



**Certification No. 20-204
Series of 2020**

MEMORANDUM

Subject : AMENDED GUIDELINES FOR EDUCATIONAL INSTITUTIONS IN THE SBFZ

This certifies that:

The records of the Board Secretariat show that during the Ninety-First (91st) Meeting of the Board of Directors of the Subic Bay Metropolitan Authority held last 6 October 2020 wherein there was a quorum to validly transact business, the following resolution was approved:

Resolution No. 20-10-1787

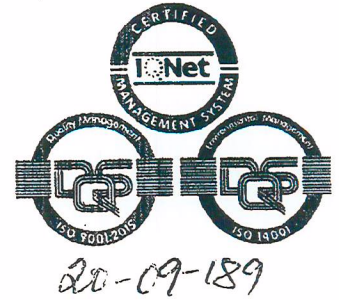
“Resolve, as it is hereby resolved, that the recommendation of Management and without prejudice to COA Regulation and pertinent laws on the matter, the Board hereby approves the Amended Guidelines for Educational Institutions in the SBFZ as attached to the Memoranda dated September 24, 2020 and July 7, 2020, copies of which, including Management’s PowerPoint presentation is incorporated herein by way of reference.”

Issued this 20th day of October 2020.


JENNIFER T. GUIANG
Board Secretary V
21-021


**Subic Bay Metropolitan Authority
Board Secretariat**
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JULIE L. TRINIDAD
Agenda/ Minutes Officer - III
January 6, 2021



MEMORANDUM

For : **ATTY. WILMA T. EISMA**
Chairman and Administrator

From : **TEODORO DEL ROSARIO** 
Member, SBMA Board of Director
Chairperson, SBMA Scholarship Committee

Subject : **PROPOSED AMENDMENTS TO THE GUIDELINES FOR
EDUCATIONAL INSTITUTIONS**

Date : September 24, 2020

Respectfully endorsing the proposed amendments to the Guidelines for Educational Institutions as per attached Memorandum from the General Business and Investment Department dated July 7, 2020

Thank you.

Cc: SDA for Support Services

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Agenda/ Minutes Officer - III
January 6, 2021

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MEMORANDUM

FOR : **DIR. THEODORO DEL ROSARIO**
Chairman, SBMA Scholarship Committee
Director, SBMA Board

ATTY. RAMON O. AGREGADO
Vice-Chairman, SBMA Scholarship Committee
Senior Deputy Administrator for Support Services

MEMBERS OF THE SBMA SCHOLARSHIP COMMITTEE

FROM : **BEATRIX S. ANAGARAN**
Officer-In-Charge

SUBJECT : **PROPOSED AMENDMENTS TO THE GUIDELINES FOR EDUCATIONAL INSTITUTIONS**

DATE : **July 7, 2020**

Respectfully submitting the proposed amendments to the Guidelines for Educational Institutions providing scholarship grants to the beneficiaries of the SBMA Scholarship Committee as discussed in its meeting on February 18, 2020 and July 7, 2020.

Moreover, may we request that the foregoing be presented in the next Board meeting. Thank you.

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January 6, 2021

Beatrix S. Anagaran

Subic Bay Metropolitan Authority
GENERAL BUSINESS AND INVESTMENT DEPARTMENT
Building 225, Dewey Avenue, Subic Bay Freeport Zone, 2222 Philippines
Tel: +6347 252.4394/4395/4397/4515/4753/4774 • bid.gbidsbma.com

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www.subicbay.com.ph
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Business and Investment Group
GENERAL BUSINESS AND INVESTMENT DEPARTMENT

Rm. 111, Bldg. 225, Dewey Avenue, Central Business District, Subic Bay Freeport Zone
Tel. No. (63) (47) 252 4394/4395/4397/4634/4515/4753

AMENDED GUIDELINES FOR EDUCATIONAL INSTITUTIONS

Whereas, pursuant to Republic Act No. 7227 (the "Act"), a special economic and free port zone was created consisting, among others, of the lands and other properties occupied by the former Subic Naval Base and its contiguous extensions as covered by the 1947 Military Bases Agreement between the Philippines and the United States of America, also known as the "Subic Bay Freeport" (hereinafter referred to as the "SBF");

Whereas, pursuant to Section 13 (a) of the R.A. 7227 creating the Subic Bay Metropolitan Authority (SBMA) "A corporate body to be known as the Subic Bay Metropolitan Authority is hereby created as an operating and implementing arm of the Conversion Authority;"

Whereas, pursuant to the Act, all such land and properties at the SBF, which was formerly the Subic Naval Base and occupied by the United States of America, were transferred and conveyed to the SBMA;

Whereas, SBMA's mandate to attract foreign investments to spur economic growth in Region III and the country in general, necessitates enabling educational institutions within the SBF to provide the required quality workforce, with adequate skills and expertise.

Whereas, under the aforesaid Act, SBMA was empowered under Section 13 (b) (8) thereof "To authorize the establishment of appropriate educational and medical institutions;"

Whereas, in its Memorandum to the SBMA Board of Directors on 06 January 2010, the SBMA Management recommended for approval its recommendations based on the study it had conducted on the impact of educational institutions at SBF in producing a more globally competitive workforce;

Whereas, on 08 January 2010, the SBMA Board of Directors approved through Resolution No. 10-01-3465, the proposal for "Producing a More Globally Competitive Workforce in the Subic Bay Freeport Zone;"

Whereas, on 17 June 2011, the SBMA Board of Directors approved through Resolution No. 11-06-3975, the Guidelines for Educational Institutions in the Subic Bay Freeport Zone, with its Memorandum dated 26 April 2011;

Whereas, on 06 December 2013, the SBMA Board of Directors approved through Resolution No. 13-12-4943, the Amended Guidelines for Educational Institutions in the Subic Bay Freeport Zone;


Whereas, on 25 April 2014, the SBMA Board of Directors approved through Resolution No. 14-04-5060, to rephrase Section 3.a of Article IV of the Amended

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SBF Guidelines on Educational Institutions 1

Guidelines for Educational Institutions in the Subic Bay Freeport Zone, with its Memorandum dated 04 April 2014;

Whereas, on 14 January 2015, the SBMA Board of Directors approved through Resolution No. 15-01-5295, the inclusion of annual escalation rate in the terms and conditions of the Amended Guidelines for Educational Institutions in the Subic Bay Freeport Zone, with its Memorandum dated 05 January 2015;

NOW, THEREFORE, for and in consideration of the foregoing premises, the following "SBMA Guidelines for Educational Institutions" are hereby amended and promulgated, subject to the Implementing Rules and Regulations of the Commission on Audit:

I. COVERAGE/ SCOPE

These Guidelines shall be applicable to educational institutions currently operating within the Subic Bay Freeport (SBF).

For purposes of these Guidelines, an "educational institution" shall refer to a school offering primary, secondary, tertiary degree, post secondary degree programs, or graduate studies.

"Primary programs" refer to basic elementary education while "secondary programs" refer to high school education.

"Tertiary degree programs" refer to courses of study leading to an initial or higher bachelor's degree, as well as formal graduate studies leading to Master's, Doctor's or similar degrees. It also includes courses of study, which by themselves may be only for one-, two-, or three-year courses of study leading to less than bachelor's program, but which can subsequently be credited in full for bachelor's degrees.

"Post-secondary programs" refer to courses of study which cannot be credited towards a bachelor's program but which require the possession of a high school diploma for admission, which are terminal in nature, and which in general are for obtaining technical and vocational skills.

"Full Scholarship" refers to 100% discount on tuition fees, school-related fees, miscellaneous fees, and all other fees, inclusive of daily allowances, such as but not limited to uniform, books and reading materials subscriptions, transportation, meal/lunch allowances, board and lodging, and the like.

"Tuition and Other Fees' or 'Full Merit-based' Scholarship" refers to 100% discount on tuition fees, school-related fees, miscellaneous fees, and all other fees, exclusive of daily allowances, such as but not limited to

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January 6, 2021

uniform, books and reading materials subscriptions, transportation, meal/lunch allowances, board and lodging, and the like.”

“Tuition Fee Only’ Scholarship” refer to 100% discount on tuition fees. All other fees and school fees, including miscellaneous fees shall be borne by the student-scholar.

The current Lease Agreements of the concerned educational institutions which shall be adversely affected financially by these amended Guidelines shall be converted into Lease and Development Agreements (LDA) incorporating the contents of these Guidelines upon expiry and subsequent renewal. Similarly for those Lease Agreements of educational institution which shall be favorably affected financially, the policy takes effect upon contract expiry date.

New educational institutions shall be required to comply and adhere to these ‘Amended Guidelines.’

II. PRINCIPLES

1. An educational institution in the SBF shall support the **SBMA’s** Charter in attracting foreign investments and enabling the SBF to be a preferred area for investments.
2. It shall focus on priorities that are consistent with SBMA’s Mission, Vision, and Strategic Plans.

III. COMMITMENT

Schools/ Educational Institutions shall commit:

1. To implementable and measurable development plan and schedule for facilities improvement and faculty/ academe upgrade.
2. To continuing academic excellence and employability of their graduates in the Freeport, as evidenced by appropriate recognition given by the country’s Department of Education (DepEd), Technical Education and Skills Development Authority (TESDA), Commission on Higher Education (CHED), and SBF Locator/ School Partnerships and Programs.
3. To establish a partnership with SBMA Human Resource Management Department in providing management upgrading, skills training, and technical/ vocational skills upgrade to qualified personnel.

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SBF Guidelines on Educational Institutions 23

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IV. QUALIFICATIONS

To be eligible under these Guidelines, an SBF educational institution must meet the following minimum requirements:

1. It must be a duly registered educational institution at SBF, offering Basic Education, Secondary, and/or Tertiary levels of education based on the curriculum approved by the Department of Education (DepEd), Commission on Higher Education (CHED), Technical Education Skills and Development Authority (TESDA), and/ or other approving agencies.
2. It must have a valid Lease Agreement and must be fully operational in the SBF for at least five (5) years.
3. It must not have unsettled financial and unfulfilled or uncorrected violations of its contractual obligations to SBMA.
4. It must have obtained Building and Occupancy Permits for its improvement of structures/ facilities.
5. It must have obtained a Property & Lot Survey over its leased premises approved by the SBMA.
6. It must have environmental permits issued by Ecology Center and/or the Department of Environment and Natural Resources (DENR).
7. It must not have a pending case against SBMA and vice versa.
8. It must have obtained favorable clearances from the following SBMA concerned departments and the General Business & Investment Department, which handles the accounts of educational institutions/ schools in the SBF:
 - a. Accounting Department
 - b. Building Permit & Safety Department
 - c. Ecology Center
 - d. Labor Department
 - e. Land Asset Management Department
 - f. Legal Department
 - g. **Planning & Development Office**
 - h. Public Health & Safety Department
 - i. **Public Relations Office (for areas within Certificate of Ancestral Domain Title)**
 - j. Procurement & Property Management Department
 - k. **Trade Facilitation & Compliance Department**

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The foregoing are continuing requirements that the educational institution shall observe, comply with, and maintain during the term of the LDA. In case the educational institution fails to observe, maintain or comply with any of the above requirements, it shall have thirty (30) days upon receipt of a written notice thereof by SBMA to observe and comply with such pertinent requirement/s and/or condition/s. Failure to do so within the thirty (30) day curing period shall authorize SBMA to exercise its rights over the area being used by the school/ educational institution.

9. Others


- a. Only the Regional Science High School, the Special Education for the Gifted (SPED-G), **Brent International School Subic, Inc.** and University of the Philippines – Extension Program in Olongapo shall continue with their current arrangements with SBMA.
- b. Existing learning/ training institutions under a Memorandum of Agreement with SBMA shall be required to have identifiable and measurable deliverables to SBMA/Government, owing to rent-free concessions and being located in prime areas for development and investment.

V. TERMS AND CONDITIONS OF THE LDA

The LDA with the concerned educational institution shall contain the following clauses/ undertakings, among others:

1. The maximum term of the LDA shall be twenty-five (25) years commencing upon signing thereof, with an option to renew for another twenty-five (25) years upon mutual consent of both parties. The educational institution shall convey its intent to SBMA for such renewal at least twelve (12) months before the expiration of the LDA.
2. The lease of the SBMA facilities by the concerned educational institution/s shall be based on the current appraised value of the property and/or lot covering the property.
3. The lease rental shall be paid through a combination of Lease Payments and the grant of Scholarships:
 - a. Annual Lease payments equivalent to 25% of current appraised value of the lot only if the building is owned/**constructed** by the Lessee or of the land and the building if the building is in ~~the name of SBMA~~ and

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- b. Scholarships **per annum** worth the equivalent of 25% of the current appraised value of the **leased property/ies** or 8% of the student population, whichever is higher.

In the event of non-compliance and at SBMA's option, the concerned educational institution shall be required to add to its undertaking in the next school year, the required previous undertaking.

To avoid ambiguity, an annex shall be attached to the LDA containing the computation of the current appraised value of the lot occupied by the concerned educational institution, and the number of scholarships it should grant.

4. The schools shall be required to pay CUSA (Common Use Service Area) fee based on **Resolution No. 12-04-4348 Imposition of Common User Service Area (CUSA) Fees.**
5. A transition period shall be allowed to educational institutions to enable the educational institutions to adjust their lease payments until they pay 25% of the appraised value. Likewise, SBMA shall have reasonable time to adjust its projected budget revenues to cover the events when educational institutions would benefit from higher discount rates versus what they are presently enjoying (*refer to table shown below for the transition periods*).

Discount Rates	Transition Period (until the school avails of the 75% discount)	Transition Period (until the school pays 25% of the appraised value)
0 – 20%	3 years	-
11 – 20%	3 years	-
21 – 30%	2 years	-
31 – 40%	2 years	-
41 – 50%	1 year	-
51 – 60%	1 year	-
61 – 70%	1 year	-
71 – 80%	None	None
81 – 90%	-	2 years
91 – 100%	-	3 years

For those with transition period, a proposal that is applicable and reasonable for both parties shall be submitted by the concerned educational institution for approval by SBMA.

6. The grant of scholarships shall be administered by the respective educational institutions. However, the guidelines including the selection of scholars shall be submitted and approved by SBMA, through the recommendation of the SBMA Scholarship Committee as an ad-hoc function. The SBMA Board shall appoint/designate one (1) of the Directors to oversee this function of the SBMA Scholarship Committee. In choosing the SBMA scholars, the committee shall give priority to SBMA employees, their dependents, and the applicants from neighboring municipalities/ communities.

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7. The formula for computing the number of scholars vis-à-vis the lease payments shall be:

Percentage of the lease rental divided by the estimated annual cost of education per student equals number of scholars.

In arriving at the annual cost of education per student, the concerned educational institution shall provide full scholarships inclusive of daily allowance.

8. Development Commitments shall include improvement of school facilities, participation in socio-cultural and social responsibility undertakings in the SBF, improvements toward enhancing the academic excellence of students, proficiency of teachers and school personnel, and the inclusion of preferable courses/ fields of study in SBF.
9. All development plans and commitments shall be guaranteed or secured by the concerned educational institution through a performance bond to be posted either in the form of cash, Manager's check, bank guarantees, and/or surety bond, which shall be based on SBMA's approved policy and implementing guidelines on Performance Bond.
10. The educational institution shall comply with SBMA policies, rules and regulations including those that may be promulgated by the SBMA or its departments in the future.
11. The implementation of the LDA shall be monitored to serve the best interest of the SBF or be pre-terminated should the educational institution be found to be violating any of its terms thereof or these Guidelines. The General Business & Investment Department who is in charge of handling educational institutions is responsible for the implementation of these Guidelines.
12. Subsequent request/s for additional area/s shall be evaluated based, not only on the institution's adherence to and/or accomplishments of its commitments/ undertakings under its LDA and these Guidelines, but also on the availability of SBMA property/ies that can be identified for educational institutions.
13. The Internal Audit Service Office shall conduct contract compliance evaluation and audit on the concerned educational institution annually. The GBID, however, shall facilitate the monitoring of educational institutions regularly, preferably on an annual basis and as the need arises.
14. Upon contract compliance evaluation, the educational institution found not compliant with the policy shall be required to comply and adhere to the requirements. However, should there be difficulty in meeting the

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January 6, 2021

requirements based on policy, the educational institution shall transition.

15. The assignment of LDA shall be prohibited. Subleasing of any portion of school facilities shall be permitted provided the same shall be actually, directly, and exclusively used for educational purposes or incidental therewith, such as offering concessionary arrangements for the operation of school canteen, use of the gym and other similar purposes, subject to SBMA's prior written approval and payment of twenty percent (20%) SBMA sublease share based on the appraised value of the property.
16. Unless approved in writing by SBMA, the concerned educational institution shall only transact or enter into contracts with companies accredited by SBMA for its needs within the Freeport (i.e. canteen, transport).
17. All other applicable provisions, terms, and conditions under the standard Lease Agreement of the SBMA and/or the school's current Lease Agreement with SBMA and/or SBMA's contracts with other locators/ tenants at the SBF, not covered and affected by these 'Guidelines' shall remain in force and included in the LDA. Consequently, any violation of the terms and conditions of these 'Guidelines' shall be subject to the SBMA's standard pre-termination and termination clauses of the standard Lease Agreements/ LDAs with SBMA.
18. An Escalation Rate of 2% per annum shall be imposed on the discounted lease rate at end of the transition period **and after the Lease Payment of an educational institution is equivalent to 25% of the current appraised value.**

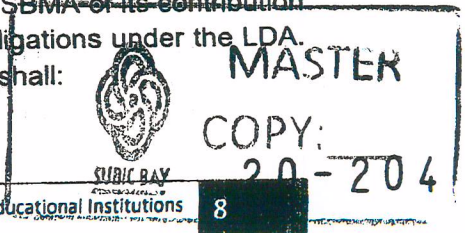
VI.

SBF CERTIFICATES/ LICENSES

A Certificate of Registration (CoR)/Certificate of **Registration and Tax Exemption (CRTE)** shall be issued to an educational institution which will formally convey its conformity to be covered in these Guidelines upon compliance with all the requirements for its issuance. During the existence of the LDA as herein above stated, the educational institution shall continue to abide by the requirements for the issuance of a CoR/CRTE.

DOCUMENTARY REQUIREMENTS

The concerned educational institution shall apprise the SBMA of its contribution to educational development vis-à-vis its contractual obligations under the LDA. For this purpose, the concerned educational institution shall:



1. Submit annually a list of scholars, statistics on enrollees/ students for the current school year, money allotted and actually spent for each scholar, physical and educational development, faculty composition, school profile and prospectus, school officers, Board of Trustees, accomplishments (e.g. accreditations, achievement tests, licensure exam results, etc.), and other relevant information.
2. Participating educational institution shall submit to SBMA its Development Commitment, Plans, and Schedule with a corresponding Performance Bond which shall be posted based on the SBMA approved policy on Performance Bond. SBMA Building Permit & Safety Department shall assist in the assessment and evaluation of the development committed by the concerned institutions.

VIII. AMENDMENT CLAUSE

1. Amendments or modifications of these Guidelines may be **implemented** by SBMA provided that the amendment shall apply only to **existing** educational institutions entering into LDA with SBMA.
2. **A total moratorium on accepting and evaluating proposals of new and existing educational institutions entering into LDA with SBMA is proposed to be effective immediately. This is due to the lack of available properties intended for educational institutions and the difficulty to meet the minimum required number of scholarship grants by the participating educational institutions. This is in preparation for the 'winding-down' of the implementation of the SBMA Policy on Educational Institutions, specifically the administration of scholarship grants in exchange for lease consideration.**
3. **Educational institutions already under the Policy but will be found unable to meet and/or continue with the scholarship requirements of the policy shall be given an equivalent transition period to revert to a Lease Agreement without SBMA scholarship grants.**

IX. EFFECTIVITY

These **Amended** Guidelines shall take effect fifteen (15) days from filing thereof with the University of the Philippines Law Center.



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January 6, 2021



SBMA Board Meeting

October 6, 2020

PROPOSED FURTHER AMENDMENTS TO THE GUIDELINES FOR EDUCATIONAL INSTITUTIONS



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January 6, 2021

BACKGROUND

S C H O O L S ' S R E N T

LEASE PAYMENTS = 25% of the annual
appraised value of the leased property/ies

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SCHOLARSHIP = 25% of annual appraised value
of the leased property/ies vis-à-vis annual cost
of education or 8% of the student population,
whichever is higher

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BACKGROUND

2015 – LYCEUM OF SUBIC BAY INC.
October 22, 2015 – October 21, 2040 (25 years)

2016 – QUIZ BEE SCHOOL INC.
May 3, 2016 – May 2, 2041 (25 years)

2016 – GIGAMARE INC.
September 1, 2016 – August 31, 2041 (25 years)

2018 – CASA KALAYAAN INTERNATIONAL SCHOOL INC.
September 9, 2018 – September 8, 2043 (25 years)

2019 – MONDRIAAN AURA COLLEGE INC.
Approved term: March 7, 2019 – March 6, 2025 (6 years)



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January 6, 2021

Update on the Scholarship Program

2015 – LYCEUM OF SUBIC BAY INC.

Scholarship Program – on-going; On-line Learning.

2016 – QUIZ BEE SCHOOL INC.

Scholarship Program – on-going; On-line Learning

2016 – GIGAMARE INC.

No qualifying scholars for the program; Only Trainings for SBMA Seaport has been conducted.

2018 – CASA KALAYAAN INTERNATIONAL SCHOOL INC.

No qualifying scholars; temporary closed due to COVID-19 Pandemic.

2019 – MONDRIAAN AURA COLLEGE INC.

No scholars due to no signed contract yet.



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[Signature]

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January 6, 2021

SBFZ Schools	Current Enrolment	No. of Scholarships	SY 2015- 2016		SY 2016-2017		SY 2017-2018		SY 2018-2019		SY 2019-2020		SY 2020-2021		STATUS OF SCHOLARSHIP	
			1st Sem.	2nd Sem.	1st Sem.	2nd Sem.	1st Sem.	2nd Sem.	1st Sem.	2nd Sem.	1st Sem.	2nd Sem.	1st Sem.	2nd Sem.		
Casa Kalayaan Internatio nal School Inc.	0	5 p.a.									3		0	0	Temporary closed due to low enrolment; it shall open when its online learning is in placed.	
Gigamare Inc.	12	12 p.a.					0	0	0	0	0	0	0	0	No qualifying scholars for the school's program.	
	0		two (2) trainings for SBMA Seaport Department													
Lyceum of Subic Bay Inc.	613	100 p.a. and plus 2 every year = tuition fee scholars	37	70	100	121	121	126	144	134	83	104	91	-	-	No. of scholars who graduated is 199.
Mondriaa n Aura College Inc.	669	58 p.a													No drafted contract yet	
Quiz Bee School Inc.	193	min. of 8 max. of 15					6	12	13	13				13		



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January 6, 2021

(1) Additional WHEREAS clauses:

- Whereas, on 06 December 2013, the SBMA Board of Directors approved through Resolution No. 13-12-4943, the Amended Guidelines for Educational Institutions in the Subic Bay Freeport Zone.
- Whereas, on 25 April 2014, the SBMA Board of Directors approved through Resolution No. 14-04-5060, to rephrase Section 3.a of Article V of the Amended Guidelines for Educational Institutions in the Subic Bay Freeport Zone, with its Memorandum dated 04 April 2014.
- Whereas, on 14 January 2015, the SBMA Board of Directors approved through Resolution No. 15-01-5295, the inclusion of annual escalation rate in the terms and conditions of the Amended Guidelines for Educational Institutions in the Subic Bay Freeport Zone, with its Memorandum dated 05 January 2015.



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Approved
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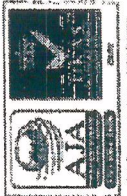
January 6, 2021



SUBIC BAY
METROPOLITAN AUTHORITY

SUBIC BAY METROPOLITAN AUTHORITY
OFFICE OF THE CORPORATE SECRETARY

Blg. 729, Westwood St., Subic Bay Freeport Zone, Philippines 2022
Tel: 047-252-672 / 472 / 473 / 474 Fax: 047-252-4170



OFFICIALS MAILING ADDRESS

Certification No. 13-291
Series of 2013

(1)

Whereas
clause:

Board
Resolution
No. 13-12-
4943

MEMORANDUM

Subject : AMENDED GUIDELINES FOR EDUCATIONAL INSTITUTION

This certifies that:

The records of the Office of the Corporate Secretary show that during the Two Hundred Fifty Fourth (254th) Meeting of the Board of Directors of the Subic Bay Metropolitan Authority held last 6 December 2013 wherein there was a quorum to validly transact business, the following resolution was approved:

Resolution No. 13-12-4943

"Resolve, as it is hereby resolved, that upon recommendation of Management and without prejudice to COA Regulations and pertinent laws on the matter, the Board hereby approves the Amended Guidelines for Educational Institution, a copy of which is incorporated herein by way of reference."

Issued this 10th day of January 2014.

Ruben O. Fruto
RUBEN O. FRUTO
Corporate Secretary



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Steward
JULIE L. TRINIDAD

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January 6, 2021



SUBIC BAY METROPOLITAN AUTHORITY
OFFICE OF THE CORPORATE SECRETARY
Rm 303, 228, Westwoodway, Subic Bay Metropolitan Zone (Poblacion 2222)
Tel: 047-252-4172, 4173, 4174 Fax: 047-252-4170

Certification No. 14-115
Series of 2014

MEMORANDUM
Subject

LEASE AND DEVELOPMENT AGREEMENT (LDA)
FOR EDUCATIONAL INSTITUTIONS

This certifies that:

The records of the Office of the Corporate Secretary show that during the Two Hundred Sixty-Second (262nd) Meeting of the Board of Directors of the Subic Bay Metropolitan Authority held last 26 April 2014 wherein there was a quorum to validly transact business, the following resolution was approved:

Resolution No. 14-04-5059

"Resolve, as it is hereby resolved, that upon recommendation of Management and without prejudice to COA Regulations and pertinent laws on the matter, the Board hereby approves to rephrase Section 3.a of Article V of the Lease and Development Agreement for Educational Institutions, as follows:

3.a. Annual lease payments equivalent to 25% of current appraised value of the lot only if the building is owned by the Lessee or of the land and building if the building is in the name of SBMA."

Management's Memorandum dated April 4, 2014 is incorporated herein by way of reference."

Issued this 22nd day of May 2014.

Ruben O. Fruto
RUBEN O. FRUTO
Corporate Secretary
16-367

(1)

Whereas
clause:

Board
Resolution
No. 14-04-
5060

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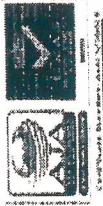
Julie L. Trinidad
JULIE L. TRINIDAD

Agenda/ Minutes Officer - III

January 6, 2021



SUBIC BAY



SUBIC BAY METROPOLITAN AUTHORITY
OFFICE OF THE CORPORATE SECRETARY

Building 222, Subic Bay Freeport Zone, Enlistment 2222
Tel. 047-252-4172 / 4173 / 4174 Fax 047-252-4170

Certification No. 15-005
Series of 2015

MEMORANDUM

Subject :

AMENDMENT OF ARTICLE V, ENTITLED, TERMS AND CONDITIONS OF THE LDA OF THE SBMA AMENDED GUIDELINES FOR EDUCATIONAL INSTITUTIONS

This certifies that:

The records of the Office of the Corporate Secretary show that during the Two Hundred Eighty-First (281st) Meeting of the Board of Directors of the Subic Bay Metropolitan Authority held last 14 January 2015 wherein there was a quorum to validly transact business, the following resolution was approved:

Resolution No. 15-01-5295

*Resolve, as it is hereby resolved, that upon recommendation of Management and without prejudice to COA Regulations and pertinent laws on the matter, the Board hereby approves the amendment of Article V, entitled, **TERMS AND CONDITIONS OF THE LDA OF THE SBMA Amended Guidelines for Educational Institutions**, approved and ratified on December 6, 2013 (Resolution No. 13-12-4943), with further amendment on April 25, 2014 (Resolution No. 14-04-5060), as follows:

Article V, Section 17. An Escalation Rate of 2% per annum shall be imposed on the discounted lease rate at the end of the approved transition period.

Management's Memorandum dated January 5, 2015 is incorporated herein by way of reference."

Issued this 20th day of January 2015.

Ruben O. Fruto
RUBEN O. FRUTO
Corporate Secretary

(1)

Whereas
clause:

Board
Resolution
No. 15-01-
5295



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(2) Article I – Coverage/ Scope

‘Tuition and Other Fees’ or ‘Full Merit-based’ Scholarship” refers to 100% discount on tuition fees, school-related fees, miscellaneous fees, and all other fees, exclusive of daily allowances, such as but not limited to uniform, books and reading materials subscriptions, transportation, meal/lunch allowances, board and lodging, and the like.



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(3) Article IV.8 – Qualification

Schools must obtain favorable clearances from the following SBMA concerned departments:

FROM	TO
1. Accounting Department	1. Accounting Department
2. Building Permit & Safety Department	2. Building Permit & Safety Department
3. Ecology Center	3. Ecology Center
4. Labor Department	4. Labor Department
5. Land & Asset Development Department	5. Land & Asset Development Department
6. Legal Department	6. Legal Department
7. Public Health & Safety Department	7. Planning & Development Office
8. Procurement & Property Management Department	8. Public Health & Safety Department
	9. Public Relations Office (within CADT)
	10. Procurement & Property Management Department
	11. Trade Facilitation & Compliance Department



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(4) Article IV.9 – Others

FROM

Only the Regional Science High School, the Special Education for the Gifted (SPED-G), and Univerisity of the Philippines – Extension Program in Olongapo shall continue with their current arrangements with SBMA.

TO

Only the Regional Science High School, the Special Education for the Gifted (SPED-G), Brent International School Subic, Inc. and Univerisity of the Philippines – Extension Program in Olongapo shall continue with their current arrangements with SBMA.



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(5) Article V.3.a – Terms and Conditions

FROM

- Annual Lease payments equivalent to 25% of current appraised value of the lot only if the building is owned by the Lessee or of the land and the building if the building is in the name of SBMA;

TO

- Annual Lease payments equivalent to 25% of current appraised value of the lot only if the building is owned/constructed by the Lessee or of the land and the building if the building is in the name of SBMA;



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(6) Article V.3.b – Terms and Conditions

FROM

- Scholarships worth the equivalent of 25% of the current appraised value or 8% of the student population, whichever is higher.

TO

- Scholarships per annum worth the equivalent of 25% of the current appraised value of the leased property/ies or 8% of the student population, whichever is higher.



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(7) Article V.4 – Terms and Conditions

FROM

- The schools shall be required to pay CUSA (Common Use Service Area) equivalent to 2% of the ~~discounted lease rate:~~

TO

- The schools shall be required to pay CUSA (Common Use Service Area) fee based on **Resolution No. 12-04-4348 Imposition of Common User Service Area (CUSA) Fees.**



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(8) Revision of Article V.5 – Transition Period

Discount Rates	Transition Period (until the school avails of the 75% discount)	Transition Period (until the school pays 25% of the appraised value)
0 – 10%	3 years	-
11 – 20%	3 years	-
21 – 30%	2 years	-
31 – 40%	2 years	-
41 – 50%	1 year	-
51 – 60%	1 year	-
61 – 70%	1 year	-
71 – 80%	None	None
81 – 90%	-	2 years
91 – 100%	-	3 years



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(9) Additional Provision

Articles V.14

- **Upon contract compliance evaluation, the educational institution found not compliant with the policy shall be required to comply and adhere to the requirements. However, should there be difficulty in meeting the requirements based on policy, the educational institution shall transition back to regular lease payment.**




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(10) Article V.18 – Terms and Conditions

FROM

- An Escalation Rate of 2% per annum shall be imposed on the discounted lease rate at end of the transition period;

TO

- An Escalation Rate of 2% per annum shall be imposed on the discounted lease rate at end of the transition period and after the Lease Payment of an educational institution is equivalent to 25% of the current appraised value;



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(11) Article VI – SBF Certificates and License

FROM

- A Certificate of Registration (CoR)/Certificate of Tax Exemption(CRTE) shall be issued to an educational institution which will formally convey its conformity to be covered in these Guidelines upon compliance with all the requirements for its issuance.


TO

- A Certificate of Registration (CoR)/Certificate of **Registration** **and** Tax Exemption(CRTE) shall be issued to an educational institution which will formally convey its conformity to be covered in these Guidelines upon compliance with all the requirements for its issuance.



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(12) Article VIII.1 – Amendment Clause

FROM

- Amendments or modifications of these Guidelines may be made by SBMA provided that amendment shall apply only to educational institutions entering into LDA with SBMA.

TO

- Amendments or modifications of these Guidelines may be **implemented** by SBMA provided that **the** amendment shall apply only to **existing** educational institutions entering into LDA with SBMA.


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(13) Additional Provision Articles VIII.2 - Amendment

- **A complete moratorium on accepting and evaluating proposals of new and existing educational institutions entering into LDA with SBMA is hereby imposed effective immediately. This is due to the scarcity of available SBMA properties intended for educational institutions and the difficulty to meet the minimum required number of scholarship grants by the participating educational institutions. This is in preparation for the 'winding-down' of the Implementation of the SBMA Policy on Educational Institutions, specifically the administration of scholarship grants in exchange for lease consideration.**



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**(14) Additional Provision
Articles VIII.3 - Amendment**

- **Educational institutions already under the Policy but will be found unable to meet and/or continue with the scholarship requirements of the policy shall be given an equivalent transition period to revert to a Lease Agreement without SBMA scholarship grants.**



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(15) Article IX – Effectivity

FROM

- These Guidelines shall take effect fifteen (15) days from filing thereof with the University of the Philippines Law Center.

TO

- These Amended Guidelines shall take effect fifteen (15) days from filing thereof with the University of the Philippines Law Center.



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END OF SLIDE.

THANK YOU.

