



Office of the Sangguniang Panlungsod

DISTRICT I

HON. CATHERINE SARINO-EVARISTO
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor

HON. ALEJANDRO F. GUTIERREZ
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City Councilor / President Pro-Tempore

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HON. SIMPLICIO G. DOMINGUEZ
City Councilor

ON. RANDY C. FRANCISCO
go-ong mga Barangay Vice President

ON. PALM ANGEL S. BUNCIO
SK Federation President

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

ION. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Approved by:

ION. STRIKE B. REVILLA
City Mayor

CITY ORDINANCE NO. 357-2024 Series of 2024

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

Sponsored by:

Hon. Adrielito G. Gawaran

Co-Sponsored by:

Hon. Roberto L. Advincula, Hon. Palm Angel S. Buncio, Hon. Simplicio G. Dominguez, Hon. Catherine S. Evaristo, Hon. Reynaldo M. Fabian, Hon. Randy C. Francisco, Hon. Alejandro F. Gutierrez, Hon. Rogelio M. Nolasco, Hon. Alde Joselito F. Pagulayan, Hon. Reynaldo D. Palabrica, Hon. Michael E. Solis and Hon. Levy M. Tela.

WHEREAS, the Philippine Constitution recognizes the autonomy of local government units to promote the welfare of their constituents and grant them the authority to create their own sources of revenues and to levy taxes, fees, and charges subject to such guidelines and limitations as the Congress may provide;

WHEREAS, under the Republic Act No. 7160 (the "Local Government Code of 1991"), the Sangguniang Panlungsod has the legislative authority to grant a franchise to any person, partnership, corporation, or cooperative to establish businesses or activities by enacting an ordinance authorizing the issuance of permits or licenses and levying taxes, fees, and other charges to promote the general welfare of its constituents;

WHEREAS, the Local Government Code of 1991 likewise empowers the Sangguniang Panlungsod to adopt measures that will protect the constituents of the city from activities inimical to their welfare and morals;

WHEREAS, in the case of national franchise holders (mostly in the telecommunications, utilities, and media sectors), the LGU still has the power to impose a local franchise tax even when the national legislative franchise contains the "in lieu of all taxes" clause or proviso;

WHEREAS, the Administrative Code of 1987 provides for the protection of Filipino enterprises against unfair trade



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practices, recognizes the importance of pursuing a trade policy that serves the general welfare, and utilizes all forms and arrangements of exchange based on equality and reciprocity;

WHEREAS, the current Bacoor Revenue Code provides the imposition of franchise tax covering any activity which the City Government of Bacoor is authorized to provide, establish, maintain, operate, or grant through franchise to private persons such as, but not limited to, communication and transportation terminals, stalled vehicles towing and impounding services, toll roads, public corral, city pounds, slaughterhouses, livestock markets, public markets, talipapa, electric and water supply generation and distribution, public cemeteries, sewerage system, waste collection and disposal and other similar public activity;

WHEREAS, there are existing ordinances enacted by the Sangguniang Panlungsod of Bacoor that provide for the establishment and operation of tricycles and pedicabs, public markets, slaughterhouses, road and toll management, sewage system, and waste management;

WHEREAS, there is a need to prescribe guidelines for the grant of a franchise in certain businesses within the territorial jurisdiction of the City of Bacoor, Cavite, provided that existing rights should not be prejudiced, such as legalized gaming and gambling activities for the establishment and/or regulation of the same in order to ensure fairness and transparency in its operations, and promote public welfare in general;

NOW, THEREFORE, be it **ORDAINED** by the 5th Sangguniang Panlungsod that:

SECTION 1. SHORT TITLE. This Ordinance shall be known as the "**Franchise Regulation Ordinance of the City of Bacoor**".

SECTION 2. SCOPE AND COVERAGE. This Ordinance shall 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 cover, but shall not be limited to, the following businesses:

1. Cockpit operations
2. Traditional Bingo operations
3. Electronic Bingo or E-Games operations
4. Electronic Sabong operations



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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 or as may be provided by law.

SECTION 3. PURPOSES. The aims of this Ordinance are:

1. To develop the local economy of the City of Bacoor by maximizing the potential and contribution of different business establishments;
2. To effectively control and regulate gaming and gambling activities towards its establishment as a national recreation, relaxation, and source of entertainment;
3. To provide additional revenue for the tourism program of the City Government;
4. To 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;
5. To nurture and protect the interests of the business sector and balance them with the interests and rights of the general public; and
6. To promote the safety and protection of the public.

SECTION 4. DEFINITION OF TERMS. For purposes of this Ordinance, the following terms are hereby defined as follows:

1. "Franchise" is 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;
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" means 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, selling, or distributing goods or services;
4. "Grantee" means a sole proprietorship, partnership, cooperative, or corporation duly



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- registered with, as applicable, the DTI, the Securities and Exchange Commission (SEC), or the Cooperative Development Authority (CDA);
- "Gaming" means 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.
 - "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.
 - "Implementing Agency" is 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.
 - "E-sabong" refers to the streaming of legal cockfights from licensed cockpits to licensed operators abroad.
 - "Online Gambling" - any type of gambling done on the Internet.

SECTION 5. CONSTRUCTION. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such other words in this Ordinance which may have acquired a peculiar or appropriate meaning shall be construed and understood according to such technical, peculiar, or appropriating meaning. In case of conflict in interpreting the provisions of this Ordinance, the interpretation in favor of the City Government shall prevail.

SECTION 6. 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.

SECTION 7. OWNERSHIP, MANAGEMENT AND OPERATION. Only 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. As for other



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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 8. GENERAL CONDITIONS. To continuously enjoy the privilege under a franchise granted by virtue of this Ordinance, the Grantee shall hold or conduct its business activities in accordance with the existing laws or rules regulating its particular business operation as promulgated by the national laws and agencies concerned (i.e., PAGCOR, Games and Amusement Board) and in strict compliance to existing or pertinent ordinances.

The Grantee shall strictly observe compliance with all laws and ordinances for the proper maintenance and sanitation in accordance with Republic Act 9003 (the "Ecological Solid Waste Management Act of 2000") and other applicable laws.

The Grantee shall conduct Corporate Social Responsibility (CSR) programs in partnership with the City Government at least once every year such as by providing job opportunities for Bacoor City residents, participating in greening programs, and providing other support services to the various social programs and projects of the City.

The failure of the Grantee to comply with these general conditions — and any additional conditions that the City Government may impose by way of an ordinance and the other conditions provided hereunder — shall result in the revocation by the Sangguniang Panlungsod of the franchise granted in its favor.

The Sangguniang Panlungsod may impose other conditions upon an applicant for a franchise.

SECTION 9. AUTHORITY OF THE OFFICE OF THE MAYOR. The Grantee shall apply and secure the required business permit to operate from the Office of the Mayor, and the latter shall have the 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 10. 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 Business Permit and



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Licensing Office (BPLO) and submit the following documents/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;
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; and
10. Other requirements as established by law and rules and regulations related to a specific business or activity.

SECTION 11. MANDATORY PAYMENT OF TAXES AND FEES. The Grantee shall be liable to pay all taxes and other fees prescribed by the Revised Revenue Code of the City of Bacoor to the Office of the City Treasurer. Said assessments shall be without prejudice to subsequent impositions as may be adopted or hereafter may be required by law or ordinance. The failure of the Grantee to promptly and regularly pay with said tax obligations shall be a ground for the revocation or cancellation of the franchise granted in its favor.

SECTION 12. PROHIBITION ON SALE, LEASE, USUFRUCT, AND TRANSFER OF FRANCHISE. Any franchise granted by virtue of this Ordinance is non-transferable. The Grantee shall not sell, assign, lease, grant the usufruct of, or in any manner transfer any franchise granted by virtue of this Ordinance, including any right and privilege acquired through such franchise, to any natural or juridical person, firm or other



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entities, nor merge with any corporation, partnership, or individual without the prior approval of the Sangguniang Panlungsod by way of an ordinance approved by at least $\frac{3}{4}$ of its members.

SECTION 13. PROHIBITIONS. Any franchise granted by virtue of this Ordinance 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 (the "Anti-Trafficking in Persons Act of 2003") and by Republic Act No. 10364 (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 14. TERM OF FRANCHISE. Unless sooner revoked or canceled, the franchise shall be in effect for the period stated in the Grant of Franchise that the City of Bacoor will issue. This period shall not exceed the maximum period stated in various applicable laws and ordinances and their respective Implementing Rules and Regulations that allowed the grant of the franchise. The renewal of the franchise shall be subject to the terms and conditions in the Grant of Franchise that the City of Bacoor will issue and the laws and ordinances and their respective Implementing Rules and Regulations that allowed the grant of the franchise.

SECTION 15. REVOCATION. In case of violation by the Grantee of the terms and conditions and/or noncompliance with the requirements provided herein and pertinent laws,



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ordinances, rules, and regulations governing the operation of the business or activity applied for, as well as the laws, ordinances, rules or regulations that may hereinafter be promulgated, the City Government of Bacoor, thru the Sangguniang Panlungsod, have the right to withdraw or suspend the franchise including all permits issued by any department under the Office of the City Mayor.

SECTION 16. IMPLEMENTING RULES AND REGULATIONS.

Depending on the nature of the franchise subject of the grant, the Implementing Agency, with the assistance of the Office of the City Administrator, Business Permit Licensing Office, and the Office of the City Legal Service, shall formulate the Implementing Rules and Regulations necessary for the proper execution and implementation of this Ordinance subject to the approval of the City Mayor in the appropriate Executive Order.

A Technical Working Group may be created through an Executive Order to assist the offices in drafting the details of the requirements and procedures for the grant of franchise for each covered business or activity.

SECTION 17. SEPARABILITY. If, for any reason, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, the other parts or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 18. REPEAL. All other City Ordinances, Memorandums, Issuances, and Orders, contrary or inconsistent with the provisions of this Ordinance, are hereby amended or repealed accordingly.

SECTION 19. EFFECTIVITY. This Ordinance shall take effect immediately upon publication in a newspaper of general circulation within the City of Bacoor, Cavite.

ENACTED this 18th day of March 2024 at the City of Bacoor, Cavite by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite.

I hereby certify that the foregoing Ordinance was duly approved in accordance with law and the contents thereof are true and correct.

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor/Presiding Officer



Republic of the Philippines
Province of Cavite
CITY OF BACOR

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Date of Approval: 04 APR 2024