

REPUBLICA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE NINTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON FEBRUARY 20, 2003

PRESENT:

Hon. Celso P. Adolfo, Vice Mayor & Presiding Officer
Hon. Nepomuceno P. Aparis I, City Councilor, Majority Floor Leader
Hon. Jose S. Serafica, City Councilor, Minority Floor Leader
Hon. Ruvinieu E. Mendola, City Councilor, Assist. Maj. Floor Leader
Hon. Demosthenes F. Tugonon, City Councilor
Hon. Eduardo P. Tan, City Councilor
Hon. Rafael C. Omega, Jr. City Councilor
Hon. Fernando P. Parrilla, City Councilor
Hon. Gregorio A. Yrastorza, Jr. City Councilor, Assist. Minority
Floor Leader
Hon. Jovencio A. Laurente, City Councilor
Hon. Fe. S. Lladoc, City Councilor
Hon. Emeterio Y. Larrazabal, Ex-Officio City Councilor,
Chapter President, Liga ng mga Barangay ng Ormoc
Hon. Cheryl L. Alfara, Ex-Officio City Councilor,
SK Federation President

ABSENT:

Hon. Jose S. Serafica, (Special Leave), City Councilor,
Minority Floor Leader
Hon. Gregorio A. Yrastorza, Jr. (O.B. - Tacloban), City Councilor,
Assist. Minority Floor Leader
Hon. Fe. S. Lladoc, (Special Leave), City Councilor

PREFATORY STATEMENT

All businessmen have the primary responsibility of complying all requirements mandated by law, rules and regulations relative to the operation of business establishments within their respective jurisdiction and must see to it that these are complied with.

One of which is compliance of P.D. 1752 as amended by RA 7742, particularly the remittance of contributions to the Home Development Mutual Fund (Pag-IBIG Fund). Under said law, businessmen who employ workers covered by the Social Security System are mandated to set aside and remit monthly contributions to the HDMF (Pag-IBIG Fund) to provide a provident savings system for all covered employees.

Believing in the true intent and purpose of said law, the City of Ormoc is adopting a policy of facilitating and assisting the mandated remittance of said contribution to the HDMF (Pag-IBIG Fund).

FOREGOING PREMISES CONSIDERED, on motion of City Councilor Nepomuceno P. Aparis I, Chairman, Committee on Laws & Ordinances, duly seconded by City Councilor Demosthenes F. Tugonon; be it

RECEIVED
OFFICE OF THE CITY MAYOR

DATE: 02/24/03

RESOLVED, to adopt:

ORDINANCE NO. 101

AN ORDINANCE ENJOINING ALL BUSINESS ESTABLISHMENTS WITHIN THE JURISDICTION OF THE CITY OF ORMOC, WHICH FALL UNDER THE COVERAGE OF RA 7742, TO SECURE CLEARANCE FROM THE HOME DEVELOPMENT MUTUAL FUND (HDMF), ORMOC EXTENSION OFFICE, WITH ADDRESS AT ORMOC CITY SUPERDOME, ORMOC CITY, BEFORE THE ISSUANCE OF THE NECESSARY BUSINESS PERMIT FROM THE OFFICE OF THE CITY MAYOR.

BE IT ORDAINED, by the 9th Sangguniang Panlungsod ng Ormoc; That:

ARTICLE 1 - POLICY

SECTION 1 - It is the policy of the City of Ormoc to coordinate with and assist all national and local government agencies in the implementation of their respective mandates to ensure the proper observance of all duly enacted laws, rules and regulations.

SECTION 2 - All businessmen shall have the primary responsibility of complying with all the mandated requirements under pertinent laws, rules and regulations relative to the operation of business establishments within their respective jurisdiction and duly complied with.

SECTION 3 - Businessmen who are in their employ workers who are covered by the Social Security System is mandated by law particularly under Section 22 of PD 1752 entitled: "Amending the act Creating the Home Development Mutual Fund; as amended by Executive Order No. 35, series of 1986, to set aside and remit monthly contributions to the Home Development Mutual Fund (Pag-IBIG Fund) to provide a provident savings system for all covered employees. The City of Ormoc adopts a policy of facilitating and assisting the religious remittance of said contribution.

ARTICLE II - RESPONSIBILITIES AND RIGHTS

SECTION 1 - It is the legal responsibility of every businessman whose employees are covered by the Social Security System to comply with the mandate of Presidential Decree 1752 as amended by Republic Act 7742, particularly the remittance of contributions to the Home Development Fund (Pag-IBIG Fund).

SECTION 2 - It is also the responsibility of every businessman to secure business permit from the pertinent offices of the city before the operation of said business.

SECTION 3 - Every businessman should first secure a clearance from the Home Development Mutual Fund (Pag-IBIG Fund), Ormoc Extension Office, with address at Ormoc City Superdome, Ormoc City, as evidence of his/her compliance with the required remittance of contributions of said office before he/she can be issued a business permit by the Office of the Mayor of the city.

ARTICLE III - DEFINITION OF TERMS

SECTION 1 - The following terms used in this Ordinance shall be defined as follows:

- a. Businessman - refers to an individual or group of individuals, partnership, or corporation engaged in selling products or services whose establishment or office is situated within the jurisdiction of the city who has in their employ workers who are covered by the provisions of RA 7742.
- b. Provident Savings System - refers to the system of establishing savings scheme for covered employees who are members of HDMF consisting of monthly contributions coming from both the employee and their respective employer as mandated by RA 7742. Said amount of savings is wholly owned by the employees and can thereafter be withdrawn together with the corresponding dividends upon attaining its maturity.
- c. Covered Employees - refer to the employees whose monthly compensation is at least Four Thousand Pesos (P4,000.00) whose membership to the HDMF is mandatory pursuant to RA 7742.
- d. Business Permit - refers to the authority required by law issued by the Office of the City Mayor in favor of a business establishment to operate or conduct business within the city.
- e. Clearance - refers to the certification issued by the Home Development Mutual Fund, Ormoc Extension Office, with Office address at Ormoc City Superdome, Ormoc City stating that a particular businessman has complied with its obligation under RA 7742, by remitting to the HDMF the required contributions of their employees together with the employer's counterpart.

ARTICLE IV - MECHANICS

SECTION 1 - Every businessman who operates a business within the city and whose employees are covered by the Social Security System and therefore fall within the coverage of PD 1752 as amended by RA 7742, is required to secure a clearance from the Home Development Mutual Fund (Pag-IBIG Fund), Ormoc Extension office with the office address at Ormoc City Superdome, Ormoc City as evidence that said businessman concerned has remitted his contributions to the HDMF in compliance with the mandate of RA 7742. This clearance is a necessary requisite for the issuance of the corresponding business permit to be issued by the Office of the City Mayor.

SECTION 2 - When securing a business permit from the Office of the Mayor, City of Ormoc, the HDMF clearance shall be shown before said permit is for the initial operation of the business or renewal.

SECTION 3 - Upon showing of the clearance duly issued by HDMF, Ormoc Extension Office, Ormoc City, together with all the other requirements for securing a business permit, said business permit shall be issued to the businessman concerned.

SECTION 4 - If a business establishment, upon inspection duly conducted, is operating without the required business permit, the owner of the establishment shall be subjected to the penalties imposed herein. In imposing the penalties hereof, the necessary court proceedings shall be instituted against the owner of the establishment.

ARTICLE V - VIOLATIONS AND PENALTIES

SECTION 1 - Violation of any provision hereof shall subject the offender to the maximum penalty or fine of not more than Five Hundred (P500.00) PESOS or an imprisonment at the discretion of the court without prejudice to the penalties that may be imposed upon such offender in violation of the pertinent provisions of PD 1752, as amended by RA 7742.

SECTION 2 - In addition to the foregoing penalty, any violation shall also subject the offender to revocation of the permit issued in his favor.

ARTICLE VI - FINAL PROVISIONS

SECTION 1 - All provisions of existing ordinances inconsistent herewith are hereby amended/modified/repealed accordingly.

SECTION 2 - SEPARABILITY CLAUSE - If any provisions of this ordinance or applications of such provisions to any person or group of persons is declared unconstitutional or inconsistent with a national law, the remaining portions or provisions of the ordinance shall be in full force and effect.

SECTION 3 - EFFECTIVITY - This Ordinance shall take effect one (1) year after its approval and publication.

ENACTED, February 20, 2003.

RESOLVED, FURTHER, to furnish copies of this Ordinance each to His Honor, the City Mayor; the City Administrator, the City Treasurer, the City Permits & Licensing Division, the Home Development Mutual Fund, HDMF Extension Office, the President, Ormoc City Chamber of Commerce & Industry and others concerned, -in Ormoc City;

CARRIED by Eight (8) Affirmative Votes with One (1) Vote against registered by City Councilor Eduardo P. Tan.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

OSCAR P. CLASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:

CELSD P. ABOLFO
Vice Mayor & Presiding Officer

APPROVED:

CARMELO J. LOCSIN
City Mayor

03-03-03
(Date)