



Republic of the Philippines
Province of Cavite
CITY OF BACOOR
Office of the City Mayor



EXECUTIVE ORDER No. 123 - 2024
Series of 2024

**AN ORDER ADOPTING THE IMPLEMENTING RULES AND REGULATIONS
OF CITY ORDINANCE NO. 357-2024, OR THE "FRANCHISE REGULATION
ORDINANCE OF THE CITY OF BACOOR"**

WHEREAS, Section 16 of Republic Act No. 7160 provides that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare...xxx;

WHEREAS, the Sangguniang Panlungsod enacted and passed City Ordinance No. 357-2024, entitled "AN ORDINANCE PRESCRIBING GENERAL GUIDELINES FOR THE GRANT OF FRANCHISE TO CERTAIN BUSINESS IN THE CITY OF BACOOR, CAVITE AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF," to develop the local economy of the City of Bacoor by maximizing the potential and contribution of different business establishments; to effectively control and regulate gaming and gambling activities towards its establishment as a national recreation, relaxation, and a source of entertainment; and to nurture and protect the interests of the business sector and balance them with the interests and rights of the general public;

WHEREAS, the City Government of Bacoor recognizes the need to issue an Implementing Rules and Regulations pertinent to the above-mentioned Ordinance for its effective implementation;

WHEREAS, the Office of the City Mayor of Bacoor, in coordination with the concerned city government offices, issued the above-mentioned Implementing Rules and Regulations that shall govern the implementation of the "Franchise Regulation Ordinance of the City of Bacoor";

NOW, THEREFORE, I, ROWENA BAUTISTA-MENDIOLA, Acting City Mayor of Bacoor, Cavite, by virtue of the powers vested in me by law, do hereby order for the adoption and implementation of the Implementing Rules and Regulations of City Ordinance No. 357-2024.

Section 1. Implementing Rules and Regulations (IRR).

Attached herein is the Implementing Rules and Regulations of City Ordinance No. 357-2024 which shall form part of this Executive Order. This shall be known as the "Implementing Rules and Regulations of the Franchise Regulation Ordinance of the City of Bacoor."

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All affected offices and departments are hereby ordered to adopt the said implementing rules and regulations and be guided accordingly.

Strict compliance and observance of all city government officials and employees to this IRR is hereby ordered.

Section 2. Repealing Clause.

All previously issued orders and directives inconsistent with any provision found herein shall be deemed repealed, revoked or amended accordingly.

Section 3. Separability Clause.

In the event that any provision found herein shall be judicially or administratively declared illegal or infirm, the remaining provisions shall remain in full force and effect.

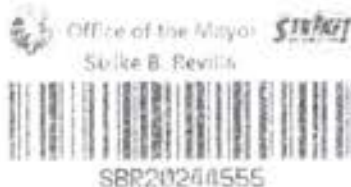
Section 4. Effectivity Clause.

This Executive Order shall take effect immediately upon its signing and remain in full force and effect until repealed, revoked or amended accordingly.

SO ORDERED.

Done this 4th day of July 2024 in the City of Bacoor, Province of Cavite.


ROWENA BAUTISTA-MENDIOLA
Acting City Mayor



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**THE IMPLEMENTING RULES AND REGULATIONS OF
CITY ORDINANCE NO. 357-2024 SERIES OF 2024**

OR

**"AN ORDINANCE PRESCRIBING GENERAL
GUIDELINES FOR THE GRANT OF FRANCHISE TO
CERTAIN BUSINESSES IN THE CITY OF BACOOR,
CAVITE AND PROVIDING PENALTIES FOR VIOLATIONS
HEREOF"**

**Rule 1
GENERAL PROVISIONS**

Section 1. Title. – This serves as the Implementing Rules and Regulations ("IRR") of City of Bacoor Ordinance No. 357-2024, Series of 2024, entitled the "*Franchise Regulation Ordinance of the City of Bacoor*," also known as the "Ordinance." Henceforth, the IRR shall be referred to as the "Rules."

Section 2. Purpose. – This IRR is promulgated to prescribe the procedure and guidelines for the effective implementation of Bacoor City Ordinance No. 357-2024, Series of 2024. This Ordinance and this IRR aim to:

1. Develop the local economy of the City of Bacoor by maximizing the potential and contribution of different business establishments;
2. Effectively control and regulate gaming and gambling activities towards its establishment as a national recreation, relaxation, and source of entertainment;
3. Provide additional revenue for the tourism program of the City Government of Bacoor;
4. Remove and prevent excessive and unreasonable business operation and profit considerations in the management of gaming and gambling activities and, instead, preserve Philippine customs and traditions and thereby enhance our national identity;

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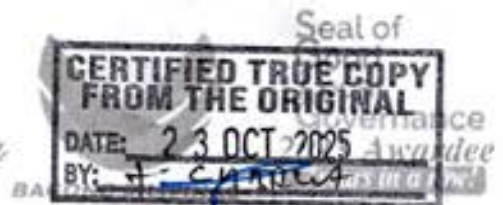


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5. Nurture and protect the interests of the business sector and balance them with the interests and rights of the general public and
6. Promote the safety and protection of the public.

Section 3. Scope and Application. – This IRR shall apply and govern the grant of franchise for the establishment, operation, maintenance, and ownership of businesses that require a franchise as delegated to the Sangguniang Panlungsod under the Local Government Code of 1991, special laws, implementing rules and regulations, and other government issuances. The grant of such franchise shall extend to, but not be limited to, the following businesses:

1. Cockpit Operations
2. Traditional Bingo Operations
3. Electronic Bingo Operations
4. Electronic Sabong Operations
5. Off-track betting operations involving horse racing, dog racing, and other forms of racing.

It is hereby understood that the enumeration above is not exclusive.

All businesses that require a franchise for the establishment, operation, maintenance, and ownership thereof shall be covered by this Ordinance and this IRR, or as may be provided by law.

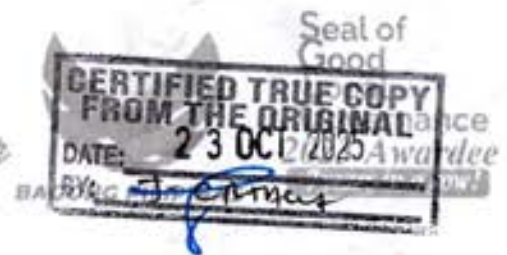
Section 4. Implementing Offices.

1. Depending on the nature of the franchise being granted, the Implementing Office or Department, with support from the Office of the City Mayor (MO), City Administrator's Office (CAO), and the Business Permit and Licensing Department (BPLD), shall assume primary responsibility for ensuring compliance with both the City Ordinance and this IRR.





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2. Other city government departments, units, or offices may be called upon by the directive of the City Mayor to provide auxiliary support in the effective implementation of both the Ordinance and this IRR.

Section 5. Rules of Construction. In construing the provisions of this IRR, the following rules of construction shall be observed unless inconsistent with the manifest intent of the provision, or when applied, they would lead to absurd or highly improbable results.

1. **General Interpretation.** – All words and phrases used in this IRR should be understood according to their usual meaning, but technical terms or those with specific meanings in this IRR should be interpreted accordingly.
2. **Gender and Number.** – Words indicating gender or number should be interpreted inclusively, acknowledging all gender identities and expressions, as well as all numerical interpretations.
3. **Calculation of Time.** – When determining timeframes for actions as outlined in this IRR or related regulations, the first day is excluded, and the last day is included unless it falls on a Sunday or a holiday, in which case the following business day is considered the final day.
4. **References.** – Any mention of chapters, articles, or sections refers to those within this IRR unless otherwise specified.
5. **Resolution of Conflicts.** – In the event of conflicting provisions within different sections, each section's specific details should prevail.

Rule 2
DECLARATION OF POLICY AND DEFINITIONS

Section 6. Declaration of Policy. – It is hereby declared by the City Government of Bacoor to establish general principles and guidelines for the issuance of franchises in specific industries within the territorial jurisdiction of the City of Bacoor, particularly in legalized gaming and gambling sectors. This establishment or regulation aims to uphold fairness and transparency in operations, mitigating bias, ensuring equal opportunities for all applicants, and fostering the general welfare of the public.

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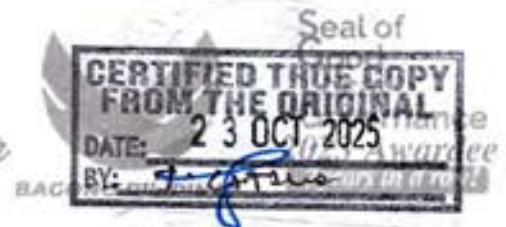


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Section 7. Objectives. – It is the objective of the City Ordinance and this IRR to:

1. **Regulatory Clarity.** The primary goal is to provide clear and concise guidelines to both applicants and regulatory bodies involved in the franchise application process. Clarity minimizes ambiguity and prevents arbitrary decisions.
2. **Equitable Opportunities.** The guidelines seek to ensure that all eligible businesses within the City of Bacoor are afforded equal opportunities. By delineating criteria and procedures, the City aims to prevent unfair advantage or exclusion of any business entity.
3. **Public Interest and Welfare.** The Ordinance and its implementing rules prioritize the protection of public interest. The guidelines address concerns related to safety, health, environment, and community well-being, aiming for franchises to operate in a manner beneficial to the general public.
4. **Transparency and Accountability.** Transparency is crucial in fostering trust among the City Government, businesses, and constituents. The guidelines promote transparency by specifying evaluation criteria, applicable fees, and reporting obligations.
5. **Economic Development.** Franchises play a pivotal role in stimulating economic growth through job creation, revenue generation, and investment attraction. The city seeks to support local businesses in responsible expansion while safeguarding economic interests.
6. **Compliance and Enforcement.** Ensuring strict adherence to the established guidelines and regulations through effective enforcement mechanisms to deter non-compliance and maintain order in the franchise operation.
7. **Social Responsibility.** Encouraging franchise operators to engage in corporate social responsibility activities that benefit the local community, such as philanthropy, community outreach programs, and initiatives to address social issues.

Section 8. Definition of Terms. – The following terms shall be defined as follows, in accordance with the Ordinance and this IRR:

1. **Franchise** - a right or privilege, affected by the public interest which is conferred upon private persons or corporations under such terms and conditions as the government and its political subdivisions may impose in the interest of public welfare, security, and safety.

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2. **Franchise Tax** - refers to a tax imposed on businesses enjoying a franchise at a rate provided for under the Bacoor City Revenue Code.
3. **Franchise Agreement** - a written contract or agreement between a franchisor and franchisee by which the former grants the latter the right to engage in the business of offering.
4. **Grantee** - a sole proprietorship, partnership, cooperative, or corporation duly registered with, as applicable, the DTI, the Securities and Exchange Commission (SEC), or the Cooperative Development Authority (CDA).
5. **Gaming** - participation in gambling events such as but not limited to casino games and the facilitation of wagers in the operation of predicting the outcome and results of a sporting event and/or gaming event.
6. **Gambling** - refers to an activity in which a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the control or influence of the person, an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome.
7. **Implementing Agency** - the department/unit under the Office of the City Mayor tasked to implement particular governmental functions as mandated by law or by a city ordinance.
8. **E-Sabong** - the streaming of legal cockfights from licensed cockpits to licensed operators abroad.
9. **Online Gambling** - any type of gambling done on the Internet.

Rule 3
OPERATIONAL PROVISIONS

Section 9. Nature and Grant of Franchise. - Subject to the provisions of applicable laws, rules, and regulations, a franchise to operate and maintain certain businesses and activities cited above shall be granted to sole proprietor, partnership, corporation, or cooperative, subject to terms and conditions as may be imposed by City Government of Bacoor thru the Sangguniang Panlungsod. The particulars of the franchise, including the scope of businesses and associated conditions, shall be determined in accordance with the pertinent laws and regulations of the City Government of Bacoor.

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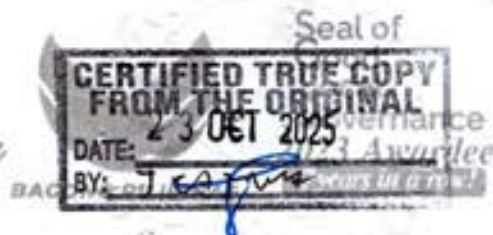
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Section 10. Ownership Management and Operation. – The City Government of Bacoor restricts ownership, management, and operation of gaming or gambling businesses only to Filipino citizens or corporations 100% owned by Filipino citizens, of good moral character, with no prior conviction for any crime involving moral turpitude and are not otherwise inhibited by existing laws or city ordinances shall be allowed to own, manage, and operate any gaming or gambling business or activity in the City of Bacoor.

In accordance with Section 7 of the Ordinance, for the purpose of regulating ownership, management, and operation of gaming or gambling businesses within the City of Bacoor, the following criteria shall be observed:

1. Eligibility Criteria.

- a. **Individuals:** Ownership, management, and operation of gaming or gambling businesses within the City of Bacoor are limited to Filipino citizens.

Corporations: Corporations intending to engage in such activities must be wholly owned by Filipino citizens.

2. **Good Moral Character.** Applicants, whether individuals or corporations, must exhibit a commendable ethical standing to uphold integrity and ethical standards in their operations.
3. **No Prior Convictions for Crimes Involving Moral Turpitude.** Prospective owners or operators must not have any history of conviction for crimes involving moral turpitude.
4. **Not Otherwise Inhibited by Existing Laws or City Ordinances.** Adherence to existing laws and city ordinances is imperative, with strict observance of any specific restrictions or prohibitions outlined therein.

As for other businesses, the ownership, management, and operation shall be based on the laws, applicable city ordinances, and the corresponding Implementing Rules and Regulations of such laws and ordinances allowing the grant of a franchise.

Section 11. General Conditions. Pursuant to Section 8 of the Ordinance, the Grantee shall adhere to the following conditions:

1. The Grantee shall operate its business activities in accordance with existing laws and regulations governing its particular business operations:

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- a. **Compliance with Laws and Regulations.** The Grantee must operate ethically and transparently within the legal framework set by national laws and regulatory agencies.
 - b. **PAGCOR (Philippine Amusement and Gaming Corporation).** A government-owned and controlled corporation created under Presidential Decree (PD) No. 1869 to enable the government to regulate and centralize all games of chance authorized by existing franchises or permitted by law.
 - c. **The Games and Amusement Board (GAB).** Created by virtue of Executive Order No. 120, Series of 1948, which regulates and supervises professional sports and allied activities to combat and prevent the existence and proliferation of illegal bookie joints and other forms of organized illegal gambling connected with all play-for-pay sports and amusement games.
2. The Grantee shall observe strict compliance with all laws and ordinances regarding proper maintenance and sanitation when establishing gambling and gaming businesses in the City of Bacoor, including:
- a. Republic Act 9003, or the "*Ecological Solid Waste Management Act of 2000*";
 - b. Presidential Decree No. 856, or the "*Code on Sanitation of the Philippines*";
 - c. Sanitation Programs by the Department of Health like the Philippine Approach to Sustainable Sanitation (PhATTS);
 - d. Bacoor City Ordinance No. 55-2015, or the "*Health, Sanitation, and Safety Code of the City of Bacoor*";
 - e. Municipal Ordinance No. 4-I Series of 2008 or the "*General Ordinance Code of Bacoor*";
 - f. Municipal Ordinance No. 4-H Series of 2008 or the "*Bacoor Environmental Code*"
 - g. Other applicable national laws and local ordinances.

These obligations of the Grantee are crucial for environmental protection and public health.

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3. The Grantee shall conduct Corporate Social Responsibility (CSR) programs in partnership with the City Government at least once every year. These programs may include providing job opportunities for Bacoor City residents, participating in environmental conservation efforts, and supporting various social initiatives and projects of the city. The Grantee's CSR obligations extend beyond business operations to benefit the community and environment in the City of Bacoor.

Failure to comply with these general conditions, and with any additional conditions imposed by the City Government through Ordinances or other means, may result in the revocation of the franchise by the Sangguniang Panlungsod, resulting in the withdrawal of the franchise and the loss of the associated privileges.

The Sangguniang Panlungsod reserves the authority to impose additional conditions on franchise applicants.

Section 12. Authority of the Office of the Mayor. – The Grantee shall apply and secure the required business permit to operate from the Office of the City Mayor.

The Office of the City Mayor shall have the sole and exclusive authority to require compliance with all existing laws, ordinances, rules, and regulations similarly imposed on all business establishments and impose conditions thereto as are expressly or impliedly necessary for the protection of the welfare and safety of all persons going or transacting in its business or operation.

Section 13. Administrative Provisions. – Any franchise holder who intends to operate or who is already operating its business in the City of Bacoor shall apply with the Office of the City Mayor through the BPLD and submit the following documents or information:

1. Copy of the franchise;
2. Certificate of registration from the Securities and Exchange Commission, Department of Trade and Industry, or Cooperative Development Authority;
3. Proof of financial capacity, company profile development program, and project impact assessment;
4. Proof of ownership of the land or lease contract if being leased. The franchise holder may also be required to submit:
 - a. Photocopy of the Transfer Certificate of Title of the land and building;

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- b. Photocopy of the Tax Declaration of the land and building;
 - c. Occupancy Permit, if required by national laws and local laws;
 - d. Sketch of the business location; and
 - e. Front full view picture of the establishment.
5. Current year plan of operation in the city;
 6. Last year's gross receipt from operation in the city, if applicable;
 7. Necessary clearances from the barangay having jurisdiction over the business operations subject of the franchise, the Zoning and Land Development Department, the City Planning and Development Coordination Office, the Office of the Building Official, the City Environmental Services Department, the City Health Office, and other departments/units under the Office of the Mayor as may be warranted under the circumstances;
 8. Land reclassification, if applicable;
 9. Health certifications of the operator and his/her personnel. The total number of employees of the business and the number of employees residing in the City of Bacoor must be submitted to the Bacoor Public Employment and Service Office (PESO); and
 10. Other requirements are established by law, as well as rules and regulations related to a specific business or activity.

Section 14. Mandatory Payment of Taxes and Fees. –

1. Tax and Fee Liability.

- a. The Grantee shall pay all taxes and other fees prescribed by the Revised Revenue Code of the City of Bacoor to the City Finance Department.
- b. Compliance with tax laws and the prompt payment of fees are imperative for the maintenance of the franchise in the City of Bacoor.

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2. Subsequent Impositions.

- a. The assessments made on the Grantee shall not preclude the imposition of additional taxes or fees as may be mandated by future laws or ordinances.
- b. The assessments are not final or exhaustive and may be subject to potential additional impositions based on future laws or ordinances.

3. Consequences of Non-Payment.

- a. Failure of the Grantee to promptly and regularly settle tax obligations shall constitute grounds for the revocation or cancellation of the franchise granted in its favor.
- b. Timely payments are essential for the continued validity of the franchise and to mitigate the risk of potential revocation.

Section 15. Prohibition on Sale, Lease, Usufruct, and Transfer of Franchise.

1. Non-Transferability of Franchise.

- a. Any franchise granted pursuant to the Ordinance shall be strictly non-transferable.
- b. The Grantee is expressly prohibited from selling, assigning, leasing, granting the usufruct of, or in any manner transferring the franchise, including any right and privilege acquired through such franchise, to any natural or juridical person, firm, or other entities.

2. Prohibition on Mergers.

- a. The Grantee shall not merge with any corporation, partnership, or individual without securing prior approval from the Sangguniang Panlungsod.
- b. Such approval must be obtained through an ordinance, which must be approved by at least three-fourths (3/4) of the members of the Sangguniang Panlungsod.

3. Purpose of Prohibition.

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- a. The restrictions on the transfer of rights and privileges associated with the franchise are implemented to ensure that the original Grantee remains responsible for complying with the conditions and obligations outlined in the Grant of Franchise.
- b. This measure aims to maintain accountability and adherence to regulatory standards by the original Grantee.

Section 16. Prohibitions. – Any franchise granted by virtue of this Ordinance and this IRR is deemed immediately and automatically revoked if the Grantee, as may be determined by the Office of the City Mayor, commits any of the following within its business premises:

1. Allow the conduct of illegal gambling, prostitution, or human trafficking as defined under Republic Act No. 9208 or the "Anti-Trafficking in Persons Act of 2003" and by Republic Act No. 10364 or the "Expanded Anti-Trafficking in Persons Act";
2. Operate outside the Grantee's designated business premises or place of operation as granted under a franchise;
3. Allow the carrying, use, or storage of firearms, illegal drugs, or toxic chemicals without the requisite government clearances and/or permits;
4. Conduct, engage, or take part in any business activity not covered by the franchise;
5. Allow minors, students in uniform even if already of age, and beneficiaries of the Pantawid Pamilyang Pilipino Program (4Ps) and other social amelioration programs of the city and national government to enter any establishment engaged in gaming or gambling activities covered by the franchise; and
6. Conducting any activity similar or analogous to the foregoing.

Section 17. Term of Franchise.

1. **Duration of Franchise.**

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- a. The franchise shall remain in effect for the duration specified in the Grant of Franchise issued by the City of Bacoor unless sooner revoked or canceled.
 - b. The Grant of Franchise is a formal document issued by the City Government of Bacoor, delineating the rights, obligations, and validity period of the franchise.
- 2. Maximum Period.**
- a. This duration of the franchise shall not exceed the maximum period stipulated in various applicable laws, ordinances, and their respective Implementing Rules and Regulations that authorize the grant of such franchise.
- 3. Renewal.**
- a. The renewal of the franchise shall be subject to the terms and conditions set forth in the Grant of Franchise issued by the City Government of Bacoor.
 - b. Additionally, the renewal process shall adhere to the provisions outlined in the relevant laws, ordinances, and their respective IRRs that govern the grant of the franchise.

Section 18. Revocation.

- 1. Grounds for Revocation.**
 - a. In the event of a violation by the Grantee of the terms and conditions or failure to comply with the requirements stipulated herein, as well as relevant laws, ordinances, rules, and regulations governing the operation of the business or activity applied for.
 - b. The City Government of Bacoor, thru the Sangguniang Panlungsod, reserves the authority to revoke or suspend the franchise, along with any permits issued by any department under the Office of the City Mayor.
- 2. Right of Withdrawal.**
 - a. The City Government of Bacoor, acting through the Sangguniang Panlungsod, retains the right to withdraw or suspend the franchise in response to any such violations or non-compliance.





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3. Compliance with Laws and Regulations.

- a. Compliance with existing and future laws, ordinances, rules, and regulations governing the operation of the business or activity is mandatory for the Grantee to maintain the validity of the franchise and associated permits.

Rule 4
FINAL PROVISIONS

Section 19. Budget Appropriations. – The City Government of Bacoor shall allocate the necessary funds in its annual budget or any subsequent supplemental budget for the implementation of the provisions outlined in the Ordinance.

Section 20. Changes or Modifications of the Implementing Rules and Regulations. – In order to ensure the efficient and effective implementation of the Ordinance, the Office of the City Mayor, in consultation with relevant offices, may propose amendments to said Ordinance and, consequently, to this IRR, as deemed necessary.

Section 21. Separability. – Should any section or provision of this IRR be deemed unconstitutional or invalid, the unaffected sections or provisions shall continue in full force and effect.

Section 22. Repeal. – All local rules or regulations inconsistent with or contrary to the provisions of this IRR are hereby repealed and modified accordingly.

Section 23. Effectivity. – This IRR shall take effect immediately upon its approval.

