

RESOLUTION NO. 028-H-2003

Series of 2003

WHEREAS, R.A. 9178, otherwise known as the Barangay Micro Business Enterprises (BMBE) Act of 2002 is now in effect after its approval by President Gloria Macapagal Arroyo on November 13, 2002;

WHEREAS, this Body believes that barangay micro business enterprises will generate employment and alleviate poverty and will improve the economic condition of this municipality;

NOW THEREFORE, Be it resolved as it is hereby resolved by the Sangguniang Bayan of Naga, Cebu to adopt and promulgate the following Ordinance:

ORDINANCE NO. 005-2003

Series of 2003

AN ORDINANCE ADOPTING THE PROVISIONS OF BARANGAY MICRO BUSINESS ENTERPRISES ACT OF 2002

Be it enacted by the Sangguniang Bayan of Naga, Cebu that:

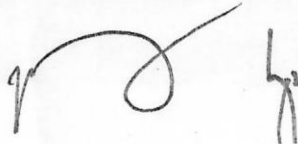
Section 1. This Ordinance shall adopt R.A. 9178, otherwise known as the Barangay Micro Business Enterprises Act of 2002.

Section 2. Definition of Terms: As used in this Ordinance, the following terms shall mean:

- a. "Barangay Micro Business Enterprise", hereinafter referred to as BMBE, refers to any business entity or enterprise engaged in the production, processing or manufacturing of products or commodities, including agro-processing, trading and services, whose total assets including those arising from loans but exclusive of the land on which the particular business entity's office, plant and equipment are situated, shall not be more than Three Million Pesos (P3,000,000.00) Pesos.
"Services" shall exclude those rendered by any one, who is duly licensed by the government after having passed a government licensure examination, in connection with the exercise of one's profession.
- b. "Certificate of Authority" is the certificate issued granting the authority to the registered BMBE to operate and be entitled to the benefits and privileges accorded thereto.
- c. "Registration" refers to the inclusion of BMBE in the Municipality's BMBE Registry.

Section 3. Registration and imposition of fees.

- a. Any person, natural or juridical, or cooperative, or association, having the qualification as defined in Section 2, a. hereof, may apply for registration as BMBE with the following requirements:
 1. A duly filled up application (BMBE Form 01) in triplicate; signed by the owner or manager of the entity applying for registration.
 2. A notarized declaration of asset size of not more than Three Million (P3,000,000.00) Pesos excluding land, before applying for BMBE registration; and
 3. A Barangay Clearance from the Barangay Government where the BMBE is located.
- b. The Office of the Treasurer shall register the BMBEs and issue a Certificate of Authority to enable the BMBE to avail of the benefits under this Ordinance.



Any such application shall be processed within fifteen (15) days upon submission of complete documents. Otherwise, the BMBEs shall be deemed registered. A registered BMBE shall be issued a Certificate of Authority as proof of registration, which will be effective for a period of two (2) years, renewable every two (2) years thereafter. The Municipal Mayor may appoint a BMBE Registration Officer who shall be under the Office of the Municipal Treasurer, who shall handle the efficient registration and processing of permits/licenses of BMBEs.

- c. Fees and Charges. A fee of One Thousand (P1,000.00) Pesos shall be imposed on every applicant for BMBE to defray the cost of registering and monitoring the business enterprise and for every renewal thereafter. Owners who could not
- d. Transfer of Ownership. The BMBE shall report to the Municipal Treasurer any change in the status of its ownership structure and shall surrender the original copy of the BMBE Certificate of Authority for notation of the transfer and issuance of a new Certificate of Authority. A transfer of Two Hundred (P200.00) shall be imposed to owners of BMBEs who intends to facilitate transfer of ownership.

Section 4. Incentives and Benefits.

- a. BMBEs shall be exempt from the coverage of the Minimum Wage Law: Provided that all employees covered under R.A. 9178 shall be entitled to the same benefits given to any regular employee such as social security and healthcare benefits.
- b. Credit Delivery, Technology transfer, Production and Management Training and Marketing Assistance, Trade and Investment Promotion can be availed of by a BMBE registered entity as enumerated and detailed under Section 9, 10 and 11 of R.A. 9178.

Section 5. Penalty. Any person who shall willfully violate any provisions of the ACT shall pay a fine of P1,000.00 per violation payable to the Municipal Treasurer's Office aside from the penalty imposed by the National Government, as specified under Section 13 of R.A. 9178.

Section 6. Separability Clause. If any provision or part hereof, is held invalid or unconstitutional, the remaining portion of this Ordinance or the provision not otherwise affected shall remain valid and subsisting.

Section 7. Repealing Clause. Existing Ordinances that are inconsistent with the provisions of this Ordinance are hereby amended, modified, superseded or repealed accordingly.


Section 8. Effectivity. This Ordinance shall take effect immediately.

APPROVED this 7th day of August 2003 on motion of Hon. Pablo A. Abangan.


CERTIFIED CORRECT.

VALDEMAR M. CHIONG
Vice Mayor/Presiding Officer

ATTESTED BY:


DELZA T. ARELLANO
Secretary to the SB

APPROVED BY:


FERDINAND M. CHIONG
Municipal Mayor

Approved per SP Res. No. 1336-2004