



Republic of the Philippines
Province of Misamis Occidental
MUNICIPALITY OF CALAMBA
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALAMBA, MISAMIS OCCIDENTAL HELD AT THE SB SESSION HALL ON SEPTEMBER 23, 2019.

PRESENT:

Hon. ANTONIO N. LAWAS, SR.	Municipal Vice Mayor/Presiding
Hon. JESUS C. ENERIO	Sangguniang Bayan Member
Hon. EMMANUEL M. CALE, M.D.	Sangguniang Bayan Member
Hon. REZIE C. LEONARDO	Sangguniang Bayan Member
Hon. RODRIGO T. GARCIA	Sangguniang Bayan Member
Hon. DENNIS M. BUNAO	Sangguniang Bayan Member
Hon. CARIDAD C. LANSANG	Sangguniang Bayan Member
Hon. JOSEPH C. MALAYAO	Sangguniang Bayan Member
Hon. CHERRY F. MAGSAYO	Sangguniang Bayan Member
Hon. KEN ALLEN B. LAWAS	FABC Pres./Ex-Officio Member
Hon. MA. ANGEL PRINCESS C. CANDA	FSK Pres./Ex-Officio Member
Hon. LUCIANO O. DUMANHOG	IP's Rep./Ex-Officio Member

ORDINANCE NO. 7-s.2019

Authored by: Hon. Rodrigo T. Garcia

AN ORDINANCE TO CLOSE BUSINESS ESTABLISHMENTS FOR OPERATING WITHOUT A MAYOR'S PERMIT/ BUSINESS PERMIT AND OR IN VIOLATION OF ANY PROVISION OF THE LICENSE/PERMIT ALREADY GRANTED AND OTHER VIOLATIONS OF PERTINENT LAWS AND REGULATIONS

WHEREAS, the Local Government Unit is mandated to promote trade and commerce and at the same time protect the rights and security of its constituents;

WHEREAS, Sec 444, Chapter 3, Article 1 of the Local Government Code entitled "The Chief Executive: Powers, Duties, Functions and Compensation" emphasized that the Local Chief Executive has the power to issue licenses and permits and suspend or revoke the same for any violation of the conditions upon which said licenses or permits had been issued, pursuant to law or ordinance;

WHEREAS, the Supreme Court in "*Alfredo Lim versus Court of Appeals*" stated that the nature of the powers of mayors to close down businesses includes *the corollary power to suspend, revoke or even refuse to issue the same*;

WHEREAS, the Municipal Mayor has the power to close establishments operating without the necessary permits;

WHEREAS, the Municipal Mayor *must observe due process in exercising these powers, and must give the applicant or licensee notice and opportunity to be heard*;

NOW THEREFORE, on motion by Rodrigo T. Garcia duly seconded by all the members present:

HON. JESUS C. ENERIO

HON. EMMANUEL M. CALE, M.D.

HON. REZIE C. LEONARDO

HON. RODRIGO T. GARCIA

HON. DENNIS M. BUNAO

HON. CARIDAD C. LANSANG

HON. JOSEPH C. MALAYAO

HON. CHERRY F. MAGSAYO

HON. KEN ALLEN B. LAWAS

HON. MA. ANGEL PRINCESS CANDA

HON. LUCIANO O. DUMANHOG

BE IT ENACTED, by the Sangguniang Bayan of Calamba in session assembled that:

SECTION 1. DECLARATION OF POLICY. LGU-Calamba had made big advances in promoting trade and commerce in this part of the country. It is still able to cater to the needs of its businessmen by providing a fair playing field among the investors through the enactment of local ordinances and the implementation of national laws, which have direct impact to both the establishments and the consuming public. Its efforts had been recognized by the national government including being awarded as Third Placer among 4th to 6th class municipalities by the National Competitiveness Council. LGU-Calamba will remain supportive of the aspirations of the local businesses, while ensuring to protect the interests, security and rights of the constituents.

SECTION 2. 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/She shall prescribe rules and regulations as to 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.




When public safety or interest requires, or when any provision of the laws is deemed violated, 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.

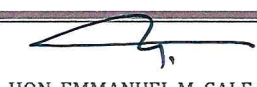
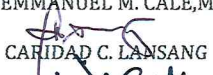

SECTION 3. CONDITIONS IN ISSUING A CLOSURE ORDER. The Local Chief Executive shall issue a Closure Order against any establishment in any of the following conditions:



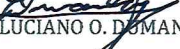
- A. Illegally operating without a Mayor's Permit/Business Permit;
- B. Failure to renew the required licenses within the prescribed period;
- C. Failure to settle the penalties and fines if allowed in preceding items A and B;
- D. Violating any condition stipulated by the license/permit and other pertinent provisions; such as but not limited to the following:
 - 1. Refuses to pay the indebtedness or liability to the LGU except for Real Property Tax and LGU-CWS;
 - 2. Violates the terms and conditions of the Lease Contract of the LGU property;
 - 3. Abuses his privilege to do business to the injury of the public moral or peace;
 - 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 place used for prostitution;
 - 5. Refusal to subject a business establishment to inspection, cancellation of Franchise Agreement/Dealership Agreement or want of lawful possession of the property of which the business permit was issued.
- E. When required for public safety and interest.


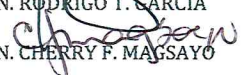
SECTION 4. PROCEDURES IN CLOSING A BUSINESS ESTABLISHMENT.

- A. The mayor shall issue a show cause order requiring the establishment owner to explain why he/she failed to get a business permit, or had violated a provision of the license/permit, as the case maybe;
- B. The closure shall be effected through the posting of a closure notice;
- C. The closure notice shall not be deliberately nor removed by the establishment owner/personnel or by any person.


HON. JESUS C. ENERIO

HON. DENNIS B. DUNAO

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- D. A closure order will follow to be issued by the Municipal Mayor. In adherence to due process, no establishment shall be closed/shutdown without the observance of two (2) prior closure notices;
- E. A closure order may be lifted upon order of the Municipal Mayor, provided a business permit has been issued in favor of the taxpayer concerned, or documents to show that the necessary violations had been remedied and a letter request to lift the closure order had been given due course.

SECTION 5. PENALTIES. The closure notice shall not be deliberately nor removed by the establishment owner/personnel or by any person. Failure of the owner to observe such regulation shall be a ground for perpetual disqualification to secure business permit and pay a fine of Two Thousand Five Hundred Pesos (P2,500.00);

- **For LGU officials or employees who failed to act, without justifiable reason/s.** Under Section 87 of R.A. 7160, Chapter V. Title III, Disciplinary Action Jurisdiction. Except as otherwise provided by law, the Local Chief Executive may impose the penalty of removal from service, demotion in rank, suspension for not more than one (1) year without pay, fine in an amount not exceeding six (6) months salary or reprimand and otherwise discipline subordinate officials and employees under his/her jurisdiction...

SECTION 6. REPEALING CLAUSE. All ordinances, resolutions or laws of local application and effect inconsistent hereto are hereby modified, superseded or repealed accordingly.

SECTION 7. SEPARABILITY CLAUSE. If, for any reason or reasons, any part of the provision thereof shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected hereby shall constitute to be in full force and effect.

SECTION 8. SUPPLEMENTARY CLAUSE. On matters not provided in this ordinance any existing applicable laws and their corresponding implementing rules and regulations, executive orders and relevant issuances shall be applied in a supplemental manner.

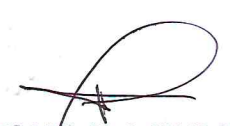
SECTION 9. EFFECTIVITY. This ordinance shall take effect upon approval and compliance to the mandatory posting and publication requirement prescribed under RA 7160 otherwise known as the Local Government Code of 1991.

UNANIMOUSLY APPROVED. September 23, 2019

I HEREBY certify that this ordinance has been duly approved by the Sangguniang Bayan of Calamba, Misamis Occidental.


BEVERLY B. SAMOSA, Ph.D.
 Secretary to the Sanggunian

Attested:


Hon. ANTONIO N. LAWAS, SR.
 Municipal Vice Mayor/Presiding

Approved:


Engr. EZEL T. VILLANUEVA
 Municipal Mayor

4/3/2020
 Date


 HON. JESUS C. ENERIO


 HON. EMMANUEL M. CALE, M.D.


 HON. REME C. LEONARDO


 HON. RODRIGO T. GARCIA


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