



Republic of the Philippines  
Province of Davao Occidental  
Municipality of Malita

OFFICE OF THE SANGGUNIANG BAYAN

26<sup>th</sup> REGULAR SESSION  
December 6, 2023

ORDINANCE NO. **017**

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**INTRODUCED BY HON. CARLO CHINO G. BALIOTA**

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**ORDINANCE**  
**ADOPTING THE 2023 RATIONALIZED LOCAL FEES AND CHARGES OF THE**  
**MUNICIPALITY OF MALITA, DAVAO OCCIDENTAL**

**WHEREAS**, Republic Act 7160 or the Local Government Code of 1991 in section 147 provides that fees and charges imposed by municipalities should be reasonable and commensurate with the cost of regulation, inspection and licensing before any person may engage in such business or occupation, or practice of such profession or calling. Furthermore, Article 233 of the Implementing Rules and Regulations (IRR) of the LGC provides that no such fee or charge shall be based on capital investment or gross sales or receipts of the person or business liable therefore;

**WHEREAS**, Section 153 and 154 of LGC provides a common revenue-raising powers to local government units through imposition and collection of reasonable fees and charges for the services rendered and for the operation of public utilities owned, operated and maintained by the LGU within its jurisdiction;

**WHEREAS**, Section 132 of the LGC stipulates that the power to impose tax, fee, or charge or to generate revenue shall be exercised by the Sanggunian of the local government unit concerned through an appropriate ordinance;

**WHEREAS**, Section 5 of RA 11032 or Ease of Doing Business and Efficient Government Service Delivery Act of 2018 provides that all proposed all proposed regulations of government agencies under Section 3 of the same Act shall undergo regulatory impact assessment to establish if the proposed regulation does not add undue regulatory burden and cost to these agencies and the applicants or requesting parties;

**WHEREAS**, Joint Memorandum Circular No. 2019-01 of the Department of the Interior and Local Government (DILG) and the Department of Finance (DOF) and BLGF Memorandum Circular No. 020.2019 of the Bureau of Local Government Finance (BLGF) mandate that the Regulatory Fees and Charges of LGUs shall be reviewed, adjusted, set, and/or reasonable through the use of the Local Fees and Charges Toolkit;

**WHEREAS**, Executive Order No. 25, series of 2023 provides a Technical Working Group (TWG) and Oversight Committee on the revision of fees and charges for the Municipality of Malita;

Be it ordained by the Sangguniang Bayan of the Municipality of Malita, Davao Occidental, in session assembled that:

## **CHAPTER I. GENERAL PROVISIONS**

### **ARTICLE 1. SHORT TITLE AND SCOPE**

**Section 1. Short Title.** This Ordinance shall be known as the “2023 Revised Local Fees and Charges of the Municipality of Malita”.

**Section 2. Scope and Application.** This Ordinance shall govern the local fees and charges and other impositions within the territorial jurisdiction of the Municipality of Malita.

### **ARTICLE 2. CONSTRUCTION OF PROVISIONS**

**Section 3. Words and Phrases Not Herein Expressly Defined.** Words and phrases embodied in this Ordinance no herein specifically defined shall have the same definitions as found in RA 7160, otherwise known as the Local Government Code of 1991.

**Section 4. Rules of Construction.** In constructing the provisions of this Ordinance, the following rules of construction shall be observed unless inconsistent with the manifest intent of the provisions.

- a) **General Rules.** All words and phrases shall be construed and understood according to the common and approved usage of the language; but the technical words and phrases and such other words in the Ordinance which may have acquired a peculiar or appropriate meaning shall be construed and understood according to such technical, peculiar or appropriate meaning;
- b) **Gender and Number.** Every word in this Ordinance implying the gender shall extend to both male and female. Every word importing plural number shall apply to several persons or things as well; and every word importing the singular number shall extend and apply to one person or thing as well;
- c) **Reasonable Time.** In all cases where any act is required to be done within the reasonable time, the same shall be deemed to mean such time as may be necessary for the prompt performance of the act;
- d) **Computation of Time.** The time within which act is to be done as provided in the Ordinance, or in any rule or regulation issued pursuant to the provisions thereof, when expressed in days, shall be computed by excluding the first day and including the last day, except if the last day falls on a Saturday, Sunday, or Holiday, in which case the same shall be excluded in the computation and the business day following shall be considered the last day;
- e) **References.** All references to chapters, articles or sections are to the Chapters, Articles or Sections in this Ordinance unless otherwise specified;

- f) Disposition of Copies of this Ordinance.** To ensure widest publicity, circulation and dissemination of the provisions of this Ordinance, and to ensure an effective implementation and enforcement of, and compliance to, its provisions, every permittee, licensee, taxpayer, and all persons directly affected by or concerned with any of its provisions shall, before issuance or renewal of their permits or licenses, or before payment of their taxes, shall each secure at cost an authenticated copy of this Ordinance from the Municipal Treasurer who shall fix from time to time the price for each copy to defray the expenses for the reproduction or printing and binding of this Ordinance. Any person may acquire an authenticated copy of the Ordinance from the Secretary to the Sangguniang Bayan upon payment of the fee. Any official or employee of the government may acquire an authenticated copy of this Ordinance for free: PROVIDED, that the Municipal Mayor certifies to the official character of the acquisition.
- g) Prohibited Printing, Publication, or Reproduction of the Ordinance.** No person shall print, publish or reproduce this Ordinance or any part hereof when such is intended to be sold or offered for sale or disposed of in any manner for any valuable consideration without prior approval of the Sangguniang Bayan of the Municipality: PROVIDED, that if the prior approval of the Sangguniang Bayan of the Municipality is secured, each and every copy intended to be sold or offered for sale or to be disposed of for any valuable consideration shall be consecutively numbered and authenticated by the Secretary to the Sangguniang Bayan. Any reproduction of this Ordinance or any part hereof intended to be circulated, published or disseminated to the general public for free, shall bear the authentication of the Secretary to the Sangguniang Bayan;
- h) Conflicting Provisions of Chapters.** If the provisions of the different chapters conflict with or contravene each other, the provisions of each chapter shall prevail as to all specific matters and questions involved therein; and,
- i) Conflicting Provisions of Sections.** If the provisions of the different sections in the same article conflict with each other, the provisions of the Section which is the last in point of sequence shall prevail.

### **ARTICLE 3. DEFINITION OF TERMS**

#### **Section 5. Definition of Terms** – When used in this Ordinance:

Barangay Clearance – is a clearance obtained from the barangay where such business or activity is located or conducted for whatever lawful purpose.

Business – means trade or commercial activity regularly engaged in as a means of livelihood or with a view to profit.

Calibration - refers to the act, method or process of testing the accuracy of dispensing pump meter in delivering gasoline; or measuring that the actual quantity of gasoline being dispensed is within the tolerable

minimum quantity as determined under DOE Rules and Circulars or calibration of scale in which a certified scale technician uses known weights certified by the Weights and Measures Department to adjust the response of a mechanical or electronic weighing system.

Fee – means a charge fixed by law or ordinance for the regulation or inspection of a business activity. It shall also include charges fixed by law or agency for the services of a public officer in the discharge of his official duties.

Gross sales or receipts – include the total amount of money or its equivalent representing the contact price, compensation or service fee, including the amount charged or materials supplied with the services and deposits or advance payments actually received during the taxable quarter for the services performed or to be performed for another person excluding discounts if determinable at the time of sales, sales return, excise tax and Value Added Tax (VAT).

License or Permit – is a right or permission granted in accordance with the law or by a competent authority to engage in some business or occupation or to some transactions.

Tax – means an enforced contribution, usually monetary in form, levied by the law-making body on persons and property subject to its jurisdiction for the precise purpose of supporting governmental needs.

Treasurer's Certification Fee – all documents under Municipal Treasurer's Office that needs to be certified by the Municipal Treasurer.

Tax Clearance (RPT) – a document that serves as a proof of updated and complete payment of Real Property Tax requested for personal use or any legal purposes and is signed by the Municipal Treasurer.

Certified Machine Copy of Document – a photocopy of any document under Municipal Treasurer's Office requested for personal use or any legal purposes and is duly certified by the Municipal Treasurer.

Certified System Copy of Document – a document that is reproduced from the system of the Municipal Treasurer's Office and is duly certified by the Municipal Treasurer.

Landholding and No Landholding – is requested by property owner whose property is located within the jurisdiction of the Municipality for Estate Tax, court proceeding, and verification of status of property, and upon request of farmer beneficiary of the Department of Agrarian Reform. This is a document attesting the total ownership of an individual or a corporation.

Improvement and No Improvement – issues this certificate to any property owners or to his/her duly authorized representative as proof that the property is with or without existing building/structure and/or machinery or improvements.

Tax Declaration – is a document being used by taxpayers to declare information aimed at determining the amount of tax payable for land, buildings and machinery.

Licensed Recruitment Agency – refers to any person, partnership or corporation duly authorized by the Philippine Overseas and Employment Administration (POEA) now the Department of Migrant Workers (DMW) to engage in the recruitment and placement of workers for overseas employment.

Public Employment Service Office (PESO) – is a non-fee charging multi-dimensional employment service facility or entity established in all Local Government Units (LGUs) in coordination with the Department of Labor and Employment (DOLE) pursuant to R.A. No. 8759 or the PESO Act of 1999 as amended by R.A. No. 10691.

Special Recruitment Activity (SRA) – a recruitment activity conducted by an authorized or licensed agency for overseas job opportunities outside of their approved business address with the Philippine Overseas and Employment Administration (POEA) now the Department of Migrant Workers (DMW).

Motorized Banca Certification – a certificate signed by the Municipal Agriculturist and the Fishery Officer to a client after thorough inspection as evidence for legal case.

Non-Motorized Banca Certification – a certificate signed by the Municipal Agriculturist the Fishery Officer to a client after thorough inspection as evidence for legal case.

Farm Machineries Registration – a certificate of registration signed by the Municipal Agriculturist the Crops Section Head to a client after thorough inspection as evidence for legal case.

Large Cattle Registration – a certificate of registration signed by the Municipal Agriculturist the Livestock Coordinator to a client after thorough inspection as evidence for legal case.

Fish Cage Certificate – a certificate signed by the Municipal Agriculturist and the Fishery Officer to a client after thorough inspection as evidence for legal case.

Fish Pen Certificate – a certificate signed by the Municipal Agriculturist and the Fishery Officer to a client after thorough inspection as evidence for legal case.

Permit to Transport – a permit signed by the Municipal Agriculturist and the Crops Section Head (for crops) and Livestock Coordinator (for Livestock) to a client after thorough inspection as evidence for legal case.

Anti-Rabies Services – services rendered to a client by the Livestock Officer, including but not limited to dogs, cats or any other species susceptible to rabies.

Castration Services – services rendered to a client by the Livestock Officer, with the objective of enhancing meat quality and implementing population control method.

Artificial Insemination Services – services rendered to a client by the Livestock Officer to ensure the health and safety of the hogs throughout

the insemination process, taking all necessary precautions to minimize stress and discomfort.

Soil Sampling Analysis Result – a document signed by the Municipal Agriculturist and Crops Section Head after the soil analysis has been made in order to determine the nutrient deficiency of the soil with corresponding fertilizer recommendations.

Data Research Fee – any documents that contains basic information about the municipality includes: (socio-economic profile, land use plan, development plan, land use maps, and other related municipal statistics)

Certified True copy of Documents – an official document that is stamped and signed as a true copy of the original by a person, supervisor or head of office who is allowed to take declarations.

Certification – an official document providing someone as proof that something has happened or been done and signed by a person or supervisor or head of the office.

Locational Clearance (for business) – is issued to business owners that serve as a pre-requisite document in issuance of Business Permit to guarantee that the business is in compliance with the Zoning Ordinance.

Inspection Fee – a site zoning inspection conducted by the office to verify the conformity of the construction site complies with the land use plan or standards, zoning ordinance and regulations, a pre-requisite requirement for locational clearance.

Soft Copy of Documents or Maps – any official information or a piece of data that is not printed on a physical, stored or displayed on a computer, copied or transfer thru electronic devices or a flash drive.

Hard Copy of Documents or Maps – any official information that is printed on paper reproduced by a machine.

Hardbound of CDP and CLUP – any official and technical documents that is printed on paper and bound with a stiff cover.

Mayor's Clearance – a document issued to bonafide residents of Malita stating the clearance has no criminal liability in the municipality.

Mayor's Certificate – a document issued to attest or affirm the validity of an information.

Public Market – refers to any places, building or structure of any kind recognized as such under existing laws or ordinances and those to be established upon recommendation of the local government concerned. It waterway, drainage, another connections, parking spaces, and other appurtenances thereto;

Market Premises – refers to any open spaces in the market compound; part of the market lot consisting of base ground not covered by market building usually occupied by vendors, especially during market days;

Government-Owned/or Operated Public Markets – refers to those established out of public funds or those leased/acquired by any legal modes or means from private persons, natural or juridical, to be operated by the government either through its instrumentality, branch of political subdivisions;

Market Section – refers to contiguous stalls/booth/spaces in the market classified according to the kind of merchandise offered for sale therein;

Fish Section – refers to the area where only fresh fish clams, oysters, crabs, lobsters, shrimps, seaweeds, and other sea foods and marine products shall be sold;

Meat Section – refers to the area where only all kind of meat and others meat products shall be sold, provided, that meat, pork and dressed chicken shall be separately displayed and properly labeled.

Dry Good Section – refers to the area where only all kinds of textiles, ready-made dresses and native products, toiletries, novelties, footwear, laces, and kitchen wares, utensils and other household articles, handbags and school supplies and office supplies shall be sold;

Grocery Section – refers to the area where only all kind of cakes, biscuits, pastries, crackers, butter, cheese, confections, candies, canned or bottled foods, beverages, soft drinks, cigarettes, flour, oatmeal, ham, bacon, sugar, nuts, sauce onions, garlic, potatoes, eggs, sausages, starch, smoked fish, dried fish, salt, feeds, soap, mongo and the like, and other household and food products shall be sold;

Rice and Corn Section – refers to the area where purely rice, corn and others cereals shall be sold;

Vegetables and Fruit Section – refers to area where only kind of vegetables, fruits, coconuts, and root crops such as camotes, cassava, garlic and the like shall be sold;

Eatery Section – refers to the area where only all kinds of cooked/prepared foods shall be sold, this includes refreshment parlors, cafeterias and other delicacies;

Poultry Products Section – refers to the area where only live chicken, ducks, suckling and piglets and the like shall be sold;

Flower Shop Section – refers to the area where only all kinds of flowers whether fresh or artificial flowers, pots, and other materials are needed in floral arrangement shall be sold;

Cold Storage Service Section – refers to the area where only refrigeration services shall be made available and the sale of ice in whatever form shall be sold;

Glassware and Fare Implement Section - refers to the area where all kinds of farm implement such as harrow, lilik, lingkaw, ropes, and the like. All kinds of kitchens utensils such as floor mat, brooms, etc. plastic products, pots, stoves, and other household utensils made of clay, glass or other material;

Miscellaneous Section – refers to the area where any others business not classified herein above shall be allowed.

Market Stall – refers to any specific space or booth in the public market where merchandise is sold or offered for sale, or intended for such purposes in the public market.

Stallholder – refers to awardee of a definite space within a public market that pays rental thereon for the purpose of selling his/her goods/commodities or services.

Market Rental Fee – refers to the fee paid to and collected by the Municipal Treasure for the privilege of suing public market facilities.

t) Ambulant, transient or itinerant Vendor – refers to a vendor or seller who does not permanently occupy a definite place of the market but one who comes either daily or occasionally to sell his/her goods.

Market Committee – refers to the body whose duty is to conduct the drawing of lots and opening of bids in connection with the adjudication of vacant or newly constructed stalls in the Municipal Market and to certify to the Municipal Mayor the result thereof.

Municipal Public Market – refers to a public market maintained, owned and/or operated by the municipal government within its territorial jurisdiction.

Medico-legal Examination Certificate – a certificate issued by the physician to a client after thorough examination as evidence for legal case.

Post Mortem Examination Report – a report made the attending physician who examined the dead body to determine the cause of death.

Sputum Gen-Xpert Examination MTB/RIF-a real-time PCR based rapid molecular assay for diagnosing TB.

Exhumation Permit – a permit to exhume human remains or cremated remains in a form provided by the Municipal Health Office.

Transfer of Cadaver – a permit issued by the Municipal Health Officer to transfer of a dead body from one area to another provided there is a death certificate.

Health Certificate – a certificate issued by the Municipal Health Office to all food handlers in the community and in school canteen, hotel, inn/resort staff, barbers and hairstylist/helpers.

Sanitary Permit – a permit issued to all business establishments after inspection by the Sanitary Inspector and complying all the requirements needed.

Medical Certificate – a written statement from a physician which attests to the result of a medical examination of a patient/client for a certain purpose.



Dental Certificate – a document issued by the dentist to determine the health of the oral cavity.

## **CHAPTER II. RATIONALIZED LOCAL FEES AND CHARGES**

### **ARTICLE 4. MAYOR’S PERMIT ON BUSINESS**

**Section 6. Mayor’s Permit on Business.** It shall be unlawful for any person or entity to conduct or engage in any business, trade or occupation within the territorial jurisdiction of the Municipality of Malita for which a permit is required for the proper supervision and enforcement of existing laws and ordinances governing the sanitation, security and welfare of the public and the health of the employees engaged in the business, trade or occupation specified in this Ordinance and other issuance that may hereafter be enacted, without first having secured a permit therefor from the Municipal Mayor and paying the necessary fees to the Municipal Treasurer.

**Section 7. Imposition of Fee.** There shall be collected an annual fee at the rate provided hereunder for the issuance of a Mayor’s Permit to every person or entity whether natural or juridical that shall operate or conduct a business, trade or activity within the Municipality of Malita and other appurtenant fees and charges relative to the issuance of the Mayor’s Permit for Business.

The permit fee is payable for every distinct or separate business or place where the business or trade is conducted. One line of business of trade does not become exempt by being conducted with some other business of trade for which the permit fee has been obtained and the corresponding fee paid for.

(a) For purpose of the Mayor’s Permit Fee, the following fees and charges per business or enterprise category are hereby adopted:

<b>PARTICULARS</b>	<b>FEE</b>	<b>REMARKS</b>
Micro-Industry, Cottage, Small Enterprise Category with 30 thousand to 4.99 million	PhP1,700.00	For businesses below 250 thousand, the Mayor’s Permit

capitalization or annual gross receipts		Fee shall pay only forty percent (40%) of the herein fee equivalent to <b>PhP680.00</b> only.
Medium Enterprise Category with 5 million to 19.99 million capitalization or annual gross receipts	PhP5,000.00	
Large Enterprise with 20 million to 1 billion capitalization or annual gross receipts	PhP12,000.00	
Specialized Industry or Enterprise with above 1 billion capitalization or annual gross receipts	PhP115,000.00	

The Mayor's Permit fee above shall be applicable for the newly established business and for the annual renewal of Business Permit.

(b) For purpose of the Permit to Operate Business, the following prescribed rate for the business plate and sticker are levied accordingly, to wit:

<b>PARTICULARS</b>	<b>FEE</b>
Business Registration Plate	PhP500.00
Business Registration Sticker	PhP50.00

The Business Registration Plate and Sticker shall be issued upon the approval of the Mayor's Permit for the newly registered business or enterprise along with the Permit to Operate Certificate. For the renewal of Permit, only business registration sticker shall be issued and paid corresponding fee therefor to the Municipal Treasurer.

(c) Other Fees and Charges related to the issuance of the Mayor's Permit and/or Permit to Operate Business. The following fees and charges are collected and shall be paid to the Municipal Treasurer, to wit:

PARTICULARS	FEE
Re-issuance of Original Mayor's Permit and/or Permit to Operate Business due to lost, stolen or destroyed via natural and/or man-made calamity	PhP300.00
Change of Business Name and other Information	PhP1,500.00
Retirement of Business Certification	PhP500.00

**Section 8. Time and Manner of Payment.** The fee for the issuance of a Mayor's Permit shall be paid to the Municipal Treasurer upon application before any business or undertaking can be lawfully begun or pursued and within the first twenty (20) days of January of each year in case of renewal thereof.

For a newly-started business or activity that starts to operate after January 20, the fee shall be reckoned from the beginning of the calendar quarter. When the business or activity is abandoned, the fee shall not be exacted for a period longer than the end of the calendar quarter. If the fee has been paid for a period longer than the current quarter and the business activity is abandoned, no refund of the fee corresponding to the unexpired quarter or quarters shall be made.

**Section 9. Surcharge for Late Payment.** In case of failure to renew the permit within the prescribed period, the fee shall be increased by a surcharge of Twenty-Five percent (25%) of the amount of tax due, such surcharge shall be paid at the same time and in the same manner, as the fee is due.

Business enterprises certified by the Board of Investments as pioneer or non-pioneer for a period of six (6) and four (4) years, respectively, are not exempt from the payment of the fee prescribed in this Article.

**Section 10. Administrative Provisions.**

(a) **Supervision and control over establishments and places.** The Municipal Mayor shall supervise and regulate all establishments and

places subject to the payment of the permit fee. He shall prescribe rules and regulations as the mode or manner on which they shall be conducted in so far as may be necessary to maintain peaceful, healthy, and sanitary conditions in the municipality.

(a.1) Authority to close and/or open business establishment. A closure order may be issued by the Municipal Mayor through the Business Permit and Licensing Office (BPLO) to any establishment operating a business in violation of any provision of this Ordinance or existing laws, ordinances and orders. In adherence to due process, no establishment shall be closed without observance of the two (2) prior notices.

However, business establishment operating without necessary business permit shall be summarily closed upon inspection.

The closure shall be in effect through the posting of a closure notice and/or padlocking of the establishment.

The closure notice attached or the padlock used in the closure of the business shall not be deliberately detached nor removed by the taxpayer concerned. Failure of the taxpayer to observe such regulation shall be a ground for perpetual disqualification to secure business permit and payment of fine under General Penal Provisions of this Ordinance. A closure order may be lifted upon the order of the Municipal Mayor, through his/her authorized representative, and a letter request to lift the closure order addressed to the head of the Business Permit and Licensing Office (BPLO) had been given due course.

When public safety or interest requires, the Municipal Mayor or his duly authorized representative shall cause the immediate revocation and cancellation of the business permit/ mayor's permit without prejudice to the immediate closure of the establishment and the filing of an appropriate criminal case/s as the circumstances warrant.

(b) **Application for Mayor's Permit:** An application for a Mayor's Permit shall be filed with the Office of the Municipal Mayor through the Business Permit and Licensing Office (BPLO). The form for the purpose shall be issued by the same Office and shall set forth the requisite information including the name and residence of the applicant, the description of business or undertaking to be conducted, and such other data or information as may be required.

**1. For a newly-started business**

- a. Location sketch of the new business;
- b. Department of Trade and Industry (DTI) Registration Certificate with Approved Application Forms, in case of single proprietorship;
- c. Securities and Exchange Commissions (SEC) Registration and Articles of Incorporation and By-Laws, in case of partnership or corporation;
- d. A certificate attesting to the tax exemption if the business is exempted;
- e. Certification from the other officer in charge of the zoning that the location of the new business is in accordance with zoning regulations;
- f. Tax clearance showing that the applicant has paid his tax obligations to the municipality;
- g. Barangay clearance/proof of filing (in case of non-insurance of barangay clearance within seven (7) working days from date of filing a Mayors Permit may be issued to the applicant;
- h. Three (3) passport size pictures of the owner or operator or in cases of a partnership or corporation the picture of the senior or managing partners and that of the President or General Manager;
- i. Health certificate for all food handlers;
- j. Community Tax Certified;
- k. Contract of Lease, if leased;
- l. Other pertinent documents, information or data as may be required or mandated by an existing ordinance or laws for that matter.

**2. For renewal of existing business permits:**

- a. Previous year's Mayor's permit;
- b. Copies of the annual or quarterly tax payments;
- c. Copies of all receipts showing payment of all regulatory fees as provided for in this Ordinance;
- d. Certificate of tax exemption from local taxes or fees, if exempt;
- e. Audited Financial Statement prescribed by the Bureau of Internal Revenue for the next proceeding year;
- f. BIR Registration Certificate;
- g. Barangay Clearance;
- h. Declaration of previous year's gross sales/receipts;
- i. Other pertinent documents as may be required by existing laws.

Upon submission of the application, it shall be the duty of the proper authorities to verify if other documentary requirements regarding the operation of the business or activity such as sanitary requirements, installation of power and light, as well as other safety requirements are complied with. The permit to operate shall be issued only upon compliance with the requirements and after the payment of the corresponding fees, charges and other imposition required.

Any false statement deliberately made by the applicant shall constitute sufficient ground for denying or revoking the permit issued by the Municipal Mayor, and the applicant or licensee may be prosecuted in accordance with the penalties provided in this Article.

**A Mayor's Permit shall not be issued to:**

- (a) Any person who previously violated an ordinance or regulation governing permits granted;
- (b) Any person whose business establishment or undertaking does not conform with zoning regulations and safety, health and other requirements of the municipality;

- (c) Any person who has unsettled tax obligation, debt or other liability to the government;
- (d) Any person who is disqualified under any provision of law or ordinance to establish or operate the business applied for.

Likewise, a Mayor's permit shall be denied to any person or applicant for a business who declares a gross sales or receipts amount that are manifestly below industry standards or the Presumptive Income Level of gross sales or receipts as established in the municipality for the same or a closely similar type of activity or business.

- (c) **Issuance of Permit; Contents of Permit.** Upon approval of the application of a Mayor's Permit, two (2) copies of the application duly signed by the Municipal Mayor shall be returned to the applicant. One (1) copy shall be presented to the Municipal Treasurer as basis for the collection of the Mayor's Permit fee and the corresponding business tax.

The Mayor's Permit shall be issued by the Municipal Mayor upon presentation of the receipt for the payment of the Mayor's Permit and the official receipt issued by the Municipal Treasurer for the payment of the business tax.

Every permit issued by the Municipal Mayor shall show the name and residence of the applicant, his nationality and marital status; nature of the organization, that is whether the business is a sole proprietorship, corporation or partnership, etc.; location of the business; date of issue and expiration of the permit; and other information as may be necessary.

The Municipality shall, upon presentation of satisfactory proof that the original copy of the permit has been lost, stolen or destroyed via natural and/or man-made calamity by presenting a duly notarized affidavit and upon the request of the owner or authorized representative, issue a certified true copy or issue an original copy of the permit upon payment of the corresponding fees and charges.

In case of change of ownership of the business it shall be the duty of the new owner, agent or manager of such business to secure a new Mayor's Permit as required in this Article and pay the corresponding fees and charges. However, prior to the issuance of the new Mayor's Permit, the business name under the previous owner shall undergo retirement of business procedure and paid the corresponding fees and charges therefor to the Municipal Treasurer.

In case of change of trade name and other business information, upon the request of the owner or authorized representative, the Mayor's Permit shall be issued upon payment of the corresponding fees and charges.

In case of retirement of business, a Retirement of Business Certification shall be issued upon surrendering the original permit, validated by the inspector that the retirement of business is legitimate and upon payment of the corresponding fees and charges.

- (d) **Posting of Permit.** Every permittee shall keep his permit conspicuously posted at all times in his place of business or office or if he has no place of business or office, he shall keep the permit in his person. The permit shall be immediately produced upon the demand by the Municipal Mayor, the Municipal Treasurer or any of their duly authorized representatives.
- (e) **Duration of Permit and Renewal.** The Mayor's Permit shall be granted for a period of not more than one (1) year and shall expire on the thirty-first (31<sup>st</sup>) of December following the date of issuance unless revoked or surrendered earlier. Every permit shall cease to be in force upon revocation or surrender thereof. The permit issued shall be renewed within the first twenty (20) days of January. It shall have a continuing validity only upon renewal thereof and payment of the corresponding fee.
- (f) **Revocation of Permit.** The Mayor's Permit may be revoked any of the following grounds:



1. When a person doing business under the provisions of this Revenue Code violates any of its provisions;
2. When the person refuses to pay an indebtedness or liability to the municipality;
3. When the person abuses his privilege to do business to the injury of the public moral or peace; or
4. When a place where such business is established is being conducted in a disorderly or unlawful manner, is a nuisance, or is permitted to be used as a resort for disorderly characters, criminals or women of ill-repute

(g) Such revocation shall operate to forfeit all sums which may have been paid in respect of said privilege, in addition to the fines and imprisonment that may be imposed by the Court for violation of any provision of this Ordinance governing the establishment and maintenance of business, and to prohibit the exercise of the by the person whose privilege or revoked, until restore by the Sangguniang Bayan.

#### **Section 11. Rules and Regulations on Certain Establishments.**

- (a) On restaurants, cafes, cafeterias, carenderias, eateries, food caterers, ice cream and other refreshment parlors, soda fountain bars, no owner of said establishments shall employ any cook, or food dispenser without a Food Handler's Certificate from the Municipal Health Officer, renewable every six (6) months.
- (b) Establishments selling cooked and readily edible foods shall have them adequately covered and protected from dust, flies and other insects, and shall follow strictly the rules and regulations on sanitation promulgated by the Municipal Health Officer and existing laws or ordinances.
- (c) Sauna bath, massage, barber and beauty shops. Said shops shall not be allowed to operate with masseurs, barbers, and beauticians without having secured the necessary corresponding medical certificate from the Municipal Health Officer.

**ARTICLE 5. SEALING, TESTING, AND LICENSING OF WEIGHTS AND MEASURES**

**Section 12. Implementing Agency.** The Municipal Treasurer shall strictly enforce the provisions of the Regulation of Practices Relative to Weights and Measures, as provided in Chapter II of the Consumer Act, Republic Act No. 7394.

**Section 13. Sealing and Testing of Instruments of Weights and Measures.** All instruments for determining weights and measures in all consumer and consumer related transactions shall be tested, calibrated and sealed every six (6) months by the official sealer whom shall be Municipal Treasurer or his duly authorized representative upon payment of fees required under this Article: Provided, that all instruments of weights and measures shall continuously be inspected for compliance with the provisions of this Article.

**Section 14. Imposition of Fees.** There shall be collected annual fees for every person or business establishment with weights and measures within this municipality for the sealing and testing and shall be paid to the Municipal Treasurer, to wit:

<b>PARTICULARS</b>	<b>FEE</b>
For sealing and testing of metric instruments of weights per unit:	
• With capacity of not more than 300 kg.	PhP 250.00
• With capacity of more than 300 kg but not more than 3,000 kg.	P 1,250.00
• With capacity of more than 3,000 kg	PhP 3,000.00
For sealing and testing of gas pumps per unit:	
• Sealing and Testing of Gas Pumps	PhP 2,500.00
For re-sealing and re-testing of weights and measures per unit	
• Re-testing and re-sealing of weights and measures instruments including gasoline pumps outside the office upon request of the owner or operator	PhP1,300.00

Fees and Charges for sealing, testing and licensing of weights and measures that are not expressly specified herein shall follow prescribed rates provided in the approved Municipal Revenue Code of 2019.

**Section 15. Payment of Fees and Surcharge.** The fees herein imposed shall be paid and collected by the Municipal Treasurer’s Office when the weights or measures instruments are sealed, before their use and thereafter, on or before the anniversary date thereof. The official receipt serving as license to use the instrument is valid for one (1) year from the date of sealing unless such instrument becomes defective before the expiration period. Failure to have the instrument re-tested and the corresponding

fees therefor paid within the prescribed period shall subject the fees which shall no longer be subject to interest.

**Section 16. Place of Payment.** The fees herein levied shall be paid in Municipality where the business is conducted. A peddler using only one (1) instrument of weight or measure shall pay the fee in the Municipality where he maintains his residence and present to authorities, whenever or wherever, inspection of weights and measure is conducted.

**Section 17. Exemptions.** The following are exempted in the implementation of this article.

- (a) All instruments for weights and measures used in government work or maintained for public use by any instrumentality of the government shall be tested and sealed free.
- (b) Dealers of weights and measures instruments intended for sale.

**Section 18. Administrative Provision.**

- (a) The official receipt for the fee issued for the sealing of a weight or measure shall serve as license to use such instrument for one year from the date of sealing, unless deterioration or damage rendered the weights or measures inaccurate within that period. The license shall be expired on the day and the month of the year following its original issuance. Such license shall be preserved by the owner and together with the weight or measure covered by license, shall exhibited on demand by the Municipality Treasurer or his deputies.
- (b) The Municipality Treasurer is hereby required to keep full sets of secondary standards, which shall be compared with the fundamental standards in the Department of Science and Technology annually. When found to be sufficiently accurate, the secondary standard shall be distinguished by label, tag or sea and shall be accompanied by a certificate showing the amount of its variation from the fundamental standards. If the variation is of sufficient magnitude to impair the utility of instrument, it shall be destroyed at the Department of Science and Technology.
- (c) The Municipal Treasurer or his deputies shall conduct periodic physical inspection and test weights and measures instruments within the locality.
- (d) Instruments of weights and measures found to be defective and such defect is beyond repair shall be confiscated in favor of the government and shall be destroyed through the Office of the Municipal Treasurer in the presence of the Municipal Auditor or his representative.
- (e) In case of an additional units of weights and measures, operators or owners shall inform the Municipal Treasurer and shall request for sealing and testing of such weights and measure and pay regular fees as imposed.
- (f) In case of a secondhand or a pre-owned weights and measures, the owner/operator shall secure license from the Municipal Treasurer and have it tested and sealed accordingly by the Municipal Treasurer or any authorized inspector thereof prior to the usage of such weights and measures.

**Section 19. Fraudulent Practices Relative to Weights and Measures.** The following acts related to weights and measures are prohibited:

- (a) For any person other than the official sealer or his duly authorized representative to place an official tag, seal, sticker, mark stamp, brand or other characteristic sign used to indicate that such instrument of weight and measure has officially been tested, calibrated, sealed or inspected;
- (b) For any person to imitate any seal, sticker, mark stamp, brand, tag or other characteristic design used to indicate that such instrument of weight or measure has been officially tested, calibrated, sealed or inspected;
- (c) For any person other than the official sealer or his duly authorized representative to alter in any way the certificate or receipt given by the official sealer or his duly authorized representative as an acknowledgement that the instruments for determining weight or measure has been fully tested, calibrated, sealed or inspected.
- (d) For any person to make or knowingly sell or use any false or counterfeit seal, sticker, brand, stamp, tag, certificate or license or any dye for printing or making the same or any characteristic sign used to indicate that such instrument of weight or measure has been officially tested, calibrated, sealed or inspected;
- (e) For any person other than the official sealer or his duly authorized representative to alter the written or printed figures, letters or symbols on any official seal, sticker, receipt, stamp, tag, certificate or license used or issued;
- (f) For any person to use or reuse any restored, altered, expired, damaged stamp, tag, certificate, or license for the purpose of making it appear that the instrument of weight or measure that has not been tested, calibrated, sealed or inspected;
- (g) For any person engaged in buying and selling of consumer products or furnishing services the value of which is estimated by weight or measure to possess, use or maintain with intention to use any scale, balance, weight or measure that has been tested, calibrated sealed or inspected;
- (h) For any person to fraudulently alter any scale, balance, weight or measure after it is officially sealed;
- (i) For any person to knowingly use any false scale, balance, weight or measure, whether sealed or not;
- (j) For any person to fraudulently give short weight or measure in the making of a scale;
- (k) For any person assuming to determine truly the weight or measure, to fraudulently misinterpret the weight or measure thereof; or
- (l) For any person to procure the commission of any such offense above mentioned by another.

Instruments officially sealed at some previous time which have remained unaltered and accurate and the seal or tag officially affixed therein remains intact and in the same position and condition in which it was placed by the official sealer or his duly authorized representative shall, if presented for sealing, be sealed promptly on demand by the official sealer or his duly authorized representative without penalty except a surcharge equal to two (2) times the regular fee fixed by law for the sealing of an instrument of its class, this surcharge to be collected and accounted by the Municipal Treasurer in the same manner as the regular fees for sealing such instruments.

**Section 20. Penalties.**

- (a) Any person who shall violate the provisions of paragraphs (a) to (f) and paragraph (g) of Section 8 shall upon conviction, be subject to a fine of not less than Two Hundred Pesos (P200.00) but not more than One Thousand Pesos (P1,000.00) or by imprisonment of not more than one (1) year, or both, upon the discretion of the court.
- (b) Any person who shall violate the provisions of paragraph of (h) of Section 8 for the first time shall be subject to fine of not less than Five Hundred Pesos (P500.00) or by imprisonment of not less than one (1) month but not more than five (5) years, or both, upon the discretion of the court.
- (c) The owner/possessor or user of instrument of weights and measure enumerated in paragraph (i) to (j) of Section 8 shall, upon conviction, be subject to a fine of not less than Three Hundred Pesos (PhP300.00) or imprisonment not exceeding one (1) year, or both, upon the discretion of the court.

**ARTICLE 6. PERMIT FEE FOR THE STORAGE OF FLAMMABLE AND COMBUSTIBLE MATERIALS**

**Section 21. Storage Permit for Flammable, Combustible, and Explosive Substances or Materials.** Refers to a permit granted to owners and/or business entities who engage and maintain storage facilities and depots for all types of flammables, combustible or explosive substances or materials within the Municipality.

**Section 22. Imposition of Fee.** There shall be collected an annual fee for every person or entity to store flammable, combustible, and explosive substances or materials.

<b>PARTICULARS</b>	<b>FEE</b>
Storage Fee for all kinds of Combustible and Flammable Materials with above 10,000 kilograms or liters	PhP3,750.00

The herein imposed fee shall be the maximum charges and a fraction thereof shall be imposed for storing below the quantity stipulated above, as follows:

- (a) For 5,000 up to 9,999 kilograms or liters shall be 40 percent (40%) of the fee.
- (b) For 4,999 kilograms or liters and below shall be 20 percent (20%) of the fee.

**Section 23. Time and Mode of payment.** The fee imposed herein shall be paid to the Municipal Treasurer upon application for his permit with the Municipal Mayor. In case of renewal, it shall be every first 20 days of January upon the renewal of Mayor’s Permit to Operate and/or Business Permit.

**Section 24. Administrative Provisions.**

- (a) No person shall keep or store at his place of business any of the following flammable, combustible or explosive substances without securing the permit therefor. Gasoline or naphtha not exceeding the quantity of One Hundred (100) gallons, kept in and used by launches of motor vehicles shall be exempt from the permit fee herein required.
- (b) The Municipal Mayor shall promulgate regulations for the proper storing of the said substances and shall designate the proper official and shall supervise therefor.
- (c) All applicants shall comply the following documentary requirements before the issuance of the Storage Permit, to wit:
  - i. Application Form;
  - ii. Locational Clearance;
  - iii. Sketch/Layout of Storage or Depot;
  - iv. Fire Safety Inspection Certificate;
  - v. Other documentary requirement as may deemed necessary;

**ARTICLE 7. MAYOR’S PERMIT ON SPECIAL RECRUITMENT ACTIVITIES (SRA)**

**Section 25. Mayor’s Permit on Special Recruitment Activity (SRA).** Shall refer to the permit granted to a licensed recruitment agency to conduct recruitment for overseas employment outside its registered and/or approved business office address. The Special Recruitment Activity shall adhere to the implementing rules and regulations provided in Republic Act 8042 or the Migrant Workers and Overseas Filipinos Act of 1995.

**Section 26. Imposition of Fee.** There shall be collected fee for the issuance of a Mayor’s Permit to authorized or licensed manpower agency who will conduct recruitment activities in the Municipality.

<b>PARTICULARS</b>	<b>FEE</b>
Special Recruitment Activity (SRA)	PhP1,000.00/ day

**Section 27. Time and Manner of Payment.** The fee imposed in the preceding section shall be paid to the Municipal Treasurer upon presenting a complete documentary requirement herein listed in item (b) of Section 4 of this Article.

**Section 28. Administrative Provisions.**

- (a) **Supervision and control over recruitment activities.** The Municipal Mayor through the Municipal Public Employment Service Office (PESO) shall supervise and regulate all recruitment activities conducted in the Municipality.

All recruitment activities for overseas employment, are required to obtain a Mayor’s Permit for the privilege of conducting said activity within the Municipality through the Municipal Public Employment Service Office (PESO) except for Job Fairs conducted by different local and national agencies, and private or public educational institutions

wherein it is subject for the approval of the Department of Labor and Employment (DOLE).

All recruitment activities for overseas employment conducted in the Municipality without securing a Mayor's Permit and conducted outside Public Employment Service Office or other authorized designated area shall be considered as illegal as provided for in the Anti-Trafficking in Persons Act of 2003 or Republic Act No. 9208.

(b) **Application for Mayor's Permit for Special Recruitment Activity:**

An application for a Mayor's Permit for Special Recruitment Activity shall be filed through the Municipal Public Employment Service Office (PESO). The No Objection Certificate (NOC) for the purpose shall be issued by the Public Employment Service Officer and shall set forth as one of the pre-requisites in the issuance of the permit. The following are the documentary requirements in applying for the conduct of recruitment activity, to wit:

- a. Letter intent signed by the authorized signatory and indicating the schedule of activity;
- b. Copy of Mayor's/Business Permit (Main and Branch Offices);
- c. Copy of POEA or DMW License to Operate (Main and Branch Offices);
- d. Affidavit of Undertaking for the authorized personnel to conduct the recruitment activity;
- e. Latest Job Orders duly approved by the POEA or DMW;
- f. Authority to Conduct Special Recruitment Activity from POEA or DMW;
- g. Copy of PhilJobNet Registration;
- h. Deployment Report of the preceding recruitment activity conducted in the municipality, if applicable;
- i. Certificate of Good Standing from POEA or DMW;
- j. NSRP Registration Form 2;
- k. No Objection Certificate from the Municipal Public Employment Service Office.

(c) **Acts Constituting Illegal Recruitment.** Illegal Recruitment shall mean any act of canvassing, enlisting, contracting, transporting, utilizing, hiring or procuring workers and includes referrals, contract services, promising or advertising for employment abroad, whether for profit or not, when undertaken by a non-licensee or non-holder of authority. Provided, that any such non-licensee or non-holder who, in any manner, offer or promises for a fee employment abroad to two or more persons shall be deemed so engaged.

**ARTICLE 8. MAYOR'S PERMIT ON SPECIAL ACTIVITIES, EVENTS, AND OCCASIONS, AND OTHER MAYOR'S PERMIT ISSUANCES**

**Section 29. Permit on Special Activities, Events, and Occasions, and Other Mayor's Permit Issuances.** This refers to permit issued and/or granted for special activities, events, and occasions such as but not limited to recreational, religious, institutional activities, events, and occasions.

**Section 30. Imposition of Fees and Charges.** There shall be collected fees and charges payable to the Municipal Treasurer's Office for the issuance of the Mayor's Permit on special activities, occasions, and other Mayor's permit issuances, as follows:

<b>PARTICULARS</b>	<b>FEE</b>
Mayor's Permit – Special Occasion (Rallies/Demo/Concert/Perya)	PhP3, 000.00
Mayor's Permit – Special Occasion (Sports Activity)	PhP5, 000.00
Mayor's Permit – Non-Special Activity (House to House Promotion)	PhP 300.00
Mayor's Permit – Special Occasion (Caravan/Exhibit/Booth Display)	PhP1, 500.00
Mayor's Permit – Special (Motorcade/Parade)	PhP1, 500.00
Mayor's Permit – Special (Selling of Fire Crackers)	PhP1, 500.00

**Section 31. Time and Mode of Payment.** The fees and charges impose herein shall be payable to the Municipal Treasurer's Office upon presenting a complete documentary requirement for the issuance of such permit.

**Section 32. Administrative Provisions.** All are hereby observed in the implementation of this article.

- (a) All activities, events, and/or occasions shall obtain a Mayor's Permit prior to its conduct and implementation;
- (b) To ensure public safety, the maintenance of peace and order, crowd control management and traffic flow management all activities, events and occasions shall be provided with personnel required in coordination with the Malita-PNP Chief of Police, LGU-Malita Civil Security Unit, Municipal Disaster Risk Reduction Management Office, Municipal Health Office, Municipal Environment & Natural Resources Office, and Traffic Management Office and provide copies of
- (c) The following procedures and documentary requirements are observed in the availment of the said permit and other issuances, to wit:
  - (b.1) Mayor's Permit to Operate Tricycle/Pedicab for Hire:
    - i. Complete set of requirements duly evaluated and endorsed by the Traffic Management Center.
  - (b.2) For special activities, events and occasions, recoreda and sports activities:
    - i. Letter of Intent stating the purpose, venue, date, and time of the activity, event and/or occasion and shall be submitted at least five (5) working days prior;
    - ii. Floor plan and/or route plan;
  - (b.2) For Occupational Permit (Non-Professionals):
    - i. Health Certificate or Card from the Municipal Health Office



**Section 33. Exemptions.** All are hereby exempted in the implementation of this article.

- (a) All activities, events, and occasions initiated by government entities or institutions shall be exempted for these provisions. But for consideration of harmonious implementation of such activity, event or occasions it shall be properly coordinated with other involved parties and stakeholders.
- (b) All religious, charitable, educational public institutions and other related activities, events and occasions conducted shall be exempted from the impose fees herein, provided that, organizers secure a permit from the mayor for and in consideration of the public safety, the maintenance of peace and order, crowd control management and traffic flow management.
- (c) All other events, activities, and/or occasions conducted with admission fees for attendance shall be subject to the herein imposed fees and charges even if they are conducted by exempted entities.

**ARTICLE 9. SERVICE FEES**

**Section 34. Service Fees.** Refers to services rendered for the issuance of Certification, Annotations, Clearances, and Other Certifications including certified machine/true copies from the original copy of documents, certification and other certifications for whatever legal purposes issued from different offices of the Local Governments of Malita.

**Section 35. Imposition of Fee.** There shall be collected fees from every person requesting for copies of official records and documents from the different offices of this municipality, as follows:

<b>PARTICULARS</b>	<b>FEE</b>
<b>(a) Municipal Treasurer’s Office (MTO):</b>	
Certification Fee	PhP 200.00
Certified Machine Copy of Document	PhP 150.00
Certified System Copy of Document	PhP 150.00
Tax Clearance (RPT)	PhP 200.00
<b>(b) Business Processing and Licensing Office (BPLO):</b>	
Certified True Copy of Permits	PhP150.00
<b>(c) Municipal Assessor’s Office (MASSO):</b>	
Certified True Copy of Tax Declaration (Maximum of two (2) copies per transaction)	PhP 250.00
Certificate of Landholding and No Landholding (3 copies – 2 copies for the requesting party, 1 file copy)	PhP 200.00

Certificate of Improvement and No Improvement (3 copies – 2 copies for the requesting party, 1 file copy)	PhP 200.00
Other Certification (3 copies – 2 copies for the requesting party, 1 file copy)	PhP 200.00
<b>(d) Municipal Environment and Natural Resources Office (MENRO):</b>	
ESWMP Compliance Certificate for Business Permit	PhP 150.00
<b>(e) Municipal Planning and Development Office (MPDO):</b>	
Certified True Copy of Documents	PhP 150.00
Certifications (*LUC/ZCC/Others) * Land Use Certification for DENR requirements * Zoning Compatibility Certification for Business * Others related	PhP 200.00
Locational Clearance for New Business Permit	PhP 1,800.00
<b>(f) Mayor's Office (MO):</b>	
Mayor's Clearance/Certification	PhP 200.00
<b>(g) Benjamin V. Bautista, Sr. Technological Institute (BVBSTI):</b>	
Certifications	PhP 100.00
<b>(h) Municipal Agriculturist Office (MAO)</b>	
MAO Certification (Regular) without conduct of inspection	PhP 100.00
MAO Certification (Special) with conduct of inspection	PhP 250.00
<b>(i) Municipal Civil Registrar Office (MCRO)</b>	
Certified True Copies of Civil Documents	PhP 100.00

**Section 36. Time of Payment.** The fee imposed in this Article shall be paid to the Municipal Treasurer at the time of request, written or otherwise, before the request is granted.

**Section 37. Administrative Provisions.** The following provisions shall be observed for the purposes of this imposition.

- (a) The above documents shall only be given to the owner/holder of property. Unless, otherwise, given authority by the property owner/holder in a form of Special Power of Attorney (SPA) in compliance to the Data Privacy Act. In case of death, an extra judicial

settlement of the heirs shall be presented upon request of said documents. However, documents requested without a need for data protection shall be issued immediately after complying the documentary requirement, if any.

- (b) All aforementioned issuance of certification above shall have a minimum of three (3) months and a maximum of one (1) year validity period and it should be indicated or imprinted in the document itself.

**ARTICLE 10. ECOLOGICAL SOLID WASTE MANAGEMENT SERVICE FEE AND CHARGES**

**Section 38. Ecological Solid Waste Management.** Pursuant to the Ecological Solid Waste Management Act of 2000 or R.A. 9003 and the Local Government Code or R.A. 7160, LGUs shall be primarily responsible in the implementation and enforcement of ecological solid waste management in the locality.

**Section 39. Jurisdiction.** The provisions of this Article shall be applicable within the territorial jurisdiction of the Municipality.

There shall be scheduled and regulated collection and disposal of garbage and wastes through the Office of the Municipal Environment and Natural Resources.

For Barangays within the reach of garbage equipment shall strictly follow schedule of collection of garbage and wastes that includes biodegradable, residuals (non-biodegradable) and special wastes (hazardous) in household.

However, in other barangays, only residuals and special wastes are to be collected in their respective Material Recovery Facilities (MRFs).

**Section 40. Imposition of Fee.** There shall be an annual fee collected for garbage and wastes collection services as follows:

<b>PARTICULARS</b>	<b>FEE</b>
A. For Business (All types of business enterprises, according to category)	
(a) Business Enterprise (Large Category) – 20 million to 1 billion	PhP2,500.00 (Annual Base Rate)
(b) Business Enterprise (Medium Category) – 5 million to 19.99 million	PhP2,000.00 or less 20% from the annual base rate
(c) Business Enterprise (Small Category) – 30 thousand to 4.99 million	PhP1,750.00 or less 30% from the annual base rate
(d) Business Enterprise (Micro Enterprises) – below 30 thousand	PhP1,500.00 or less 40% from the annual base rate
B. For Industrial Business Enterprise	PhP45,000.00 per annum

C. Large or Unusual Quantities of Garbage and Wastes (Special Request for Garbage Collection)	PhP1,000.00 per Truck Load
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For and in consideration of micro, small and medium-sized business enterprises are provided with percentage discount of 40%, 30% and 20% from the annual base rate accordingly.

**Section 41. Time and Mode of Payment.** The fees prescribed herein shall be paid to the Municipal Treasurer annually for the purpose of the business permit. Likewise, for special request for garbage collection shall be as the need arises.

**Section 42. Administrative Provisions.** The following provisions shall be observed, to wit:

- (a) For purposes of the imposition, the area of garbage collection shall only be within the business area, public market and/or designated collection points or MRFs of the barangay.
- (b) The owner or operator of the said business establishment shall provide and maintain garbage bin or receptacle enclosed to avoid spills.
- (c) The Sanitary Inspector (or the Municipal Health Officer) together with the Municipal Environment and Natural Resources Officer shall inspect once every month to all business establishment to ensure proper disposal of garbage and wastes. In case of complaint arises, actual inspection shall be conducted and provide penalties in accordance to R.A. 9003 of 2000 and DENR rules, regulation, and policies.
- (d) This Article shall not apply to business operators or establishments which provides their own system of garbage disposal subject to compliance with the standards of the R.A. 9003 of 2000 and the DENR.
- (e) Other provisions that are not expressly stated herein regarding ecological solid waste management, all shall adhere to and adopt the implementing rules and regulations provided in R.A. 9003 of 2000, DENR issuances and guidelines, and the local government code or R.A. 7160 and/or Municipal-issued rules and regulations on ESWM.

**ARTICLE 11. AGRI-FISHERY SERVICE FEES AND CHARGES**

**Section 43. Agri-Fishery Service Fees and Charges.** Refers to the Municipal Agriculture Office’s fees and charges for the implementation of its programs and services.

**Section 44. Imposition of Fees and Charges.** There shall be collected fees on the following Agri-fishery services as follows:

PARTICULARS	FEE
Motorized Banca Registration	PhP 1,600.00 annually
Non-Motorized Banca Registration	PhP 210.00 annually

Farm Machineries Registration	PhP 170.00 annually
Fish Cage Permit with 10m x 10m standard size	PhP 2,800.00 annually  (Additional PhP20.00 for every square meter in excess of the standard size)
Fish Pen Permit with 20m x 30m size	PhP 2,000.00 annually
Inspection Fee to Transport Animals	PhP 100.00
Inspection Fee to Transport Agricultural Crops	PhP 50.00
Large Cattle Registration (Certificate of Ownership)	PhP 200.00
Anti-Rabies Service Fee (With Tag)	PhP 135.00 annually
Castration Service Fee	PhP 295.00
Artificial Insemination Service Fee (limitation-up to 2 inseminations only)	PhP 495.00
Soil Sampling	PhP 180.00

**Section 45. Time and Manner of Payment.** The herein imposed fees and charges shall be paid to the Municipal Treasurer.

For banca registration, fish cage and pen permit, and farm machineries registration shall be renewed every first twenty (20) days of January of each year.

**Section 46. Administrative Provisions.** The following shall be observed in this article.

- (a) For Banca and Farm Machineries not registered and/or renewed annually, there shall be no assistance or services provided to owner or property holder. The renewal of its registration shall be on every January of the ensuing year.

**Section 47. Exemption.** The following are exempted from the fees and charges imposed in this Article:

- (a) All government-owned entities shall be registered for purposes of recording but are exempted from fees and charges.

## **ARTICLE 12. MUNICIPAL HEAVY EQUIPMENT RENTALS**

**Section 48. Heavy Equipment Rentals:** The Municipal Heavy Equipment, Vehicles and Machineries for earthwork operation shall be for rent especially for private use. Construction entities and/or private individuals can avail of

the heavy equipment rentals subject for the availability of the said equipment.

**Section 49. Imposition of Fees.** There shall be a rental fee collected for the following municipal heavy equipment, vehicles and machineries.

PARTICULARS	FEE
Dump truck	PhP 1,000.00
Boom Truck	PhP 1,000.00
Self-Loading Truck (High Bed)	PhP 1,000.00
Bulldozer	PhP 1,325.00
Transit Mixer	PhP 1,400.00
Wheel Loader	PhP 1,072.00
Hydraulic Excavator	PhP 1,325.00
Motor Grader	PhP 1,325.00

**Section 50. Time and Mode of Payment.** The fee imposed herein shall be paid to the Municipal Treasurer after determining the hour usage of the equipment with attached daily equipment time record. The renter shall secure an Order of payment from the Office of the Municipal Engineer.

The fees to be collected shall be computed by rate per hour excluding fuel expenses, and charges starts upon exit of motor pool premises.

**Section 51. Administrative Provisions.** The following provisions shall be strictly observed, to wit:

- (a) The Municipal Engineering Office shall keep a registry of all heavy Equipment and include the make, brand and name of the designated operator.
- (b) The motor pool in-charge in coordination with the Office of the Municipal Engineer shall ensure the availability of equipment and in good condition and/or maintenance of said equipment shall be conducted prior to the approval of rental agreement.
- (c) Only the LGU-Malita will provide the authorized heavy equipment operator and it is free of charge within the regular working hours.
- (d) A notarized Rental Agreement Form shall be executed prior to the approval of rental agreement.
- (e) In case of damage during operation, the renter shall have the responsibility of its repair, may it be minor or major.

**Section 52. Exemptions.** Heavy Equipment, Vehicle and Machinery use for public projects and construction shall be free of charge. However, the Municipal Engineer shall evaluate projects and construction whether if it is for public use or not.

Fuel expenses shall be provided by the borrower and upon borrowing the equipment shall be with the approval of the Municipal Mayor.

**ARTICLE 13. MUNICIPAL PLANNING AND DEVELOPMENT SERVICE FEES AND CHARGES**

**Section 53. Municipal Planning and Development Service Fee and Charges.** This refers to the costs for the services provided by the office to clients.

**Section 54. Imposition of Fees.** There shall be collected fees from every person or individual requesting for an official records and documents from the Office the Municipal Planning and Development Coordinator, such as:

<b>PARTICULARS</b>	<b>FEE</b>
Data Research Fee	PhP 150.00
Hard Copy of Maps (A3 Size, Full Color)	PhP 250.00
Hard Copy of Maps (Regular Size, Full Color)	PhP 150.00
Hard Copy of Other Research Documents	PhP 200.00
Hard Bound CDP Book	PhP 2,500.00
Hard Bound CLUP Book	PhP 4,500.00
Inspection Fee (Site Zoning Inspection) * for denied, 1 <sup>st</sup> zoning transaction	PhP 1,700.00

Note: Fees and Charges is subject to change depending on the type of printing.

**Section 55. Time and Mode of Payment.** The fees in this Article shall be paid to the Municipal Treasurer or any of its duly authorized personnel before the clearances, or any documents is issued.

**Section 56. Accrual of Proceeds.** The proceeds from Other Services Fees shall accrue to the General Fund of this Municipality.

**Section 57. Administrative Provisions.**

- a) Before issuing any documents or maps for data request the Municipal Planning shall require the accomplished-client request form to any individual, or letter request from the schools, company or corporations and valid identification card, shall be presented for such evidence for valid purposes; in compliance to the Data Privacy Act and the corresponding fee collected therefore before the document is granted.
- b) All business owners/operators with renewal of business need to secure a zoning compatibility certification before the approval of business permit.

- c) All business owners/operators with new business needs to secure a locational clearance before the approval of building permit and business permit.

**Section 58. Requirements for the Issuance of:**

- a) Zoning Compatibility Certification for business (Renewal). Upon issuance of the certification. The ZCC shall be obtained at the Municipal Zoning Administrator or the Municipal Planning. The office shall require a photocopy of barangay clearance and certification from Economic Enterprise Office (if rented in the government space) or rented contract, photocopy of approved site zoning certification for land classification (if business occupied in the private lot).
- b) Land Use Certification for DENR. Upon issuance of the certification. The office shall require a copy of DENR application, vicinity map and lot plan/survey plan.
- c) Locational Clearance for Business Permit (New). Upon issuance of the clearance required. The Locational Clearance shall be obtained at the Municipal Zoning Administrator or the Municipal Planning. The office shall require of filled-up accomplished & notarized application form for locational clearance from the office, vicinity map, lot plan of building, certificate of land title or any proof of ownership or right over the property, latest tax declaration of real property, site development plan (if any) or printed picture of business establishment, bills of materials (if any) and barangay clearance.

**Section 59. Exemptions.** For the computation of research fee for academe remains at fifty (50%) percent discounts for students of every fee charged per total amount of fees. Except for the government line agencies, all documents needed in their compliance to the government projects, whether national or local are exempt from the payment of the prescribed fees.

**ARTICLE 14. PERMIT FEE AND OTHER FEES FOR TRICYCLE OR PEDICAB-FOR-HIRE**

**Section 60. Permit Fee and Other Fees for Tricycle or Pedicab-for-Hire.** This refers to registration of all pedicab or motorcycle-for-hire including its operators.

**Section 61. Imposition of Fees and Charges.** There shall be collected annual fees for the registration and operation of Tricycle or Pedicab-for-hire within the municipality, as follows:

PARTICULARS	FEE
Mayor’s Permit for Tricycle/Pedicab-for-Hire	PhP 150.00 annually
Registration of Tricycle/Pedicab-for-Hire Operators	PhP 750.00
(a maximum of five (5) units)	For excess of five (5) units, an additional



	registration fee per unit shall be collected
Motorcycle/Pedicab-for-Hire Registration Fee (per unit registration)	PhP 350.00
Tricycle Sticker	PhP 50.00

**Section 62. Time and Mode of Payment.** The fees impose herein shall be paid to the Municipal Treasurer every first twenty (20) days of January of each year.

**Section 63. Administrative Provisions.** In implementing this article, the following shall be observed accordingly, to wit:

- (a) All Tricycle/Pedicab Operators and drivers shall adhere to the policies, rules and regulation on traffic management to the existing laws, issuances and guidelines by the Land Transportation Office.
- (b) All operators shall adhere to and adopt the policies, rules and guidelines and issuances of the Land Transportation and Franchising Regulatory Board (LTFRB).
- (c) For the purpose of controlling the number of units, there shall be a body number provided per unit and maintained database for unit registration.
- (d) There shall be a separate Ordinance for the regulation in operation of tricycle/pedicab for hire.
- (e) For the purpose of permit to operate tricycle/pedicab, the following are requirements shall be presented or submitted, to wit:
  - (1) Duly Accomplished Application or Registration Form;
  - (2) Mayor’s Permit to Operate Tricycle/Pedicab for Hire;
  - (3) Medical Certificate (Operator/Owner);
  - (4) Occupational Permit (for designated driver/s);
  - (5) Membership to Tricycle Operators and Drivers Association (TODA);
  - (6) Other pertinent requirements provided in the franchising ordinances.

**ARTICLE 15. LOCAL CIVIL REGISTRATION AND OTHER SERVICE FEE**

**Section 64. Local Civil Registration and Other Service Fees.** This refers to fees collected for services rendered in the conduct of civil registration within the municipality.

**Section 65. Imposition of Fees and Charges.** There shall be collected fees from every individual or person who avail for civil registration and other services, as follows:

A. Registration Fees:

PARTICULARS	FEE
Birth (Delayed Registration)	PhP200.00
Marriage (Delayed Registration)	PhP300.00
Death (Delayed Registration)	PhP300.00

B. Marriage Fees:

<b>PARTICULARS</b>	<b>FEE</b>
Marriage License Application (Foreigner)	PhP2,500.00
Marriage License Application (Resident/Non-Resident)	PhP300.00
Marriage License Fee	PhP300.00
Marriage Solemnization (Regular)	PhP500.00
Marriage Solemnization (Special)	PhP3,000.00
Registration of Legal Capacity to Contract Marriage	PhP2,000.00
Pre-Marriage Orientation (Regular)	PhP300.00
Pre-Marriage Orientation (Special)	PhP2,500.00

C. Legal Instruments Fees:

<b>PARTICULARS</b>	<b>FEE</b>
AAP/ AUSF/ Legitimation Fee/ Supplemental Fee	PhP300.00

D. Other Fees:

<b>PARTICULARS</b>	<b>FEE</b>
BREQS (Civil Documents-PSA authenticated copy)	PhP150.00
Certificate of No Marriage/ Certificate of Marriage Advisory Processing Fee	PhP200.00

**Section 66. Time and Mode of Payment.** The herein fees imposed shall be paid to the Municipal Treasurer before registration or issuance of any civil registry records or documents.

**Section 67. Administrative Provisions.** In implementing this article, the following shall be observed accordingly, to wit:

- a. In compliance to the Data Privacy Act of 2012, the following are the only allowed to request copies of documents in the civil registration office, to wit:
  - i. The document owner;
  - ii. Legal Spouse;
  - iii. Parents;
  - iv. If the document owner is a minor and default of the parents;
    1. The guardian must be appointed by the court;

- b. In accordance with Section 4 of RA 10172, all collected fees related to correction of data in all civil documents shall accrue to the Municipal Registrar's Office in the form of a Trust Fund for the modernization of the office, hiring of new personnel and procurement of supplies subject to government accounting and auditing rules.

**Section 68. Exemption.** The following cases are exempted from paying the herein fees imposed:

- c. Issuance of certified true copies of documents for official use at the request of a competent court or other government agency, except those copies required by courts at the request of litigants, in which case the fee should be collected;
- d. Indigent petitioner (as defined by law/policy), as per certified by the Municipal Social Welfare and Development Office (MSWDO);
- e. Certified True Copies of Live Birth that is required for enrollment to the primary level in the public school;
- f. Issuance of birth certificates of children for athletes representing the municipality in local, national, and international sports competition;
- g. Issuance of all duly registered civil registry documents during the office hours (8:00 am to 5:00 pm) of the day of the celebration of the civil registry month;
- h. All clients availing from the registration caravans in barangay conducted by MCRO/PSA and/or participated "Kasalan ng Bayan".

**ARTICLE 16. HEALTH, SANITATION INSPECTION AND EXAMINATION,  
MEDICAL AND LABORATORY SERVICE FEES AND CHARGES**

**Section 69. Health, Sanitation Inspection and Examination, Medical and Laboratory Services Fees and Charges.** This refers to collection of fees and charges for the services rendered and recovery of costs for Health Examination, Sanitary Inspection for Business Establishments, Medical Laboratories among others.

**Section 70. Imposition of Fees and Charges.** There shall be collected fees for every individual who avail health, sanitation and examination, medical and laboratories of the Municipal Health Office, as follows:

<b>PARTICULARS</b>	<b>FEE</b>
1. Medical, Dental & Health Certificate	180.00
2. Medico-legal Examination Certificate	250.00
3. Post Mortem examination	600.00
4. Dental – Tooth extraction/ tooth	300.00
5. Dental – Tooth Restoration/tooth	500.00
6. Dental – Tooth Prophylaxis	500.00
7. Laboratory-Hematology (Auto Analyzer) CBC	150.00
8. Laboratory – Blood Typing	100.00
9. Laboratory – FBS	100.00
10. Laboratory – Fecalalysis	100.00
11. Laboratory – Sputum Gene-Xpert Examination	200.00

12. Laboratory – Pregnancy Test	100.00
13. Laboratory – Urine analysis	100.00
14. Laboratory –HbsAg	150.00
15.Laboratory – Lipid profile	500.00
16. Laboratory – Serum Uric acid	100.00
17. Laboratory – SGPT	150.00
18. Laboratory – Serum Creatinine	150.00
19. Laboratory – Serum Electrolytes (Na,Ca,K, Chl)	500.00
20. Sanitation Permit	250.00
21. Potable water certification	450.00
22. Exhumation Permit	650.00
23. Transfer of Cadaver	500.00
24. FP service fee – Implant Insertion/Removal	150.00
25. FP service fee – Injectables	150.00
26. FP service fee – IUD insertion/removal	150.00

**Section 71. Time and Mode of Payment.** The fees impose herein shall be paid to the Municipal Treasurer before the delivery of health services and/or issuance of medical/dental certificate.

For sanitation permit, herein fees shall be paid to Municipal Treasurer upon filing of application and for renewal of business permit shall be the same every year thereafter within the first twenty (20) days of January of each year.

**Section 72. Exemptions.** The following are exempted from the herein fees, to wit:

- a) Municipal personnel, and volunteer health workers, except their dependents are exempted in paying laboratory fees and medical certifications;
- b) All indigents, Senior Citizen, PWD, 4Ps beneficiary, Solo Parent and her/his children upon presenting of proof shall be exempted from paying medical/dental and laboratory fees;
- c) Athletes representing the municipality are exempted to pay the medical, dental and health certification;
- d) Indigents clients requesting for medical certificate for the purpose of financial assistance shall be exempted from paying the required fees;
- e) All clients availing health services during the conduct of health caravans (dental and physical examination) or medical mission are exempted from paying herein fees.

**Section 73. Administrative Provisions.** In implementing this article, the following shall be observed accordingly, to wit:

- a) The Municipal Health Officer or his/her duly authorized representative shall conduct an annual inspection of all establishments and buildings, and accessories and houses for rent, in order to determine their adequacy of ventilation, general sanitary conditions and propriety for habitation;
- b) Individuals engaged in an occupation, or working in the following establishments, are hereby required to undergo physical

examination before they can be employed and once every six (six) months thereafter:

1. Food establishments – establishments where food or drinks are manufactured, processed, stored, sold or served;
  2. Public swimming or bathing places;
  3. Dance schools, dance halls and nightclubs (including dance instructors, hostess, cooks, bartenders, waitresses, etc.);
  4. Tonsorial and beauty establishments (including employees of barber shops, beauty parlors, hairdressing and manicuring establishments, exercise gyms and figure slenderizing saloons, facial centers, aromatherapy establishments, etc.);
  5. Massage clinics and sauna bath establishments (including masseurs, massage clinic/sauna bath attendants, etc.); and,
  6. Hotel, motels and apartments, lodging, boarding, or tenement houses, and condominiums.
- c) Owners, managers or operators of the establishments shall see to it that their employees who are required to undergo physical and medical examinations have been issued the necessary medical certificates;
- d) The Municipal Health Officer shall keep a record of physical and other health examinations conducted, and the copies of medical certificates issued indicating the name of the applicant, the date and the purpose for which examination was made.

**ARTICLE 17. PUBLIC MARKET STALLS/SPACE RENTALS**

**Section 74. Public Market Stalls/Space Rentals.** This refers to areas/spaces within the public market that is levied for private individuals and/or public entities.

**Section 75. Imposition of Fees and Charges.** There shall be collected monthly fees and charges for the rental of stalls or spaces within the Public Market premises, as follows:

<b>PARTICULARS</b>	<b>FEE</b>
Building A - Space Rental	PhP 8.00
Building B - Space Rental	PhP 10.00
Building B2 - Space Rental	PhP 9.00
Building B3 - Space Rental	PhP 10.00
Building C (Front) - Space Rental	PhP 10.00
Building C (Back) - Space Rental	PhP 8.00
Building D (Vegetable Section) - Space Rental	PhP 9.00
Building D (LBP) - Space Rental	PhP 10.00
Building D (Cawayan) - Space Rental	PhP 10.00
Building D (Fruit Section) - Space Rental	PhP 9.00

Building D (Bodega) - Space Rental	PhP 7.00
Building E (Ground Floor) - Space Rental	PhP 10.00
Building E (2nd Floor) - Space Rental	PhP 8.00
Transient (Ambulant) - Space Rental	PhP 10.00
Building F (Ground) - Space Rental	PhP 11.00
Building F (2nd Floor) - Space Rental	PhP 9.00
Makeshift (Front) - Space Rental	PhP 8.00
Makeshift (Back) - Space Rental	PhP 7.00
Building H – Space Rental	PhP10.00

**Section 76. Time and Mode of Payment.** The fees and charges imposed herein shall be collected monthly, quarterly, and/or annually and shall be paid to the Municipal Treasurer.

The imposed fees above shall be per square meter and shall be computed as illustrated below:

$$\text{Rate} \times \text{no. of square meter} \times 30 \text{ days} = \text{Total monthly rental}$$

**Section 77. Exemption.** Space and/or area use for office under Local Government of Malita shall be exempted from paying the herein imposed fee, however, utilities expenses incurred shall be charged against the budget of the office concern.

**Section 78. Administrative Provisions.** All are hereby observed in the implementation of this article.

(a) Provisions not expressly stated herein shall observe and adhere to the existing policies, rules and regulations in the Revenue Code and/or in the Public Market Code.

**ARTICLE 18. BURIAL PERMIT AND CEMETERY FEE**

**Section 79. Burial Permit and Cemetery Fees.** Refers to fees collected for the burial permit for both private and public cemetery and the rental of cemetery lots or niches in public cemetery.

**Section 80. Imposition of Fee.** There shall be collected fees for burial permit whether in public or private cemetery and rental fee for public cemetery lots or niches for a period of Five (5) years:

<b>PARTICULARS</b>	<b>FEE</b>
Burial Permit	PhP150.00
Cemetery Fee (New and Renewal)	PhP300.00

**Section 81. Time and Mode of Payment.** The fees imposed herein shall be paid to the Municipal Treasurer upon application. Renewal of cemetery fee or rental fee shall be every five (5) years thereafter within thirty (30) days from the expiration date.

**Section 82. Exemption.** Indigent person and paupers are exempted from paying the herein imposed fees, provided that, a family secure a certificate of indigency from the Municipal Social Welfare and Development Office (MSWDO).

**Section 83. Administrative Provisions.** All are hereby observed in the implementation of this article.

I. Public Cemetery Grounds:

- a.) A standard cemetery lot or niches shall be two (2) meters long and one (1) meter wide or three (3) square meters;
- b.) Except in cases allowed under laws and regulations, no person may be buried or interred permanently or temporarily, other than in properly designated cemeteries or burial grounds;
- c.) In addition to the burial permit, a certificate of death issued by the attending physician or Municipal Health Officer, or if no medical officer is available, by the Municipal Mayor or the Municipal Administrator shall be required;
- d.) Any construction of whatever kind or nature in the public cemetery whether for temporary or perpetual use, shall only be allowed after the approval of a permit issued by the Municipal Mayor upon the recommendation of the Municipal Health Officer;
- e.) In case a lessee intends to renew the lease after its termination, the immediate family or the lessee must inform the Municipal Economic Enterprise Officer within thirty (30) days before the expiry date of the lease, and shall pay the corresponding fee therefore; and,
- f.) It shall be the duty of the Municipal Economic Enterprise Officer to prepare and submit to the Municipal Treasurer a list of the leases that are to expire fifteen (15) days prior to the expiration date. The Municipal Treasurer shall send a reminder to the lessee of the expiration of his/her lease, two (2) weeks prior to the expiration date of the lease.

II. Private Cemetery Grounds:

Burial permit shall be issued prior to the interment in privately-owned burial grounds.

**ARTICLE 19. SLAUGHTERHOUSE FEES AND CHARGES**

**Section 84. Slaughterhouse Fees and Charges.** Refers to fees collected for slaughtering animals for consumption.

**Section 85. Imposition of Fee.** There shall be collected fees for slaughtering animals, as follows:

a. Permit Fee to Slaughter:

<b>PARTICULARS</b>	<b>FEE</b>
Cattle per head	PhP300.00
Hogs per head	PhP150.00
Goats per head	PhP150.00

b. Slaughter Fee:

<b>PARTICULARS</b>	<b>FEE</b>
Cattle per kilogram	PhP3.00
Hogs per kilogram	PhP150.00
Goats per kilogram	PhP150.00

c. Corral Fee:

<b>PARTICULARS</b>	<b>FEE</b>
Cattle per head per day	PhP70.00
Hogs per head per day	PhP50.00
Goats per head per day	PhP10.00

**Section 86. Time and Mode of Payment.** The fees imposed herein shall be paid to the Municipal Treasurer, as follows:

- a. Permit fee shall be paid upon the application and/or prior to slaughter;
- b. Slaughter fee shall be paid to the Municipal Treasurer or his/her authorized representative before the slaughtered animal is removed from the slaughterhouse;
- c. Corral fee shall be paid before the animal is kept in the municipal corral or any place designated as such. If the animal is kept in the corral beyond the period for, the fees due on the unpaid period shall first be paid before the same animal is released from the corral.

**Section 87. Prohibition.** Permit to slaughter shall not be granted nor the corresponding fee collected on animals condemned by the Municipal Agriculturist or Veterinarian.

**Section 88. Administrative Provisions.** All are hereby observed in the implementation of this article.

- a) The slaughter of any kind of animal intended for sale shall be done only in the municipal slaughterhouse. The slaughter of animals intended for home consumption may be done elsewhere, provided, the animal slaughtered for home consumption shall not be sold and shall secure a permit to slaughter;
- b) Before issuing the permit for the slaughter of large cattle, the Municipal Treasurer shall require the Certificate of Ownership and Certificate of Transfer showing title in the name of the person applying for the permit if he/she is not the original owner. If the applicant is not the original owner, he/she must secure certificate of transfer and the corresponding fee must be collected;

For unbranded cattle that have not yet reached the age of branding, the Municipal Treasurer shall require such evidence as will be



satisfactorily to him regarding the ownership of the animal for which permit to slaughter has been requested;

For unbranded cattle of the required age, the necessary certificate of ownership and/or transfer shall be issued, and the corresponding fees collected therefore before the slaughter permit is granted;

- c) Before any animal is slaughtered for public consumption, a permit therefore shall be secured from the Municipal Agriculturist Office or his/her duly authorized representative, through the Municipal Economic Enterprise Officer or Municipal Treasurer. The permit shall bear the date of issue and the stamp of the Municipal Agriculturist, as well as the page of book in which said permit number is entered and wherein the name of the permittee, the kind and sex of the animal to be slaughtered appears;
- d) The permit to slaughter shall as herein required shall be kept by the owner to be posted in a conspicuous place in his/her stall at all times.
- e) All slaughtered animals for public consumption shall be subject for inspection and shall be stamped accordingly by the assigned meat inspector;
- f) The Municipal Slaughterhouse personnel or manager shall kept all the records for slaughtered animals and shall be submitted to the Municipal Economic Enterprise Officer monthly, quarterly, and annually. It shall be the duty of the Slaughterhouse personnel or manager to maintain the cleanliness and orderliness within the premises of the slaughterhouse.
- g) The Municipal Economic Enterprise Officer shall maintain the list of authorized butchers and shall require a corresponding certification from the National Meat Inspection Service or NMIS and/or its equivalent certification.

**ARTICLE 20. RENTAL FOR THE USE OF PUBLIC MARKET STAGE AND LED WALL**

**Section 89. Rental for the Use of Public Market Stage and LED Wall.** Refers to fees collected for using the Public Market Stage and LED Wall in any kind of event.

**Section 90. Imposition of Fee.** There shall be collected fees as hourly rental for public market stage and LED wall, as follows:

<b>PARTICULARS</b>	<b>FEE</b>
LED Wall Rental per Hour	PhP450.00
Public Market Stage Rental per square meter	PhP10.00

**Section 91. Time and Mode of Payment.** The fees imposed herein shall be paid to the Municipal Treasurer prior to the usage of facilities. In excess of rental hour usage indicated in the lease of such facilities shall be paid to the Municipal Treasurer or his/her duly authorized representative.

**Section 92. Exemption.** All activities or events held in the Public Market Stage and user of LED Wall for the local government of Malita shall be exempted from paying the herein imposed fees. However, other government

agencies or public institution, and religious entities, shall settle and pay the utilities expenses incurred within the duration of lease.

**Section 93. Administrative Provisions.** All are hereby observed in the implementation of this article.

- 1) Only designated operator of LED Wall shall be authorized to operate.

**ARTICLE 21. PARKING FEES**

**Section 94. Parking Fees.** This refers to fees collected from trucks, buses, and the like parked in public market grounds and terminal hub.

**Section 95. Imposition of Fees and Charges.** There shall be collected parking fees in public grounds and terminal hub, as follows:

PARTICULARS	FEE
Terminal Parking Fee – Buses and Trucks	PhP200.00
Transport Service Fee – Van	PhP70.00

**Section 96. Time and Mode of Payment.** The fees imposed herein shall be paid to the Municipal Treasurer or his/her duly authorized representative every exit from the terminal or public market grounds.

**Section 97. Exemption.** Government-owned vehicles are exempted from paying the herein imposed fees.

**Section 98. Administrative Provisions.** All are hereby observed in the implementation of this article.

- 1) All PUJ, PUB, pedicab/motorcycle-for-hire who parked in the terminal shall pay corresponding parking fee as imposed.

**ARTICLE 22. FEES FOR THE LGU-RUN TRAINING AND ASSESSMENT CENTER**

**Section 99. Fees for the LGU-Run Training and Assessment Center.** This refers to fees collected from graduating and/or graduates of Benjamin V. Bautista, Sr. Technological Institute (BVBSTI) – an LGU-run Training and Assessment Center duly registered and accredited with the Technical Education and Skills Development Authority (TESDA).

**Section 100. Imposition of Fees and Charges.** There shall be collected fees and charges for the request of the following documents, as follows:

PARTICULARS	FEE
Transcript of Records for Employment	PhP150.00
Honorable Dismissal	PhP 100.00
Diploma	PhP 300.00
Special Order (SO)	PhP100.00

**Section 101. Time and Mode of Payment.** The fees imposed herein shall be paid to the Municipal Treasurer or his/her duly authorized representative upon request and/or application prior to the issuance of the said documents.

**Section 102. Exemption.** Scholars of Technical Education and Skills Development Authority (TESDA) who are covered from no additional extraction of fees as per TESDA Scholarship Guidelines shall be exempted from paying the herein imposed fees.

**Section 103. Administrative Provisions.** All are hereby observed in the implementation of this article.

- a) Pursuant to the Data Privacy Act of 2012, the document shall be issued only to the owner. Unless, otherwise, a notarized Special Power of Attorney (SPA) shall be presented prior to the issuance of documents requested.

**ARTICLE 23. WORKING PERMIT/ PERMIT FEE ON OCCUPATION/  
CALLING NOT REQUIRING GOVERNMENT EXAMINATION**

**Section 104. Permit on Occupation or Calling Not Requiring Government Examination.** This refers to permit issued and/or granted for every person engaged in the practice of the occupation and/or calling not requiring government examination.

**Section 105. Imposition of Fee.** There shall be collected an annual fee at the rate prescribed hereunder for the issuance of Mayor’s Permit to every person who practice an occupation and/or calling not requiring government examination within the municipality as follows:

<b>PARTICULARS</b>	<b>FEE</b>
Permit Fee on Occupation/ Calling Not Requiring Government Examination, such as: <ul style="list-style-type: none"> <li>(a) On employees and workers generally considered “Offensive and Dangerous business establishments”</li> <li>(b) On employees and workers in commercial establishments who cater or attend to the daily needs of the inquiring or paying public</li> <li>(c) On employees and workers in food and eatery establishment</li> <li>(d) On employees and workers in night or night and day establishment</li> <li>(e) All occupation or calling subject to periodic inspection, surveillance and/or regulations by the Municipal Mayor, like animal trainer, auctioneer, barber, bartender, beautician, bondsman, bookkeeper,</li> </ul>	PhP 130.00

<p>butcher, blacksmith, carpenter, carver, chambermaid, cook, security guard, electrician, electronic technician, club/floor manager, forensic electronic expert, fortune teller, hair stylist, handwriting expert, hospital attendant, lifeguard, magician, make-up artist, manicurist, masonry worker, masseur/masseuse attendant, mechanic, certified “hilot”, painter, musician, pianist, photographer (itinerant), professional boxer, private ballistic expert, rig driver (cochero), taxi driver, dancer, stage-performer, salesgirl, sculptor, waiter or waitress, and welder, and other occupations or calling.</p>	
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**Section 106. Exemption.** All professionals who are subject to the Professional Tax imposition pursuant to Section 139 of the Local Government Code, and government employees are exempted from payment of this fee.

**Section 107. Person Governed.** The following workers or employees whether working on temporary or permanent basis, shall secure an individual Mayor’s Permit (Working Permit) prescribed herewith;

- (a) Employees or workers in generally considered offensive and dangerous business establishment such as but not limited to the following:
  - 2.) Employees or workers in industrial or manufacturing establishment such as: Aerated water and soft drink factories; air rifle and pellets manufacturing; battery charging shops; blacksmith; breweries; candy and confectionery factories; canning factories; coffee, cocoa and tea factories; electric bulbs or neon lights factories; electric plant, electronics manufacturing; oxidizing plants; food and flour mills; fish curing and drying shops; footwear factories, foundry shops; furniture manufacturing, general building and other construction jobs during the period of construction; glass and glassware factories; handicraft manufacturing; hollow block and tile factories; ice plants; milk, ice cream and other allied product factories; metal closure manufacturing; iron steel plants; leather and leatherette factories; machine shops; match factories; paints and allied products manufacturing; plastic product factories; perfume factories; plating establishments; pharmaceutical laboratories; repair shops of whatever kind and nature; rope and twine factories; sash factories; smelting plants; tanneries; textile and knitting mills; upholstery shops; vulcanizing shops and welding shops.
  - 3.) Employees and workers in commercial establishments such as cinematography film storage; cold storage’s or refrigerating plants; delivery and messengerial services;

elevator and escalator services; funeral parlors; janitorial services; junk shop; hardware; pest control services; printing and publishing houses; service station; slaughterhouses; textile stores; warehouses; and parking lots; and,

- 4.) Employees and workers on other industrial and manufacturing firms or commercial establishments who are normally exposed to excessive heat, light, noise, cold and other environmental factors which endanger their physical and health well-being;
- (b) Employees and workers in commercial establishment who generally enter or attend to the daily needs of the general public such as but not limited to the following:

Employees and workers in drugstores; department stores; groceries and supermarkets; beauty salons; tailor shops; dress shops; bank teller; receptionist, receiving clerk in paying outlets of public utilities corporation, except transportation companies; and other commercial establishment whose employees and workers attend to the daily needs of the inquiring or paying public;

- (c) Employees and workers in food or eatery establishments such as but not limited to the following:

- 1.) Employees and workers in canteen, carenderias, catering services, bakeries, ice cream or ice milk factories, refreshment parlor, restaurant, sari-sari stores, and soda fountains;
- 2.) Stallholders, employees and workers in public markets;
- 3.) Peddlers of cook or uncooked foods; and
- 4.) All other food peddlers, including peddlers of seasonal merchandise.

- (d) Employees or workers in night or night and day establishments such as but not limited to the following:

- 1.) Workers or employees in bars; boxing stadium; bowling alleys; billiards and pool halls; cinema houses; cabarets and dance halls; cocktail lounges; circuses; carnivals and the like; day clubs and night clubs; golf clubs; massage clinics, sauna baths or similar establishment; hotels; motels; horse racing clubs; pelota courts; polo clubs; private detective or watchman security agencies; supper clubs and all other business establishment whose business activities are performed and consumed during night time;
- 2.) In cases of night and day clubs, night clubs, day clubs, cocktail lounges, bars, cabarets, sauna bath houses and other similar places of amusements, they shall under no circumstances allow hostesses, waitress, waiters, entertainers, or hospitality girl below 18 years of age to work as such. For those who shall secure the individual Mayor's Permit on their 18<sup>th</sup> birth year, they shall present their respective baptismal or birth certificate duly issued by the local civil registrar concerned.

- (e) All other employees and persons who exercise their profession, occupation or calling within the jurisdiction limits of the municipality aside from those already specifically mentioned in this article.

**Section 108. Time and Manner of Payment.** The fees prescribed herein shall be paid to the Municipal Treasurer upon filing of the application for the first time and annually thereafter within the first twenty (20) days of January of each year. The fee is payable for every separate or distinct occupation or calling engaged in.

**Section 109. Administrative Provisions.** For this Article, the following provisions shall be observed:

- h) All employers must require a Mayor’s Permit or Working Permit for their employees or workers who practice their occupation and/or calling. In case of existing employees or workers, it shall be the responsibility of the employer to secure said permit;
- i) Both employer and employees shall be liable from the law for not securing the Mayor’s Permit or Working Permit;
- j) For newly hired workers and/or employees shall secure their individual Mayor’s Permit from the moment they are actually accepted by the management of any business or industrial establishment to start working;
- k) For individuals who are engaged in an occupation or calling without any employer shall also secure an individual Mayor’s Permit and shall be renewed within the first twenty (20) days of January of each year.
- l) The Municipal Treasurer shall keep a record of persons engage in occupation and/or calling not requiring government examination and the corresponding payment of fees required under personal data for reference purposes.
- m) Persons engaged in the above-mentioned occupation or calling with valid Mayor’s Permit shall be required to surrender such permit and the corresponding Official Receipt for the payment of fees to the Municipal Treasurer and to the Municipal Mayor, respectively, for cancellation upon retirement or cessation of the practice of the said occupation or calling.

**ARTICLE 24. ACCOUNTABLE FORMS**

**Section 110. Accountable Forms.** Refers to a document issued to clients that will serve as an official acknowledgment for any payment or collection of taxes, licenses and other dues or fees to the government, such as Form 51.

**Section 111. Imposition of Fee.** There shall be collected fees from the local barangay units and other national agencies in need of accountable forms (Form 51) as follows:

PARTICULARS	FEE
Accountable Form (Form 51)	PhP250.00

**Section 112. Time and Manner of Payment.** The fees prescribed herein shall be paid to the Municipal Treasurer upon filing the request issuance slip (RIS).

**Section 113. Administrative.** The following shall be observed for the implementation of this article, to wit:

1. All barangay local government units in the Municipality of Malita shall be required to purchase the accountable form (form 51) only from the Municipal Treasurer's Office of Malita, unless, otherwise, forms are not available they are permitted to purchase in Provincial Treasurer's Office of Davao Occidental;
2. All other local and national agencies requiring the accountable form (form 51) shall be allowed to purchase in the Municipal Treasurer's Office of Malita whenever forms are not available in the Provincial Treasurer's Office of Davao Occidental and shall pay herein prescribed fees.

#### **ARTICLE 25. ENVIRONMENTAL MANAGEMENT FEE**

**Section 114. Environmental Management Fee.** Refers to fees collected from all types of resorts as environmental protection, development and conservation management. In addition, from industries with environmental impact within the Municipality of Malita.

**Section 115. Imposition of Fee.** There shall be collected annual environmental management fees, as follows:

<b>PARTICULARS</b>	<b>FEE</b>
Resorts (inland, beach, mountain, etc.)	PhP1,500.00
Industries	PhP50,000.00

**Section 116. Time and Manner of Payment.** The fees prescribed herein shall be paid to the Municipal Treasurer upon application of Mayor's Permit and/or within twenty (20) days of January of each year in case of Mayor's Permit Renewal.

**Section 117. Administrative.** The following shall be observed for the implementation of this article, to wit:

1. All barangay local government units in the Municipality of Malita shall enjoined to enforce this article to resort owners and industries under their area of jurisdiction;

## CHAPTER III. GENERAL ADMINISTRATIVE PROVISIONS

### ARTICLE 26. ADMINISTRATIVE PROVISIONS

**Section 118. Permit to Operate.** All persons natural or juridical subject to business regulatory fees and charges under this Ordinance and/or persons, agents and brokers transacting business for their principals and/or representing firms or offices of business establishments shall secure annual permit to operate, including motor/vehicle-for-hire operators, from the office of the Municipal Mayor, not later than January 20<sup>th</sup> of the succeeding year and shall secure documentary requirements prior to the schedule or every month of December of the preceding year. Persons engaging in business for the first time shall secure permit before the start of the business.

A permit to operate a business shall be granted only if:

- a. The applicant therefore has no unsettled tax obligation whatsoever to the government;
- b. The business establishment, if any, conform to the zoning regulations and safety and health requirements of the Municipality wherein the same is located; and
- c. The applicant is not disqualified under provision of law to establish, maintain and operate the business.

**Section 119. Submission of List of Employees.** All operators of business establishments (natural or juridical person), as well as administrative officers of national government units including government owned and controlled corporation found in the Municipality are required to submit during renewal a period of each year a list of persons under their employ, stating therein the following;

1. Name and Address;
2. Profession/Calling;
3. Professional tax paid, if any, O.R. No., Date and Place of Issue;
4. Position/designation;
5. Total salaries, wages and allowances per annum;
6. Community Tax Certificate number, date, place of issue and amount paid;
7. TESDA National Certificates, for skilled workers.

All associations composed of professional and/or having an occupation or calling shall submit the list of their members to the Municipal Treasurer and/or his authorized representative not later that the 20<sup>th</sup> day of January of each year indicating the following:

1. Name and Address;
2. Profession/Calling;
3. Professional Tax paid, O.R. No., date, place of issue and amount paid;
4. TESDA National Certificates, for skilled workers.

All business operators including motor/vehicle-for-hire operators and/or private individual (natural or juridical) securing a building construction permit and/or certificates of completion/ occupancy form



the Municipal Engineer's Office shall submit the business permit of the contractors who contracted the said project together with the certification of the Municipal Treasurer that the corresponding taxes of the said contractor have been paid. For this purpose, the Municipal Building Official is directed to require the above-mentioned requirement before the issuance of building/construction permit and certificate of completion/occupancy. Moreover, the same shall submit list of employees under their employ together with the necessary information requirement and TESDA-National Certificates for skilled workers.

**Section 120. Display of Official Receipt, Permit to Operate, Business Plate and Sticker.** The official receipt, Permit to Operate, Business Plate and Sticker issued by the Office of the Municipal Mayor through the Office of the Municipal Treasurer and Business Processing and Licensing Office as provided by this Ordinance shall be displayed on a conspicuous place in the establishment or office used in connection with the conduct of business or the exercise of the privileges.

Failure on the part of the business owners to display such valid permit issued by the Municipal Mayor and the corresponding official receipts representing payment of fees and charges including taxes and other impositions, plates and stickers, shall be subject the said establishment to a fine of One Hundred Pesos (PhP100.00) a day, payable upon demand of the Municipal Treasurer and/or his authorized representative. The fine shall continue until such time the establishment will be able to display the said permit, but in no case shall exceed Five Thousand Pesos (PhP5,000.00).

## **ARTICLE 27. COLLECTION AND ACCOUNTING OF MUNICIPAL REGULATORY FEES AND CHARGES, AND OTHER IMPOSITIONS**

**Section 121. Collection.** Unless otherwise specified, all fees and charges due to this municipality shall be collected by the Municipal Treasurer or his duly authorized representatives. Unless otherwise specifically provided in this Ordinance or other existing laws and ordinances, the Municipal Treasurer is hereby authorized, subject to the approval of the Municipal Mayor, to promulgate rules and regulations for the proper and efficient administration and collection of fees and charges herein imposed.

**Section 122. Issuance of Receipts.** It shall be the duty of the Municipal Treasurer or his authorized representative to issue the required official receipt to the person paying the fee or charge wherein the date, amount, name of the person paying and the account for which it is paid, are shown. The Ordinance Number and the specific section thereof upon which collections are based shall invariably be indicated on the face of all official receipts acknowledging payment of fees or charges.

**Section 123. Time and Mode of Payment.** Unless specifically provided herein, all fees and charges imposed herein shall be paid within the first twenty (20) days of January or each subsequent quarter as the case may be.

**Section 124. Record of Persons Paying Fee or Charge.** It shall be the duty of the Municipal Treasurer to keep a record, alphabetically arranged and open

to public inspection during office hours, of the names of all persons paying fees and charges. He shall, as far as practicable, establish and keep current the appropriate roll for each kind of fee or charge provided in this Ordinance.

**Section 125. Accounting of Collections.** Unless otherwise provided in this Ordinance and other existing laws and ordinances, all monies collected by virtue of this Ordinance shall be accounted for in accordance with the provisions of existing laws, rules and regulations and credited to the General Fund of the Municipality.

**Section 126. Examination of Books of Accounts.** The Municipal Treasurer shall, by himself or through any of his deputies duly authorized in writing, examine the books of accounts and other pertinent records of the business establishments doing business within the municipality, and subject to municipal fees and charges, to ascertain, assess and collect the true and correct amount due. Such examination shall be made during regular business hours once every year for every fiscal year, which shall be the year immediately preceding the examination. Any examination conducted pursuant to the provisions of this section shall be certified to by the examining official and such certificate shall be made of record in the books of accounts of the business concerned.

In case the examination herein authorized is to be made by a duly authorized deputy of the Municipal Treasurer, there shall be written authority issued to the former which shall specifically state the name, address and business of the taxpayer whose books of accounts and pertinent records are to be examined, the date and place of such examination, and the procedure to be followed in conducting the same.

For this purpose, the records of the Revenue District Office of the Bureau of Internal Revenue shall be made available to the Municipal Treasurer, his deputy or duly authorized representative. The forms and the guidelines to be observed for the proper and effective implementation of this Section shall be those prescribed by the Department of Finance.

**Section 127. Accrual to the General Fund Fines, Costs, and Forfeitures.** Unless otherwise provided by law or ordinance, fines, costs, forfeitures, and other pecuniary liabilities imposed by the court for violation of any municipal ordinance shall accrue to the General Fund of the municipality.

## **ARTICLE 28. CIVIL REMEDIES FOR COLLECTION OF REVENUE**

**Section 128. Local Government's Lien.** Local fees, charges and other impositions herein provide constitute a lien, superior to all liens, charges or encumbrances in favor of any person, enforceable by appropriate administrative or judicial action, not only upon any property or rights therein which may be subject to lien but upon also property used in business, occupation, practice of profession or calling, or exercise of privilege with respect to which the lien is imposed. The lien may be extinguished upon full payment of the delinquent local fees and charges including related surcharges and interest.

**Section 129. Civil Remedies.** The civil remedies for the collection of fees or charges and related surcharges and interest resulting from delinquency shall be:

- a.) By administrative action through distraint of goods, chattels or effects, and other personal property of whatever character, including stocks and other securities, debts, credits, bank accounts, and interest in and rights to personal property, and to levy upon real property and interest in or rights to real property; and
- b.) By judicial action. Either of these remedies or all may be pursued concurrently or simultaneously at the discretion of the Municipal Treasurer.

**Section 130. Distraint of Personal Property.** The remedy by distraint shall follow the standard procedures provided by the law pertaining to remedies of distraint of personal property.

#### **CHAPTER IV. MISCELLANEOUS PROVISIONS**

**Section 131. Power to Levy Fees or Charges.** The municipality may exercise the power to levy fees or charges on any base or subject not otherwise specifically enumerated herein or other applicable laws; provided, that the fees or charges shall not be unjust, excessive, oppressive, confiscatory or contradictory to declared national policy. Provided, further, that the ordinance levying such fees or charges shall not be enacted without prior public hearing conducted for the purpose.

**Section 132. Publication of the Ordinance.** This Ordinance shall be posted in at least two (2) conspicuous and publicly accessible places in the Municipality.

**Section 133. Public Dissemination of this Ordinance.** Copies of this Ordinance shall be furnished to the Municipal Treasurer for public dissemination.

**Section 134. Authority to Adjust Rates.** The Sangguniang Bayan shall have the sole authority to adjust fees or charges as prescribed herein not often than once every year, but in no case shall such adjustment exceed ten percent (10%) of the rates under this Ordinance. Provided, that adjustment of rates has undergone proper rationalization process.

**Section 135. Public Hearing Purpose.** Any and all public hearings or consultations so required under this Ordinance shall not be used for any purpose or be construed to conform to or be in compliance with public hearing or consultation requirement of other laws, rules, or regulations except for purposes of giving effect and validity this Ordinance or its provisions.

#### **CHAPTER V. GENERAL PENAL PROVISIONS**

**Section 136. Penalties for Violation of this Ordinance.** Any person or persons who violates any of the provisions of this Ordinance or the rules or regulations promulgated by authority of this Ordinance shall, upon conviction, be punished by a fine of not less than One Thousand Five Hundred Pesos (PhP1,500.00) nor more than Two Thousand Pesos (PhP2,000.00), 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 therefor. Punishment by a fine or imprisonment as herein provided for, shall not relieve the offender from the payment of the fee or charge imposed under this Ordinance.

**Section 137. Closure of Business.** Closure of Business shall be immediately imposed/implemented by the Office of the Mayor against any business operating without the required Mayor's Permit despite receipt of the notice to secure the necessary permit.

## **CHAPTER VI. FINAL PROVISIONS**

**Section 138. Legality of this Ordinance.** Any question on the constitutionality or legality of this Ordinance may be raised on appeal within thirty (3) days form the effectivity thereof to the Secretary of Justice who shall render a decision within sixty (60) days form the date of receipt of the appeal: Provided, however, that such appeal shall not have the effect of suspending effectivity of this Ordinance and the accrual and payment of the fee or charge levied herein:

Provided finally, that within thirty (3) days after the receipt of the decision or the lapse of the sixty-day period without the Secretary of Justice acting upon the appeal, the aggrieved party may file the appropriate proceedings with a court of competent jurisdiction.

**Section 139. 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 judgement or action shall not affect or impair the other sections or provisions thereof.

**Section 140. 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 141. Repealing Clause.** All ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

**Section 142. Effectivity.** This Ordinance shall take effect on January 1, 2024.

**ENACTED:** This 6<sup>th</sup> day of December, 2023.

I HEREBY CERTIFY to the correctness of the foregoing ordinance adopted by the Sangguniang Bayan of Malita during its 26<sup>th</sup> Regular Session held at the Sangguniang Bayan Session Hall on December 6, 2023.

**LAARNI C. SARSABA**  
Secretary to the Sanggunian

**ATTESTED:**

**ESTEFANIE T. BAUTISTA-DUMAMA, MPA**  
Vice Mayor  
Presiding Officer

**CONCURRED:**

**BENJAMIN T. BAUTISTA III**  
Sangguniang Bayan Member

**JOSIE JAMES D. RILLO**  
Sangguniang Bayan Member

**CARLO CHINO G. BALIOTA**  
Sangguniang Bayan Member

**ISABELO M. MASIWEL**  
Sangguniang Bayan Member

**ZALDY S. LATABAN**  
Sangguniang Bayan Member

**RICHARD FAB F. PERALTA, JR.**  
ABC President/ SB Member

**ROMEO T. LOPEZ**  
Sangguniang Bayan Member

**LOLITA D. LABIS**  
IPMR/ SB Member

**TOMAS D. ALCRODO, JR.**  
Sangguniang Bayan Member

**BELMER JOE O. CONTIGO**  
SK Federation President/ SB Member

**GIRLY D. LICUAN**  
Sangguniang Bayan Member

**APPROVED:**

**BRADLY L. BAUTISTA**  
Municipal Mayor