

04/24/14

Republic of the Philippines

CITY OF BACOR

Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

PRESENT:

HON. CATHERINE S. EVARISTO ----- City Vice Mayor/
Presiding Officer

DISTRICT I

HON. AVELINO B. SOLIS ----- City Councilor
HON. EDWIN G. GAWARAN ----- City Councilor
HON. MIGUEL N. BAUTISTA ----- City Councilor
HON. ROWENA BAUTISTA-MENDIOLA ----- City Councilor
HON. REYNALDO M. FABIAN ----- City Councilor
HON. VENUS D. DE CASTRO ----- City Councilor

DISTRICT II

HON. REYNALDO D. PALABRICA ----- City Councilor
HON. HERNANDO C. GUTIERREZ ----- City Councilor
HON. GAUDENCIO P. NOLASCO ----- City Councilor
HON. BAYANI M. DE LEON ----- City Councilor
HON. LEANDRO A. DE LEON ----- City Councilor
HON. ROBERTO R. JAVIER ----- City Councilor

HON. VICTORIO L. GUERRERO, Jr. ----- City Councilor
(ABC-Pres.)

CITY ORDINANCE NO. 2013-062
Series of 2013


**AN ORDINANCE AMENDING CITY ORDINANCE NO. 32-S-2012
AUTHORIZING THE CITY MAYOR TO INVITE INTERESTED PARTIES
TO BID FOR THE LEASE OF CERTAIN COMMERCIAL SPACES
LOCATED WITHIN THE NEW GOVERNMENT CENTER OF THE CITY
OF BACOR SUBJECT TO CERTAIN CONDITIONS.**

Sponsored by: Hon. Miguel N. Bautista, Hon. Venus D. De Castro, Hon. Bayani M. De Leon, Hon. Leandro A. De Leon, Hon. Reynaldo M. Fabian, Hon. Edwin G. Gawaran, Hon. Victorio L. Guerrero, Jr., Hon. Hernando C. Gutierrez, Hon. Roberto R. Javier, Hon. Rowena Bautista-Mendiola, Hon. Gaudencio P. Nolasco, Hon. Reynaldo D. Palabrica, and Hon. Avelino B. Solis.

WHEREAS, Section 18 of Republic Act No. 7160 (also known as the "Local Government Code of 1991") empowers local government units to "acquire, develop, lease, encumber, alienate, or otherwise dispose of real or personal property held by them in their proprietary 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";

City Ordinance No. 2013-062, 3 December 2013

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City Councilor - AKF Pres.

HON. VICTORIO L. GUERRERO, JR.
City Councilor - ABC Pres.

Attested by:
ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:
HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:
HON. STRIKE B. REVILLA
City Mayor



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WHEREAS, Section 11 paragraph (2) (v) of Republic Act No. 10160 (also known as the "Charter of the City of Bacoor") 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";

WHEREAS, the City Mayor requested the Sangguniang Panlungsod to amend City Ordinance No. 32-S-2012 which authorized the City Mayor to invite interested parties from the private sector to lease "all commercial spaces located within the soon to be completed government center pursuant to the provisions of all pertinent laws and government regulations".

WHEREAS, the City Mayor requested that the said ordinance be amended to enable the city government to realize more income from the lease of the said commercial spaces;

NOW THEREFORE, be it enacted in regular session assembled that:

Section 1. Sections 1 and 2 of City Ordinance No. 32-S-2012 entitled "**AN ORDINANCE AUTHORIZING THE CITY MAYOR TO INVITE INTERESTED PARTIES TO BID FOR THE LEASE OF CERTAIN COMMERCIAL SPACES LOCATED WITHIN THE NEW GOVERNMENT CENTER OF THE CITY OF BACOR SUBJECT TO CERTAIN CONDITIONS**" is hereby amended and shall henceforth read as follows:

"Section 1. Authority to Invite Interested Bidders. The City Mayor is hereby authorized to invite the private sector to bid for the lease of all commercial spaces and open spaces located within the soon to be completed government center pursuant to the provisions of all pertinent laws and government regulations.

Section 2. Conditions of Bidding and of Lease. Aside from the various requirements set under prevailing laws for the bidding of publicly owned properties and facilities, the winning bidders for the lease of the various commercial spaces mentioned above should agree to the following conditions:

a) The lease term shall only be for twenty-five (25) years to be computed from the date of execution of the lease agreement between the winning bidder and the city government;

b) Any building that the winning bidder shall construct on the open spaces located within the Bacoor government center compound shall become the property of the City Government upon the expiration, cancellation, rescission, or termination of the lease agreement. All expenses related to the construction, maintenance, operation, and insurance of the said building prior to its turn-over to the City Government shall be charged to the account of the said winning bidder;

City Ordinance No. 2013-062, 3 December 2013

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City Councilor - ABC Pres.

Affested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor



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c) The design of the building to be constructed by the winning bidder within the Bacoor government center compound shall be subject to the prior approval of the City Engineering Office, the Office of the City Building Official, and of the City Mayor to ensure its safety and that it is aesthetically pleasing;

d) The winning bidder who shall construct a building on the open space that he would rent by virtue of this contract shall be required to pay and secure all the required fees and permits such as, but not limited to, building permit fees and environmental permit fees;

e) The rental for the leased spaces covered by this Ordinance shall be as follows:

1. For commercial spaces located on the ground floor of the still to be completed Bacoor City Hall: P200.00 per square meter
2. For commercial spaces located on the 2nd floor and above of the still to be completed Bacoor City Hall: P150.00 per square meter
3. For open spaces located within the Bacoor Government Center Compound: P100.00 per square meter
4. For commercial spaces located within any building constructed on the open spaces to be leased by the winning bidder from the City Government: P250.00 per square meter of the rented space located within the said building actually used for the conduct of any business, profession, or commercial transaction excluding walkways, corridors, and stairs

f) The rental for the leased spaces covered by this Ordinance shall be subject to an increase of 10 percent per annum;

g) All rentals on the commercial and open spaces mentioned above shall be paid to the City Treasurer's Office on a monthly basis;

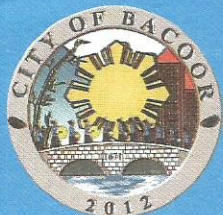
h) All lease agreements, memorandum of agreements, or any similar contract between the winning bidder and the juridical entity/ies who will rent the commercial spaces mentioned above shall be subject to the review and approval of the Sangguniang Panlungsod;

i) The failure or refusal of the winning bidder or of any juridical entity who derived authority from the said winning bidder to occupy, operate, or use any of the open spaces or commercial spaces mentioned above to comply with the provisions of this ordinance, or of any law or city ordinance, or of the terms and conditions of the contract and/or agreement approved by the Sangguniang Panlungsod shall result in the revocation, termination, cancellation, or rescission of any contract or agreement obtained by virtue of this Ordinance;

k) The winning bidder shall pay an advance deposit equivalent to three (3) months rental and a security deposit equivalent to three (3) months rental payable by means of postdated check which should be delivered to the City Treasurer within ten (10) working days from the date the lease contract has been awarded;

l) All government employees as well as their relatives up to the third degree by affinity and consanguinity are prohibited from

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participating in the bidding and from leasing the said leased spaces;

m) The winning bidder shall bear the cost of maintaining and repairing the leased space subject to the standards and regulations of the city government which shall include the responsibility of paying the cost of the utilities expended by the lessee. In view thereof, the City Engineer is hereby authorized to install such number of sub-meters as may be necessary and proper in the office spaces covered by this ordinance;

n) The winning bidder shall not be allowed to operate any business that is illegal, immoral, or that poses a threat to public safety. The winning bidder shall also be prohibited from operating any of the following businesses within the leased premises, to wit: (1) beer houses, bars, or nightclubs (2) pawnshop or lending firms (3) sauna, massage, or beauty parlors (4) gambling or any gaming establishments or (5) any other business that diminishes the dignity or aesthetic value of the city government center; and

o) The winning bidder, his heir, agent, representative, successor-in-interest, lessee, sub-lessee, employees, customers, clients, suppliers, or contractors shall hold the City Government or any of its employees or officials free and blameless from any criminal, civil, or administrative liability that might arise from a judicial declaration invalidating this Ordinance in full or in part."

Section 2. Section 3 of City Ordinance No. 32-S-2012 is hereby amended and shall henceforth read as follows:

"Section 3. Drafting of Lease Agreement. The City Legal Officer is hereby directed to draft the lease agreements mentioned above and to submit the same to the Sangguniang Panlungsod for review and consideration within twenty (20) working days after the date of effectivity of this ordinance. The City Legal Officer is hereby directed to ensure that all the terms and conditions of the said lease agreements shall be in accordance with law, ordinance, and all pertinent government rules and regulations."

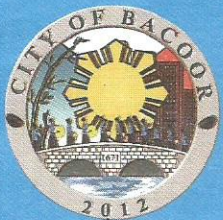
Section 3. Repealing Clause. Any ordinance, resolution, or executive order contrary to the provisions of this Ordinance are hereby repealed, modified, or amended.

Section 4. 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 5. Effectivity. This Ordinance shall take effect within ten (10) days from its posting in at least three (3) conspicuous places within the City of Bacoor.

Section 6. Dissemination. Let copies of this Ordinance be furnished to the Office of the City Mayor and to other government offices concerned.

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Sangguniang Panlungsod Secretary
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Approved by:
HON. STRIKE B. REVILLA
City Mayor



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ENACTED this 3rd day of December 2013 by the Sangguniang Panlungsod in regular session assembled at the City of Bacoor, Cavite.

I hereby certified that the foregoing ordinance was passed and enacted by the Sangguniang Panlungsod of Bacoor, Cavite on the 3rd day of December 2013.

Certified by:

HON. CATHERINE SARINO-EVARISTO
City Vice-Mayor/ Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Approved by:

HON. STIKE B. REVILLA
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