



Republic of the Philippines
PROVINCE OF PANGASINAN
MUNICIPALITY OF BAYAMBANG
OFFICE OF THE SANGGUNIANG BAYAN

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THE LONGEST BARBECUE
Bayambang, Pangasinan, Philippines
April 4, 2014

MUNICIPAL ORDINANCE NO. 04, SERIES OF 2018

AN ORDINANCE ENJOINING ALL BUSINESS ESTABLISHMENTS, CONTRACTORS, AND THE LIKE TO HIRE A MINIMUM OF 60% OF THEIR WORKFORCE FROM QUALIFIED AND BONAFIDE RESIDENTS OF BAYAMBANG, PANGASINAN.

*Sponsored by: SBM Amory M. Junio & Joseph Vincent E. Ramos
Authored by: SBM Benjamin Francisco S. De Vera*

WHEREAS, Section 18 of the 1987 Philippine Constitution provides that the State affirms labor as a primary social economic force and as a consequence it shall protect the rights of workers and promote their welfare;

WHEREAS, the Labor Code of the Philippines, in its declaration of basic policy, includes not only protection to labor but promoting full employment and ensuring equal work opportunities regardless of sex and creed;

WHEREAS, the Municipal Government of Bayambang, Pangasinan aims to uplift the standard, of living of its constituents by generating employment and enticing income generating activities for its constituents particularly those who are qualified, and able-bodied citizens by taking the cudgels of enjoining establishments, contractors and the like, to hire a certain percentage of employees from bonafide residents of Bayambang, Pangasinan;

WHEREAS, it is the commitment of the Municipal Government to promote and provide full employment opportunities to all its qualified and able-bodied residents;

WHEREFORE, on motion of **SB Member Benjamin Francisco S. De Vera**, duly seconded;

Be it enacted by the Sangguniang Bayan in session assembled that:

Section 1. TITLE - This Ordinance shall be known and cited as "AN ORDINANCE ENJOINING ALL BUSINESS ESTABLISHMENTS, CONTRACTORS AND THE LIKE TO HIRE A MINIMUM OF 60% OF THEIR WORKFORCE FROM QUALIFIED AND BONAFIDE RESIDENTS OF THE MUNICIPALITY OF BAYAMBANG, PANGASINAN AND FOR OTHER PURPOSES."

Section 2. DEFINITION OF TERMS - As used in this Ordinance, the following terms shall mean:

2.1. Business establishments - refers to companies or franchises and branches of all the establishments, and. all other similar establishments that undertake organized production or rendering services with the end in view of gaining profit;

2.2 Rank and file employees - refers to those employees who are under the direct supervision and control of a supervisor, and shall not include those employees who are occupying position classified as having recommendatory powers, or those with the power to recommend to management, the exercise of management prerogatives, as defined in the Labor Code of the Philippines;

Section 3. PURPOSE. - This Ordinance is enacted for the following purposes:

3.1. To minimize if not totally eradicate unemployment within the municipality and provide opportunity to earn a clean and honest living;



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3.2. To uplift the standard of living of the Bayambangueño by generating employment and enjoying income generating activities particularly for those who are qualified and able-bodied citizens by taking the cudgels of enjoining investors to hire a certain percentage of employees from bonafide Bayambangueños;

3.3. To promote and provide full employment opportunities to all qualified and able-bodied bonafide residents of the Municipality of Bayambang, Pangasinan.

Section 4. COVERAGE– This Ordinance shall find application to the following:

4.1. All business establishments, companies and industries engaged in manufacturing or rendering service in the ordinary course of trade or business;

4.2. All business establishments employing ten (10) or more rank and file employees;

4.3. All business establishments that are located within the territorial jurisdiction of the Municipality of Bayambang but under agreement with any service or employment agencies or contractors that are located in the municipality. To this notwithstanding, they shall be subject to observe the minimum sixty percent (60%) manpower requirement of this ordinance. Such business establishments shall require the service agency to provide applicants/employees who are residents of Bayambang, Pangasinan.

Section 5. SECURITY OF TENURE:

5.1. This Ordinance recognizes the right of existing employees to security of tenure in establishments that are already operating within the municipality. Business establishments operating outside this municipality six (6) months immediately preceding the effectivity of this ordinance and which subsequently transfer their operations in the Municipality of Bayambang, Pangasinan after this Ordinance had taken effect, shall also be entitled to the same recognition herein stated.

5.2. If the establishments referred to in the immediately preceding section subsequently increased their manpower or replaced the employees who were dismissed or removed due to business expansion or due to vacancies in several positions by reason of retirement, resignation, removal, retrenchment or other similar events, the qualified applicants who are residents of Bayambang, Pangasinan shall be given preference in acceptance for employment until the sixty percent (60%) requirement have been satisfied or substantially complied. Provided that, if there are no qualified applicants who are residents of Bayambang, the employer shall have the right to employ non-residents;

5.3. Newly established companies that are about to set up their operations in the municipality after the effectivity of this Ordinance shall strictly comply with this manpower requirement.



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Section 6. PROOF OF RESIDENCE- Voter's Identification Card or Income Tax Return filed or any written statement under oath showing the complete address, in the absence of the former shall be a requirement in accepting a person for employment for rank and file positions. Provided, that the present address of the applicant entered or indicated thereon, must be in the Municipality of Bayambang, Pangasinan. Provided further, that the applicant must have resided in Bayambang, Pangasinan for at least one (1) year as certified by the Punong Barangay concerned.

Section 7. AGENCY AND OFFICE IN-CHARGE – The Supervising Labor and Employment Officer of Bayambang, Pangasinan shall be the officer in charge of enforcing this Ordinance.

Section 8. REPORTORIAL REQUIREMENTS - The business establishments that already exist and have been established prior to the passage of this Ordinance shall be required to submit a yearly report embodying a complete list of its employees before the issuance of business permit. The subject report shall be submitted to the Supervising Labor and Employment Officer, Bayambang, Pangasinan.

Section 9. RULES ON THE ISSUANCE OF BUSINESS PERMITS AND LICENSES-The Supervising Labor and Employment Officer is hereby recommended to promulgate rules/regulations on the issuance of business licenses and permits, subject to the following:

9.1 Submission of the list of the rank-and-file employees which include the proportion of the Municipality of Bayambang residents employed therein to the non-residents;

9.2. Nature of business of the employer/business establishment;

9.3. Information required to be stated in the list of employees:

- a. Age of the particular employee
- b. Present Address
- c. Number of years of service with the employer
- d. Present position, brief description of the duties and responsibilities of the employee;
- e. Updated list of the retired, retrenched, removed or resigned employees and the list of the persons who replaced them.

Section 10. PENALTY CLAUSE. – The following shall be imposed to any business establishment for any violation of this code upon the discretion of the court:

10.1. For First Offense- A fine of five hundred pesos (P 500.00);

10.2. For Second Offense- A fine of two thousand five hundred pesos (P 2,000.00) and a stern warning that the subsequent violation shall mean closure of the business and revocation of business permit

10.3. For Third Offense- A fine of two thousand five hundred pesos (P2,500.00), closure of establishment and revocation of business permit.



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Section 11. SEPARABILITY CLAUSE - If for any reason/s, any provision of this Ordinance is declared unconstitutional and or illegal, the remainder of this Ordinance shall not be affected and shall therefore, be in full force and effect.

Section 12. REPEALING CLAUSE - local ordinances, resolutions, orders, rules and regulations that are inconsistent with this Ordinance are hereby repealed, modified or amended accordingly.


Section 13. EFFECTIVITY CLAUSE - This Ordinance shall take effect upon approval and compliance with the publication requirements.

ENACTED this 28th day of May 2018.

Certified to be duly adopted and approved:

JOEL V. CAMACHO
Secretary to the Sanggunian

ATTESTED:


HON. RAUL R. SABANGAN
Municipal Vice-Mayor &
SB Presiding Officer





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WE CONCUR:
SANGGUNIANG BAYAN MEMBERS

HON. MYLWIN T. JUNIO

HON. JOSEPH VINCENT E. RAMOS

HON. PHILIP R. DUMALANTA

HON. BENJAMIN FRANCISCO S. DE VERA

HON. JUNIE J. ANGELES

HON. MARTIN E. TERRADO II

HON. MA. CATALINA E. DE VERA

HON. AMORY M. JUNIO

HON. ROGELIO P. DUMALANTA
Pangulo, Liga ng mga Barangay
absent

APPROVED:

HON. CEZAR T. QUIAMBAO
Municipal Mayor

