



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
 KALAKHANG MAYNILA



Sangguniang Panglungsod

RESOLUTION NO. 15-297

A RESOLUTION ENDORSING TO THE INFORMATION TECHNOLOGY-PHILIPPINE ECONOMIC ZONE AUTHORITY (IT-PEZA) THE APPLICATION OF EXCEL TOWERS, INCORPORATED FOR THE DECLARATION OF MIX USE COMMERCIAL COMPLEX BUILDING AS INFORMATION TECHNOLOGY CENTER (IT CENTER) TO BE KNOWN AS "CAPELLA IT CENTER" LOCATED AT LOT NO. 3 AND 4, BLOCK 2, FILINVEST CORPORATE CITY, BARANGAY ALABANG, MUNTINLUPA CITY AND PROVIDING FOR THE LOCATORS HEREIN THE BENEFITS UNDER R.A. 7916, OTHERWISE KNOWN AS THE SPECIAL ECONOMIC ZONE ACT OF 1995.

Sponsored by:

- Hon. Coun. Rafael T. Sevilla
- Hon. Coun. Atty. Raul R. Corro
- Hon. Coun. Atty. Patricio L. Boncayao, Jr.
- Hon. Coun. Bal Niefes
- Hon. Coun. Stephanie G. Teves
- Hon. Coun. Louisito A. Arciaga
- Hon. Coun. Ringo A. Teves
- Hon. Coun. Margarita Amythyst Patdu-Labios, MD
- Hon. Coun. Alexander Diaz
- Hon. Coun. Ma. Dhesiree G. Arevalo
- Hon. Coun. Luvi P. Constantino
- Hon. Coun. Engr. Neptali S. Santiago
- Hon. Coun. Elmer S. Espeleta
- Hon. Coun. Vergel C. Ulanday
- Hon. Coun. Robert A. Abas
- Hon. Coun. Robert P. Baes

WHEREAS, Section 3(10) Rule IV of the Implementing Rules and Regulations of R.A. 7916, otherwise known as Special Economic Zone Act of 1995 provides that, "one of the documents required is the endorsement from the Sangguniang Panlungsod for the development of the proposed economic zone" xxx;

WHEREAS, after the enactment of the Local Government Code of 1991, Republic Act No. 7916, otherwise known as the "Special Economic Zone Act of 1995" and its amendatory of Republic Act 8748, were passed by the Congress of the Philippines, which laws granted preferential tax treatment to PEZA-registered enterprises";

WHEREAS, under PEZA Board Resolution No. 00-411 dated December 29, 2000, prescribing for the guidelines of the registration of Information Technology Enterprises and the Establishment and Operation of IT Parks/Buildings, it is stated in letter A No. VI, that one of the requirement for PEZA consideration and issuance of a Presidential Proclamation is **the endorsement by the City Council**;



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WHEREAS, all PEZA Registered Enterprises shall pay the tax at the rate of two percent (2%) based on Gross Income earned;

WHEREAS, if the locator company is pioneering automatic six (6) years Income Tax Holiday (ITH);

WHEREAS, if the locator company is a non-pioneering meaning if the technology using on their activity is totally new in the Philippines then under the EO-226 or the Omnibus Investment Code they are qualified for Income Tax Holiday for maximum four years;

WHEREAS, Mr. Charles Vincent G. Ong, Chief Operating Officer of Excel Towers, Incorporated on its application with the Philippine Zone Authority (PEZA) for its project named CAPELLA Information Technology (IT) Center project at a certain portion of a commercial building located at Lot No. 3 and 4, Block 2, Filinvest Corporate City, Barangay Alabang, Muntinlupa City for the securing of corresponding Presidential Proclamation over said IT Project in connection with its application for PEZA Registration;

WHEREAS, Mr. Charles Vincent G. Ong, Chief Operating Officer of Excel Towers, Incorporated requesting for the Sangguniang Panlungsod on its application with the Philippine Economic Zone Authority (PEZA) for its project named Capella Building as an IT-Center and other benefits for the securing of corresponding Presidential Proclamation over said IT Project in connection with its application for PEZA Registration;

WHEREAS, the *Excel Towers, Inc.*, has an on going PEZA application for the project "*Capella IT Center*" located at Lot No. 3 and 4, Block 2, Filinvest Corporate City, Barangay Alabang, Muntinlupa City as an Information Technology (IT) Center;

WHEREAS, mixed-use modern commercial complex building with a gross floor area of 37,824.40 square meters, more or less, a certain portion of the building with a total area of **17,678.00** square meters is intended to be allocated for use of an IT Center, a pre-requisite for the project PEZA Registration is a Presidential Proclamation of the building;

WHEREAS, the Excel Towers, Inc., has applying as PEZA registered the of the Capella IT Center Building;

WHEREAS, one of the requirements for such Presidential Proclamation is a favorable endorsement from the Sangguniang Panlungsod to the office of the President for the development and operation of the proposed IT project which will be situated on the property located Lot No. 3 and 4, Block 2, Filinvest Corporate City, Barangay Alabang, Muntinlupa City which shall stand on certain portion of the building with an aggregate area of 17,678.00 square meters;

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WHEREAS, **Excel Towers, Inc.**, being the owner of **Capella IT Center** shall not be entitled to any incentive and is committed to pay its regular taxes to the City Government of Muntinlupa;

WHEREAS, the passage of this resolution, for whatever causes or reasons, shall not cause the reduction of taxes it has to pay to the City Government of Muntinlupa and shall not cause additional incentives;

WHEREAS, only **IT Locators** registered at **PEZA** will avail of incentives and tax exemption in an IT Certified Zone;

WHEREAS, the **IT Locators** will pay **perpetual** the five percent (5%) Gross Income Tax (GIP), 2% of which will go to the **City Government of Muntinlupa** and 3% will go to **Bureau of Internal Revenue (BIR)**;

WHEREAS, the **Excel Towers, Inc.**, shall comply with the PEZA laws and Rules and Regulations used as well as the payment of the taxes and fees required by the City Ordinance;

WHEREAS, in the event that the area intended as PEZA Zone is no longer used for such purpose, the same shall be reported to the City of Muntinlupa, BPLO and any business that will use/occupy it shall not benefit the law governing PEZA;

NOW THEREFORE, BE IT RESOLVED, AS IT HEREBY RESOLVED, by the 7th Sangguniang Panlungsod of Muntinlupa, to endorse to the Information Technology-Philippine Economic Zone Authority (IT- PEZA) the application **Excel Towers, Inc.**, for the declaration of **Capella IT Center Building** as Information Technology (IT) Center and providing for the locators herein the benefits under R.A. 7916, otherwise known as the Special Economic Zone Act of 1995.

RESOLVED, FURTHER, that **Excel Towers Inc.**, shall not be exempt from payment of **Realty Tax on land, buildings and improvements and should pay corresponding building permits on renovations, on improvements and regulatory fees and business tax as a Lessor.**

RESOLVED FURTHERMORE, that the **non-PEZA** registered activities located inside these building shall remain under the jurisdiction of the City Government of Muntinlupa and shall be subject to corresponding taxes for business permits and other regulations. For proper monitoring of these activities inside the building, **Excel Towers Inc.**, shall furnish the Office of the **City Treasurer of the City Government of Muntinlupa** with certified true copies of the **Contract of Lease** and **PEZA Registration** of the **Lessee/Locator**.

ADOPTED, by the 7th **Sangguniang Panlungsod of Muntinlupa** this 7th day of **December 2015**, on its 107th Regular Session.

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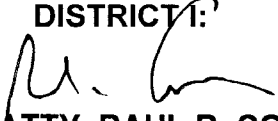


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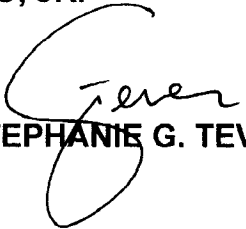
CONCURRED:

DISTRICT I:


COUN. ATTY. RAUL R. CORRO
Member



COUN. ATTY. PATRICIO L. BONCAYAO, JR.
Member


COUN. BAL NIEFES
Member


COUN. STEPHANIE G. TEVES
Member



COUN. LOUISITO A. ARCIAGA
Member



COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD
Member



COUN. RINGO A. TEVES
Member



COUN. ALEXANDER B. DIAZ
Member

DISTRICT II:


COUN. MA. DHE SIREE G. AREVALO
Member

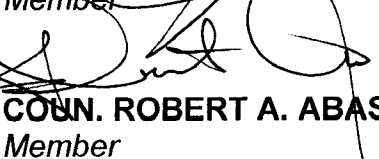

COUN. LUVI P. CONSTANTINO
Member


COUN. ENGR. NEPTALI S. SANTIAGO
Member


COUN. ELMER S. ESPELETA
Member


COUN. RAFAEL T. SEVILLA
Member


COUN. VERGEL C. ULANDAY
Member


COUN. ROBERT A. ABAS
Member


COUN. ROBERT P. BAES
Member



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Absent:
COUN. CELSO C. DIOKO
Sectoral Representative
President
Association of Barangay Captains

I HEREBY CERTIFY, as to the correctness of the foregoing Resolution.

CECILIA C. LAZARTE
Secretary

ATTESTED:

ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDI
City Mayor
Date: DEC 08 2015

Norie/7th SP