



Republic of the Philippines
PROVINCE OF NUEVA ECIJA
Provincial Capitol Bldg.
Brgy. Singalat, City of Palayan
Tel. No.: (044) 940-7793

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF 11TH REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF NUEVA ECIJA, HELD AT SESSION HALL OF THE SANGGUNIANG PANLALAWIGAN, PROVINCIAL CAPITOL BUILDING, BARANGAY SINGALAT, PALAYAN CITY.

JUNE 05, 2018

Present:

BM ROMMEL C. PADILLA	- Acting Governor
BM RAFAEL ANDREW R. VILLANUEVA	- Acting Vice Governor (T.P.O.)
BM FROILAN C. NAGAÑO, JR.	- Member
BM EDGARDO F. AGLIAM	- Member
BM MARIO C. ORTIZ	- Member
BM EDWARD THOMAS F. JOSON	- Member
BM NAPOLEON P. INTERIOR, JR.	- Member
BM BELINDA E. PALILIO	- Member
BM JOHN CARLO A. PATIAG	- Member
BM JO-MARIO ANGELO E. MATIAS	- Member
BM PETER MARCUS A. MATIAS	- Member (President-PCL)
BM EDMUND R. ABESAMIS	- Member (President-Liga ng mga Barangay)
BM ANDREW N. BISCALOG	-Member (IPMR)

On Official Leave:

VICE GOVERNOR JOSE GAY G. PADIERNOS - Vice Governor

RESOLUTION NO. 217-s-2018

A RESOLUTION RE-ADOPTING THE PROVINCIAL ORDINANCE NO. 03-S-2012 OTHERWISE KNOWN AS AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE NUEVA ECIJA INVESTMENT AND INCENTIVE CODE

Upon suspension of rules and on motion of Board Member Napoleon P. Interior, Jr., duly seconded by all Members present;

BE IT RESOLVED AS IT IS HEREBY RESOLVED, by the Sangguniang Panlalawigan in session assembled, to approve the following provincial ordinance, as follows:

PROVINCIAL ORDINANCE NO. 02-s-2018

AN ORDINANCE RE-ADOPTING THE NUEVA ECIJA INVESTMENT AND INCENTIVE CODE

RULE I. POLICY APPLICATION

Article 1. Title- This Code shall be known and cited as the **NUEVA ECIJA INVESTMENT AND INCENTIVE CODE (As Re-adopted).**

Article 2. Purpose- The rules defined and set forth in this Code are promulgated to prescribe the procedures and guidelines for the implementation of the Nueva Ecija investment and incentive programs and policies in order to facilitate their compliance and achieve their objectives.

Article 3. Declaration of Policy - It is the policy of the province to attract, promote and welcome productive investments, both foreign and local, as well as encourage ventures that will significantly contribute to its socio-economic development subject to the limitations set by the Constitution and other relevant laws. These investments are those that will enhance the agri-industrial development potentials of the province; promote the transfer of technology using the existing raw materials and facilities; and, put in place infrastructure facilities and services that are vital to this development. Toward this end, the provincial government, in collaboration with all cities and municipalities shall endeavor to rationalize the systems and processes of investment registration in the province making all transactions transparent to all concerned. These foreign and local investments are expected to expand the livelihood and employment opportunities in the province, expand the province's tax base, promote an equitable distribution of wealth and promote the interest and welfare of the consumers.

Article 4. Scope of Application - This Code and its implementing rules shall apply to all persons, entities or enterprises, government and non-government organizations and instrumentalities to the extent provided by the investment code.

Article 5. Rules of Interpretation - The rules provided under this Code shall be interpreted liberally so as to give effect to the purpose and declared policy hereof. Any conflict or controversy arising under this Code shall be resolved on the basis of applicable provisions of laws and statutes or, in their absence, on existing customs and traditions relevant to conflict and dispute resolution.

**RULE II. CREATION, COMPOSITION, MEETINGS, POWERS, AND
FUNCTIONS OF THE NUEVA ECIJA INVESTMENT AND INCENTIVES
BOARD AND THE TECHNICAL WORKING GROUP**

Article 6. The Nueva Ecija Investment and Incentives Board and the Technical Working Group. The Nueva Ecija Investment and Incentives Board, and the Technical Working Group (TWG) are hereby created.

Article 7. Composition of the Board and the TWG. The Board shall be composed of the following:

- | | |
|----------------|--|
| Chairman: | Provincial Governor; |
| Vice Chairman: | Provincial Vice Governor; |
| Members: | Chairman, Trade, Commerce and Industry Committee
Sangguniang Panlalawigan; |
| | Representative from the Department of Trade and Industry Nueva
Ecija Provincial Office; |
| | Representative from the Department of Labor and Employment-
Nueva Ecija Field Office; |

President or a duly elected representative of the Philippine Chamber of Commerce and Industry- Nueva Ecija, Inc.;

Representative from the Nueva Ecija Small and Medium Enterprise Development Council;

President or representative from the Municipal Mayors' League;

City/Municipal Mayor of the place of investment;

President or representative from the Local Banking Association of the place of investment;

Representative from the Department of Environment & Natural Resources;

Representative from the Department of Agrarian Reform;

Provincial Trade and Industry Officer;

Provincial Planning and Development Officer;

Provincial Treasurer;

City/Municipal Treasurer of the place of investment;

Provincial Agriculturist;

Provincial Engineer;

Tourism Services Division Head;

Environment and Natural Resources Officer;

Provincial Veterinarian; and

Two (2) Private Sector Representatives as appointed by the Provincial Governor.

Ex- Officio Members:

General Manager or representative from Electric Company/Cooperative of the place of investment;

Representative from the Department of Interior and Local Government- Nueva Ecija Provincial Office;

Representative from State College and University;

Provincial Budget Officer;

Provincial Assessor;



Provincial Health Officer;

Provincial Director (PNP); and

City/Municipal Chief of Police of the place of investment;

Secretariat: Investment and Tourism Assistance Center.

The Technical Working Group (TWG) shall be composed of the following:

Chairman: Provincial Administrator;

Co- Chairman: Provincial Trade and Industry Officer;

Members: Representative from the Department of Trade and Industry-Nueva Ecija
Provincial Office;

Provincial Planning and Development Officer;

Tourism Services Division Head;

Environment and Natural Resources Officer; and

Provincial Engineer.

Secretariat: Investment and Tourism Assistance Center

The membership of the Board may be increased by the Sangguniang Panlalawigan through the recommendation of the Board as may be deemed necessary for the effective implementation of the provisions of this Code. The Provincial Governor shall appoint the two (2) Private Sector Representatives taking into consideration the recommendation of the sectors or entities they represent. The term of office of the private sector representatives shall be two (2) years, unless otherwise earlier revoked by the Provincial Governor.

Article 8. Meetings and Quorum of the Board - The Board shall meet at least once every quarter or as often as may be necessary, on a day and time that shall be agreed upon. The presence of a majority of its members shall constitute a quorum of a meeting, validly held, and shall be required for the Board to exercise its powers and perform its functions.

Article 9. Powers and Functions of the Board - The primary function of the Board shall be to establish a stable policy on a business climate, which will encourage and attract private sector investment consistent with the development needs of Nueva Ecija. Relevant to this, the Board shall be vested with the following powers:

- (a) Promulgate the governing Implementing Rules and Regulations in the implementation of the provisions of this Code;
- (b) Approve applications to the grant of incentives in accordance with the provisions of this Code;

- (c) Commission economic and technical research for the purpose of identifying priority investment areas, and appropriate incentives and support measures that shall be extended to attract investors to the province;
- (d) Adopt a short and medium-term investment promotion program that shall specify the list of priority investment areas and activities and corresponding incentives and support measures to be used to attract targeted investors;
- (e) Secure additional funding and other resources to supplement the budgetary support provided by the Nueva Ecija Provincial Government for the operation of the Board in the implementation of this Code;
- (f) Enter into any agreement with other government agencies and/or private sector organizations for the purpose of simplifying systems, procedures and requirements on investments and business operation in Nueva Ecija; and,
- (g) Add or remove, as necessary, an investment priority area which is no longer relevant to the prevailing economic condition.

Article 10. Powers and Functions of the Chairman- The Chairman of the Board shall exercise the following powers and duties:

- a. Preside over the regular and special meetings of the Board;
- b. Render annual reports to the Nueva Ecija Provincial Government and special reports that may be requested;
- c. Recommend to the Board such policies and measures necessary to carry out the objectives of the Code; and,
- d. Perform other duties as may be authorized by the Board from time to time.

Article 11. Powers and Functions of the Vice Chairman - The Vice Chairman of the Board shall have the following functions:

- a. acts in behalf of the Chairman of the Board in his/her absence; and
- b. performs other duties as may be authorized by the Board from time to time.

Article 12. Powers and Functions of the TWG

The TWG shall serve as the technical unit of the Board and shall implement its policies and guidelines specifically as follows:

- a. Evaluate complete application for registration for the availment of incentives and submit recommendation for action by the Board within five (5) working days from receipt thereof;
- b. Provide the necessary support to investors including those, but not limited to, services guaranteed under this Code;

- c. Collate, compile and analyze pertinent data and studies concerning areas that have been or may be declared as “preferred/priority areas of investments” of this Code;
- d. Recommend to the Board any amendments to existing legislation on local investments;
- e. Prepare agenda of the Meetings of the Board and submit for consideration and approval, policies and measures deemed necessary to carry out the provisions of this Code;
- f. Submit Annual Report to the Board through the Chairman, on the activities of the TWG concerning the implementation of this Code, within sixty (60) days after the close of the calendar year.

RULE III. DEFINITION OF TERMS

Article 13. Definition of Terms

- a. “Board” shall refer to the Nueva Ecija Investment and Incentive Board.
- b. “Capitalization” shall mean the total project cost of the proposed investment.
- c. “Province” shall mean the Province of Nueva Ecija covering all areas within its territorial jurisdiction as provided for by law and its charter.
- d. “Code” shall refer to the Nueva Ecija Investment and Incentive Code promulgated pursuant to the Sangguniang Panlalawigan Resolution No.31-s-2001, embodying Provincial Ordinance No. 01-s-2001, as amended by Ordinance No.03-s-2012.
- e. “Existing establishment/enterprises” refer to those establishments/enterprises whose places of operation or production are presently located within the territorial jurisdiction of Nueva Ecija. These enterprises may be owned and managed by Filipinos or foreigners as may be allowed by law.
- f. “Local Personnel/Workers” refer to personnel or workers who are *bonafide* residents of Nueva Ecija for at least six (6) months as certified by the local Barangay Chairman, and supported by a current valid community tax certificate and local police clearance.
- g. “New Enterprise” refers to venture for new business projects in the province.
- h. “Preferred/ Priority Areas of Investments” refer to the economic activities that the Board has identified as significant to the development of the province.
- i. “Project Study” refers to the project profile, which presents the highlights of the financial, socio-economic and environmental impacts of the proposed project.
- j. “Registered Enterprises” refer to enterprises/businesses registered in accordance with the provisions of the Code.

- k. “Nueva Ecija Investment Promotion, Tourism and Business Assistance Center” refers to the one-stop shop that will assist and provide incoming and existing investors with the most current business data and trends.
- l. “Center” refers to the Nueva Ecija Investment Promotion, Tourism and Business Assistance Center as created.
- m. “Technical Working Group” shall mean the technical unit of the Board.

RULE IV. PREFERRED/PRIORITY INVESTMENT AREAS/ACTIVITIES AND APPROPRIATE INCENTIVES AND SUPPORT MEASURES

Article 14. Preferred/Priority Investment Areas.

Incentives will be provided to new and existing projects that will venture into the following investment areas:

- a. Agri- business
 - Production of cutflowers, grains and high value crops
 - Livestock farming
 - Post harvest facilities including cold storage, rice mills, dryers, etc.
 - Food and Drinks Processing
 - Feedmills
 - Aqua-culture
 - Cultivation, propagation and processing of medicinal/herbal plants
 - Slaughter house/dressing plant
 - Organic fertilizer
 - Others
- b. Tourism
 - Accommodation Facilities, e.g. hotels, resorts
 - Nature/Theme Parks, Mountain Resorts
 - Transportation
 - Restaurants
 - Spas, Medical and Retirement Facilities/Services
 - Others
- c. Manufacturing
 - Wearable such as but not limited to footwear, garments, jewelries and fashion accessories
 - Furniture and Furnishings
 - Gifts and Holiday Decors
 - Tiles and Ceramics
 - Farm implements and agri- machineries
 - Others
- d. Services
 - Information and Communication Technology (ICT)
 - Financial Services
 - Educational and Training Schools

- Human Resource Development
 - Medical Centers
 - Others
- e. Property Development
- Convention Centers
 - Sports Facilities
 - Industrial Estate
 - Residential Area Development
 - Others
- f. Telecommunications
- Telecommunication lines and facilities
 - Internet Service Providers
 - Others
- g. Agro-Forestry
- Wood and non-wood (e.g. bamboo, rattan, etc.) propagation, plantation, processing and manufacturing
 - Others
- h. High Volume Trading Ventures
- Bagsakan Market
 - Warehouses
 - Others
- i. Renewable Power Generation
- Windmill
 - Biomass
 - Solar
 - Methane Gas
 - Hydroelectric power plant
 - Others
- j. Mining
- Metallic minerals (such as but not limited to gold, copper, manganese, iron ore)
 - Non-metallic minerals (such as but not limited to feldspar, marble, ceramic clay, talc, bentonite)
 - Sand & gravel and other quarry materials
 - Others
- k. Environment Protection & Enhancement Projects
- Sanitary Landfill
 - Solid/Toxic/Water Waste Management
 - Others
- l. Investment Priority Areas identified by the City/Municipal Local Investment and Incentive Codes

Article 15. Determination of Additional Investment Area.

Based on the results of studies it shall conduct in consultation with other government and private sector leaders of the province, TWG may recommend to the Board additional investment areas for inclusion in the list of priority investment areas under this Code.

The Board shall be guided by the following bases for inclusion of investment areas, to wit:

- a. It must generate high levels of employment;
- b. It must feature a high degree of value-added tax base;
- c. It must create linkages with local industries;
- d. It must not have deleterious effect to the local environment;
- e. It must make use of the indigenous materials and local products of the province; and,
- f. It must be technically, financially and legally feasible.

Article 16. Appropriate Incentives and Support Measures - The Board, upon the recommendation of the TWG, shall identify and recommend appropriate incentives and support measures for the approval of the Sangguniang Panlalawigan.

Article 17. Effectivity of Appropriate Incentives and Support Measures - The TWG shall review the package of appropriate incentives and support measures every two (2) years to determine the propriety for its continuous availment without prejudice to the provisions of Article 18.

The TWG may also recommend to the Board the removal of an investment area or activity from the list where such area or activity in the province cannot attract within reasonable time and cost or may result in unfavorable business climate.

Article 18. Removal/Deletion of a Preferred/Priority Investment Area- Upon the recommendation of the TWG, the Board may remove an area or activity from the list of preferred/priority areas of investment. The bases for the removal of Preferred Investment Priority Areas are as follows:

- a. Sufficient investments in the identified priority area have already been achieved;
- b. The continued extension of incentives or support measures for the particular investment area is no longer in the best interest of the Province;
- c. The investment priority area was not able to attract investors over a prescribed period of time; and
- d. The investment priority area may result to unfavorable business climate;

RULE V. REGISTRATION OF ENTERPRISES

Article 19. Qualification of a New Enterprise- A New Enterprise that intends to avail of the incentives provided for in this Code should meet the following qualifications:

1. Compliant with all the requirements mandated under the existing local and national laws and the Constitution, including the submission of the certificates of registration issued by the Securities and Exchange Commission (SEC), or Department of Trade and Industry (DTI), or Cooperative Development Authority (CDA) and/or other national government accrediting agencies;
2. The nature of business of the applicant is included in the Investment Priority Areas;
3. The prospective investor's operation or production is located within the territorial jurisdiction of the Province;
4. The new business enterprise prioritizes hiring its human resource requirements from the Province; and,
5. The new enterprise shall have a capitalization of:
 - a. At least Five Million Pesos (P5,000,000.00) but not more than Fifteen Million Pesos (P15,000,000.00) in the case of small-scale enterprise;
 - b. Over Fifteen Million Pesos (P15,000,000.00) but not more than One Hundred Million Pesos (P100,000,000.00) in case of medium-scale enterprise; and,
 - c. More than One Hundred Million Pesos (P100, 000,000.00) in case of a large-scale enterprise.

Article 20. Qualification of an Existing Enterprise - An existing enterprise which is expanding and/or diversifying that intends to avail of the incentives under this Code shall meet the following qualifications:

1. Has complied with all the requirements mandated under existing local and national laws and the Constitution. It should be able to present Certificate of Registration issued either by the SEC, DTI or CDA and other national government accrediting agencies, as the case may be;
2. The expansion or diversification is within the approved preferred/priority areas of investment;
3. The expansion or diversification through construction/ improvement of buildings and facilities or infusion of new equipment will result in increased production and employment;
4. The expansion/diversification shall have a supplemental capitalization of at least thirty percent (30%) of the initial capital investment; and
5. The existing enterprise prioritizes hiring its human resource requirements from the Province.

Article 21. Application Procedures - The procedures are as follows:

- a. Venue for Filing Applications.

All applications shall be filed at the Nueva Ecija Investment Promotion, Tourism and Business Assistance Center.

b. Date of Official Acceptance.

The date stamped on the application filed and recorded in the center's registration book shall be considered the date of official acceptance, provided all necessary requirements for processing the same are completed.

c. Processing Time.

Application for incentives shall be acted upon by the TWG within five (5) working days from official acceptance thereof and by the Chairman of the Board within additional ten (10) working days. The application shall be properly acted upon within fifteen (15) working days.

d. Filing Fee.

The filing fee shall be as follows:

P2, 000.00- For small-scale enterprises;

P4, 000.00- for medium-scale enterprises; and

P6, 000.00- for large-scale enterprises.

The filing fees are payable to the Provincial Treasurer's Office and are non-refundable.

e. Required Documents for Registration.

For Single Proprietorship:

1. Three (3) copies of duly accomplished Application Form which can be secured from the Center;
2. A copy of the Project Study of the proposed investment, indicating the financial, socio-economic and environmental impacts of the project together with the photocopy of Environmental Compliance Certificate (ECC); and,
3. A certified true copy of its Certificate of Business Name Registration from the Department of Trade and Industry.

For Partnership and Corporation:

1. Three (3) copies of duly accomplished Application Form which can be secured from the Center;
2. A copy of the Project Study of the proposed investment, indicating the financial, socio-economic and environmental impacts of the project together with the photocopy of Environmental Compliance Certificate (ECC);
3. A photocopy of the company's Partnership/Articles of Incorporation and By-Laws and Certificate of Registration as approved by the Securities and Exchange Commission (SEC); and,

4. Authority from the Partners and/or the Board of Directors, as the case may be, to file the application.

For Cooperative:

1. Three (3) copies of duly accomplished Application Form which can be secured from the Center;
2. A copy of the Project Study of the proposed investment, indicating the financial, socio-economic and environmental impacts of the project together with the photocopy of Environmental Compliance Certificate (ECC);
3. A certified true copy of its Certificate of Good Standing and Certificate of Registration issued by Cooperative Development Authority (CDA); and,
4. Authority from the Board of Directors to file the application.

Article 22. Registration and Approval Procedures.

a. Registration Procedure.

1. Applications shall be submitted to the Center together with the required documents.
2. The applicant pays the non-refundable filing fees specified in Article 21.
3. Once all required documents are submitted, the project will be evaluated by the TWG chaired by the Provincial Administrator.
4. If found not qualified, the Chairman of the TWG informs the applicant.
5. If found qualified, the Chairman of the TWG forwards the application to the Board through its Chairman for approval.
6. Once approved, the Chairman of the Board shall inform the applicant in writing and advise the applicant to claim the Certificate of Registration.
7. The Chairman of the Board, then, informs all concerned agencies, entities of such approval for their information, guidance and appropriate action.

b. Evaluation Criteria.

The following criteria will be used in the evaluation of applications for registration under the Code:

1. Capitalization for new enterprise or investment shall be in accordance with Article 19 of this Code.
2. Capitalization for expansion or diversification shall be in accordance with Article 20 of this Code.

3. Direct employment generated for new enterprises, or investments for expansion or diversification shall be in accordance with Item No. 6, Article 19 of this Code.
4. Plant Location and Business Address of either new or expanded or diversified enterprise must be within the territorial jurisdiction of Nueva Ecija.

c. Certificate of Registration.

A registered enterprise under this Code shall be issued a Certificate of Registration with the signature of the Chairman of the Board and/or another officer that the Board may empower and designate for the purpose. The certificate shall be in such form and style as the Board may determine and shall state among others the following:

1. The name of Registered Enterprise;
2. The preferred/priority area of investment in which the registered enterprise will engage in;
3. The location where the enterprise will be established; and,
4. The other terms and conditions to be observed by the registered enterprise by virtue of its registration.

RULE VI. RIGHTS AND PRIVILEGES OF REGISTERED ENTERPRISES

Article 23. Rights and Privileges Guaranteed by the Board - All enterprises registered under this Code are entitled to the rights and guarantees provided by law and the Constitution, and as such, the Provincial Government through the Board shall:

- a. Provide concise and comprehensive information to prospective investors on the economic priorities of the Province, including target investment areas and the general conditions applicable to incoming direct private investments;
- b. Communicate investment evaluation criteria and procedures through various publications to enhance transparency in the process of granting incentives under this Code;
- c. Take into account the need of the investors for stable growth and profit on their operations in the formulation and modification of policies and ordinances;
- d. Not interfere or modify arrangements with the investors after the details of the implementation of an investment project has been accepted and approved and the ownership and management structure of the enterprise has been established, unless the law provides otherwise;
- e. Avoid undue distortion of competition between and among enterprises operating within its territorial jurisdiction, whether domestic or foreign, when granting any special exemptions or incentives aimed at encouraging investments in the identified target areas;

- f. In accordance with the law and where no local personnel or worker is qualified or capable and available, allow the employment of qualified foreign personnel;
- g. Resolve all doubts concerning the benefits and incentives granted under the ordinances enacted for the purpose of encouraging investments;
- h. Advise or request the involved Local Government Unit to enact the necessary ordinance or resolution granting the just use of their properties;
- i. In addition to the above-mentioned guaranteed rights and privileges, the following investor facilitation and aftercare services shall also be provided:

1. Investor Facilitation Services consisting of -

- 1.1 Organization of business visits and site investigations to and around the Province;
- 1.2 Provision of general economic information such as data on economic activity and investment trends, cost of doing business, etc.;
- 1.3 Information on investment legislation, procedures and incentives;
- 1.4 Identification of potential sites, buildings and facilities; and,
- 1.5 Identification of potential joint venture partners, suppliers and service providers.
- 1.6 Information, assistance and facilitation in the approval and licensing procedures of the various National Agencies and Local Government Units;
- 1.7 Facilitation of access to financial and technical assistance programs offered by the public and private institutions;
- 1.8 Referrals to group who can assist in project study preparation and pre-investment analysis;
- 1.9 Other services that will improve the competitiveness of the registered enterprise.

2. Investor Aftercare Services.

Once the investors have established their operations in the province, services will be rendered on a per need basis. These services may include but will not be limited to representation with the local and national government, mediation during labor disputes, sources of manpower, facilitation of legal matters.

Aftercare services will also include assistance in answering the personal concerns of the investors like locating appropriate housing for their families and schools for the children, seeking out amenities like sports clubs, etc.

RULE VII. INCENTIVES PROVIDED TO REGISTERED ENTERPRISES

Article 24. Fiscal Incentives to Newly Registered Enterprises - In addition to the incentives provided by this Code and by the concerned national government agencies, a registered enterprise shall enjoy the following:

1. Twenty percent (20%) exemption from the basic real property tax (10% RPT & 10% SEF) for buildings and machineries for the period of three (3) years commencing on the date of operation;
2. Exemption from Franchise Tax for three (3) years commencing on the date of operation;
3. Exemption from Amusement Tax for three (3) years commencing on the date of operation.

Article 25. Non-Fiscal Incentives to Registered Enterprises – A registered enterprise through the Board shall be guaranteed the following:

1. Guarantee the prospective investor of a smooth business operation within the province by ensuring the climate free from labor disputes, rallies, strikes and other forms of protests within the bounds of the law.
2. Provide assistance to the prospective investor through the Center in securing the necessary documents from other agencies of government.
3. Assure peace and order situation.

RULE VIII. APPROPRIATIONS

Article 26. Appropriations – An initial funding to defray the expenses necessary for the implementation of the provisions of this Code and the Board shall be sourced-out from the Provincial Government Fund. Thereafter, the Provincial Government shall appropriate annually, based on a budget presented by the Board, the necessary funding requirements which are deemed necessary for the continued implementation of the provisions of the Code, subject to the usual Government accounting and auditing rules and regulations.

RULE IX. MISCELLANEOUS PROVISIONS

Article 27. Visitorial Powers - Visitorial powers of the Board or the Chairman of the TWG. The Board, the Chairman of the TWG or any duly authorized member thereof, is hereby empowered and authorized to conduct an ocular inspection of the premises or examination of the business activities of any registered enterprise.

Article 28. Reportorial Requirement – Submission of Reports and other Documents. Every registered enterprise shall, for each preferred/priority areas of investments, submit to the Board the following reports and/or documents within the time herein prescribed:

- a. Amendments of Articles of Incorporation or By-laws, Articles of Partnership, or Articles of Incorporation, within thirty (30) calendar days from the date of submission of the said amendments with the Securities and Exchange Commission (SEC) or Cooperative Development Authority (CDA);

- b. Change of Director within thirty (30) calendar days from the date of change;
- c. Report on alien officer or employees within thirty (30) calendar days from the date of registration or from the appointment of their aliens/replacements. These aliens should already be registered with the Bureau of Immigration and Deportation (BID) and with the Department of Labor and Employment (DOLE);
- d. Report on employment bonafide Nueva Ecija residents within thirty (30) calendar days from the date of registration or from the appointment of their replacements;
- e. Quarterly report on the enterprise's business operations, including its production or gross sales or receipts, within thirty (30) calendar days from the end of each quarter;
- f. Audited Annual Financial Statements, within thirty (30) calendar days after its submission to the Bureau of Internal Revenue (BIR); and,
- g. Report on total local incentives availed under the Code.

RULE X. FINAL PROVISIONS

Article 29. Sanctions of Late Submissions of Reportorial Requirements – For late submissions of reportorial requirements, every registered enterprise shall, for each preferred/priority area of investment be fined in accordance with the following:

- a. 1st violation – P 100.00 per day for every violation;
- b. 2nd violation – P 200.00 per day for every violation, and
- c. 3rd violation & succeeding violations – P 500.00 per day for every violation.

Article 30. Penal Clause – Any violation of the provision of the Code, existing laws, ordinances, rules and regulations, shall be ground for the cancellation or revocation of the registration of the business and the withdrawal of all the incentives granted under the Code. The Certification of Registration of a business enterprise, as provided in the Code and these Rules, may be cancelled or revoked due to the following:

- a. Violation of the provisions of the Code and its Rules;
- b. Violation of existing local and national laws, ordinances, rules and regulations; and,
- c. Failure to commence actual project development within one (1) year from the declared start of commercial operation.

Cancellation or revocation of the Certificate of Registration shall mean the withdrawal of all the incentives granted under the Code and all fees and charges previously exempted shall become due and demandable.

Upon the recommendation of the TWG, the Chairman of the Board shall cancel or revoke the Certificate of Registration of a concerned business enterprise through a written notice. This notice shall take effect on the 16th day from the receipt of the notice.

Article 31. Approval – The applicant adversely affected by any decision may, within fifteen (15) days from the receipt of such decision, appeal the same to the Board whose decision shall be final and executory.

Article 32. Separability Clause – The provision of this Code are hereby declared separable, and in the event that one or more of the provisions hereof are held illegal or unconstitutional, the validity of other provisions shall not be affected thereby.

Article 33. Repealing Clause – Except otherwise provided in this Code, all ordinances, executive orders and rules and regulations inconsistent or in conflict with the provision of this Code is hereby repealed, amended or modified accordingly.

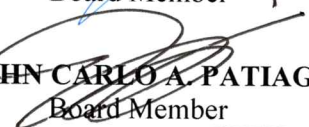
Article 34. Effectivity – This ordinance shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation in the Province of Nueva Ecija.

APPROVED.


FROILAN C. NAGAÑO, JR.
Board Member


MARIO C. ORTIZ
Board Member


NAPOLEON P. INTERIOR, JR.
Board Member


JOHN CARLO A. PATIAG
Board Member


PETER MARCUS A. MATIAS
Board Member


EDGARDO F. AGLIAM
Board Member


EDWARD THOMAS F. JOSON
Board Member

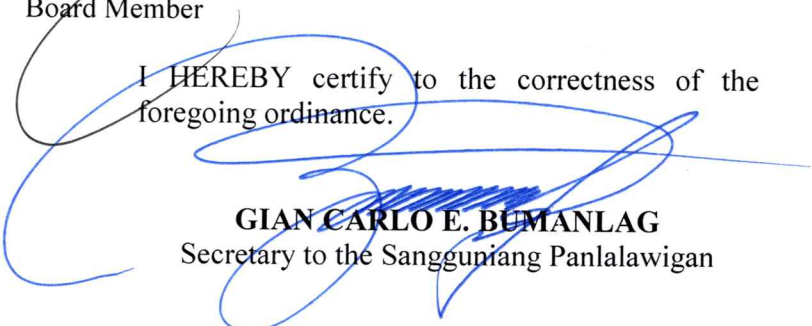

BELINDA E. PALILIO
Board Member


JO-MARIO ANGELO E. MATIAS
Board Member

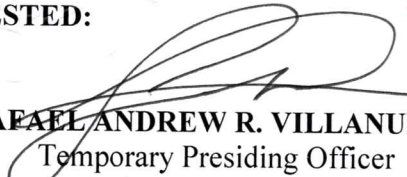

EDMUND R. ABESAMIS
Board Member


ANDREW N. BISCALOG
Board Member

I HEREBY certify to the correctness of the foregoing ordinance.


GIAN CARLO E. BUMANLAG
Secretary to the Sangguniang Panlalawigan

ATTESTED:


RAFAEL ANDREW R. VILLANUEVA
Temporary Presiding Officer
Acting Vice Governor