

Republic of the Philippines  
Province of Bukidnon  
CITY OF MALAYBALAY  
\* \* \*

**Office of the Sangguniang Panlungsod**

EXCERPTS FROM THE MINUTES OF THE 67<sup>TH</sup> REGULAR SESSION OF THE 9<sup>TH</sup> SANGGUNIANG PANLUNGSOD FOR CY 2023 OF THE CITY OF MALAYBALAY, BUKIDNON HELD AT THE SP SESSION HALL ON NOVEMBER 7, 2023.

PRESENT: Hon. Vice Mayor Estelito R. Marabe – Presiding Officer  
Hon. Councilor Niko P. Aldeguer  
Hon. Councilor Melchor P. Maramara  
Hon. Councilor Zoltan Dindo D. Dinlayan  
Hon. Councilor Kathleen Cecille C. Pagaling  
Hon. Councilor Cromwell Kiril D. Dinlayan  
Hon. Councilor Erwin A. Damasco  
Hon. Councilor Royland M. Orquia  
Hon. Councilor Alan Ryann O. Legaspi  
Hon. Councilor Renato S. Sumbongan

ABSENT: Hon. Councilor Brian Nelson T. Flores (On Leave)  
Hon. Councilor Christopher B. Soria  
Hon. Councilor Bonifacio G. Valiente (On Official Business)  
Hon. Councilor Dave Julian A. Balore (On Official Business)

**ORDINANCE NO. 1029**  
Series of 2023

Authored by: Niko P. Aldeguer  
Sponsored by: Hon. Kathleen Cecille C. Pagaling  
Co-sponsored by: Hon. Erwin A. Damasco

**AN ORDINANCE PROVIDING INCENTIVES TO BUSINESS ENTITIES EMPLOYING SENIOR CITIZENS AND/OR PERSONS WITH DISABILITIES.**

Whereas, **R.A. No. 9994** also known as the "Expanded Senior Citizens Act of 2010", provides that it is the policy of the state to give full support to the improvement of the total well-being of the elderly and their full participation in the community, considering that senior citizens are an integral part of the Philippine Society,

Whereas, **Section 5 of R.A. no. 7277** also known as the "Magna Carta for Disabled Person", provides that no person with disability shall be denied access to opportunities for suitable employment. A qualified disabled employee shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as a qualified able-bodied person;

Whereas, **Article III Section 458 (a) (5) (xvii) of R.A. 7160**, otherwise known as the "Local Government Code of 1991", provides that the Sangguniang Panlungsod, as the legislative body of the City, shall adopt measures that are mutually beneficial to the elderly and to the community, provided incentives for non-governmental agencies and entities and subject to the availability of funds, appropriate funds to support programs and projects for the benefit of the elderly;

Whereas, **Article III Section 458 (a) (2) (ii) of R.A. 7160**, otherwise known as the "Local Government Code of 1991", the members of the Sangguniang Panlungsod, enact ordinances levying taxes, fees and charges, prescribing thereof for general and specific purposes, and granting tax exemptions, incentives or reliefs;

Whereas, like senior citizens, persons with disabilities are generally the most neglected sector in our society that needs greater protection and attention;

Cont. Ord. No. 1029, Series of 2023:

Whereas, in the Philippine economy, private companies and employers are hesitant to hire or to continue the employment of elderlies and persons with disabilities for fear that they are physically or mentally incapable for employment, despite still being capable to work;

Whereas, this social legislation intends to encourage employment of senior citizens and persons with disabilities who are still able, capable, qualified, and willing to work, by providing tax incentives to employers who will hire them, as well as training programs and skills development that will equip them in the workforce;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MALAYBALAY IN REGULAR SESSION ASSEMBLED:

**SECTION 1. TITLE** – This Ordinance shall be known as the "**Senior Citizens and Persons with Disabilities Employment Incentive Ordinance**"

**SECTION 2. DECLARATION OF POLICIES AND OBJECTIVES-** It is the declared policy of the City of Malaybalay to promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living and an improved quality of life. It is further declared that the City of Malaybalay shall provide social justice in all phases of national development and that the City of Malaybalay values the dignity of every human person and guarantees full respect for human rights.

Consistent with these constitutional principles and policies, the Malaybalay City Government shall serve the following objectives:

- (a) To recognize the rights of senior citizens and persons with disabilities as provided under the law;
- (b) To give full support to the improvement of the total well-being of the elderly and persons with disabilities, and their full participation in society, considering that they are integral part thereof;
- (c) To motivate and encourage the senior citizens and persons with disabilities to contribute to nation building; and
- (d) To recognize the important role of the private sector in the improvement of the welfare of senior citizens and persons with disabilities and to actively seek their partnership.

In accordance with these objectives, this Ordinance shall:

- (1) Establish mechanisms whereby the contributions of the senior citizens and persons with disabilities are maximized;
- (2) Adopt measures whereby our senior citizens are assisted and appreciated by the community as a whole;
- (3) Establish a business tax incentive that will encourage private companies to employ senior citizens and persons with disabilities; and
- (4) Establish training programs for the elderly and persons with disabilities that will teach them new skills and advance their capabilities.

**SECTION 3. DEFINITION OF TERMS.**

- (1) Business Entity – shall mean any person, natural or juridical, lawfully registered with the Malaybalay City Government, regularly engaged in trade, service, or any other commercial activity as means of livelihood or profit, but not in the exercise or practice of profession.
- (2) Senior Citizen or Elderly – shall mean any Malaybalay City resident at least sixty (60) years old, and duly registered with the Office for Senior Citizens Affairs.
- (3) Person with Disabilities (PWDs) – shall mean any resident of the City suffering from any restriction or condition, as a result of mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being, and duly registered under the City Social Welfare Office under Socio Economic Services Division (PWDs).

Cont. Ord. No. 1029, Series of 2023:

**SECTION 4. INCENTIVE TO BUSINESS TAX.** In computing the business entity's annual business tax due, as provided under sections 34, 37, 45 and 63 subparagraphs A-G and I of Ordinance No. 880 Series of 2016, it shall be allowed as deduction from its gross sales or receipt, equivalent to fifty percent (50%) of the total amount paid as salaries and wages for personal services actually rendered by the Senior Citizen and/or persons with disabilities, provided, that the qualifications in the immediately subsequent section are complied.

**SECTION 5. QUALIFICATIONS FOR DEDUCTION OF BUSINESS TAX.** The deduction from the gross sales or receipt provided under this Ordinance shall be limited to a business entity possessing the following qualifications:

- a. It must be employing at least one (1) senior citizen and/or one (1) person with disability;
- b. The elderly and/or person with disability employed by the business entity must be currently registered respectively in the Office for Senior Citizens Affairs and Persons with Disability Affairs Office;
- c. The salary or wage of the elderly and/or person with disability must be fairly equal to the job rendered, which must not be lower than the minimum wage; and
- d. It must submit documents proving the amount of the salary, wage, or compensation paid to the elderly and/or person with disability to be determined by the City Treasurer's Office.
- e. SSS remittance as proof of employment

**SECTION 6. MONITORING AND INSPECTION** – For the protection of the rights of the senior citizens and persons with disabilities, the Office for Senior Citizens Affairs, Socio Economic Services Division, Persons with Disabilities Affairs Office, IAC of BPLO, Local Economic Development and Investment Promotion Office (LEPIDO), and Public Employment Service Office (PESO), shall conduct periodic monitoring and inspection as to the work condition of their members in the business entity in order to determine that their rights under labor laws, as well as other pertinent laws, ordinances, and rules and regulations for their well-being are not violated. In case of breach of their rights, they shall assist their members in filing the necessary action or in awaiting of the proper remedy thereof.

**SECTION 7. TRAINING PROGRAMS AND SKILLS DEVELOPMENT FOR SENIOR CITIZENS AND PERSONS WITH DISABILITES** – The Office for Senior Citizens Affairs, Socio Economic Services Division, Persons with Disabilities Affairs Office, in coordination with other local government departments or offices, as well as related national government agencies, shall assess, design, and conduct manpower trainings and skills development for their members relevant to the current needed services or skills in the business sector, such as but not limited, to computer literacy and vocational skills. The mentioned offices may provide free skills training and seminar to business entities subject to this ordinance.

The budget for the manpower training and skills development shall be taken from any available fund of the general appropriation ordinance of the City, and thereafter, shall be included in the succeeding appropriation budget of their respective offices.

**SECTION 8. IMPLEMENTING OFFICES.** – The Office for Senior Citizens Affairs, City Social Welfare Office, Socio Economic Services Division, Persons with Disabilities Affairs Office, IAC of the Business Permit and Licensing Office, City Treasurer's Office, Public Service Employment Office (PESO), and Local Economic Development and Investment Promotion (LEPIDO) shall be tasked primarily to implement the provisions of this Ordinance.

**SECTION 9. IMPLEMENTING RULES AND REGULATIONS AND DETERMINATION OF PWDs COVERED BY THE ORDINANCE.** – Within sixty (60) days from the effectivity of this Ordinance, the City Treasurer's Office and Business Permit and Licensing Office shall issue the implementing rules and regulations to efficiently carry out the tax deduction under Section 4 of this measure.

In consultation with pertinent stakeholders, the City Social Welfare Office, Office of Senior Citizens Affairs Office, Socio Economic Services Division, Persons with Disabilities Affairs Office

Cont. Ord. No. 1029, Series of 2023:

shall also craft an implementing rules and regulations that will identify the conditions or requisites wherein a Person with Disability and Senior Citizen is allowed to work.

Failure to issue the implementing rules and regulations of the mentioned department or office respectively, shall not affect the implementation of this Ordinance.

**SECTION 10. ASSESSMENT AND REVIEW.** – After two (2) years from the implementation of the tax deduction incentive of this Ordinance under Section 4, the City Treasurer's Offices shall assess, review, and inform the City Council regarding the enforcement and consequence of this provision.

**SECTION 11. PENALTY CLAUSE.** – A penalty of Five Thousand Pesos (Php 5,000.00) or imprisonment of one (1) day to one (1) year, or both fine and imprisonment, at the discretion of the court, shall be imposed on any person, owner, president, or manager of a firm or corporation who is found guilty of any act of misrepresentation, deceit, or deception in claiming tax deduction under Section 4 of this Ordinance, regardless of any damage incurred by the Malaybalay City Government. The penalty provided herein shall be without any prejudice to other laws or ordinances violated in relation thereto.

**SECTION 12. REPEALING CLAUSE** – All ordinances, resolutions, local executive orders, rules and regulations or any part thereof inconsistent herewith are deemed repealed, modified or amended accordingly.

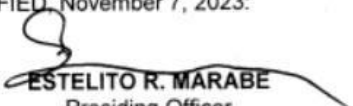
**SECTION 13. SEPARABILITY CLAUSE.** – In case any provision of this Ordinance is declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall continue to be in full force and effect.

**SECTION 14. EFFECTIVITY CLAUSE.** – This ordinance shall take effect fifteen (15) days after its publication in a newspaper of local circulation in the City of Malaybalay and posting a copy of this ordinance in three (3) conspicuous places.

ENACTED.

-----  
I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Panlungsod during its 67<sup>th</sup> Regular Session held at the Old Municipal Building People's Hall on November 7, 2023.

CERTIFIED, November 7, 2023:

  
**ESTELITO R. MARABE**  
Presiding Officer  
City Vice Mayor

ATTESTED:

  
**PHOEBE CORAZON C. MIDALGO**  
Secretary to the Sangguniang Panlungsod

APPROVED:

  
**JAY WARREN R. PABIILARAN**  
City Mayor

NOV 21 2023