



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay

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Office of the Sangguniang Panlungsod



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6th SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 10, S. 2023
21st Regular Session

AN ORDINANCE ESTABLISHING THE OPERATION, MANAGEMENT AND MAINTENANCE OF "PANTALAN" FOOD COURT LOCATED AT THE NEW RECLAMATION PLAZA, THIS CITY.

Principal Sponsor: Hon. Romulo Alcala
Co-Sponsors: Hon. Dominic Junie F. Murillo &
Hon. Ramon Ronald J. Veloso
Hon. Carmen L. Cari
Hon. Simoune L. Astorga
Hon. Fulton Ike C. Arradaza

PREFATORY STATEMENT

WHEREAS, Section 18 of Republic Act No. 7160 (also known as the "Local Government Code of 1991") as well as Section 4, Article 1 of RA 9389 (also known as the Charter of the City of Baybay) empower local government units to "acquire, develop, lease, restrict, inhibit, or otherwise dispose of real or personal property held by them in their ownership capacity and to apply their resources and assets for productive, developmental, or welfare purposes, in the exercise or furtherance of their governmental or proprietary powers and functions and thereby ensure their development into self-reliant communities and active participants in the attainment of national goals";

WHEREAS, Section 11, paragraph a (2) (i) and (v) and (vi) of Republic Act No. 9389 (the "Charter of the City of Baybay") empowered the Sangguniang Panlungsod to "appropriate funds for the construction and maintenance or the rental of buildings for the use of the City and, upon the majority vote of all the members of the Sangguniang Panlungsod, the city mayor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations and to prescribe reasonable limits and restraints on the use of the property",

WHEREAS, the recently completed "PANTALAN" Food Court, a new government building which is attached to or an extension-like structure of the new reclamation area which will be used as fast-food space in the new reclamation park with eight stalls, is now available for lease and serves as an additional source of income for the city government;

WHEREFORE, on motion of Honorable Romulo B. Alcala, SP Chair on Public Market & Slaughterhouse, and duly seconded by Honorable Dominic Junie F. Murillo, and Honorable Ramon Ronald J. Veloso.

BE IT ORDAINED, by the 6th Sangguniang Panlungsod, this city, in its 21st Regular Session assembled on June 8, 2023 an ordinance as hereby is adopted, to wit:

Section 1. Authority to Invite Interested persons/entities. The City Mayor is hereby authorized to invite the private sector to negotiate for the lessee of the eight vacant stalls/spaces located at the "Pantalan" food court building with an area of thirty 32 square meters per stall/space and thereafter sign contract of lease, pursuant to the provisions of all pertinent laws and government regulations.

Section 2. Conditions of the Lease. Aside from the various requirements set under prevailing laws for the lease of a publicly owned properties and facilities, the lessees of the "Pantalan" food court stalls/ spaces mentioned above should agree to the following conditions:

a. There are eight (8) rentable stalls/spaces in "Pantalan" food court each with an area of thirty-two (32) square meters and an open space of about Two Hundred Thirty square meters to be used as common space for dining to all customers.

b. The rental for the leased stalls/spaces covered by this Ordinance is Two Hundred Pesos (P200.00) per square meter, for the first five (5) months from the execution of the contract, thereafter the rent shall increase to Four Hundred (P400.00) Pesos per square meters until the expiration of the lease contract on December 31, 2024. Upon expiration of the lease contract, the parties may agree for its renewal subject to the terms and conditions imposed by the city government. In addition, for purposes of renewal, the city mayor is authorized to increase the succeeding rates of the rent to ten percent (10%) or more based from the last rental, subject however to the concurrence of the Sangguniang Panlungsod; The lessee shall issue post-dated checks to cover payment of their monthly rentals to the city government of Baybay paid through the city treasurer, upon signing of the lease contract;

c. The lessee shall pay an advance deposit of Ten Thousand (P10,000.00) Pesos payable by means of postdated check payable on December 31, 2023 to the city treasurer within ten days from signing of the lease contract to cover unpaid rents, water and electricity bill and damages to the leased stalls/spaces. Should there be no arrears in rents, unpaid utility bills or damage on the leased stall after December 31, 2023, the postdated check shall be returned to the lessee provided another postdated check for the same amount shall be issued again and delivered to the City Treasurer payable on December 31, 2024;

d. The lessor shall pay to the city government Twenty Thousand (P20,000.00) Pesos cash as goodwill money to be delivered to the city treasurer upon signing of the contract. The goodwill money is non-refundable;

e. For the smooth and orderly operation of the "Pantalan" food court, the lessees are required to secure the services of a third party who will be responsible for the clean-up of the common areas, including dish washing, table set up, toilet clean up, provision of security guards and other janitorial services whose salaries/wages shall be for the account of the lessees. The lessees are also required to source out their beverages and soft drinks from one distributor who is also a lessee in one of the eight stalls/spaces in "Pantalan" food court;

f. The city government shall bear the cost of the maintenance and repair of the leased premises except those introduced by the lessees in their respective stalls. The lessees shall pay the cost of the water and electricity, and for this purpose, the City Engineering Office is authorized to install such number of sub-meters as may be necessary and proper at the stalls covered by this ordinance. However, the cost of

water and electricity used in common areas including comfort rooms and lavatories shall also be for the account of all lessees "share-share" alike;

g. The lessee shall not be allowed to operate any business that is illegal, immoral, or that poses a threat to public safety;

h. No employees of LGU-Baybay, either elected or appointed shall be eligible to lease any stall/space at the "Pantalan" food court;

i. The city mayor may impose other conditions and terms of the lease contract as he may deem proper and necessary;

Section 3. Drafting of Lease Agreement and Implementing Rules and Regulations. The City Legal Officer and City Administrator Office in consultation with the Public Market Collector's Office, Tourism and Promotions Office and Business Permit and Licensing Office are hereby directed to draft the lease agreements mentioned above and possible implementing rules and regulations in the operation and maintenance of the "Pantalan" food court and to submit the same to the Sangguniang Panlungsod for review and consideration within fifteen (15) working days after approval of this Ordinance by the Sangguniang Panlungsod;

Section 4. Repealing Clause. Any ordinance, resolution, or executive order contrary to the provisions of this Ordinance are hereby repealed, modified, or amended.

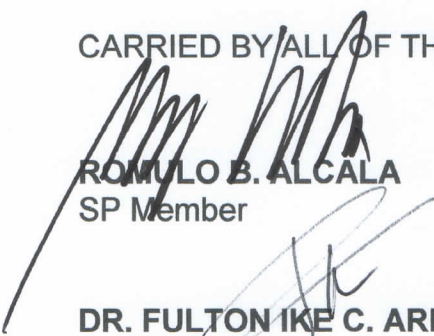
Section 5. Separability Clause. If any provision of this Ordinance is declared void or unenforceable by the proper court of law, the remaining provisions of this Ordinance not be affected by such judicial declaration shall remain valid and enforceable.

Section 6. Effectivity. This Ordinance shall take effect 15 days upon its approval by the Sangguniang Panlalawigan and after due compliance with all the requirements as provided for under R.A. 7160, otherwise known as the Local Government Code of 1991.

Section 7. Dissemination. Let copies of this Ordinance be furnished to the Office of the City Mayor and to other government offices concerned.

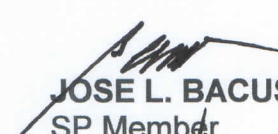
Enacted: June 8, 2023
Baybay City, Leyte, Philippines.

CARRIED BY ALL OF THE MEMBERS PRESENT:

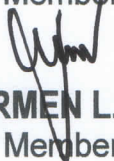

ROMULO B. ALCALA
SP Member


SIMOUNE L. ASTORGA
SP Member


DR. FULTON IKE C. ARRADAZA
SP Member


JOSE L. BACUSMO
SP Member



FILEMON E. AVILA
SP Member



CARMEN L. CARI
SP Member

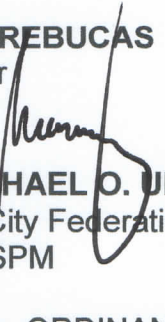

RAMON RONALD J. VELOSO
SP Member


ATTY. JOSE ROMMEL A. PENARANDA
SP Member


DOMINIC JUNIE F. MURILLO
SP Member


JORGE V. REBUCAS
SP Member


PHILIP L. SIU
President, LIGA Ng Mga Barangay
Ex-Officio SPM


MARK MICHAEL O. UNLU-CAY
SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Florante Cayunda Jr.; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Jay Ryan Austero; City Treasurer Alberta A. Manatad, CLGOO Juvy C. Pedrera, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.


ATTY. VIVIAN C. ENARIO-VIDALLON
SP Secretary

Attested & Certified True & Correct:


ATTY. ERNESTO M. BUTAWAN
City Vice Mayor, Presiding Officer

Approved by His Honor:


ENGR. JOSE CARLOS L. CARI
City Mayor

Date Approved: 7/7/23