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CITY COUNCIL
City of Manila

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11TH CITY COUNCIL

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ORDINANCE NO. 8754

AN ORDINANCE PROVIDING FOR THE STREAMLINED PROCEDURES FOR THE
ISSUANCE OF LOCAL BUSINESS LICENSES, CLEARANCES, PERMITS,
CERTIFICATIONS OR AUTHORIZATIONS IN THE CITY OF MANILA PURSUANT TO
RULE IX OF THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT
NO. 11032, OTHERWISE KNOWN AS THE "EASE OF DOING BUSINESS AND
EFFICIENT GOVERNMENT SERVICE DELIVERY ACT OF 2018" AND FOR OTHER
PURPOSES

PRINCIPAL AUTHORS:

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and

HON. JOEL R. CHUA
Majority Floor Leader



PREAMBLE

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as "The Local Government Code of 1991", mandates local government units to promote the general welfare, enhance economic prosperity, and preserve the comfort and convenience of their inhabitants;

WHEREAS, Republic Act No. 11032, otherwise known as the "Ease of Doing Business and Efficient Government Services Delivery Act of 2018" amended Republic Act No. 9485, otherwise known as the "Anti-Red Tape Act of 2007";

WHEREAS, Section 2 of Republic Act No. 11032, provides that, "the State shall maintain honesty and responsibility among its public officials and employees, and shall take appropriate measures to promote transparency in each agency with regard to the manner of transacting with the public, which shall encompass a program for the adoption of simplified requirements and procedures that will reduce red tape and expedite business and nonbusiness related transactions in government";

WHEREAS, Section I, Rule V of The Implementing Rules and Regulations of RA No. 11032 (Ease of Doing Business and Efficient Government Service Delivery Act of 2018) ("IRR of RA 11032"), provides that "All government agencies including the local government units (LGUs) shall adopt a zero-contact policy. Public officials and employees shall limit interactions with the applicant or requesting party to the preliminary assessment and evaluation of sufficiency of submitted requirements of an applicant or request, unless such interaction is strictly necessary for the processing of the requested application";

WHEREAS, the City of Manila hereby adopts measures to streamline the process of securing permits, clearances, and certificates, consistent with and supportive of the provisions of pertinent national and local policies to ensure ease, comfort, and convenience to applicants;

WHEREAS, Section 11(f) of RA No. 11032, provides that: "Barangay clearances and permits related to doing business shall be applied, issued, and collected at the city/municipality in accordance with the prescribed processing time of this Act: Provided, That the share in the collections shall be remitted to the respective barangays." Moreover, DILG issued Memorandum Circular No. 2019-177 on October 17, 2019, providing the guidelines and standard processes in compliance to the abovementioned section of RA No. 11032;

WHEREAS, the Supreme Court has consistently affirmed the power of local government units to impose fees and charges pursuant to Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provided that the fees and charges imposed by the concerned local government unit 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 RA No. 7160 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, the Department of the Interior and Local Government (DILG) and the Department of Finance (DOF) issued Joint Memorandum Circular No. 2019-01 dated May 17, 2019, providing for the guidelines for Local Government Units to ensure uniform procedure in setting reasonable fees and charges as provided for by the provisions of RA No. 7160 and in order to set a balance between recovering the cost of services and the ease of doing business in compliance with RA No. 11032;

WHEREAS, in compliance to the mandate of Section 11(f) of RA 11032, the Barangays in the City of Manila enacted their respective Barangay Ordinances authorizing the City of Manila to process the application, issue barangay clearance and collect the corresponding barangay clearance fee in the application of barangay clearances and permits related to doing business in the city subject to the remittance of the aforesaid fees to the concerned barangay and the conditions hereunder;

WHEREAS, Rule IX, Section 1 of the IRR of RA No. 11032 requires local government units through their local Sanggunian to issue the appropriate order or ordinance to adopt the ARTA-DTI-DILG-DICT Joint Memorandum Circular No. 1 series of 2021 dated April 13, 2021, for proper implementation of the streamlined procedures for the issuance of business licenses, barangay clearances, permits, or authorizations;

WHEREAS, there is an urgent need for the City to adopt guidelines for the streamlining of the issuance of the above-mentioned permits and be compliant with the national directives regarding the promotion of the policy of the ease of doing business, and enhance the City's readiness to adopt New Normal and its competitiveness: NOW, THEREFORE,

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

CHAPTER I - GENERAL PROVISIONS

SEC. 1. Short Title. — This Ordinance shall be known and cited as the “Ease of Doing Business Ordinance of the City of Manila”.

SEC. 2. Declaration of Policy. — It is hereby the declared policy of the City of Manila to adopt the policies of the national government, and to closely collaborate with the various concerned national agencies and stakeholders in promoting ease of doing business, and enhance government transparency and competency in pursuing economic development and at the same time ensuring a business-friendly environment in the city.

SEC. 3. Scope/Coverage. — This Ordinance applies to the issuance of permits, licenses, certificates and authorizations for business and nonbusiness-related transactions in all offices/departments of the City Government to include but not limited, to the following applications or requests for:

- a. Business/Mayor's Permit on Business and other activities;
- b. Zoning/Locational Certificate;
- c. Building Permit;
- d. Occupancy Permit;
- e. Fencing Permit;
- f. Electrical Permit;
- g. Digging/Excavation Permit;
- h. Sanitary Permit;
- i. Local Assessment Certifications;
- j. Local Civil Registry Certificates/Forms;
- k. Copies of official records and documents;
- l. Medical/Health Certificates; and
- m. All other permits, licenses, certificates and authorizations issued by the City Government of Manila.

SEC. 4. Definition of Terms. — For purposes of this Ordinance, the following terminologies are defined as follows:

- a. Applicant — refers to any person, firm, partnership, corporation, government or private institution/organization applying or requesting for the issuance of permits, licenses, and certificates.
- b. Barangay Clearance — refers to any and all documents issued by the barangays with or without corresponding fees as defined in the barangay ordinances relative to or in relation to the issuance of business permit and locational clearance by the City to proceed as a prerequisite to any other permit as may be required.
- c. Barangay Clearance Fees — is an amount imposed by the barangays through barangay ordinances and collected by the City in relation to the issuance of Business Permit and Locational Clearance by the City.
- d. Building Permit — is a document issued by City Building Official 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 the accompanying principal plans, specifications and other pertinent documents with the duly notarized application are found satisfactorily and substantially conforming with the National Building Code of the Philippines and its Implementing Rules and Regulations.
- e. Electronic Business One Stop Shop (EBOSS) — a single common site or location, or a single online website or portal designated for the Business Permit and Licensing System (BPLS) of the City Government of Manila to receive and process applications, receive payments, and issue approved licenses, clearances, permits, or authorizations.
- f. Business Permit — is a document that must be secured from the City Government, through the Bureau of Permits (BOP), granting a business entity the privilege to legally operate in Manila City.
- g. IRR of RA 11032 — refers to the Joint Memorandum Circular (JMC) No. 2019-001 entitled: Implementing Rules and Regulations of Republic Act No. 11032, otherwise known as the "Ease of Doing Business and Efficient Government Service Delivery Act", jointly issued by the Civil Service Commission (CSC), the Anti-Red Tape Authority (ARTA) and the Department of Trade and Industry (DTI).
- h. ARTA-DTI-DILG-DICT JMC No. 1, S. of 2021 – refers to the Guidelines for Processing Business Permits, Related Clearances and Licenses in All Cities jointly issued by ARTA, DTI, DILG, and Department of Information and Communications Technology (DICT) dated April 13, 2021.
- i. Citizen's Charter — is an official document/ a service standard, or a pledge, that communicates, in simple terms, information on the services provided by the government to its citizens pursuant to Section 6 of Republic Act No. 11032. It describes in detail the comprehensive and uniform checklist of requirements for each type of application or request; procedure to obtain a particular service; person/s responsible for each step; maximum time to conclude the process; document/s to be presented by the applicant or requesting party, if necessary; amount of fees, if necessary; and procedure for filing complaints.

- j. Complex transactions — applications or requests submitted by applicants or requesting parties to a government office which necessitate evaluation in the resolution of complicated issues by an officer or employee of said government office, such transactions to be determined by the office concerned.
- k. Department or Office — shall refer to any and all departments, bureaus and offices of the City of Manila providing external frontline services.
- l. Highly technical application or transaction — a transaction which requires the use of technical knowledge, specialized skills and/or training in the processing and/or evaluation thereof.
- m. Locational Clearance — is a clearance issued by the City Planning and Development Office to a project that is allowed under the provisions of an ordinance of the City. It is a requirement for the issuance of a Building Permit.
- n. Ministerial — is an act or duty which an officer or tribunal performs in a given state of facts, in a prescribed manner, in obedience to the mandate of a legal authority, without regard to or the exercise of his own judgment upon the propriety or impropriety of the act done. A duty is ministerial only when the discharge of the same requires neither the exercise of official discretion or judgment.
- o. Notice of Disapproval (NOD) — a document which notifies the applicant that the application for Barangay Clearance has been disapproved after due evaluation. The NOD shall include the reason(s) of disapproval.
- p. One-Stop Shop for Construction Permits (OSCP) — A mechanism of coordination among the Office of the Building Official, Zoning Office, Assessor's Office, Treasurer's Office, other concerned departments or offices at the local government, and the Office of the City Fire Marshall through a co-location of related functions and through a practical system of linkages. (DILG — DPWH — DICT — DTI Joint Memorandum Circular No. 2018-01)
- q. Prescribed processing time — is the period prescribed by the departments/offices as stated in their respective Citizen's Charter, which shall not exceed the maximum period of three (3), seven (7) and twenty (20) working days to complete a process, as defined by Rule I, Section 4, Par. (yy) of the IRR of RA 11032, based on the classification of transactions, unless otherwise indicated in special laws or the IRR of RA 11032. It shall also include the period when a transaction has been extended for justifiable reasons.
- r. Simple transactions — applications or requests submitted by applicants or requesting parties of a government office or agency which only require ministerial actions on the part of the public officer or employee or that which present only inconsequential issues for the resolution by a government officer or employee.

SEC. 5. Objectives. – This Ordinance is enacted for the following objectives, to wit:

- a. To fast track the issuance of Permits, Licenses, Certificates and Authorizations for business and nonbusiness-related transactions in all Departments or Offices of the City Government through:
 - i. Reduction in the number of signatures to not more than three (3);
 - ii. Simplification of application forms or documentary requirements;
 - iii. Automation or computerization of the processes/services;
 - iv. Reduction in the processing time; and
 - v. Reduction in costs.
- b. To eliminate red tape in the processing of applications;
- c. To further promote transparency in transactions in the City; and
- d. To further enhance the City's competitiveness.

CHAPTER 2 - CITIZENS CHARTER

SEC. 6. Revision of Citizen's Charter. — The Citizen's Charter of every Department or Office in the city shall include or shall be further amended to conform with, as the case may be, the standards and requirements set under the IRR of RA 11032, as follows:

A. Form and Content of the Citizen's Charter

The Citizen's Charter shall be in information billboards such as Touchscreen interactive information kiosks, electronic billboards, posters, tarpaulins, standees, or any other readable materials that could be easily understood by the public, and shall be posted at the main entrance of offices or at the most conspicuous place, in the respective websites, and in the form of published materials written either in English or Filipino that detail:

- a. A comprehensive and uniform checklist of requirements for each type of application or request.
 - i. The checklist of requirements must be complete, exhaustive, and specific.
 - ii. The checklist for similar transactions shall contain a uniform set of documentary requirements, based on guidelines to be issued by the DILG in coordination with the ARTA.
- b. The procedure to obtain a particular service.
 - i. For each government service, the Department or Office shall indicate in the Citizen's Charter the steps necessary to complete the process. Each Department or Office shall further submit to ARTA a step-by-step process, including the duration of the action per step.
- c. The person/s responsible for each step.
 - i. The Department or Office shall make available to the public the list of assigned personnel who will be responsible for each step. If the Citizen's Charter is in the form of an interactive or an electronic billboard, the names of the personnel and/or their official designation shall be identified.
- d. The maximum time to conclude the process.
 - i. The maximum time to conclude the process shall be expressed in working days, hours, or minutes.

- e. The document/s to be presented by the applicant or requesting party.
- i. The Department or Office shall indicate where each documentary requirement can be requested. If the documentary requirement is not internal to the Department or Office, it shall indicate the type of copy (i.e., certified true copy, original or photocopy) and the number of copies needed;
- f. The amount of fees and where the payment shall be given; and
- g. The procedure for filing complaints in relation to the application or request.
- i. The names and contact numbers of heads of Departments or Offices involved in the processing of the application or request and the contact information of the Presidential Complaints Center, Complaints Action Center of the Anti-Red Tape Authority, Contact Center ng Bayan (CCB), and the feedback facility of the Civil Service Commission (CSC), where applicants or requesting parties can provide feedback on the quality of government service, shall be included.

SEC. 7. The City of Manila Departments or Offices shall:

- a. Set up the most current and updated service standards.

To promote efficiency and to streamline the delivery of government services, Departments or Offices shall identify and indicate all government services offered by them. Each Department or Office shall adopt an improved processing time, which shall be posted in its Citizen's Charter.

Each Department or Office shall classify its processes or services into simple, complex, and highly technical transactions. Those activities which pose a danger to public health, public safety, public morals or public policy shall in no case be processed longer than twenty (20) working days, or as determined by the Department or Office concerned, whichever is shorter.

- b. Develop and foster client feedback mechanism and client satisfaction measurement.

All Departments or Offices shall embed feedback mechanisms and client satisfaction measurement in their process improvement efforts.

- c. Monitor and periodically review the Citizen's Charter.

Each Department or Office shall regularly review its Citizen's Charter, particularly its procedures/steps, time documentary requirements and fees.

CHAPTER 3 - ZERO-CONTACT POLICY

SEC. 8. Guidelines. — In compliance with Section 7 of RA 11032, all Departments and Offices of the City shall adopt a zero-contact policy, whenever practicable. Accordingly, their officials and employees shall:

- a. limit the interactions of officials and employees with an applicant or requesting party in the preliminary assessment and evaluation of the sufficiency of submitted requirements of an application or request, unless such interaction is strictly necessary for the processing of the request or application.

- b. observe transparency to encourage the honest and efficient delivery of government services and discourage wrong perceptions of graft and corruption.
- c. require electronic submission of applications, requests and/or payments for the effective implementation of the "zero-contact policy", whenever practicable.
- d. communicate with applicants through e-mail, any other electronic means of communication or the websites of the government agencies concerned, whenever practicable.

SEC. 9. Interactions that are Strictly Necessary. — The following interactions shall be exempted from the zero-contact policy:

- a. **Payment of application and other fees.** — In case the Department or Office does not have an electronic/online payment facility or the applicant or requesting party prefers over-the counter payment, interactions between the government official or employee and the applicant shall be allowed, provided that payment shall be made in the Cashier's Office, City Treasurer's Office and an Official Receipt (OR) shall be issued immediately; and
- b. **For complex and/or highly technical transactions.** — An interaction shall be considered strictly necessary when an inspection, training or meeting with the applicant is an integral part of the application process for a complex or highly technical transaction or when such interaction was done upon the written request of the applicant. Such inspection, training or meeting may be recorded with the prior consent of the applicant and shall be properly documented through various means such as, but not limited to, recording the minutes of the meeting and signing of an attendance sheet.

SEC. 10. Acceptance of Applications and Requests. — As per Section 9 of RA 11032 and its IRR, the following shall be adopted by the Offices and Departments concerned:

- a. All responsible officers or employees shall accept the written applications, requests, and/or documents being submitted by applicants or requesting parties to their Departments or Offices, subject to the succeeding provisions hereof.
- b. The receiving officer or employee shall preliminarily assess the completeness of the application or request and its supporting documents vis-a-vis the checklist of requirements of the Department or Office to ensure a more expeditious action on the application or request. They shall immediately inform the applicant or requesting party of any deficiency in the accompanying requirements, which shall be limited to those enumerated in the Citizen's Charter. In informing the applicant or requesting party of the deficiency, the receiving officer or employee shall already identify or enumerate all the missing requirements to make it easier for the requesting party to complete their application or request.

The Department or Office shall not process deficient or incomplete applications or requests, and shall only process an application or request if it is complete. In case the application or request is deficient, the processing time as provided under RA 11032 and its IRR shall only commence once the applicant or requesting party has rectified the deficiency.

For processes that involve several stages with corresponding prescribed requirements, the processing time for each stage commences on the date/time that the applicant has satisfactorily completed the requirements for the previous stage and has submitted all the requirements for the subsequent stage being applied for.

- c. The receiving officer or employee shall assign a unique identification number to an application or request, which shall serve as the identifying number for all subsequent transactions between the City and the applicant or requesting party regarding the subject application or request.
- d. The receiving officer or employee shall issue to the applicant an acknowledgement receipt signifying acceptance of a complete application or request, containing the unique identification number stamped therein as reference for all subsequent transactions, the seal of the City, the name of the responsible officer or employee, his/her unit and designation, and the date and time of receipt of such request or application.

For online application or request, the Department or Office shall provide a response containing the unique identification number as reference for all subsequent transactions, the seal of the City, the name of the responsible officer or employee, his/her unit and designation, and the date and time of receipt of such request or application.

CHAPTER 4 - ACTION OF CITY DEPARTMENTS/OFFICES

SEC. 11. Processing Time. —

- a. Submitted applications or requests for government service, as classified by the respective Department or Office concerned, shall be acted upon by the assigned officer or employee within the prescribed processing time from the date the request or complete application or request was received.

However, such prescribed processing time shall not apply to transactions specifically covered by existing laws, rules and regulations.

- b. The maximum time herein prescribed may be extended only once for the same number of days.
 - i. Prior to the lapse of the processing time, the Department or Office concerned shall notify the applicant or requesting party in writing of the reason for the extension and final date of release of the government service/s requested. Such written notification shall be signed by the applicant to serve as proof of notice. The signature of the applicants or requesting parties may be in the form of electronic signatures or scanned signatures.
 - ii. In the event that securing a written notification and acknowledgment from the applicant is not feasible the city officer or employee must exhaust all means of communication available including, but not limited to, electronic mail and/or SMS (short message service) to ensure that the applicant or the requesting party is properly notified. The city officer or employee who used such means of communication must be able to show proof of such action.

- c. In case of highly technical transactions that involve activities such as, but not limited to, research, field trials, scientific methodology, inter-government actions, the Office or Department may apply the multi-stage system (subject to ARTA approval); Provided, That the total processing time for all concerned departments or offices shall not exceed forty (40) days.

Departments or Offices with ARTA approved multi-stage system that receive an application or transaction requiring permits from other government agencies or offices, shall process such application without awaiting the action of the latter agency. The office/department shall act on the presumption that the relevant permit from other government agencies had already been issued.

The presumption of prior approval shall be disputable and subject to post-audit confirmation. In case of failure during post-audit, the issued permit/license shall be revoked.

- d. If the application or request for license, clearance, permit, certification or authorization shall require the approval of the Sangguniang Panlungsod, the Sangguniang Panlungsod shall act on the application or request within a period of forty-five (45) working days, which can be extended for another twenty (20) working days. If the Sanggunian has denied the application or request, the reason for the denial, as well as the remedial measures that may be taken by the applicant shall be cited by the Sanggunian.
- e. In cases where the cause of delay is due to force majeure or natural or man-made disasters, which result to damage or destruction of documents, and/or system failure of the computerized or automatic processing, the prescribed processing times mandated herein shall be suspended and appropriate adjustments shall be made. The responsible city official or employee shall notify the applicant or requesting party in writing and through other means of communication of the suspension of the processing time without any delay. In addition, in case of system failure of computerized or automatic processing, the head of Department or Office shall certify to such fact, which shall be posted in a conspicuous place and manner within the premises of the office/department.
- f. No application or request shall be returned to the applicant or requesting party without appropriate action. The appropriate action is either approval or disapproval/denial of the application or request for access to government service.
 - i. In case an application or request is disapproved, the officer or employee who rendered the decision shall send such notice to the applicant or requesting party within the prescribed processing time, stating therein the reason for the disapproval.
 - ii. A finding by a competent authority of a violation of any or other laws by the applicant or requesting party shall constitute a valid ground for its disapproval, without prejudice to other grounds provided in RA 11032, its IRR and other pertinent laws.

SEC. 12. Denial of Request for Access to Government Service. — Denial of request for access to government service shall be fully explained in writing by the officer who denied the request, stating the name of the person making the denial and the grounds upon which such denial is based. The grounds for the denial must be fair, just, and reasonable. Any denial of the application or request must have the approval of the immediate supervisor of the employee or officer who denied the application or request.

SEC. 13. Limitation of Signatories. — The number of signatories in any document shall be limited to a maximum of three (3) signatures, which shall represent officers directly supervising the Department or Office concerned and are responsible for the issuance of the document (any privilege, right, reward, license, clearance, permit or authorization, concession). The signatures refer to the "full signature" of the officers whose approval is necessary for the issuance or release of the document. Initials of other officers or employees should not be affixed to the document to be released or issued.

In case the authorized signatory is on official business or official leave, an alternate shall be designated as signatory. Electronic signatures or pre-signed license, clearance, permit, certification, or authorization with adequate security and control mechanism may be used, provided that the relevant laws and the rules and regulations to be issued by DICT regarding electronic signatures shall be observed.

The head of office/department shall issue an appropriate inter-office memorandum, enumerating the list of authorized or regular signatory for each privilege, right, license, clearance, permit or authorization, concession or such other document issued by the office/department. Moreover, the appropriate interoffice memorandum shall also stipulate the Department or Office rules on proper delegation of the authority to sign in the absence of the regular signatory, following such standards:

- a. If there is only one (1) official next in rank, he/she shall automatically be the signatory;
- b. If there are two or more officials next in rank, the appropriate interoffice memorandum shall prescribe the order of priority among the officials next in rank within the same organizational unit; or
- c. If there is no official next in rank present and available, the head of the office/department shall designate an officer-in-charge from among those next lower in rank in the same organizational unit.

SEC. 14. Number of Documents. — For each government service, Departments or Offices shall indicate the total number of documents necessary to complete the transaction cycle. The number of documents shall refer to the documents required from the applicant or requesting party, the type of documents, and the number of copies of each document to be used or required to complete/deliver the government service to the applicant or requesting party.

The Departments and Offices involved in the processing of business permits and business-related ancillary permits shall not require the physical or electronic submission of documents that are available or have been issued by other departments/offices, such as but not limited to, copies of previous years' Business Permit, Locational Clearance, Sanitary Permit, Official Receipts or Tax Bills and Barangay Business Clearance.

SEC. 15. Electronic Versions of Licenses, Permits, Certifications or Authorizations. — When applicable, all Departments and Offices shall develop electronic versions of licenses, clearances, permits, certifications or authorizations with the same level of authority as that of the signed hard copy, which may be printed by the applicants or requesting parties in the convenience of their offices, subject to the operational policies and technical procedure on these electronic versions to be issued by ARTA and DICT.

SEC. 16. Adoption of Working Schedules to Serve Clients. — There shall be adopted appropriate working schedules in all departments/offices to ensure that all applicants or requesting parties who are within their premises prior to the end of official working hours are attended to and served even during lunch break and after regular working hours.

To ensure prompt and efficient issuance of permits and licenses, Departments and Offices may consider providing frontline services beyond the core government working hours. The offices must at all times be complemented with adequate staff by adopting mechanisms such as rotation system among office personnel, sliding flexi-time, reliever system especially in peak times of the transaction, or providing skeletal workforce during lunch and coffee breaks. The public must be informed of the work schedule of the offices.

The Civil Service Commission shall be informed of the adopted working schedules.

The public shall be duly informed in the event of work suspension and/or changes in working schedules due to official reasons, government office system downtime or other unexpected circumstances, which affect working schedules within the office or department.

In the exigency of service in times of natural calamities, peak season, multitude number of applications, and other analogous cases, offices and departments may be allowed to extend working hours to attend to applicants.

SEC. 17. Identification Card. — All employees transacting with the public shall be provided with an official identification card, which shall be visibly worn during office hours. The identification cards must include the full name of the employee, the employee's position title, name of office, and the office seal or logo. The information on the identification card must be readable, such that the officials and employees concerned can be easily identified by the applicant or requesting party.

SEC. 18. Establishment of Public Assistance and Complaints Desk. — Each Department or Office shall establish a public assistance or complaints desk, which shall be set-up to, among others, effectively receive feedback and monitor customer satisfaction, in a conspicuous area at their official place of business, where an officer or employee knowledgeable in frontline services shall at all times be available for consultation and advice. The desk shall be attended to even during break-time. Special lanes shall be provided for the personal transactions of senior citizens, pregnant women and persons with disabilities.

The Department or Office shall institute hotline numbers, short message service (SMS), information communication technology, or other mechanisms by which the clients may adequately express their complaints, comments, or suggestions.

CHAPTER 5 AUTOMATIC APPROVAL OR AUTOMATIC EXTENSION OF LICENSE, PERMIT, CERTIFICATION AND AUTHORIZATION

SEC. 19. Automatic Approval of an Original Application or Request:

- a. In accordance to Section 10 of RA 11032, the existence of the following conditions shall warrant the automatic approval of an original application or request:
 - i. If a Department or Office fails to approve or disapprove an original application or request for the issuance of license, permit, certification, or authorization within the prescribed processing time;

- ii. When all the required documents have been submitted; and
- iii. When all the required fees and charges have been paid.

The acknowledgement receipt together with the official receipt for payment of the fees shall constitute proof of approval, having the same force and effect of a license clearance, permit, certification, or authorization.

- b. In cases of Departments or Offices performing quasi-judicial functions, automatic approval shall only apply to the issuance of a license, clearance, permit, certification, or authorization.

SEC. 20. Automatic Extension or Renewal of a License, Clearance, Permit, Certification or Authorization. — If a Department or Office fails to act upon an application or request for renewal of a license, clearance, permit, certification, or authorization subject for renewal within the prescribed processing time, the application shall be deemed extended, subject to the provisions of Section 4, Rule VIII of the IRR of RA 11032.

SEC. 21. Automatic Extension or Renewal is Not Applicable. — Automatic extension or renewal shall not apply to licenses, clearances, permits, certifications, or authorizations that have already expired at the time of the submission of application or request.

CHAPTER 6 STREAMLINED PROCEDURES FOR ISSUANCE OF LOCAL BUSINESS LICENSES, CLEARANCES, PERMITS, CERTIFICATIONS OR AUTHORIZATIONS

SEC. 22. Single or Unified Business Application Form. — The BOP, in coordination with the ARTA and the DICT, shall devise and adopt a Single or Unified Business Application Form (UAF) to be used by a business owner in applying for business permit in the City, that contains the information and approvals needed to complete the registration process and facilitates exchange of information among City and National Government Agencies (NGAs).

- a. This UAF shall be used in processing new applications for business permits and business renewals which consolidates all the information of the applicant or requesting party needed by various local government departments, such as, but not limited to, the local taxes and specific clearances, local clearances, building clearance, sanitary permit, zoning clearance, and other specific LGU requirements, as the case may be, including and other fire safety inspection certificate from the Bureau of Fire Protection (BFP).
- b. Hard copies of the unified forms shall be made available at all times in designated areas or in the Negosyo Center in the city.

SEC. 23. Physical Business One-Stop Shop (BOSS). — The City's existing Business One Stop Shop established pursuant to Republic Act No. 10644, otherwise known as the "Go Negosyo Act", is hereby institutionalized to serve as the City's business permitting and licensing system to receive and process manual and/or electronic submission of application for license, clearance, permit or authorization.

- a. A queuing mechanism shall be established in the business one-stop shop to better manage the flow of applications among the city's departments receiving and processing applications conformably with Section 3 (e), Rule IX of the IRR of RA 11032 and 8.3.2 of ARTA-DTI-DILG-DICT JMC No. 1 s. of 2021 pertaining to standard queuing system.

- b. As far as practicable, the section, division or officials/employees of the City Treasurer's Office, Office of the Building Official, City Assessor's Office, Bureau of Permits, City Planning and Development Office, including the BFP, and other relevant city offices/departments, among others, engaged in starting a business, dealing with construction permits, and such other pertinent services as may be offered to the public shall be collocated at the BOSS.

SEC. 24. Electronic BOSS and Data Sharing Among Regulatory Offices and the BFP. —

a. EBOSS

The BOSS shall automate its business permitting and licensing system or set up an Electronic Business One-Stop Shop (EBOSS) for more efficient business registration processes.

Subject to the joint operational guideline on the provision of technical assistance in the planning and implementation of the eBusiness Permit Licensing System to be issued by the DICT, DTI, and DILG, the City's BOSS shall develop electronic versions of licenses, clearances, permits, certifications or authorizations with the same level of authority and containing the electronic signature of the authorized officer/s and seal of the City, which may be printed by the businesses in the convenience of their offices.

b. Data Sharing

To accomplish the setting up of an end-to-end EBOSS in the City, regulatory Departments or Offices in the City shall establish data sharing mechanisms in the following areas at the minimum:

- a. Transmission of the information in the UAF to the concerned regulatory Departments or Offices including the District Bureau of Fire Protection;
- b. Sharing of information on payments of applications by the City Treasurer's Office to the regulatory Departments or Offices;
- c. Sharing of approved and disapproved applications for Mayor's/Business Permit by the BOP to the various regulatory Departments or Offices, the BFP, and the barangays, including closed establishments; and
- d. Sharing of Inspection Reports of various regulatory Departments or Offices and the BFP with the BOP.

The sharing of information between and among Departments or Offices shall be limited to the specific information required by a Department or Office and that the sharing of personal and sensitive personal information shall comply with the provisions of the RA 10173 (Data Privacy Act of 2012). For data and information that will be shared online and stored in electronic databases, the City, in coordination with the DICT, shall adopt the necessary policies, processes and procedures to ensure that their data centers and other computerized systems are effectively protected against cyber-threats and unauthorized access from attackers with malicious intent.

SEC. 25. New Business Permit Applications Registration and Applications for Renewal. —The City of Manila shall implement the standards and guidelines provided below:

a. Unified Application Form

The City of Manila shall provide a single or unified application form ("UAF") for business registration, applicable for both new applications and renewals, which consolidates all the information needed by the BOP, the Planning and Development Office, the Health Office, the Treasurer's Office, the Environment Office, the BFP and other Departments or Offices involved in business registration. This UAF shall serve as the application form for the Business Permit, the FSIC for business, the Locational Clearance or its equivalent, the Sanitary Permit and the Environmental Permit (if required). The standard form shall be provided for by the BOP.

- i. The UAF shall be assigned a unique identification number, which will be used as the identifying number for all subsequent transactions between the City and the applicant, in relation to the said application.
- ii. The UAF shall be posted online or in the City's website using technology-neutral platforms. It shall be in an "editable" format which can be filled up electronically, saved and/or printed.
- iii. Hard copies of the UAF shall always be made freely available in designated areas in the city hall or NGA offices involved in business registration.
- iv. The City shall not require the notarization of the application forms both for new and renewal applications.
- v. The City of Manila shall establish data-sharing mechanism that will allow the transmission of the information from the UAF to all relevant Departments or Offices of the City and the BFP, among others, to facilitate simultaneous processing of the application; *Provided*, that only the specific information required by a Department or Office shall be shared; *Provided*, further, that the sharing of personal and sensitive personal information shall comply with the provisions of the RA 10173 (Data Privacy Act of 2012); *Provided finally*, that if data and information will be shared online and stored in electronic databases, the City, in coordination with the DICT, shall adopt the necessary policies, processes and procedures to ensure that their data centers and other computerized systems are effectively protected against cyber-threats and unauthorized access from attackers with malicious intent.

b. Standard Documentary Requirements

i. New Business Permit Applications

1. Proof of Registration

- i. Issued by the Securities and Exchange Commission for all kinds of corporations;
- ii. Issued by the Cooperative Development Authority for cooperatives;
- iii. Issued by DTI for sole proprietor.

2. Proof of right of applicant to use location as business address

- i. If owned, proof of ownership – Transfer Certificate of Title or Tax Declaration;
- ii. If not owned by the applicant – Contract of Lease, Memorandum of Agreement or written consent of property owner.

ii. **Business Permit Renewal Applications**

1. Proof of annual gross receipts

- i. Audited financial statements ("AFS") or unaudited financial statements for those who are not required to file AFS with the BIR;
- ii. Sworn declaration of gross sales or receipts; or
- iii. Income tax returns.

Notwithstanding the documents enumerated above, the City of Manila may require clearances, permits, authorizations, and certifications secured from NGAs in compliance with certain laws.

SEC . 26. Issuance of Other Permits/Clearances Together with the Business Permit. — To lessen the transaction requirements, other local clearances such as, but not limited to, sanitary permits, environmental and agricultural clearances shall be issued together with the business permit, subject to post-audit by the BOP or the Joint Inspection Team to be organized by the concerned Departments or Offices.

SEC. 27. Validity Period of Business Permits. — The Mayor's/Business Permit shall be granted for a period of not more than one (1) year and shall expire on the thirty-first (31st) 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.

SEC. 28. Locational Clearance. — In compliance with ARTA Circular 2020-01, establishments located in malls and in the central business districts (CBD) are no longer required to get a Locational Clearance during the initial application for a Business Permit: Provided, that the mall where the business activity will be established is in conformance with the zoning regulations of the City. Furthermore, applicants shall no longer be required to get a Locational Clearance during the renewal of the Business Permit since compliance with zoning regulations has already been established during the initial application for Business Permit.

SEC. 29. Community Tax Certificate. — The Community Tax Certificate (CTC) or Cedula shall not be required to be separately secured by the applicant as part of the documentary requirement for business permit but shall be integrated in the tax bill for the Business Permit and issued together with said Business Permit. It shall be secured in the place of residence of the individual or in the place where the principal office of a juridical entity is located.

SEC. 30. Sanitary Permits. — A Sanitary Permit shall not be required from all Business Permit applicants. This, notwithstanding, Applicants whose businesses belong to sectors covered by the Sanitation Code of the Philippines shall secure a Sanitary Permit. The Health Certificate of employees for the issuance of the Sanitary Permit shall only be required if stated explicitly in the Sanitation Code of the Philippines.

SEC. 31. Expiration of Validity Period. — Upon the expiration of the one (1) year validity period as stated in the preceding section, applicants for renewal not included in the negative list provided by any regulatory office, department, or agency shall be allowed to renew their business permit upon payment of applicable fees imposed by the City Government. The regulatory offices, departments, or agencies shall submit their respective negative lists to the BOP not later than the first day of December every year, to give reasonable time for the evaluation of businesses applying for renewal of their business permits during the renewal period.

SEC. 32. Initial Post-Audit for New Registrants. — The BOP or the Joint Inspection Team to be organized by the concerned departments shall conduct an initial post-audit for new business registrants within a period not exceeding three (3) months from the date of registration.

SEC. 33. Business-friendly Inspection System. — In conducting inspections, the regulatory Departments or Offices in the City shall follow the guidelines in Section 9 1 of ARTA-DTI-DILG-DICT JMC No. 1 s. of 2021.

- a. To limit the face-to-face interaction between the applicant and the City officials, the BOP in coordination with the regulatory Departments or Offices involved in business permitting, shall organize joint inspections teams ("JITs") to conduct inspection in relation to an application for new business permit or renewal which may include the BFP.
- b. The initial post-audit inspection for new business registrants shall be conducted within a period not exceeding three (3) months from the date of registration. For renewals, inspection can be done year-round before December of the current year.
- c. The regulatory offices, the barangays and the BFP shall submit their respective negative lists to the BOP on a regular basis as may be required, but no later than the first of December every year, to give the BOP reasonable time to evaluate the businesses applying for renewal of their business permits during the renewal period.
- d. The regulatory Departments or Offices shall set up a system of risk classification of various businesses and adopt an inspection prioritization scheme on this basis.

CHAPTER 7 - INTEGRATION OF BARANGAY CLEARANCE AND CORRESPONDING FEES FOR BUSINESS PERMIT AND LOCATIONAL CLEARANCE APPLICATIONS

SEC. 34. Coverage. — This Chapter applies only to the issuance of Barangay Clearance for Business Permit and Locational Clearance (as a requirement for the issuance of Building Permit) in the City of Manila. Other clearances for purposes other than the above shall still be obtained in the Barangay concerned.

SEC. 35. Authority to Collect Barangay Clearance Fees. — The City Treasurer's Office of the City of Manila shall collect fees — for and in behalf of and as authorized by the Barangays in accordance with their respective enacted Ordinances — for Barangay Clearance for Business Permit and Barangay Clearance for Locational Clearance (as a requirement for Building Permit), which shall be remitted to the barangays concerned in accordance with the RA 11032.

SEC. 36. Processing of Barangay Clearance by the City. — Pursuant to Section 11 (f) of RA 11032, the BOP is authorized to integrate the Barangay Business Clearance with the Business Permit process of the city.

Applications for Business Permit received by the BOP shall automatically be assessed in relation to their eligibility to be given a Barangay Clearance. In relation to this, the BOP shall:

- a. Be responsible for informing the concerned barangay (through the Manila Barangay Bureau or through a mechanism to be established by the City) of the application;
- b. For approved applications and upon payment of the agreed fees, the BOP will print the barangay clearance using an agreed format or template.

The Barangays shall be informed of the application not later than three (3) days after the application has been received by the BOP and, for applications with findings, shall submit a notice of disapproval to the BOP stating reasons, which shall be the basis for the revocation of the business permit.

SEC. 37. Rate of Fees to be Collected. — Each barangay is reminded to adopt or update its own barangay revenue ordinance whenever necessary.

The rate of fees to be collected by the City Treasurer's Office for issuance of Barangay Clearance for Business Permit and Barangay Clearance for Locational Clearance (as a requirement for Building Permit), shall be in accordance with the rates fixed by the enacted Ordinance of the concerned Barangay.

All Barangay Ordinances issued by the barangays in relation to the imposition of Barangay Clearance Fees shall be subject to the City's power of review under Section 57 of the Local Government Code of 1991. Rates for barangay clearance and permits for specific document, other activities not related to doing business, or the use of barangay facilities shall be left to the sound discretion of each barangay.

SEC. 38. Reporting and Remittance. — The City Treasurer's Office shall remit the Barangay Clearance fees collected to the concerned Barangay not later than seven (7) working days of the ensuing month with the list of the issued Building and Business Permits.

SEC. 39. Disapproval. — Disapproval of Barangay Clearance applications from the Barangays shall be issued with a corresponding Notice of Disapproval (NOD) stating therein reasons why the application was disapproved. The Notice of Disapproval shall be issued within three (3) working days upon receipt of endorsement of application from the City Planning and Development Office for Locational Clearance or the BOP for Business Permit. It will then be formally returned to the applicant thru either the One Stop Shop for Construction Permit (OSCP) or Electronic Business One-Stop Shop (EBOSS).

SEC. 40. Appeals. — In cases where an applicant is given a Notice of Disapproval by the Barangay, the said entity has the option to file an appeal to a committee to be created by the Office of the Mayor through Barangay Bureau of the City. The aforementioned committee shall act within twenty (20) working days after the application for appeal has been received.



CHAPTER 8 - COLLECTION OF BFP FEES

SEC. 41. LGU as Collecting Agent. — To facilitate one-time assessment and payment of business-related fees for business permit, the City Mayor is hereby authorized to enter into a Memorandum of Agreement (MOA) with the Bureau of Fire Protection through the City Fire Marshal covering the following:

- a. For the City to assess "the ordinary" Fire Safety Inspection Fees (FSIF); Provided, That the BFP is able to check the accuracy of the computation and to certify the tax order of payment in order.
- b. For the City to serve as collecting agent for the FSIF; Provided, That the remittance of the said fee to the BFP shall be made not later than two (2) days after the transaction is made. The BFP is not precluded from collecting additional fees required after their assessment, subject to existing laws and regulations.

SEC. 42. Issuance of Clearances under the Fire Code of the Philippines. — The issuance of Fire Safety Evaluation Clearance (FSEC) and Fire Safety Inspection Certificate (FSIC) shall in no case be longer than seven (7) working days.

The Certification of Fire Incident for fire insurance purposes shall in no case be issued longer than twenty (20) working days, and may be extended only once for another twenty (20) working days.

CHAPTER 9 - ACCOUNTABILITY OF CHIEFS OF OFFICES OR HEADS OF DEPARTMENTS; PENALTIES

SEC. 43. Accountable official. — The chief of office or head of the Department or Office shall be primarily responsible for the implementation of this Ordinance and shall be held accountable to the public in rendering fast, efficient, convenient, and reliable service. All transactions and processes are deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the Department or Office concerned.

SEC. 44. Sanction. — (A) Any violations by the Chief of Office/Head of the Department or Office, or their employee(s) of the provisions of this Ordinance shall subject them to administrative sanctions in accordance with the relevant administrative and civil service rules and regulations, where applicable.

(B) Failure by the heads of offices/departments to comply with the provisions of this Ordinance shall render them liable to being charged in accordance with existing laws or rules before the appropriate forum.

CHAPTER 10 - FINAL PROVISIONS

SEC. 45. Suppletory Clause. — Whenever relevant and appropriate as determined by proper government agency and in the absence of a specific provision to the contrary, the pertinent provisions of the Joint Memorandum Circular (JMC) No. 2019-001, entitled: "Implementing Rules and Regulations of RA 11032 (Ease Of Doing Business and Efficient Government Service Delivery Act of 2018)", or ARTA-DTI-DILG-DICT Joint Memorandum Circular No. 1 series of 2021, or of any existing applicable laws and their corresponding Implementing Rules and Regulations, executive fiats and relevant issuances issued therefor, shall apply in a suppletory manner hereof.

SEC. 46. Oversight Committee. — There is hereby created an Oversight Committee which shall be composed of the following:

Chairman:	Chairman of the Committee on Oversight of the City Council
Vice-Chairman:	Head Bureau of Permits
Members:	City Engineer
	City Treasurer
	City Planning and Development Office
	City Health Officer
	Head Manila Barangay Bureau
	Head Electronic Data Processing Services
	President of the Liga ng mga Barangay
	Chairman of the Committee on Ways and Means of the City Council

The Oversight committee shall monitor, ensure and oversee the efficient and effective implementation of the provisions of this Ordinance. The Oversight Committee may, from time to time and as it deems necessary, issue Implementing Rules and Regulations for the effective implementation of this Ordinance.

SEC. 47. Repealing Clause. — All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent to the provisions of this ordinance are hereby repealed or modified accordingly.

SEC. 48. Separability Clause. — If, for any reason, any of section or provision of this Ordinance is declared illegal or unconstitutional, the remaining sections or provisions hereof which are not affected thereby shall remain to be in full force and effect.

SEC. 49. Appropriation. — The City Government shall appropriate the necessary amount for the implementation of this ordinance.

SEC. 50. Effectivity Clause. — This Ordinance shall take effect immediately upon its approval.

This Ordinance was finally enacted by the City Council of Manila on June 10, 2021.



PRESIDED BY:


LOUISHO N. CHUA
Acting Presiding Officer
City Council, Manila

ATTESTED:


LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON

JUN 11 2021


FRANCISCO "Isko Moreno" DOMAGOSA
Mayor
City of Manila

ATTESTED:


BERNARDITO C. ANG
City Government Department Head III
(Secretary to the Mayor)

RNF: rrb/acd/jok/cpf/jml/jrp