



Republic of the Philippines
Province of Cebu
MUNICIPALITY OF SAN FRANCISCO
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM MINUTES OF THE 2nd REGULAR SESSION FOR CALENDAR YEAR 2020 OF THE 11th SANGGUNIANG BAYAN OF SAN FRANCISCO, CEBU, HELD AT THE MUNICIPAL SESSION HALL ON JANUARY 14, 2020.

PRESENT:

HON. ALY A. ARQUILLANO	Municipal Vice Mayor/Presiding Officer
HON. ALLEN A. ARQUILLANO	SB Member
HON. SEVERINO O. GOK-ONG, JR.	SB Member
HON. REY A. TINDOY	SB Member
HON. RUBEN O. RANA	SB Member
HON. ROEL P. ANDRADE	SB Member
HON. ALAN R. ARROJADO	SB Member
HON. FRANCIS N. LUCERNAS	SB Member
HON. NERISA L. ARQUILLANO	ABC PRESIDENT/Ex-officio Member

ABSENT:

HON. ISRAEL B. GARRIDO	SB Member
HON. ATHEN M. ARQUILLANO	SK FEDERATION PRESIDENT/Ex-officio Member

RESOLUTION NO. 008-2020

A RESOLUTION ENACTING MUNICIPAL ORDINANCE NO. 2020-161, AN ORDINANCE PROMOTING EASE OF DOING BUSINESS AND EFFICIENT DELIVERY OF GOVERNMENT SERVICES IN THE LOCAL GOVERNMENT UNIT OF SAN FRANCISCO, AND FOR OTHER PURPOSES

WHEREAS, LGU San Francisco desires to promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices, aimed at efficient turnaround of the delivery of government services and the prevention of graft and corruption in government;

WHEREAS, honesty and responsibility among its public officials and employees shall be maintained, and appropriate measures shall be taken to promote transparency in each office with regard to the manner of transacting with the public to encompass a program for the adoption of simplified requirements and procedures in order to reduce red tape and expedite business and nonbusiness related transactions in the LGU, and other government offices/agencies stationed in the Municipality;

Now, therefore, on motion of Hon. Alan R. Arrojado duly seconded by Hon. Rey A. Tindoy and unanimously carried by all Members of the Sangguniang Bayan of San Francisco, Cebu, presents and assembled in session,

RESOLVED, as it is hereby resolved, to enact MUNICIPAL ORDINANCE NO. 2020-161, to wit:

MUNICIPAL ORDINANCE NO. 2020-161

AN ORDINANCE PROMOTING EASE OF DOING BUSINESS AND EFFICIENT DELIVERY OF GOVERNMENT SERVICES IN THE LOCAL GOVERNMENT UNIT OF SAN FRANCISCO, AND FOR OTHER PURPOSES

Be it enacted by the Sangguniang Bayan of San Francisco, Cebu in Session assembled:

Section 1. Short Title. – This Ordinance shall be known as the “Ease of Doing Business and Efficient Government Service Delivery Ordinance of San Francisco 2020”

Section 2. Declaration of Policy. – It is hereby declared the policy of the State to promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices, aimed at efficient turnaround of the delivery of government services and the prevention of graft and corruption in the local government unit. Towards this end, the State shall maintain honesty and responsibility among its public officials and employees, and shall take appropriate measures to promote transparency in each office 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 non-business related transactions in government."

Section 3 . Coverage. – This Ordinance shall apply to all government offices in the local government units (LGUs), municipal and barangay levels, and other government offices/agencies stationed in the Municipality that provide services covering business and nonbusiness related transactions as defined in this Ordinance."

Section 4. Definition of Terms. – As used in this Ordinance, the following terms are defined as follows:

"(a) *Action* refers to the written approval or disapproval made by a government office on the application or request submitted by an applicant or requesting party for processing;

"(b) *Business One Stop Shop (BOSS)* – a single common site or location, or a single online website or portal designated for the Business Permit and Licensing System (BPLS) of the LGU to receive and process applications, receive payments, and issue approved licenses, clearances, permits, or authorizations;

"(c) *Business-related transactions* – a set of regulatory requirements that a business entity must comply with to engage, operate or continue to operate a business, such as, but not limited to, collection or preparation of a number of documents, submission to local government authorities, approval of application submitted, and receipt of a formal certificate or certificates, permits, licenses which include primary and secondary, clearances and such similar authorization or documents which confer eligibility to operate or continue to operate as a legitimate business;

"(d) *Complex transactions* – applications or requests submitted by applicants or requesting parties of 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;

"(e) *Fixer* – any individual whether or not officially involved in the operation of a government office or agency who has access to people working therein, and whether or not in collusion with them, facilitates speedy completion of transactions for pecuniary gain or any other advantage or consideration;

"(f) *Government service* – the process or transaction between applicants or requesting parties and government offices involving applications for any privilege, right, reward, license, clearance, permit or authorization, concession, or for any modification, renewal or extension of the enumerated applications or requests which are acted upon in the ordinary course of business of the agency or office concerned;

"(g) *Highly technical application* – an application which requires the use of technical knowledge, specialized skills and/or training in the processing and/or evaluation thereof;

"(h) *Nonbusiness transactions* – all other government transactions not falling under Section 4 (c) of this Ordinance;

"(i) *Officer or employee* – a person employed in a government office required to perform specific duties and responsibilities related to the application or request submitted by an applicant or requesting party for processing;

"(j) *Processing time* – the time consumed by an LGU Office from the receipt of an application or request with complete requirements, accompanying documents and payment of fees to the issuance of certification or such similar documents approving or disapproving an application or request;

"(k) *Red tape* – any regulation, rule, or administrative procedure or system that is ineffective or detrimental in achieving its intended objectives and, as a result, produces slow, suboptimal, and undesirable social outcomes;

"(l) *Regulation* – any legal instrument that gives effect to a government policy intervention and includes licensing, imposing information obligation, compliance to standards or payment of any form of fee, levy, charge or any other statutory and regulatory requirements necessary to carry out activity; and

"(m) *Simple transactions* – applications or requests submitted by applicants or requesting parties of a government office 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 an officer or employee of the LGU."

Section 5. Reengineering of Systems and Procedures. – All offices in the LGU which provide government services are hereby mandated to regularly undertake cost compliance analysis, time and motion studies, undergo evaluation and improvement of their transaction systems and procedures and reengineer the same if deemed necessary to reduce bureaucratic red tape and processing time.

"All proposed regulations of government offices under Section 3 of this Ordinance shall undergo regulatory impact assessment to establish if the proposed regulation does not add undue regulatory burden and cost to these agencies and the applicants or requesting parties: *Provided*, That when necessary, any proposed regulation may undergo pilot implementation to assess regulatory impact.

"Upon effectivity of this Ordinance, all LGUs (municipal and barangay levels), and other government offices/agencies stationed in the Municipality are directed to initiate review of existing policies and operations and commence with the reengineering of their systems and procedures in compliance with the provisions of this Ordinance."

Section 6. Citizen's Charter. – All government offices, instrumentalities, shall set up their respective most current and updated service standards to be known as the Citizen's Charter in the form of information billboards which shall be posted at the main entrance of offices or at the most conspicuous place, in their respective websites and in the form of published materials written either in English, Filipino, or in the local dialect, that detail:

"(a) A comprehensive and uniform checklist of requirements for each type of application or request;

"(b) The procedure to obtain a particular service;

"(c) The person/s responsible for each step;

"(d) The maximum time to conclude the process;

"(e) The document/s to be presented by the applicant or requesting party, if necessary;

"(f) The amount of fees, if necessary; and

"(g) The procedure for filing complaints."

Section 7. Zero-Contact Policy. – Except during the preliminary assessment of the request and evaluation of sufficiency of submitted requirements, no government officer or employee shall have any contact, in any manner, unless strictly necessary with any applicant or requesting party concerning an application or request. Once the Department of Information and Communications Technology (DICT) has completed a web-based software enabled business registration system that is acceptable to the public as mandated under Section 26 of Republic Act No. 11032, all transactions shall be coursed through such system. All government offices in the LGUs shall adopt a zero-contact policy."

Section 8. Accountability of Heads of Offices. – The head of the 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 Local Chief Executive."

Section 9. Accessing Government Services. – The following shall be adopted by all government offices in the LGUs:

"(a) Acceptance of Applications or Requests. –

"(1) All officers or employees shall accept written applications, requests, and/or documents being submitted by applicants or requesting parties of the offices.

"(2) The receiving officer or employee shall perform a preliminary assessment of the application or request submitted with its supporting documents to ensure a more expeditious action on the application or request. The receiving officer or employee 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.

"(3) The receiving officer or employee shall assign a unique identification number to an application or request, which shall be the identifying number for all subsequent transactions between the government and the applicant or requesting party regarding such specific application or request.

"(4) The receiving officer or employee shall issue an acknowledgement receipt containing the seal of the agency, the name of the responsible officer or employee, his/her office and designation, and the date and time of receipt of such application or request.

"(b) Action of Offices. –

"(1) All applications or requests submitted shall be acted upon by the assigned officer or employee within the prescribed processing time stated in the Citizen's Charter which shall not be longer than three (3) working days in the case of simple transactions and seven (7) working days in the case of complex transactions from the date the request and/or complete application or request was received.

"For applications or requests involving activities which pose danger to public health, public safety, public morals, public policy, and highly technical application, the prescribed processing time shall in no case be longer than twenty (20) working days or as determined by the government office or instrumentality concerned, whichever is shorter.

"The maximum time prescribed above may be extended only once for the same number of days, which shall be indicated in the Citizen's Charter. Prior to the lapse of the processing time, the office or agency 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 or requesting party to serve as proof of notice.

"If the application or request for license, clearance permit, certification or authorization shall require the approval of the local *Sangguniang Bayan*, the *Sanggunian* shall be given a period of forty-five (45) working days to act on the application or request, which can be extended for another twenty (20) working days. If the local *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*.

"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 in this Ordinance shall be suspended and appropriate adjustments shall be made.

"(2) No application or request shall be returned to the applicant or requesting party without appropriate action. In case an application or request is disapproved, the officer or employee who rendered the decision shall send a formal notice to the applicant or requesting party within the prescribed processing time, stating therein the reason for the disapproval. 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 the disapproval of the application or request, without prejudice to other grounds provided in this Ordinance or other pertinent laws.

"(c) Denial of Application or Request for Access to Government Service. – Any denial of application or request for access to government service shall be fully explained in writing, stating the name of the person making the denial and the grounds upon which such denial is based. Any denial of application or request is deemed to have been made with the permission or clearance from the Local Chief Executive.

"(d) 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 office or agency concerned: *Provided*, That 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.

"(e) Electronic Versions of Licenses, Clearances, Permits, Certifications or Authorizations. – All government offices covered under Section 3 of this Ordinance shall, when applicable, 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.

"(f) Adoption of Working Schedules to Serve Applicants or Requesting Parties. – Heads of offices which render government services shall adopt appropriate working schedules 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.

"(g) Identification Card. – All employees transacting with the public shall be provided with an official identification card which shall be visibly worn during office hours.

"(h) Establishment of Public Assistance/Complaints Desk. – Each office shall establish a public assistance/complaints desk."

Section 10. Automatic Approval or Automatic Extension of License, Clearance, Permit, Certification or Authorization. –

If a government office fails to approve or disapprove an original application or request for issuance of license, clearance, permit, certification or authorization within the prescribed processing time, said application or request shall be deemed approved: *Provided*, That all required documents have been submitted and all required fees

and charges have been paid. The acknowledgment receipt together with the official receipt for payment of all required fees issued to the applicant or requesting party shall be enough proof or has the same force and effect of a license, clearance, permit, certification or authorization under this automatic approval mechanism.

"if a government office fails to act on an application or request for renewal of a license, clearance, permit, certification or authorization subject for renewal within the prescribed processing time, said license, clearance, permit, certification or authorization shall automatically be extended: *Provided*, That the office shall provide a listing of simple, complex, highly technical applications, and activities which pose danger to public health, public safety, public morals or to public policy."

Section 11. Streamlined Procedures for the Issuance of Local Business Licenses, Clearances, Permits, Certifications or Authorizations. – LGU San Francisco implement the following guidelines in the issuance of business licenses, clearances, permits, certifications or authorizations:

"(a) A single or unified business application form shall be used in processing new applications for business permits and business renewals which consolidates all the information of the applicant or requesting party by various local government offices, such as, but not limited to, the local taxes and clearances, building clearance, sanitary permit, zoning clearance, and other specific LGU requirements, as the case may be, including the fire clearance from the Bureau of Fire Protection (BFP). The unified form shall be made available online using technology-neutral platforms such as, but not limited to, the central business portal or the municipality's website and various channels for dissemination. Hard copies of the unified forms shall likewise be made available at all times in designated areas of the concerned office.

"(b) A one-stop business facilitation service, hereinafter referred to as the business one stop shop, (BOSS) for the municipality's business permitting and licensing system to receive and process manual and/or electronic submission of application for license, clearance, permit, certification or authorization shall be established within the *Negosyo Center* as provided for under Republic Act No. 10644, otherwise known as the "Go Negosyo Act." There shall be a queuing

mechanism in the BOSS to better manage the flow of applications among the LGU's offices receiving and processing applications. There shall be collocation of the offices of the treasury, business permits and licensing office, zoning office, including the BFP, and other relevant municipality offices/departments, among others, engaged in starting a business, dealing with construction permits.

"(c) Business permitting and licensing system of the municipality shall be automated or set up an electronic BOSS within a period of three (3) years upon the effectivity of this Ordinance for a more efficient business registration processes and shall develop electronic versions of licenses, clearances, permits, certifications or authorizations with the same level of authority, which may be printed by businesses in the convenience of their offices. The software for the computerization of the business permit and licensing system shall be from the DICT.

"(d) 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.

"(e) Business permits shall be valid for a period of one (1) year. The municipality may have the option to renew business permits within the first month of the year or on the anniversary date of the issuance of the business permit.

"(f) Barangay clearances related to doing business shall be applied, issued, and collected at the municipality in accordance with the prescribed processing time of this Ordinance: *Provided*, That the share in the collections shall be remitted to the respective barangays.

"The pertinent provisions of Republic Act No. 7160, otherwise known as "The Local Government Code of 1991", specifically Article IV, Section 152(c) is hereby amended accordingly as provided for in RA 11032."

Section 12. Streamlined Procedures for Securing Fire Safety Evaluation Clearance (FSEC), Fire Safety Inspection Certificate (FSIC), and Certification of Fire Incidents for Fire Insurance.- For the issuance of FSEC, FSIC, and certification of fire incidents, the following shall be adopted to make business permitting more efficient:

"(a) Issuance of FSEC and FSIC shall in no case be longer than seven (7) working days;

"(b) For new business permit application, the FSIC already issued during the occupancy permit stage shall be sufficient as basis for the issuance of the FSIC for a business entity as a requirement for the business permit;

"(c) For renewal of business permit, the BFP shall, within three (3) working days from application, present the FSIC to the municipality, either thru the copy of the FSIC or the negative/positive list: *Provided*, That the business entity shall inform the BFP and submit the necessary documentary requirements if renovations, modifications or any form of alterations are made to the original building structure thirty (30) working days before the expiration of the business permit;

"(d) If the BFP fails to furnish the municipality with an FSIC or to inform the same through the negative/positive list within three (3) working days from the application of business renewal, the business entity shall be deemed to have a temporary valid FSIC and, therefore, shall serve as the basis for the automatic renewal of the business permit;

"(e) Issuance of the certification of fire incident for fire insurance purposes shall in no case be longer than twenty (20) working days, and may be extended only once for another twenty (20) working days;

"(f) The BFP or any of its officials or employees shall not sell, offer to sell, or recommend specific brands of fire extinguishers and other fire safety equipment to any applicant or requesting party or business entity. Any violation thereof shall be filed a case and be punishable as provided for in Section 12 of RA 11032 at the decision of the court

"(g) The BFP shall collocate with the BOSS or in an appropriate area designated by the municipality within its premises to assess and collect the fire safety inspection fees;

"(h) The BFP may enter into agreements with the municipality, allowing the latter to be deputized as assessors and/or collecting agents for the fire safety inspection fees; and

"(i) The BFP shall develop and adopt an online or electronic mechanism in assessing fees, collecting/accepting payments and sharing/exchange of other relevant data on business permit processing.

"The pertinent provisions of Republic Act No. 9514, otherwise known as the "Revised Fire Code of the Philippines of 2008", are hereby amended accordingly as provided for in RA 11032."

Section 13. Central Business Portal (CBP). – To eliminate bureaucratic red tape, avert graft and corrupt practices and to promote transparency and sustain ease of doing business, the DICT shall be primarily responsible in establishing, operating and maintaining a CBP or other similar technology, as the DICT may prescribe.

"The CBP shall serve as a central system to receive applications and capture application data involving business-related transactions, including primary and secondary licenses, and business clearances, permits, certifications, or authorizations issued by the LGU: *Provided*, That the CBP may also provide links to the online registration or application systems established by NGAs.

"The DICT, upon consultation with the National Privacy Commission (NPC), NGAs and LGUs shall issue rules and guidelines on the following: (a) the establishment, operation and maintenance of the CBP; and (b) the use of electronic signatures.

"The DICT, in coordination with other concerned NGAs and LGUs shall also conduct information dissemination campaigns aimed towards raising public awareness on the existence of the CBP and the improved access to and effective utilization of the program."

Section 14. *Philippine Business Databank (PBD)*. – Within a period of one (1) year from the effectivity of this RA 11032, the DICT, in coordination with the concerned agencies, shall establish, manage and maintain a PBD which shall provide the concerned NGAs and LGUs access to data and information of registered business entities for purposes of verifying the validity, existence of and other relevant information pertaining to business entities. All concerned NGAs and LGUs shall either link their own database with the system or periodically submit to the system updates relevant to the information registered with them.

"Documents already submitted by an applicant or requesting party to an agency which has access to the PBD shall no longer be required by other NGAs and LGUs having the same access. Documents or information shall be crosschecked and retrieved in the PBD.

"At the local government level, municipal business process and licensing office shall not require the same documents already provided by an applicant or requesting party to the local government departments in connection with other business-related licenses, clearances, permits, certifications or authorizations such as, but not limited to, tax clearance, occupancy permit and barangay clearance."

Section 15. *Interconnectivity Infrastructure Development*. – As provided for in RA 11032, that in order to expedite the processing of licenses, clearances, permits, certifications or authorizations; the Authority, together with the DICT, shall develop a fast and reliable interconnectivity infrastructure. In relation to this, the processing and approval of licenses, clearances, permits, certifications or authorizations for the installation and operation of telecommunication, broadcast towers, facilities, equipment and service shall be:

"(a) a total of seven (7) working days for those issued by the barangay;

"(b) a total of seven (7) working days for those issued by LGUs; and

"(c) seven (7) working days for those issued by NGAs.

"If the granting authority fails to approve or disapprove an application for a license, clearance, permit, certification or authorization within the prescribed processing time, said application shall be deemed approved: *Provided*, That when the approval of the sangguniang Bayan is necessary, a nonextendible period of twenty (20) working days is hereby prescribed.

"For homeowners and other community clearances, the officers of the homeowners association shall be given ten (10) working days to refer the application to the members of the association pursuant to Section 10(k) of Republic Act No. 9904, otherwise known as the "Magna Carta for Homeowners and Homeowners Associations": *Provided*, That a nonextendible period of thirty (30) working days is granted the homeowners association to give its consent or disapproval: *Provided, further*, That in case of disapproval, the granting authority shall notify the applicant or requesting party within the prescribed period of the reason/s for disapproval as well as remedial measures that may be taken by the applicant or requesting party.

Section 16. *Violations and Persons Liable*. – Any person who performs or cause the performance of the following acts shall be liable:

"(a) Refusal to accept application or request with complete requirements being submitted by an applicant or requesting party without due cause;

"(b) Imposition of additional requirements other than those listed in the Citizen's Charter;

"(c) Imposition of additional costs not reflected in the Citizen's Charter;

"(d) Failure to give the applicant or requesting party a written notice on the disapproval of an application or request;

"(e) Failure to render government services within the prescribed processing time on any application or request without due cause;

"(f) Failure to attend to applicants or requesting parties who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch break;

"(g) Failure or refusal to issue official receipts; and

"(h) Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage."

Section 17. Procedure of Reporting of Violations. – a) Any person(s) who deemed to have been discriminated or became victim(s) of violations of this Ordinance shall make a formal complaint duly notarized stated therein the circumstances of violations and address such complaint to the Office of the Sangguniang Bayan, Attention: The Committee on Rules.

b) That upon receipt of such complaint of the affected party(s), the Committee on Rules shall immediately conduct investigation and shall recommend appropriate action on the complaint within a period of seven (7) working days reckon from the date of receipt.

c) The Office of the Sangguniang Bayan shall not entertain complaint(s) without valid/proper name(s) of the Complainant(s), or not duly notarized to avoid/prevent harassment to official(s), employee(s) of the LGU and other government offices and agencies.

Section 18. Penalties and Liabilities. – Any violations of the preceding actions stated in Section 16 of this Ordinance will warrant the following penalties and liabilities.

"(a) First Offense: Giving warning to the liable person(s), officer(s), and employee(s) of LGUs and other government offices and agencies stationed in the Municipality of San Francisco, Cebu.

The Committee on Rules of the Sangguniang Bayan shall conduct investigation on the violators of this Ordinance after submission of a written complaint, and may recommend to call the respondent during a session for warning.

"(b) Second Offense: Conduct of investigation on the liable person by the Sangguniang Bayan during session based on a written complaint.

Written complaints required during investigation shall be submitted to the Committee on Rules through the Sangguniang Bayan.

"(c) Third Offense: To file a case in the Ombudsman/Sandigang Bayan against the liable person especially in cases of fixing and/or collusion with fixers under Section 21(h) RA 11032, or filing an administrative or criminal case for dismissal from the service, as the case may be.

"Criminal liability shall also be incurred through the commission of bribery, extortion, or when the violation was done deliberately and maliciously to solicit favor in cash or in kind. In such cases, the pertinent provisions of the Revised Penal Code and other special laws shall apply.

Section 19. Civil and Criminal Liability, Not Barred. - The finding of administrative liability under this Ordinance shall not be a bar to the filing of criminal, civil or other related charges under existing laws arising from the same act or omission as herein enumerated."

Section 20. Administrative Jurisdiction. – The administrative jurisdiction on any violation of the provisions of this Ordinance shall be vested in the Local Chief Executive, or the Office of the Ombudsman as determined by appropriate laws and issuances."

Section 21. Immunity, Discharge of Co-Respondent/Accused to be a Witness. – Any public official or employee or any person having been charged with another offense under this Ordinance and who voluntarily gives information pertaining to an investigation or who willingly testifies therefore, shall be exempt from prosecution in the case/s where his/her information and testimony are given. The discharge may be granted and directed by the investigating body or court upon the application or petition of any of the respondent/accused-informant and before the termination of the investigation: *Provided, That:*

"(a) There is absolute necessity for the testimony of the respondent/accused-informant whose discharge is requested;

"(b) There is no other direct evidence available for the proper prosecution of the offense committed, except the testimony of said respondent/accused-informant;

"(c) The testimony of said respondent can be substantially corroborated in its material points;

"(d) The respondent/accused-informant has not been previously convicted of a crime involving moral turpitude; and

"(e) Said respondent/accused-informant does not appear to be the most guilty.

"Evidence adduced in support of the discharge shall automatically form part of the records of the investigation. Should the investigating body or court deny the motion or request for discharge as a witness, his/her sworn statement shall be inadmissible as evidence."

Section 22. Separability Clause. – If any provision of this Ordinance shall be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining provisions of this Ordinance."

Section 23. Repealing Clause. – All provisions of Municipal Ordinances which are incompatible or inconsistent with the provisions of this Ordinance are hereby deemed amended or repealed accordingly."

Section 24. Effectivity. – This Ordinance shall take effect ten (10) days after its publication in the newspaper of general circulation.

ENACTED BY A DULY CONSTITUTED QUORUM OF THE
11TH SANGGUNIANG BAYAN OF SAN FRANCISCO, CEBU THIS 14th DAY OF JANUARY 2020.

Attested:

ALY A. ARQUILLANO
Municipal Vice Mayor/Presiding Officer

Certified Correct:

ZENAIDA M. FORMENTERA
Sangguniang Bayan Secretary

Approved: _____
Date

ALFREDO A. ARQUILLANO, JR.
Municipal Mayor