Republic of the Philippines
Province of Samar
Municipality of Pinabacdao
OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 22-003

Series 2022

AN ORDINANCE IMPOSING A UNIFORM BARANGAY CLEARANCE FEE IN ANY BUSINESS-RELATED TRANSACTION & APPLICATION FOR BUILDING PERMIT SUBJECT TO THE REMITTANCE OF THE AFORESAID FEE TO THE CORRESPONDING BARANGAY.

Whereas, Republic Act No. 11032 otherwise known as "An Act Promoting Ease of Doing Business and Efficient Delivery of Government Services" was signed into law seeking to streamline and simplify the process of registration and running a business in the Philippines more easy and efficient;

Whereas, Section 11 of the said law provides that "Barangay clearances and permits related to doing business shall be applied, issued and collected at the Municipality in accordance with the prescribed processing time of said Act. Provided, that the share in the collections shall be remitted to the respective barangays;

Whereas, the Department of Interior and Local Government (DILG) issued Memorandum Circular No. 2019-177 dated October 17, 2019 provide guidelines in the integration of the issuance of barangay clearance in the permitting processes of cities and municipalities;

NOW THEREFORE, be it Ordained that:

Section 1. Scope/Coverage. This Ordinance applies only to the issuance of Barangay Clearance for business permit purposes and as a pre-requisite in the application for building permit within the Municipality of Pinabacdao.

Section2. Definition of Terms. For purposes of this Ordinance, the following terms and/or phrases shall mean:

a) **Barangay Clearance** – refers to any and all documents issued by the barangays with or without corresponding fees relative to or in relation to the issuance of business permit and location clearance issued by the municipality or any other permit as may be required.

b) **Business Permit** – is a document that must be secured from the municipal government through the Business Permits and Licensing Office (BPLO) for a business to legally operate in the locality.

c) **Building Permit** – refers to a document issued by the Municipal Engineer's Office to an owner/applicant to proceed with the construction, installation, addition, alteration, renovation, conversion, repair, moving, demolition or other work activity of a specific project/building/structure or portions thereof after accompanying principal plans, specification and other pertinent documents with the duly notarized applications are found satisfactory and substantially conforming with the National Building Code of the Philippines;

Section 3. Authority to Collect Barangay Clearance Fee for Any Business Related Transaction and Application for Building Permit – The Municipal Treasurer or his/her authorized representative is given the authority to collect Barangay Clearance Fee subject to the remittance thereof to the corresponding barangay.

Section 4. Rate of Barangay Clearance Fee – There is hereby imposed a uniform and fixed amount of FIFTY PESOS (Php 50.00) as Barangay Clearance Fee for business related transactions and ONE HUNDRED PESOS (Php 100.00) for building permit to be collected by the Municipal Treasurer and shall be integrated in the Order of Payment (ToP) for Business Permit and Building Permit, together with the other unauthorized fees and charges. The Municipal Treasurer shall remit the same to the subject barangay not later that seven (7) working days of the ensuing month with the list of the issued Building and Business Permit.

Section 5. Barangay Clearance Signatory – The Punong Barangays of all barangays within the Municipality of Pinabacdao shall submit their respective electronic signature and barangay template/logo to the BPLO which shall be utilized exclusively for the issuance of approved Barangay Clearance.

Section 6. Other Regulations:

a) The BPLO shall upon receipt of any Application for Business Permit or the Municipal Engineer in case of Application for Building Permit, notify the concerned Barangay of any application for Business Permit for approval or disapproval of issuing Barangay Clearance. If no action has been taken by the Barangay within three (3) working days upon notice on the application, the same shall be deemed approved.

b) Upon the receipt of the Notice for the Application of Business or Building Permit, the Barangay concerned shall immediately visit the location and conduct ocular checking to verify status of the of the location subject of the application to determine compliance with applicable laws and other regulatory bodies. Each barangay shall be responsible to monitor and ensure that all business operations, and constructed is consistent of what was applied for. Inform in writing the BPLO of the Municipal Engineer, copy furnished the Municipal Mayor for immediate action in cases of any illegal acts committed by business/building owners/applicants.

c) The Joint Inspection Team (JIT) by implementing business-related regulations shall conduct an annual inspection or when necessary of all business enterprise to determine compliance with applicable laws, rules and regulations.

d) The BPLO shall conduct a regular inventory of all business approved entities and shall have a list thereof posted in the Municipal Bulletin Board for transparency.

e) Delinquent and non-compliant business establishment shall immediately be acted upon by the JIT and BPLO for appropriate action in accordance with existing laws, rules and regulations.

Section 7. Separability Clause. If for any reason, any part or provision of this Ordinance is declared unconstitutional or invalid, other parts or provisions thereof not affected shall remain valid and in full force and effect.

Section 8. Effectivity. This Ordinance shall take effect fifteen (15) days after its publication in general circulation and after it has been posted in two (2) conspicuous places of the Municipality.

Enacted and Approved: July 11, 2022 at Pinabacdao, Samar.

I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance which was duly adopted by the Sangguniang Bayan of Pinabacdao, Samar during its regular session on July 11, 2022.

MARY BERNARDETTE T. QUIJANO, LPT
Secretary to the Sangguniang Bayan

Concurred by:

HON. JOSE SANTIAGO T. QUIJANO
SB Member

HON. ELISEO B. CABORNAY
SB Member

HON. JOEL R. PACAYRA
SB Member

HON. NESTOR C. OCENAR
SB Member

HON. ARLYN C. MABUTE
SB Member

HON. ROSEMARIE T. BADENAS
SB Member

HON. NIÑO A. RAGA
SB Member

HON. REYNALDO C. TUAZON
SB Member

HON. JOSE O. REFUERZO
ABC Pres./Ex-Officio Member

HON. ALLEAH JOY L. SACAGUING
SK Fed. Pres./Ex-Officio Member

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Attested by:

HON. EDGAR M. TONELETE
Vice- Mayor/Presiding Officer

APPROVED:

HON. TEODORICO A. MABAG
Municipal Mayor

7/13/2022

(Date Signed)