan Port

- 1a. Terminal Fee -- passenger Children P 3.00 Adult P 5.00 per pass
baggage 5.00 per sack/ baniera/big box
10-wheeler truck 20.00 per pass
6-wheeler truck 15.00 per pass
4-wheeler truck 10.00 per pass
van etc. 10.00 per pass
passenger boat 10.00 per pass
3-wheeler motor 5.00 per pass
single motor 3.00 per pass
- 1b. Parking Fee -- cargo ship 100.00 per day
fishing boat 50.00 per day
cargo pumpboat 5.00 per day
passenger pumpboat 5.00 per day
vinta 3.00 per day

h. Solid Waste Management Service

Collection and segregation of solid waste materials. The biodegradable (decomposable) materials will be converted into Bio-Organic-Fertilizer and sold to wholesalers, retailers or farmers. The non-biodegradable (non-decomposable) but recyclable shall be sold to junkshop or collectors, while the toxic and hazardous wastes shall be kept in deep excavation or septic tank. The price of Bio-Organic – Fertilizer and non-biodegradable but recyclable wastes shall be determined by the Board.

i. Livestock and Poultry Industry

1. Weanling P 1,500.00 per head
2. Goat 50.00 per kg. (live weight)
3. swine 55.00 per kilo (live weight)
4. Chicken 90.00 per kilo (live weight)
5. Chicken (culled) 80.00 per kilo (live weight)
5. Day old chick 30.00 per head
6. Egg subject to market price
7. Artificial Insemination
7.a Swine P 500.00 or piglet
7.b Cattle 500.00



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j. Rental of Farm Implements

- | | |
|--|---|
| 1. Hand Tractor | 3 sacks at 50 kg/sack in every cropping/ ha. |
| 2. 4-Wheeled Tractor | P 700/ tractor hour excluding fuel & lubricants |
| 3. Abaca stripper with fuel and lubricants except mobilization cost. | 20% of the gross or net proceed of the work |

k. Municipal Water Works

The provisions governing the business operations of the Market and Slaughter House, Municipal Water Works and the Motor Pool Services mandated in the Revenue Code of 2005 of the Municipality are hereby adopted and applied as part of this Article.

Article IV Organization, Staffing Pattern and Reporting

Section 13 **Organization** - The Municipal Economic Enterprises shall be attached as one regular Division under the Office of the Municipal Mayor.

Section 14 **Staffing Pattern** – To operate the Enterprises, the following positions are hereby created, to wit:

14.a Division Chief - - - Development Management Officer II - SG 15

14.b Administrative Section

1 – Record Officer I	SG 10
1 - Bookkeeper	SG 08
1 - Secretary I (B)	SG 07
1 – Disbursing Officer	SG 06
1 – Data Controller I	SG 06
1 - Budgeting Aid	SG 04
1 – Accounting Clerk I	SG 04
1 – Messenger	SG 02
1 – Driver I	SG 03

14.c Market and Slaughterhouse Operation Section

1- Market Supervisor 1	SG 10
1- Revenue Collection Clerk II	SG 07
1- License Inspector I	SG 06
6-Revenue Collection Clerk I	SG 05
2- Cash Clerk I	SG 04
2- Ticket Checker I	SG 03
3- Utility Worker II (A)	SG 03
1- Plumber 1	SG 03
2- Security Guard I	SG 03
2- Utility Worker I (B)	SG 01

14.d Motor Pool Section

1- Motor Pool Supervisor II	SG 09
1- Welder Foreman	SG 09
1- Heavy Equipment Operator II	SG 06
4- Heavy Equipment Operator I	SG 04
1- Storekeeper 1 (D)	SG 04
2- Welder I	SG 04
1- Mechanic I	SG 04
1- Electrician I	SG 04
2- Driver II	SG 04
1- Utility Worker I (B)	SG 01



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—000—
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- 14.e Fruit and Forest Trees Nursery and Marketing;
Agricultural Plantation; Livestock and Poultry Industry Section**
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|-------------------------------|-------|
| 1 – Farm Foreman | SG 06 |
| 1 – Agricultural Technician I | SG 06 |
| 1- Animal Keeper I | SG 04 |
| 4 – Security Guard I | SG 03 |
| 10 – Utility Worker I (B) | SG 01 |
- 14.f Buying, Selling and Processing of Agricultural and Marine Products;
Export-Oriented Business Section**
- | | |
|--------------------------------------|-------|
| 1 – Development Management Officer I | SG 11 |
| 1 – Buyer II | SG 06 |
| 1 – Mechanical Plant Operator I | SG 04 |
| 1 – Bill Collector | SG 05 |
| 2 – Security Guard I | SG 03 |
| 6 – Utility Worker I (B) | SG 01 |
- 14.g Eco-tourism,; Mariculture and Aquasilviculture ; Integrated Terminal
Facilities Section**
- | | |
|-------------------------------|-------|
| 1 – Tourism Officer I | SG 11 |
| 1 – Aquacultural Technician I | SG 06 |
| 2 – Cash Clerk I | SG 04 |
| 2 – Lifeguard | SG 03 |
| 1 – Cook I | SG 03 |
| 6 - Security Guard I | SG 03 |
| 8 – Utility Worker I (B) | SG 01 |
| 1 – Laundry Worker I | SG 01 |
- 14.h Cottage Industry; Municipal Water Works Authority;
Post Harvest and Storage Facilities Section**
- | | |
|--------------------------|-------|
| 1 – Plumber II | SG 05 |
| 1 – Store Keeper I (D) | SG 04 |
| 3 – Security Guard I | SG 03 |
| 8 – Utility Worker I (B) | SG 01 |
- 14.i Solid Waste Management Services;
Mining and Quarry Industry Section**
- | | |
|-------------------------------------|-------|
| 1 – Environmental Mgt. Specialist I | SG 11 |
| 1 - Store Keeper I (D) | SG 04 |
| 1 – Heavy Equipment. Operator I | SG 04 |
| 1 – Driver I | SG 03 |
| 2 – Security Guard I | SG 03 |
| 8 - Utility Worker I (B) | SG 01 |
- 14. j Tertiary, Vocation and Technical Education Section**
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|--|-------|
| 8 - Instructor I (Part-Time Instructors) | SG 12 |
| 1 – Record Officer I | SG 10 |
| 1 – Librarian I | SG 10 |
| 2 - Clerk I | SG 03 |
| 2 – Security Guard I | SG 03 |
| 2 – Utility Worker I (B) | SG 01 |



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Section 15 Reportorial Requirement - The Section Chiefs shall render a written Accomplishment Report to the Division Chief every week preferably every Monday or the next working day should the Monday falls on a holiday. The Division Chief shall consolidate these reports of the Section Chiefs and submit it to the Municipal Mayor and copy furnish the Board every 15th and 30th days of the month. However, if the 15th or 30th day is a holiday or non-working day, his report shall be submitted in the next working day. The Board, through a resolution shall submit to the Sangguniang Bayan an annual report preferably within ten (10) days after the closing of books of the municipality. It may also submit a Quarterly Accomplishment Report upon the request of the Sangguniang Bayan in aid of legislation.

The Accomplishment Reports shall include the profits and losses statement, collectibles or receivables, problems met and recommendations to sustain and improve the operation of the enterprise.

Article V - Joint Venture, Sharing Scheme Tax Holidays and Other Privileges

Section 16. Joint Venture - The Economic Enterprise may enter into Joint Venture or Memorandum of Agreement (MOA) with a foreign or local single proprietors, partnerships, associations, cooperatives and corporations in engaging business in the municipality, subject however to existing laws, rules and regulations. Such Joint Venture or MOA shall be authorized by the Sangguniang Bayan through the Mayor upon the recommendation of the Board

A MOA may be also entered between and among lot owners, equipment and other machinery owners including buildings in engaging business in the municipality.

Section 17 Sharing Scheme - The sharing scheme in businesses entered into by the Enterprise through Joint Venture or Memorandum of Agreement shall be determined by both the Board and the parties representing in the Joint Venture or MOA, subject however to related laws, rules and regulations.

Section 18 Tax Holidays and Other Privileges - Subject to existing laws and ordinances, the Municipal Government upon approval of the application for tax holidays and other privileges by the Board, the foreign or local investors, whom may be a single proprietor, partnership, association, cooperative or corporation shall be granted with the following tax exemptions, and other privileges:

- a. Exemption from the payment of all licenses and permit fees. However, all applicants are required to secure Mayor's Permit necessary to operate their businesses; the issuance thereof is ministerial in nature;
- b. Schedule of Tax Holidays or Period of Exemptions which shall be non-renewable for another term are as follows:

	Amount of Investment in (Php)	Period of Exemption
b.1	3,000,000.00 to 10,000,000.00	Five(5) years
b.2	10,000,001.00 to 15,000,000.00	Six (6) years
b.3	15,000,001.00 to 20,000,000.00	Seven (7) years
b.4	20,000,001.00 and above	Ten (10) years



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Article VI Miscellaneous Provisions

Section 19 **Budgetary Requirement** - The General Fund Proper of the municipality may subsidize funds for the operation and maintenance of the Municipal Economic Enterprises.

Section 20 **Inter-Fund Transfer** - In all cases, should the Municipal Economic Enterprise becomes stable, profitable and gaining, through the Board, it shall inter-fund transfer portion of its income to the General Fund Proper.

Section 21 **Municipal Tourism Council** - The Municipal Tourism Council created by the Municipal Mayor through an Executive Order, shall help or tie up with the Enterprise and other funding donor institutions in the operation and maintenance of the Eco-Tourism Industry of the municipality.

Section 22 **Municipal Treasurer** - The Municipal Treasurer shall supervise and maintain the management of funds of the Enterprise.

VII Penal Provision

Section 23 **Penalties for Violation of this Ordinance** - Any person or persons who violates any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of not less than One Thousand Pesos (P 1000.00) nor more than Two Thousand Pesos (P2000.00) or imprisonment of not less than one (1) month nor more than six (6) months, or both, at the discretion of the court.

If the violation is committed by any juridical entity, the President, General Manager or the individual entrusted with the administration thereof at the time of the commission of the violation shall be held responsible or liable thereof.

VIII Final Provisions

Section 24 **Separability Clause** - If for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid by competent authority, such judgment or action shall not affect or impair the other sections or provisions thereof.

Section 25 **Applicability Clause** - All other matters relating to the impositions in this Ordinance shall be governed by pertinent provisions of existing laws and other ordinances.

Section 26 **Repealing Clause** - All ordinances, rules and regulations, or part thereof in conflict. Or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

Section 27 **Amendment** - This Ordinance may be amended as the need arises but not oftener than every six (6) months.

Section 28 **Effectivity** - This Ordinance shall take effect ten (10) days after its publication in a newspaper with provincial circulation.



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ENACTED and APPROVED this 12th day of February 2008 at
Tungawan, Zamboanga Sibugay, Mindanao, Philippines.

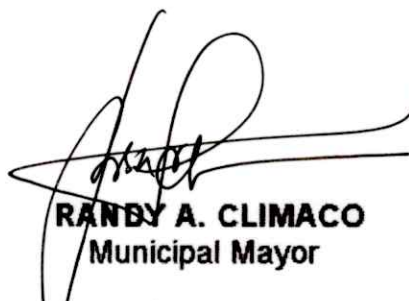

CYNTHIA M. RONDINA
Board Secretary I
Acting Secretary to the SB

Attested and Certified
To be Duly Adopted:


ABDURAUP A. ABISON
Municipal Vice Mayor
Presiding

Date Signed FEBRUARY 19, 2008

Approved:


RANDY A. CLIMACO
Municipal Mayor

Date Signed March 17, 2008