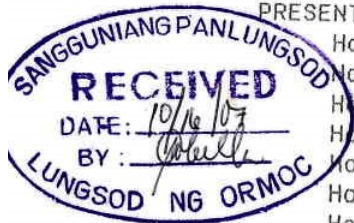




REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE ELEVENTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON SEPTEMBER 20, 2007



PRESENT:

Hon. Nepomuceno P. Aparis I,
Hon. Claudio P. Larrazabal,
Hon. Sotero M. Pepito,
Hon. Demosthenes F. Tugonon,
Hon. Ruben R. Capahi,
Hon. Mariano Y. Corro,
Hon. Fe S. Lladoc,
Hon. Filomeno P. Maglasang,
Hon. Rafael C. Omega, Jr.,
Hon. Fernando P. Parrilla,
Hon. Jose C. Alfaro, Jr.,

Vice Mayor & Presiding Officer
City Councilor, Floor Leader
City Councilor, Assist. Floor Leader
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor
City Councilor

ABSENT:

Hon. Cheryl A. Arcuino, (Sick Leave), Ex-Officio City Councilor,
SK Federation President

PREFATORY STATEMENT

The coverage of public market is not limited to public market proper alone but also includes bus terminals, canteens and stalls leased by the City Government of Ormoc outside the Public Market Proper, per Section II of Ordinance No. 107 dated January 22, 2004, otherwise known as "Market Code of the City of Ormoc".

The City Government of Ormoc constructed the Ormoc Food Park in front of Hall of Justice and besides the JICA Mitigation Project to help vendors augment their income, increase the city's revenues and make Ormoc City attractive to visitors and tourists.

Paragraph 2 of Section 1 of Tax Ordinance No. 2006-001 dated September 14, 2006 fixed the rental rate of other business ventures occupying stalls in the public market at P150.00 per square meter per month. That said rental rates however is dear for business ventures outside public market, thus the Market Committee recommends that the rental rate for Ormoc Food Park be pegged at P1,200.00 per month per stall.

FOREGOING PREMISES, CONSIDERED, on motion of City Councilor Sotero M. Pepito, Chairman, Committee on Economic Enterprise, jointly seconded by City Councilors Mariano Y. Corro and Fe S. Lladoc; be it

RESOLVED, to pass and enact:

TAX ORDINANCE NO. 2007-001

AN ORDINANCE FIXING THE RENTAL RATE OF THE ORMOC FOOD PARK
AT P1,200.00 PER MONTH PER STALL AND PROVIDING
GUIDELINES AND POLICIES IN THE OPERATION THEREOF.

BE IT ENACTED by the Eleventh Sangguniang Panlungsod, That:

SECTION 1. RATES OF RENTALS. There is hereby imposed and collected from each lessee the amount of One Thousand Two Hundred Pesos (P1,200.00) per month per stall at Ormoc Food Park.

SECTION 2. GUIDELINES AND POLICIES. The following guidelines and policies shall be observed.

- 1.) The monthly rental shall be paid to the City Treasurer or to his duly authorized representative.
- 2.) A security deposit equivalent to two (2) months rental.
- 3.) The Park is open on a 24-hour basis.
- 4.) Business Permits shall be issued upon compliance of the Sanitation and Market Codes of Ormoc, applicable Local Ordinances, existing and those that may be enacted in the future.
- 5.) The lessee shall keep the leased stall in good sanitary condition at all times and comply with all the sanitary rules and regulations that are now, or may hereafter be, prescribed by the Sangguniang Panlungsod. The lessee shall provide trash bins for biodegradable and another for non-biodegradable wastes, and should practice waste segregation.
- 6.) Lessee, waiters and waitresses must secure health card at the City Health Office and shall be attached at the upper left front portion of the garment of the lessee and employees while working.
- 7.) Uniforms shall be worn at all times by the lessee, waiters and waitresses while on duty.
- 8.) Operation of videoke, sound system and the like are strictly prohibited.
- 9.) The lessee shall not remove, construct or alter the original structure of the stall, electrical wiring or water connection without prior written permit from the lessor or his authorized representative.
- 10.) The lessee shall provide electric and water meters. The Lessee shall not start to operate his/her business unless he/she has a water supply connection. Electric and water consumption shall be for the account of the lessee.
- 11.) Shelves shall be provided by the lessee, however, design shall be set by the lessor.
- 12.) The lessee shall not utilize the aforesaid stall or any part thereof for residential, storeroom or bodega purposes.
- 13.) The lessee shall provide a maximum of three (3) tables and corresponding chairs.
- 14.) The lessor is neither responsible nor liable for the damages/losses of the personal property of the lessee in his/her stall.
- 15.) The LEASE CONTRACT shall be for a term of one (1) year only. However, should the LESSEE desire to occupy the leased premises for more than one year but not over five (5) years, he shall pay a LEASEHOLD RIGHT of ₱5,000.00 which is non-refundable aside from the regular monthly rental on the leased-premises.

- 16.) Should the LESSEE preterminate the lease contract he should immediately inform the LESSOR, and the transferee of the vacated leased premises shall pay a TRANSFER FEE of ₱3,000.00, and a new lease contract shall be executed by the LESSOR and the transferee-LESSEE.
- 17.) Upon expiration of the Contract of Lease, it can be renewed upon agreement of the parties.
- 18.) The lessee shall surrender the stall to the lessor upon expiration of the lease contract unless renewed, and shall be liable for damages which the lessor may suffer from his/her failure to surrender the same.
- 19.) The LESSEE is strictly prohibited from subleasing or selling his rights on the leased premises, and any contract entered into relative thereto, is considered null and void and for the violation thereof, the LESSEE shall pay an administrative fine of ₱5,000.00. In case of non-payment he/she shall be disqualified from entering into a contract with the City Government of Ormoc and the existing contract shall be rescinded.
- 20.) The lessor reserves the right to terminate the lease contract and forfeiture of security deposit for failure or refusal of the lessee to pay 2 (two) successive monthly rentals or for any violation of the terms and conditions thereof, upon proper notice.
- 21.) In case of court litigation by virtue of non-payment of the agreed rentals or any breach of contract by the lessee, the lessor shall be entitled to collect liquidated damages and Attorney's Fee exclusive of the unpaid rental and costs, legally taxable, all in Philippine Currency.
- 22.) A copy of this guidelines and policies should be posted at the conspicuous place inside the stall.
- 23.) Regular inspection shall be conducted by the lessor anytime.

SECTION 3. ADOPTABILITY OF ORDINANCE NO. 103 (MARKET CODE). The provisions of Ordinance No. 103 which are not in conflict with or contrary to, the provisions of this ordinance is hereby adopted and made an integral part hereof.

SECTION 4. SEPARABILITY CLAUSE. In case of any provision of this ordinance shall be held or decided invalid or unconstitutional, the validity of the other provisions thereof shall not be affected thereby.

SECTION 5. REPEALING CLAUSE. Any ordinance rules and regulations or parts thereof, inconsistent with the provisions of this ordinance are hereby repealed, amended or modified accordingly.

SECTION 6. EFFECTIVITY. In compliance with Art. 114 of RRILG, this Ordinance shall be posted at conspicuous places in the City of Ormoc and the same shall be published in a newspaper of general circulation within the territorial jurisdiction of Ormoc City. This Ordinance shall take effect on the day following its publication.

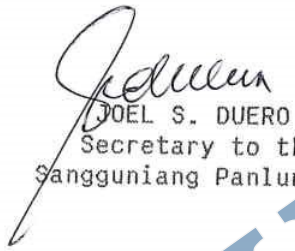
ENACTED, September 20, 2007.

RESOLVED, FURTHER, to furnish copies of this Tax Ordinance each to His Honor, the City Mayor Eric C. Codilla, the City Administrator, the City Treasurer, the City Accountant, the City Budget Officer, the City Auditor, all in Ormoc City;

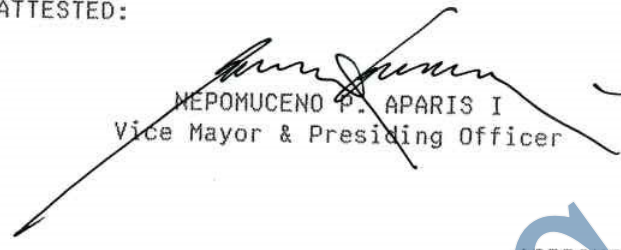
Tax Ord. No. 2007-001

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the foregoing tax ordinance.


JOEL S. DUERO
Secretary to the
Sangguniang Panlungsod

ATTESTED:


NEPOMUCENO P. APARIS I
Vice Mayor & Presiding Officer

APPROVED:


ERIC C. CODILLA
City Mayor

10/15/07
(Date)