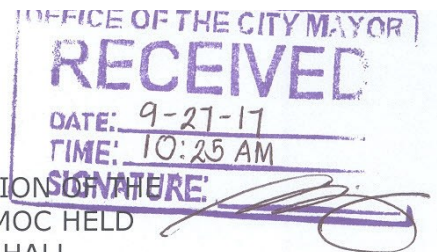


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON SEPTEMBER 26, 2017 IN LIEU OF
SEPTEMBER 28, 2017

PRESENT:

Leo Carmelo L. Locsin, Jr.	Vice Mayor & Presiding Officer
Rolando M. Villasencio,	SP Member, Majority Floor Leader
Vincent L. Rama,	SP Member, Asst. Majority Floor Leader
Mario M. Rodriguez	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III	SP Member
Nolito M. Quilang	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Lea Doris C. Villar	SP Member, Asst. Minority Floor Leader
Mariano Y. Corro,	Ex-Officio SP Member
	Chapter President, Liga ng mga Barangay ng Ormoc

ON LEAVE:

Benjamin S. Pongos, Jr.,	SP Member
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PREFATORY STATEMENT

The Fourteenth Sangguniang Panlungsod ng Ormoc (Sanggunian) was in receipt of a communication from the Office of the City Mayor of Ormoc City requesting for the enactment of an ordinance disqualifying delinquent occupants or lessees of City Government Owned Properties from joining any bidding or awarding of any other City Government Owned Properties.

Verily, City Government owned or managed properties, in terms of rental or other fees and charges generated from them, are major and reliable sources of revenues that are needed for the various expenditures of the City. Consistent with its drive of bringing to a desirable level the efficiency and effectiveness of the administration of its different sources and means of revenues, the City Government is well aware of the imperativeness that lessees, usufructuaries and users of City Government owned or managed properties settle their financial obligations promptly, ensure the preservation and maintenance of the properties being used, and comply faithfully and diligently with all their duties and obligations as provided for by the contract and law.

However, sadly, it has been observed through the years that lessees, usufructuaries and users of City Government owned and managed properties have failed or been badly remised in abiding by their aforementioned duties and obligations. This has continued to be unabated to the great disadvantage of the City Government in terms of revenues lost and opportunities from the use of the properties not being utilized to the fullest.

In view of the dire situation afore-discussed, this Sanggunian is fully convinced that indeed there is profound weight and merit to the City Mayor's request as there exists a necessity to address the afore-discussed problem thru strict enforcement by the parties of the provisions of subject contracts or agreements, and in cases of violations, prompt resort and enforcement of remedies available by contract or law to hold accountable any erring party. This Ordinance will certainly go a long way in achieving this end as it will ensure that erring

lessees, usufructuaries and users of City Government owned and managed properties are no longer accorded the privilege to use the same property or any similar one again for a reasonable period owing to their own malfeasance, misfeasance or nonfeasance with regards to the use of said property.

FOREGOING PREMISES CONSIDERED, on motion of SP Member Mario M. Rodriguez, Vice-Chairman, Committee on Public Properties, severally seconded by SP Members Tomas R. Serafica, Nolito M. Quilang and Mariano Y. Corro; be it

RESOLVED, to enact:

ORDINANCE NO. 044

AN ORDINANCE DISQUALIFYING LESSEES, USUFRUCTUARIES AND OTHER USERS OF CITY GOVERNMENT OWNED OR MANAGED PROPERTIES WHOSE RIGHTS THERETO HAVE BEEN TERMINATED FOR CAUSE FROM JOINING ANY BIDDING OR AWARDING OF ANY CITY GOVERNMENT OWNED OR MANAGED PROPERTIES.

BE IT ENACTED, by the Fourteenth Sangguniang Panlungsod ng Ormoc, That:

SECTION I. DECLARATION OF POLICY. It is hereby declared as the policy of the City Government of Ormoc, in the exercise of its proprietary right over all City Government owned or managed properties, to provide reasonable, fair and equitable terms and conditions in the management and utilization of said properties through various arrangements, including leases and usufructs, for purposes of the maximization of their revenue raising potentials, the protection and maintenance of their optimum condition, and the guarantee of their availability to all qualified investors within the tenets of free enterprise.

SECTION II. SCOPE AND COVERAGE. This Ordinance shall additionally govern contracts or agreements in the form of leases, usufructs or other similar agreements, to be entered into by the City Government with any qualified persons, natural and juridical, over stalls, booths, offices, or any other spaces in all City Government owned or managed properties.

SECTION III. MANDATORY PROVISIONS. Should the right to possess or occupy by any lessee, usufructuary or user of any City Government owned or managed property be terminated for any cause, he/she shall be disqualified from entering into any kind of contract or agreement for the lease, usufruct or use of any City Government owned or managed property for a period of three (3) years from the date of the said termination.

The disqualification shall extend to relatives up to the second degree of consanguinity or affinity of the terminated lessee, usufructuary or user of subject City Government owned. In the case of corporations, the disqualification shall apply to those where the terminated lessee or his/her relatives up to the second degree of consanguinity or affinity own or hold, whether individually or cumulatively, majority of the shareholdings of the said corporation.

SECTION IV. ADMINISTRATIVE PROVISION. For the implementation of the full intents of this Ordinance, the City Mayor is hereby granted the authority to terminate contracts or agreements involving the lease, usufruct or use of any City Government owned or managed properties where there is clear showing that valid or lawful grounds exist for the termination of the same.

SECTION V. IMPLEMENTING RULES AND REGULATIONS. The City Mayor, as it deems necessary and appropriate, may issue such implementing rules and regulations as he/she deems necessary and fit for the smooth, orderly and effective implementation of this Ordinance.

SECTION VI. SEPARABILITY CLAUSE. If, for any reason, any portion or provision, section or part of the Ordinance is declared not valid by a court of competent jurisdiction or suspended or revoked by the Sanggunian, such judgment shall not affect or impair the remaining portions, provisions, sections, or parts hereof which shall remain or continue to be in full force and effect.

SECTION VII. REPEALING CLAUSE. All existing ordinances and rules and regulation, including parts thereof which are inconsistent with the provisions of this Ordinance, are hereby deemed repealed, amended or modified accordingly.

SECTION VIII. EFFECTIVITY. This Ordinance shall take effect immediately after compliance of the requirements of Republic Act 7160, otherwise known as the Local Government Code of 1991.

ENACTED, September 26, 2017.

RESOLVED, FURTHER, to furnish copies of this ordinance one each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the City Treasurer; the OIC-Ormoc City Public Market Office; the Head, Ormoc City Superdome; the City Auditor; the Business Permits & Licensing Office; the OIC-City Director, DILG; and other offices concerned;

CARRIED by Nine (9) Affirmative Votes. SP Member Vincent L. Rama was out of the Session Hall at the time of the voting.


I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
(OIC - SP Secretary)
Supervising Administrative Officer

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
Vice Mayor & Presiding Officer

APPROVED:


RICHARD I. GOMEZ
City Mayor
27 SEP 2017
(Date)