

WHEREAS, within the territorial jurisdiction of Makati City, there are PEZA-registered Information Technology (IT) Parks and Buildings established as Special Economic Zones (SEZ) by virtue of Presidential Proclamations, that provide facilities not only for the use of PEZA-registered IT enterprises but also to other business entities registered with the Makati City Government;

WHEREAS, PEZA and Makati City Government are both willing to coordinate and cooperate for the promotion of the Country as a strategic location for foreign investors in Information Technology business.

NOW THEREFORE, for and in consideration of the foregoing premises, the parties to this MOA have agreed to the following:

1.0 Roles and responsibilities of PEZA:

- 1.1 To provide the Makati City Government not later than thirty (30) days from signing of this MOA, a certified list of all PEZA-registered enterprises entitled to PEZA incentives located within the territorial jurisdiction of Makati City, as of date, and henceforth to provide the Makati City Government with said list on an annual basis which list shall include information on each of the PEZA-registered enterprises as follows: date of PEZA registration, registered activities, address, date of start of commercial operations, period covered by the income tax holiday incentive and date of start of the 5% tax on gross income in lieu of national and local taxes, total floor area of operations, number of employees (broken down into managerial/supervisory and technical/administrative staff), together with a notarized certification from each of the PEZA-registered enterprises in said list stating that the company requires physical examination of and Police/NBI clearance from all its employees upon hiring and that the company implements an annual health/medical program for all its employees;
- 1.2 To administer the National Building Code of the Philippines (NBCP) only to PEZA-registered enterprises entitled to PEZA incentives as authorized under R.A. 7916 and its implementing rules and regulations, and shall remain fully responsible and accountable for the issuances of Building Permits, Sanitary/Plumbing (to cover sanitary/plumbing fixtures and installations within the premises of PEZA-registered I.T. enterprises in accordance with the NBCP) , Electrical/Electronic Permit, Mechanical Permits, Occupancy Permits, Permit to Operate and Fire Safety Inspection Certificate.
- a. To provide/furnish the Office of the Building Official, Engineering Department of Makati City a copy of all buildings, electrical, mechanical, plumbing and occupancy permits issued to qualified PEZA-registered enterprises, including copies of annual inspection reports and Fire Safety Inspection Certificates issued within the territorial jurisdiction of Makati City, to be submitted semi-annually, for record and compilation purposes.

1.3 To require all PEZA-registered enterprises entitled to PEZA incentives located within the territorial jurisdiction of Makati City, whether or not they are duly accredited by the Makati City Government, to pay and remit directly to the Makati City Treasurer the following Mayor's Permit fees on business and other regulatory fees as provided under Chapter VII, Section 7A.06 of the City Ordinance No. 2004-A-025 to wit:

- a. Mayor's Permit fee on Business P5,000 per year
 [Sec. 4A. 01 (y) of The Ordinance]
- b. Garbage fee
 [Sec. 5G.01 Schedule T. IV.B of The Ordinance]

<u>Aggregate Area</u>	<u>Fee Rate per Quarter</u>
1,000 sq.m or more	P1,500.00
500 or more but less than 1,000 sq.m.	1,350.00
200 or more but less than 500 sq.m	1,350.00
100 or more but less than 200 sq.m.	1,350.00
50 or more but less than 100 sq.m.	1,000.00
25 or more but less than 50 sq.m.	500.00
less than 25 sq.m.	300.00

- c. Mayor's Permit Fee on Exercise of Profession, Occupation or Calling [Sec. 4A. 02 of The Ordinance] ...P50.00 per person/ year
 - d. Health Certificate Fees [Sec. 5D.01 of The Ordinance]
- | | |
|----------------------------------------|-----------------------|
| Managerial/Supervisory Personnel | P100 per person/ year |
| Office Personnel and Staff | 50 per person/ year |

e. Sanitary Inspection Fee [Sec. 5F.01 of the Ordinance]

<u>Aggregate Area</u>	<u>Fee Rate per Annum</u>
1,000 sq.m or more	P1,200.00
500 or more but less than 1,000 sq.m.	900.00
200 or more but less than 500 sq.m	600.00
100 or more but less than 200 sq.m.	450.00
50 or more but less than 100 sq.m.	300.00
25 or more but less than 50 sq.m.	150.00
less than 25 sq.m.	90.00

1.3.1 For IT enterprises/companies existing or operating at the time of effectivity of this MOA, payment shall be made within thirty (30) days from date of signing of this MOA; for succeeding years, however, payment shall be made on or before January 20 of each year to avoid penalties. For new PEZA registered enterprises, payment shall be made within thirty (30) days from date of start of their commercial operations.

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1.3.2 The initial remittance by the aforementioned IT enterprises/ companies to the Makati City Government of the above-stated fees shall cover fees for 2005 and 2006 without penalties, excluding, however, those enterprises which have paid said fees to the Makati City Government prior to the effectivity of this MOA. For every succeeding year, however, the remittance of the said fees shall be made on or before January 20 of each year to avoid penalties.

1.3.3 For PEZA-registered enterprises with incentives already operational as of the date of effectivity of this MOA, the coverage of the above fees to be collected for 2005 shall be January 1 to December 31, 2005, or from the date of their actual start of commercial operations in 2005; and for 2006, from January 1, 2006 until December 31, 2006.

1.3.4 For newly registered PEZA enterprises, they shall remit to the Makati City Government the above listed fees not later than thirty (30) days from the start of their commercial operations. For succeeding years, remittance of fees shall be the same as provided under par. 1.3.1 above. PEZA shall provide the Makati City Government all the information like the date of PEZA registration, registered activities and other relevant data as stated in Section 1.1. of this MOA.

1.4 To inform PEZA-registered enterprises entitled to PEZA incentives and are already availing of the 5% tax on gross income incentives in lieu of national and local taxes, to file a copy of their Income Tax Returns with and pay directly to the City Treasurer of Makati City, the amount representing 2% of the 5% tax on their gross income in accordance with BIR's Revenue Regulations No. 1-2000 dated 12 November 1999.

1.5 PEZA may register business enterprises existing prior to the enactment of the PEZA law and such business enterprises previously registered with the BOI provided that the said business enterprises shall be required to comply with Section 1.3 of this MOA which refers to the mayor's permit fee and other regulatory charges.

2.0 Roles of the Makati City Government:



2.1 To be responsible for the issuance of all Makati City Permits and Permits under the National Building Code (NBCP) and the annual renewal of such permits, including the collection of prescribed fees relative thereto for:

a. PEZA-registered enterprises not entitled to PEZA incentives, e.g. Developers/Operators of Information Technology (I.T.) Buildings proclaimed by the President of the Philippines by virtue of R.A. No. 7916 as amended;

b. Non-PEZA registered enterprises in the PEZA-registered I.T. Parks/ Buildings.

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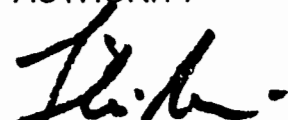
1.2

- 2.2 To issue Official Receipt for fees remitted to the Makati City Government pursuant to Section 1.3 of this MOA, and to issue within five (5) working days, the Mayor's permit and other permits or certificates to the PEZA-registered I.T. enterprises corresponding to the fees remitted to Makati City and on the basis of supporting documents submitted by PEZA as provided in item 1.1 of this MOA, except the Sanitary Inspection Certificate which shall be part of the permits to be issued by PEZA under Section 1.2 of this MOA.
- 2.3 To recognize the validity of the PEZA Registration of PEZA-registered enterprises entitled to incentives, as evidenced by the list of PEZA-registered enterprises to be submitted by PEZA to the Makati City Government under Section 1.1 of this MOA, in lieu of the Barangay clearance/Zoning clearance required by the Makati City Government.
- 2.4 To recognize the validity of all permits issued by PEZA in accordance with the National Building Code of the Philippines, as provided in Section 1.2 of this MOA, including the Sanitary Inspection conducted by PEZA for which Sanitary Inspection Fees under Section 5F.01 of the Ordinance are remitted by the registered enterprise directly to Makati City in accordance with Section 1.3 of this MOA.
- 2.5 To arrange for the Bureau of Fire Protection to issue the corresponding Fire Safety Inspection Certificate to the Developers/Operators of PEZA-registered I.T. Buildings and annual renewal thereof, as well as permits/clearances required under the Fire Code of the Philippines (FCP), except areas occupied by PEZA-registered I.T. enterprises.
- 2.6 To recognize as compliance with the information and documentary requirements under Section 4A.03.A and Section 5D.01 of The Ordinance; the information on the number of employees of each PEZA enterprise and the notarized certification of the PEZA enterprises stating that they require Police and/or NBI Clearance for new employees and that they have an annual medical program for employees, to be submitted by PEZA to Makati City as provided in Section 1.1 of this MOA.
- 3.0 **Amendments.** This MOA may be amended or revoked upon mutual agreement of both parties, provided that all amendments shall be covered by Supplemental Provisions signed by both Parties which shall be incorporated as integral parts of this MOA.
- 4.0 **Effectivity.** This MOA shall take effect immediately.
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IN WITNESS WHEREOF, the parties hereto have hereunto set their hands on the date and at the place first above written.

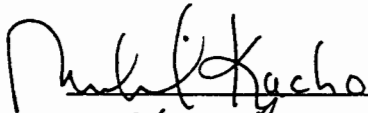
PHILIPPINE ECONOMIC ZONE
AUTHORITY

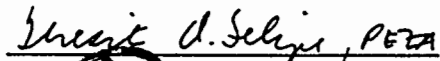
MAKATI CITY GOVERNMENT



LIZA B. DE LIMA
Director General

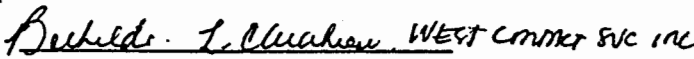

JEJOMAR C. BINAY
City Mayor

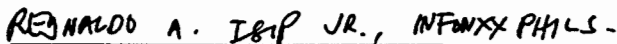
Signed in the Presence of:

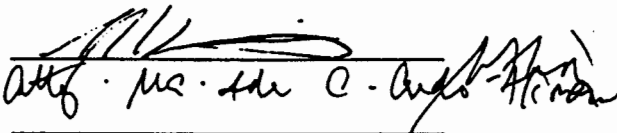

Nubel Kacho
MGR - MGR

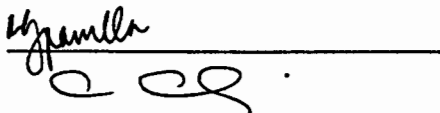

Vincent D. Selig, PEZA

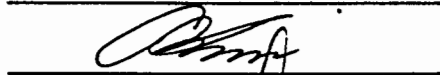

Susan D. Alvarez

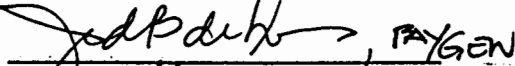

Bechelo L. Alcaraz, WEST COMMER SVC INC

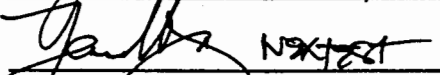

REYNALDO A. IRIP JR., INFOMX PHILS.

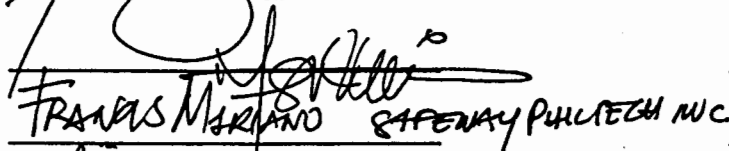

Atty. MC. Ador C. Ang

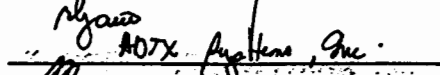


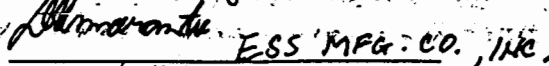



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FRANCIS MARIANO SAFENAY PHILTECH INC

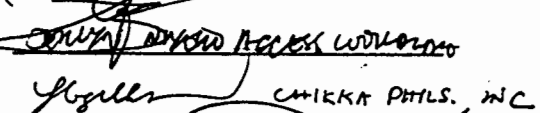

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ESS MFG. CO., INC.

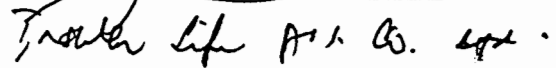

CHROTINA D. MALINO QUSDECAT Information Services

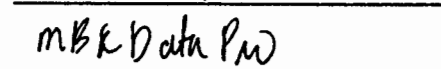

REBCPIAZA
ATTY. MARIA CRISTINA MALIGLIC
for: ROBINSONS LAND CORP. (ROBINSONS SMART CENTER)

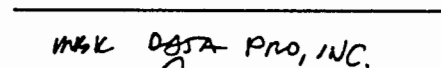

Sery Solutions Inc.
Sery Solutions Inc.

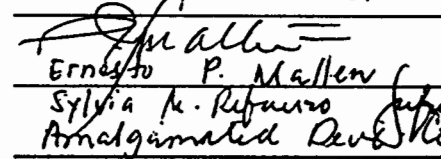

CHIKKA PHILS., INC

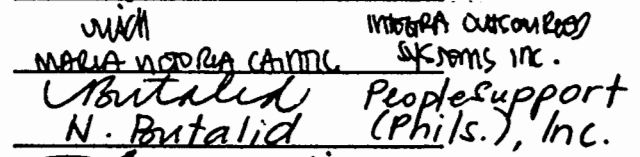

DATAMINE CORP.

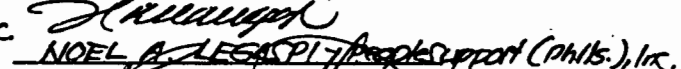

Trade Life Phil. Co. Ltd.

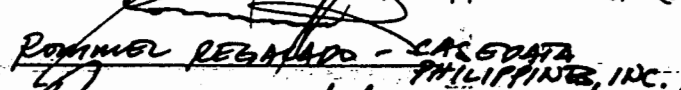

MBK Data PH


MSK DATA PRO, INC.

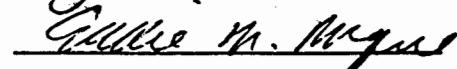

Ernesto P. Malten
Sylvia M. Refuerzo
Amalgamated Dev. Corp.


N. Butalid
PeopleSupport (PHILS.), Inc.


NOEL A. LEGASPI PeopleSupport (PHILS.), Inc.


ROMMEL REGALADO - CAGS DATA PHILIPPINES, INC.


Reynolds del Rosario - JPMorgan


Gullie M. Magara

Republic of the Philippines)
City of Makati) S.S.

BEFORE ME, this April 21, 2006
Makati City, personally appeared the following:

NAME	Passport/CTC No.	Date/Place of Issue
LILIA B. DE LIMA	<u>10960351</u>	<u>Feb. 28, 2006, Pasay City</u>
JEJOMAR C. BINAY	<u>24801111</u>	<u>Jan. 11, 2006, Makati City</u>

Both known to me and to me known to be the same persons who executed the foregoing instrument and acknowledged to me that the same is their free and voluntary act and deed as well as the entities represented.

Said instrument refers to a Memorandum of Agreement consisting of seven (7) pages including this page, signed by the parties and their witnesses on each and every page thereof and sealed with my notarial seal.

R. G. Uray
ROGELIO G. MARASIGAN
NOTARY PUBLIC
UNTIL DECEMBER 31, 2006
PTR NO. 4179662
JAN. 02, 2006
TIN NO. 152-416-47

Doc. No. 05
Page No. 02
Book No. 14
Series of 2006.

J. A.

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