



Republic of the Philippines  
PROVINCE OF LEYTE  
City of Baybay  
-0000000-

## Office of the Sangguniang Panlungsod

Telexfax No. (+63-53) 335-4808

☒ 2nd Floor, Legislative Bldg., R. Magsaysay Ave., Baybay City Leyte 6521

@ sangguniang.baybaycity@yahoo.com

*Excerpt from the*  
44<sup>th</sup> Regular Session of the Sangguniang Panlungsod, City of Baybay held on  
December 10, 2018.

### CITY ORDINANCE NO. 17, S. 2018

**AN ORDINANCE FIXING THE INITIAL RENTAL OF THE COMMERCIAL BUILDINGS DESIGNATED AS BLOCK A & B AT THE NEW RECLAMATION AREA AND REGULATING ITS USE.**

#### PREFATORY STATEMENT

WHEREAS, ONE OF THE FAMOUS FOOD PRODUCTS OF BAYBAY CITY IS THE "BAYBAY CHICKEN BARBEQUE" WHICH WERE SOLD IN SHANTIES LINED UP AT THE OLD "PANTALAN" AND CONTINUOUSLY SOLD IN ALSO SHANTIES IN DIFFERENT PLACES IN BAYBAY CITY WHEN THE PPA STOPPED ITS OPERATION AT THE PIER IN THE YEAR 2000;

WHEREAS, IN LINE WITH THE THRUST OF THE CITY GOVERNMENT TO PROMOTE ITS NOTABLE FOOD/PRODUCT A DECENT COMMERCIAL BUILDING WAS CONSTRUCTED AT THE NEW RECLAMATION AREA FACING THE SEA HEREIN REFERRED TO AS BLOCK A AND BLOCK B WHERE THIS FAMOUS "BAYBAY CHICKEN BARBEQUE" FOOD/PRODUCT WILL BE SOLD;

WHEREAS, THE COMMERCIAL BUILDING A & B ARE READY FOR RENT AND OCCUPANCY TO THOSE "BARBEQUE" BUSINESS OPERATORS WHO ARE INTERESTED TO OPERATE.

WHEREFORE, on motion of Honorable Atty. Ernesto M. Butawan and duly seconded by Honorables Vicente Victor G. Veloso and Jorge V. Rebucas,

BE IT RESOLVED, AS IT HEREBY DOES RESOLVE, TO PASS AND ENACT AN ORDINANCE IN THIS CHAMBER, ON DECEMBER 10, 2018, AT BAYBAY CITY, LEYTE, KNOWN AS:

### CITY ORDINANCE NO. 17, S. 2018

- I. TITLE. AN ORDINANCE FIXING THE INITIAL RENTAL OF THE COMMERCIAL BUILDINGS DESIGNATED AS BLOCK "A" AND BLOCK "B" AT THE NEW RECLAMATION AREA AND REGULATING ITS USE.



## II. DEFINITION OF TERMS

- a. Commercial Buildings BLOCK "A" AND BLOCK "B" - refers to the newly constructed commercial buildings at the new reclamation area which are fronting the Camotes sea;
- b. Stallholder - refers to any bonafide resident of Baybay City who signed a lease contract with the city government of Baybay to engage in the selling of the famous "Baybay barbeque" at any of the commercial buildings at the new reclamation area specially those who sell the famous Baybay chicken barbeque at the boulevard and at the vacant lot in front of Gelias hardware;
- c. Goodwill money - refers to the non-refundable sum of money in the amount of P10,000.00 which every new stallholder will pay to the city government upon signing of the lease contract;
- d. Cash deposit - refers to the sum of money in the amount of P10,000.00 which every stallholder must deposit at the city treasurer's office upon signing of the lease contract which will answer for any unpaid utility bills and damages on the premises and will be returned to the stallholder upon expiration of the contract should there be no contract renewal;

## III. RENTABLE SPACE:

- a. Commercial buildings "A" and "B" has a total of twenty rentable space (10 each block) each with an approximate area of thirty-six (36) square meters;
- b. Each space has an initial monthly rent at P200 per square meter for the first year of operation and thereafter the city mayor with the concurrence of the sangguniang panlungsod may increase it to not more than 20% but not less than 10%;
- c. New stallholder who applied for rent after the first year operation of this commercial buildings must follow the rate paid for by the existing stallholders;
- d. There shall be collected each from the lessee the amount of P10,000.00 as cash deposit payable to the city government of Baybay, Leyte which will be returned upon termination of the contract less expenses incurred to unpaid bills or other liabilities of the lessee should there be any;
- e. The space in front of the stall where the "makeshift" shade introduced by the stallholder is not part of the rentable space and its use shall remain to the sole discretion of the city government;

## IV. GOODWILL MONEY AND DEPOSIT

- a. There shall be paid to the city government a non-refundable amount of Ten Thousand Pesos (P10,000.00) as goodwill money and another Ten Thousand (P10,000.00) Pesos as cash deposit by the stallholder upon signing of the contract of lease;



- b. The goodwill money shall be deemed part of the general fund of city government of Baybay and will not be returned to the stallholder while the cash deposit shall be returned to the stallholder upon expiration of the contract subject to deductions of any unpaid utility bills, monthly rental and damages.

## V. CONTRACT OF LEASE

- a. No stallholder shall be allowed to occupy any rentable space at the two commercial buildings designated as Building "A" and Building "B" without signing a lease contract prepared by the city government;
- b. The city legal office shall draft the contract of lease detailing other conditions of the rent such as but not limited to payments of water, electric, telephone bills, renewal of contracts, sublease, improvements on the space and such other conditions as the city government may deem proper subject to the limitations provided herein;

## VI. SEPARABILITY CLAUSE.

The provisions of this Ordinance are hereby declared separable and if any provision shall be held invalid, or unconstitutional, the remainder of the provisions hereof are not affected and shall remain valid and effective.

## VII. REPEALING CLAUSE.

All ordinances, resolutions, rules and regulations inconsistent with or contrary to the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

## VIII. EFFECTIVITY.

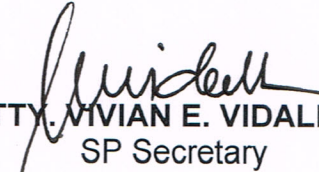
This Ordinance shall take effect 15 days upon its approval by the Sangguniang Panlalawigan and after due compliance with all the requirements provided under R.A. 7160, otherwise known as the Local Government Code of 1991.

Enacted: December 10, 2018  
Baybay City, Leyte, Philippines.

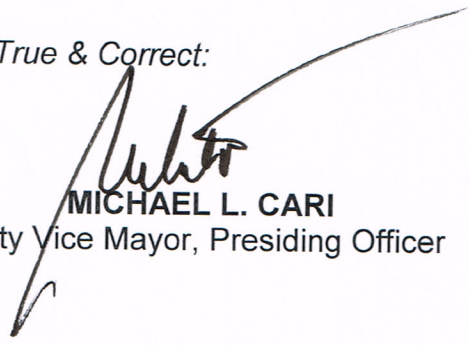
RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Carmen L. Cari, City Administrator Deogracias E. Pernitez; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Evelinda A. Oppus; City Treasurer Evelyn P. Relente, CLGOO Estela I. Creer, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

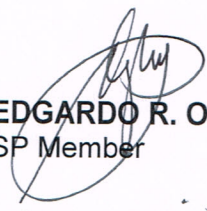
  
ATTY. VIVIAN E. VIDALLON  
SP Secretary

Attested & Certified True & Correct:

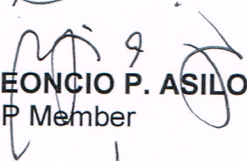
  
**MICHAEL L. CARI**  
City Vice Mayor, Presiding Officer

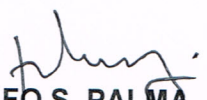
Concurred:

  
**ATTY. ERNESTO M. BUTAWAN**  
SP Member

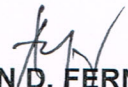
  
**EDGARDO R. OMPOY**  
SP Member

  
**ARTURO ELISA O. ASTORGA**  
SP Member


  
**LEONCIO P. ASILOM, JR.**  
SP Member


  
**RODULFO S. PALMA, JR.**  
SP Member

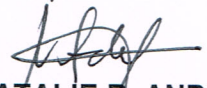
  
**VICENTE VICTOR G. VELOSO**  
SP Member

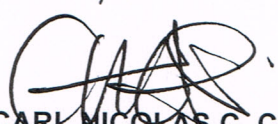
  
**ALAN D. FERNANDEZ**  
SP Member

  
**DOMINADOR K. MURILLO, D.M.**  
SP Member

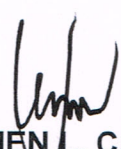
  
**FILEMON F. AVILA**  
SP Member

  
**JORGE V. REBUCAS**  
SP Member

  
**NATALIE B. ANDRES**  
Chair, SK City Federation  
Ex-officio SPM

  
**CARL NICOLAS C. CARI**  
Chair, LIGA Ng Mga Barangay  
Ex-officio SPM

Approved by Her Honor:

  
**CARMEN L. CARI**  
City Mayor

Date Approved: 2/13/19