

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 27, 2007



PRESENT:

Hon. Fernando P. Parrilla,	Temporary Presiding Officer (City Councilor)
Hon. Claudio P. Larrazabal,	City Councilor, Floor Leader
Hon. Sotero M. Pepito,	City Councilor, Assist. Floor Leader
Hon. Demosthenes F. Tugonon,	City Councilor
Hon. Mariano Y. Corro,	City Councilor
Hon. Fe S. Lladoc,	City Councilor
Hon. Filomeno P. Maglasang,	City Councilor
Hon. Rafael C. Omega, Jr.,	City Councilor
Hon. Jose C. Alfaro, Jr.,	City Councilor

ABSENT:

Hon. Nepomuceno P. Aparis I,	(Acting City Mayor), Vice Mayor & Presiding Officer
Hon. Ruben R. Capahi,	(O.B. - Tacloban), City Councilor
Hon. Cheryl A. Arcuino,	(O.B. - Cebu City), 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 Fruit Park along Rizal Street beside Gaisano Ormoc, to help vendors augment their income, increase the city's revenues and make the city free of ambulant vendors along its city streets.

Paragraph 2 of Section 1 of Tax Ordinance No. 2006-01 dated September 14, 2006 fixed the rental rate of other business ventures occupying stalls in the public market at ₱150.00 per square meter per month. That said rental rates however is dear for business ventures outside public market, thus the Market Committee recommend that the rental rate for Ormoc Fruit Park be pegged at ₱5.00 per square meter per day or ₱25.00 per stall/day.

FOREGOING PREMISES CONSIDERED, on motion of City Councilor Sotero M. Pepito, Chairman, Committee on Economic Enterprises, severally seconded by City Councilors Mariano Y. Corro, Fe S. Lladoc, Rafael C. Omega, Jr. and Jose C. Alfaro, Jr.; be it

RESOLVED, AS IT IS RESOLVED, to pass and enact:

TAX ORDINANCE NO. 2007-003

AN ORDINANCE FIXING THE RENTAL RATE OF THE ORMOC FRUIT
PARK AT ₱5.00 PER SQUARE METER PER DAY OR ₱25.00 PER
STALL PER DAY.

BE IT ENACTED BY the Eleventh Sangguniang Panlungsod ng Ormoc;
That:

SECTION 1. RATES OF RENTALS. There is hereby imposed and collected from each lessee the amount of Twenty Five Pesos (P25.00) per day per stall at Ormoc Fruit 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 refundable security deposit of P1,500.00 to answer for whatever unpaid damages or obligations to the lessor.
- 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.) Operation of videoke, sound system, and the like are strictly prohibited.
- 7.) 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.
- 8.) 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.
- 9.) The lessee shall not utilize the aforesaid stall or any part thereof for residential, storeroom or bodega purposes.
- 10.) The lessor is neither responsible nor liable for the damages/losses of the personal property of the lessee in his/her stall.
- 11.) 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 P5,000.00 which is non-refundable, aside from the regular monthly rental on the leased-premises.
- 12.) 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 P3,000.00, and a new lease contract shall be executed by the LESSOR and the transferee-LESSEE.
- 13.) Upon expiration of the Contract of Lease, it can be renewed upon agreement of the parties.

- 14.) 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.
- 15.) 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.
- 16.) The lessor reserves the right to terminate the lease contract and forfeiture of security deposit for failure or refusal of the lessee to pay the rental or any violation of the terms and conditions thereof, upon proper notice.
- 17.) 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 as Attorney's Fee exclusive of the unpaid rental and costs, legally taxable, all in Philippine Currency.
- 18.) A copy of the guidelines and policies of the ordinance should be posted at the conspicuous place inside the stall.
- 19.) 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 any provision of this Ordinance shall be held or decided invalid or unconstitutional, the validity of the other provisions hereof shall not be affected thereby.

SECTION 5. REPEALING CLAUSE. Any ordinance shall 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.

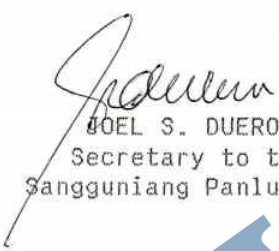
ENACTED, September 27, 2007.

RESOLVED, FURTHER to furnish copies of this Tax Ordinance each to His Honor, 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;

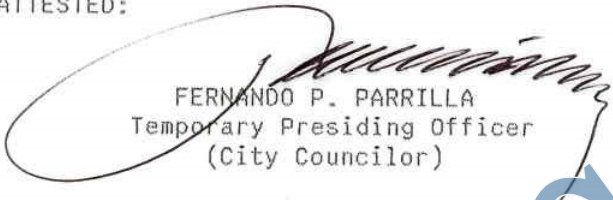
CARRIED UNANIMOUSLY.

Tax Ord. No. 2007-003

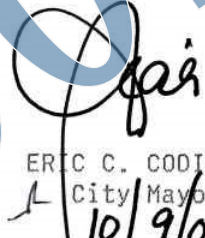
I HEREBY CERTIFY to the correctness of the foregoing tax ordinance.


JOEL S. DUERO
Secretary to the
Sangguniang Panlungsod

ATTESTED:


FERNANDO P. PARRILLA
Temporary Presiding Officer
(City Councilor)

APPROVED:


ERIC C. CODILLA
City Mayor
10/9/07
(Date)