

Republic of the Philippines
SANGGUNIANG PANLUNGSOD
CITY OF SURIGAO

MINUTES OF THE 2nd REGULAR SESSION OF THE SANGGUNIANG
PANLUNGSOD OF THE CITY OF SURIGAO HELD AT THE SP
SESSION HALL ON JANUARY 11, 2024.

PRESENT:

- Hon. Sebastian Ric. A. Nagas - City Councilor (Acting Vice Mayor/Presiding Officer)
- Hon. Cacer R. Azarcon - City Councilor
- Hon. Joenil B. Aldonza - City Councilor
- Hon. Joel E. Tinio - City Councilor
- Hon. Joshua Emilio S. Geli - City Councilor
- Hon. Baltazar C. Abian - City Councilor
- Hon. Noel Christian G. Catre, Jr. - City Councilor
- Hon. Jose Expeditus B. Bayana - City Councilor
- Hon. Joseph Joey S. Yuipco - City Councilor
- Hon. Karl Duane A. Casurra - City Councilor
- Hon. Florenillo B. Ravelo - Liga ng mga Barangay President
- Hon. Jenelyn Edulzura - SK Federation President

ABSENT:

- Hon. Alfonso S. Casurra - City Vice Mayor (Acting City Mayor)

The session was called to order at 2:04 o'clock in the afternoon of January 11, 2024.

OPENING PRAYER

MS. EDNA B. SIEGA/ACTING SP SECRETARY:

OPENING PRAYER

In the Name of the Father, and of the Son, and of the Holy Spirit. Amen.

Loving heavenly Father,
We come to you this hour asking for Your blessings,
Give us desire to find ways to excel in our works from this session with Your presence,
enlighten our minds and feel our hearts with love and wisdom
to work with righteousness in accordance of Your will.
In Jesus' Name, we pray. Amen.

In the Name of the Father, and of the Son, and of the Holy Spirit. Amen

SINGING OF THE PHILIPPINE NATIONAL ANTHEM

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ROLL CALL

The roll call was conducted with all the members of the Sangguniang Panlungsod listed herein as present in attendance, and thereafter a **QUORUM** was declared

**PERUSAL AND APPROVAL OF THE
PREVIOUS MINUTES**

Before the approval of the Minutes, Acting SP Secretary, Mrs. Edna B. Siega read the resolutions that were passed and approved in the previous regular session.

Thereafter, Honorable Karl Duane A. Casurra was recognized and presented a motion for the approval of the Minutes of the previous regular session, seconded by Honorable Joel E. Tinio, it was unanimously

RESOLVED: That the Minutes of the Regular Session held on January 4, 2024, re: Resolution Nos. 01-04 be as it is hereby approved.

005

MATTERS OF INFORMATION

None

**INCLUSION, AMENDMENT AND
APPROVAL OF THE AGENDA**

On motion of Honorable Joel E. Tinio, duly seconded by Honorable Joshua Emilio S. Geli, it was unanimously

RESOLVED, to approve, as it is hereby approved, the agenda of the 2nd Regular Session of the Sangguniang Panlungsod dated 11 January, 2024, as prepared and presented.

006

FIRST READING:

- Request for the passage of an ordinance creating Engineer IV (SG22) under the processing and evaluation division of the Office of the Building Official with the attached certificate of funds availability. By Committee on Rules.

REFERRAL TO COMMITTEES:

a. Committee on Transportation, Communication and Utilities —

- Indorsement from the Tricycle Trisikad Franchising Office, indorsing Two Hundred Seventy-Three (273) applications for the tricycle franchise classified as Renewal, Renewal/Amendment of Franchise and Amendment of Franchise

b. Committee on Health and Sanitation—

- Indorsement from the City Health Officer II, Dr. Benjielita P. Notada, MD, requesting the City Council for an Authority of the City Mayor Hon. Pablo Yves L. Dumlao II, to enter into a Memorandum of Agreement (MOA) with Dr. Ponciano S. Limcangco, as Pathologist of the City Health Office, with an honorarium of Five Thousand Pesos (₱5,000.00) per month, effective January 1, 2024 to December 31, 2024

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COMMITTEE REPORT

(At this juncture, Honorable Sebastian Ric A. Nagas takes over as the Presiding Officer.)

Honorable Azarcon was recognized.

HON. CACEL R. AZARCON:

For the Committee on Rules Mr. Chairman, I have 2 matters to report. First, is the letter of the City Mayor, Pablo Yves L. Dumlao II, requesting for the adoption of the revised 2023 Citizen’s Charter of the City of Surigao by the Sangguniang Panlungsod.

The findings and the action taken of the committee are as follows:

- *The Citizen’s Charter will significantly enhance the delivery of public service and contribute to overall efficiency and transparency of the local government. The Citizen’s Charter is a crucial document that outlines the rights and responsibilities of citizens, as well as, the commitment of the government to provide prompt and quality services. It serves as a valuable tool to empower the public by setting clear expectations and standards for the delivery of various services. Moreover, it fosters a sense of accountability and responsiveness within the government, prompting a more citizen-centric approach to governance.*

The adoption of the Citizen’s Charter will not only elevate the standards of service delivery in Surigao, but will also strengthen the bond between the government and its constituents. It will pave the way for a more harmonious and participative relationship wherein the needs and concerns of the citizens are addressed promptly and effectively.

The Committee on Rules, Mr. Chairman, hereby recommends for the passage of a resolution adopting the revised 2023 Citizen’s Charter of the City Government of Surigao. I so move, Mr. Chairman.

The motion was was favorably seconded and approved, to wit:

007

RESOLUTION NO. 07-2024

A RESOLUTION ADOPTING THE REVISED 2023 CITIZEN’S CHARTER OF THE CITY GOVERNMENT OF SURIGAO.

WHEREAS, indorsed to the Sangguniang Panlungsod is a letter from the City Mayor, endorsing to the City Council for the Adoption of the 2023 Citizen’s Charter of the City Government of Surigao, for favorable action and approval;

WHEREAS, the adoption of the Citizen's Charter is anticipated to substantially enhance the efficiency and transparency of the local government in Surigao by clearly outlining the rights and responsibilities of citizens, establishing a framework for prompt and quality services, and fostering a citizen-centric approach to governance, thereby promoting a more accountable and responsive administration;

WHEREAS, the implementation of the Citizen's Charter is expected to not only elevate the standards of service delivery in Surigao but also strengthen the relationship between the government and its constituents, creating a more harmonious and participative environment wherein the needs and concerns of citizens are addressed promptly and effectively, ultimately paving the way for an empowered and engaged community;

NOW THEREFORE, on motion of Honorable Cacer R. Azarcon, seconded by Honorable Baltazar C. Abian, it was unanimously

RESOLVED: To pass a resolution adopting the revised 2023 Citizen's Charter of the City Government of Surigao.

RESOLVED FURTHER: That copies of this resolution be furnished the Honorable City Mayor and all City Department Offices for their information, guidance, and appropriate action.

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Honorable Azarcon continued reporting.

HON. CACEL R. AZARCON:

Next, Mr. Chairman, is the letter of the City Mayor, Pablo Yves L. Dumlaog II, requesting for the passage of a resolution designating or naming the building currently utilized as LGU-SC Quarantine Facility located in Barangay Cagniog, Surigao City.

The findings and actions taken by the committee are as follows:

- *The Committee found out that the purpose of naming or designating the building currently utilized as LGU-Surigao City Quarantine Facility located in Brgy. Cagniog, Surigao City to Livelihood Training and Productivity Center Extension is to facilitate the Livelihood Training and Productivity Center's compliance to TESDA's accreditation requirements.*

The Committee on Rules hereby recommends for a passage of a resolution naming and/or designating the building currently utilized as LGU-Surigao City Quarantine Facility located in Barangay Cagniog, Surigao City to Livelihood Training and Productivity Center Extension. I so move, Mr. Chairman.

The motion was was favorably seconded and approved, to wit:

008

RESOLUTION NO. 08 - 2024

A RESOLUTION NAMING AND/OR DESIGNATING THE BUILDING CURRENTLY UTILIZED AS LGU-SC QUARANTINE FACILITY LOCATED IN BARANGAY CAGNIOG, SURIGAO CITY, "LIVELIHOOD TRAINING AND PRODUCTIVITY CENTER-EXTENSION".

WHEREAS, the Sangguniang Panlungsod was in receipt of an indorsement from the City Mayor, requesting the City Council to pass a resolution designating or naming the building currently utilized as LGU-SC quarantine facility located in Barangay Cagniog, Surigao City, “Livelihood Training and Productivity Center-Extension”, to facilitate the Livelihood Training and Productivity Center’s compliance to TESDA's accreditation requirements;

WHEREAS, the National Government, recognizing the lack of and the urgent need of quarantine facilities in various locations in the country brought about by the COVID-19 Public Health Crisis, endeavored to give assistance, in cooperation and coordination with the Local Government Units, through the DPWH, and upon completion the quarantine facility will be handed over to the LGU-SC for maintenance, management, and operation;

WHEREAS, the purpose of naming or designating the currently utilized as LGU-SC quarantine facility located in Barangay Cagniog, Surigao City, “Livelihood Training and Productivity Center-Extension”, is to facilitate the Livelihood Training and Productivity Center’s compliance to TESDA’s accreditation requirements;

NOW THEREFORE, on motion of Honorable Caceres R. Azarcon, seconded by Honorable Baltazar C. Abian, it was unanimously

RESOLVED: To pass a resolution naming and/or designating the building currently utilized as LGU-SC quarantine facility located in Barangay Cagniog, Surigao City to “Livelihood Training and Productivity Center-Extension”.

RESOLVED FURTHER: That copies of this resolution be furnished the Honorable City Mayor, Technical Education and Skills Development Authority (TESDA), Livelihood Training and Productivity Center, and all concerned for their information, guidance and appropriate action.

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1. CALENDAR OF BUSINESS

A. Pending Matters: None

B. Urgent Matters:

- Indorsement from the City Mayor denominated as URGENT, requesting the City Council to authorize him to enter into a Lease of Contract with Charoen Pokphand Food Philippines Corporation

Councilor Bayana requested the secretariat to calendar the matter in the next session as the august body still have to go over the new draft of the contract which had just been furnished to them. The Acting Secretary noted the same.

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C. Business of the Day:

2nd Reading:

- Proposed Ordinance, An Ordinance Fixing the Goodwill Money, Stall and Space Rentals and the Terms and Conditions Thereof at the City Commercial Buildings and Lot Owned by the City Government of Surigao, particularly Commercial Building 1 (Mang Inasal) located at San Nicolas Street, Commercial Building II (Ground and Second Floor) and Rotonda Snack Bar located at Borromeo Street, and For Other Purposes.

Honorable Abian was recognized.

HON. BALTAZAR C. ABIAN:

Okay. Good afternoon, Mr. Chair and to my colleagues. This is in regards to an Ordinance Fixing the Goodwill Money, Stall and Space Rentals and the Terms and Conditions Thereof at the City Commercial Buildings and Lot Owned by the City Government of Surigao, particularly Commercial Building I (Mang Inasal), Commercial Building II (Ground and Second Floor) and Rotonda located in San Nicolas Street and located in San Nicolas, Rizal Streets and Borromeo Streets, Surigao City respectively, and For Other Purposes. Mr. Chairman, I move that this said ordinance be taken up on second reading.

Honorable Abian requested for the suspension of the rules to allow the resource persons to answer queries from the august body. **RULES ARE SUSPENDED.**

Honorable Catre was recognized.

HON. CHRISTIAN NOEL G. CATRE:

I have a question with this Section 5, specifically 5.2 and 5.3. And 5.2 may I read them and 5.3- Priorities shall be accommodated to those existing LESSEES who are in good standing. Good standing means no delinquent obligations, no violations of any provisions of their previous contract.

5.3 on the other hand provides that: Stalls to be opened for bidding shall be those whose are vacant and those whose LESSEES are delinquents and have committed violations of any provisions of their previous contract.

Now, may I ask, Mr. Chairman, why are we favoring those according to this provision lessees of good standing. Will it not, I know this may constitute a violation of anti-graft and corrupt practices, Mr. Chairman. Giving undue advantage to any party, may I read the provision, Mr. Chair for a while. Causing any undue injury to any party including the government or giving any private party any unwarranted benefits, I say that the benefits mentioned in these provisions are unwarranted because during the committee hearing, Mr. Chairman, I asked the resource speaker for a copy of the previous, of their previous contract and there was nothing in that contract that mentioned that, those who are updated in paying their lease shall be favored during the renegotiation of their contract, Mr. Chairman. Will this not deprive the government of you know of income?

MR. NELSON S. ALCALA:

Good afternoon to honorable members, with regards of the new contract, it means that since the contract of the previous is new, why? Because it is a new building, it is, by this time it is a renew, renewed contract, Sir.

Honorable Catre asked how Commercial Building I is different from Commercial Building II, and will the said provisions in section 5 not constitute a violation of Anti-Graft and Corrupt Practices Act by giving unwarranted benefits considering during the previous

contract it was not provided that those who are updated with their payments will be prioritized in the renewal of the contract.

MR. NELSON S. ALCALA:

If it is the, according to Kagawad Catre, if it is a violation Sir, 'di ato ini ipa-delete na mga provision. No problem to us na ipatangtang ta ini na provision. As long as it is benefit to the City. Total, mas modako pa man hinuon amo collection kontra kun tangtanganon ini. Much better sige, kamo may jari mag-approve. That's why na kun ijo ini e-padelete na provision e-delete. Dako iton pa hinuon moabot nan motaas taas pa an goodwill. No problem to us.

HON. NOEL CHRISTIAN G. CATRE JR.:

Exactly, Mr. Chairman. Deleting these two provisions will give us more income.

Honorable Azarcon said that the contract shall be terminated first before the stalls be opened for bidding. The resource persons answered that the contract of lease has been expired since 2021.

HON. CACEL R. AZARCON:

But those who are delinquent, dili na paapilon sa bidding?

HON. NOEL CHRISTIAN G. CATRE:

Open na for bidding tanan.

HON. CACEL R. AZARCON

Na kay may mga delinquencies man sila? What will you do with them? I'm sure hamok sa ila did-on mga... May mga mga delinquent, delinquencies?

HON. BALTAZAR C. ABIAN:

Ah Son, an mahitabo ini jaon sila tanan bag-o na. Kun moapil sila sa bidding, bayaran anay nila ang mga delinquents.

MR. NELSON S. ALCALA:

Ang mga... Yes Sir.

HON. BALTAZAR C. ABIAN:

Sanan an goodwill money.

MR. NELSON S. ALCALA:

Plus, kung silay makadaog sa bidding, mo bayad sad sila plus goodwill money.

HON. BALTAZAR C. ABIAN:

Bayad sad sila sa goodwill money na?

MR. NELSON S. ALCALA:

397 *Oh, na it depends sa bidding. The minimum bid is 200, but mag-increase man jaon*
 398 *kay may mga, kuan man magkitahay for example mo abot ug 300 pataasay man Sir kay,*
 399 *kay open bid man.*

400
 401 **HON. BALTAZAR C. ABIAN:**

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 403 *Okay. Thank you. Thank you very much.*

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 405 **HON. SEBASTIAN RIC A. NAGAS/ PRESIDING OFFICER:**

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 407 *So, any more discussions?*

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 409 **HON. CACEL R. AZARCON:**

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 411 *Ah Mr. Chairman, there is a question from Honorable Geli. inday uno ako may*
 412 *ipapangutana ini na sija man dapat ini, manugo pa man. Ikaw ray pangutana did-on.*

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 414 **HON. JOSHUA EMILIO S. GELI:**

415
 416 *Ah, good afternoon to everyone. Good afternoon, Mr. Chair. There is a page here,*
 417 *stating the delinquencies of several stalls, wherein it reaches from 140,000 up to 439,000.*
 418 *My question is, is there no provision in the previous contract na failure to pay? Let's say,*
 419 *consecutive number of months should be a ground for the immediate termination of the*
 420 *lease contract? Why was it? Why were that stalls be able, were able to have delinquencies*
 421 *as this, as big as this for three years na? And still enjoy the property being rented to them?*

422
 423 **MS. ALICIA G. MA:**

424
 425 *Sir, there is a provision in the previous contract, pero maghangjo mag-*
 426 *compromise, tapos mo bayad anay, sunod na sab dili. That's why na, naing-ana ang...*

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 429 **HON. JOSHUA EMILIO S. GELI:**

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 431 *That's why, kagana inin ato mahimo na mga provisons diri, an problema is, an problem*
 432 *is we are not able to execute the, let's say, the violations or the penalties of thereof, the best*
 433 *thing here, is simplify this and let's execute it properly para di kita kaabot sa ini na problema.*
 434 *We should have been able to get as much money as, as, as, based on the rentals if you were just*
 435 *able to...*

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 437 **MR. NELSON S. ALCALA/ RESOURCE PERSON:**

438
 439 *Sir...*

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 441 **HON. JOSHUA EMILIO S. GELI:**

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 443 *Yes.*

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 445 **MR. NELSON S. ALCALA/ RESOURCE PERSON:**

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 447 *An pag-implement lagi Sir mas, molaong man lagi na mas ato I – harsh, an ato man*
 448 *galing ini kuman, for example, manukot kita, magtago – tago man gani just like ini molaong*
 449 *anay ajaw anay alkansi pa kami, amo iton. An ending nato ini, pag-renewal na, amo man sad*
 450 *and also pag-renew nan ila business permit. Why? Because in business permit, adtu na kami*
 451 *manukot na you have an delinquent of your rentals plus your delinquent of your business tax.*
 452 *Tapos nasab pag-abot sa office, muhangyo nasab nan molaong na iton promissory, promissory*
 453 *nasab na amo bayran, staggard basis. E- compromise, amo naman gajud ato ini as government*

ato man e-facilitate, di man gajud kita molaong na, paglaong pa na bira-bira dajun na dili pa pa-kuan nato kay abo na Sir kon mag-atubang dato na magpacute-cute nan mata, na ma-cute, cutan man sab kita amo man sab jaon Sir.

HON. JOSHUA EMILIO S. GELI:

Because the problem here is we are increasing the, the rental fee. The previous monthly rental is just one, let's say. Let's say 10,000 to 12,000, and we're increasing it to 51,000 a month, simay mo... Di gajud ini sila kaapas.

MS. ALICIA G. MA/ RESOURCE SPEAKER:

No, bali ang, amo na bali jaon Sir an current kuman.

HON. JOSHUA EMILIO S. GELI:

An 50?

MS. ALICIA G. MA/ RESOURCE SPEAKER:

An proposed nato na...

HON. JOSHUA EMILIO S. GELI :

An bag-o lagi, sa previous it's just 12, 10, 11, 12,000 maglisod na gani kita sukkot kuman 50,000 na, mahimo na delinquent sa tanan. Anyway, just an observation, Mr. Chair.

HON. BALTAZAR C. ABIAN:

Anyway, Kagawad this is a proposed rate only, pwede man nato ini ma-change nasab.

MR. NELSON S. ALCALA/ RESOURCE PERSON:

Sir, may I may? Molaong kamo na higher, amo na ini tag-survey kon ato huna-hunaon, it is, an imo tag-laong Sir is 20 years ago, kon kuman gani sauna pa, pag skuyla pa nato, an atu boarding house is 150 but kuman 1,500 na, just like sa ato rental, imagine, before nato tagpa-rent maskin survey-hon pa nato ton kuman, an isa ka stall, tagpila man an ila rental? Isa ra kagamay na rental, maskin aton, Metro Surigao sa ilayom, tag-20,000 an gamay ra na stall, ila tagbahin-bahin moabot na gani sila nan 100,000 an isa ra ka ilayom nan stall. That's why kon ato ini tan-awon sa kuman na prevailing price, mas kita pa gajud an pinakabarato.

HON. JOSHUA EMILIO S. GELI:

I have no question with the rental, I mean, the increase of the rental. The problem is kadugayan nato magsukot sa rental ng mga tuyo ka buyan, basin milyon – milyon nay ato sukkon sa ila. That's why, we have to be stricter, pag- three months pa sukkon na dajun, unless, if dili pa, e-terminate na derecho contract. That's, that's my opinion, Mr. Chair.

HON. BALTAZAR C. ABIAN:

Padlock-kan na dajun.

MR. NELSON S. ALCALA/ RESOURCE PERSON:

Okay, Sir, we will implement that.

The being no more queries to the resource persons, the **RULES ARE REINSTATED**.
Thereafter, a motion was presented and favorably seconded to delete Section 5.2 and amend
Section 5,3 to read as follows: “All stalls shall be open for bidding.”

The motion to approve on 2nd reading was presented and approved. Thereafter, a
motion to approve on 3rd and final reading was presented and approved, to wit:

On motion of Honorable Baltazar C. Abian, seconded by Honorable Noel Christian
G. Catre, Jr. and Honorable Karl Duane A. Casurra, it was unanimously

RESOLVED: That the following Appropriation Ordinance, be as it is hereby
enacted, to wit:

009

ORDINANCE NO.491
Series of 2024

**AN ORDINANCE FIXING THE GOODWILL MONEY, STALL AND
SPACE RENTALS, AND THE TERMS AND CONDITIONS THEREOF AT THE
CITY COMMERCIAL BUILDINGS AND LOT OWNED BY THE CITY
GOVERNMENT OF SURIGAO, PARTICULARLY COMMERCIAL BUILDING I
(MANG INASAL) COMMERCIAL BUILDING II (GROUND AND SECOND
FLOOR) ROTONDA LOCATED IN SAN NICOLAS-RIZAL STREETS AND
BORROMEIO STREETS SURIGAO CITY RESPECTIVELY, AND FOR OTHER
PURPOSES.**

WHEREAS, in the discussion and evaluation made by the Local Finance
Committee, the herein recommendations were finalized and deemed to be best suited for
the greater interest of the City Government to generate more revenues from the subject
facilities;

WHEREAS, Local government units shall enjoy full autonomy in the exercise of
their proprietary functions and in the management of their economic enterprises, subject to
the limitations provided in Local Government Code of 1991, paragraph (d) Section 22 and
other applicable laws;

WHEREAS, there is a need to fix the goodwill money, rental and minimum
conditions and terms that are to be stipulated in corresponding Lease Contracts;

NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the
Sangguniang Panlungsod of the City of Surigao, in a session duly assembled that.

SECTION 1-GOODWILL MONEY and RENTAL FEES:

GOODWILL MONEY

Name of Building	Minimum Bid
1. Com Bldg. 1 (Mang Inasal)	P 200,000.00
2. Com Bldg.2	
Ground Floor	200,000.00
Second Floor	300,000.00

RENTAL FEE

Name of building	Rental fee
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1. Com Bldg,1 (Mang Inasal) - Ground Floor - Second Floor - Third Floor	P 600.00/sqm 300.00/sqm 200.00/sqm
2. Com Bldg. 2 (Ground Floor) - Corner Lot Stall (1) and Stall 12 - Stall 2 to 11	P 700.00/sqm 600.00/sqm
3. Com Bldg.2 (Second Floor)	P 200.00/sqm
4. Rotonda (Lot only)	200.00/sqm

SECTION 2. TERMS AND CONDITIONS RELATIVE TO THE GOODWILL MONEY.

- 2.1. The goodwill money for the stalls shall be bidded out or auctioned to the highest bidder;
- 2.2. The goodwill money amount shall start at a minimum bid of **P200,000.00** (TWO HUNDRED THOUSAND PESOS) per stall/space;
- 2.3. The goodwill money shall be payable by 50% upon signing of the Lease Contract and the remaining 50% in 12 equal monthly installments. The Lessee shall issue a post-dated check for the remaining 12 monthly installments;
- 2.4. Maximum lease period shall be for **10 years**, and a right of first refusal upon renewal maybe provided subject to the terms of the new lease contract;

SECTION 3. TERMS AND CONDITIONS RELATIVE TO RENTAL FEES.

- 3.1. The rent shall increase at a rate of **5 %** per annum computed on a straight-line increase beginning at the amount of lease on the first year;
- 3.2. At the commencement of the Leases, the lease shall pay a one-month advance rental, and an additional one-month rental deposit. The deposit shall be returned to the lessee interest free at the end of the lease contract unless there are substantial damages incurred by the lease stall/space which cannot be considered as ordinary wear and tear in which case the City Government can utilize the deposit to repair the damages. Should the deposit insufficient to cover the cost of repair, the additional cost shall be shouldered by the lessee or the City Government can undertake the repairs with the cost chargeable to the lessee.

SECTION 4. MINIMUM TERMS AND CONDITIONS TO BE CONTAINED IN THE LEASE CONTRACT.

- 4.1. The leased stall/space shall not be used as a dwelling place by the lessee;

- 4.2. The lessee shall be prohibited from sub-leasing the leased stall/premises or conveying his rights as an awardee, and sub-leasing or conveying one's rights as an awardee shall be a ground for the immediate rescission of the lease contract;
- 4.3. Failure to pay the initial Fifty Percent (50%) of the goodwill money within five working days from its award or two (2) consecutive monthly installments thereof shall be a ground for the cancellation of the award and the lease agreement; in case of rescission of the lease contract due to failure to pay the monthly installments of the goodwill, Fifty Percent (50%) of the amounts paid by the lessee shall be forfeited in favor of the City Government as liquidated damages;
- 4.4. Failure to pay the monthly rentals for three (3) consecutive months shall be a ground for the immediate termination of the lease contract;
- 4.5. The lessee shall be prohibited from insuring the leased stall/premises although he may insure the merchandise and fixture which he may have stored or installed thereon in the pursuit of his business.
- 4.6. Permanent improvements or those that could not be removed without substantial damage to the leased stall or space shall become the property of the City Government upon the expiration of the lease contract or upon the rescission of the lease contract for violation of its terms and conditions;
- 4.7. The lessee shall be responsible for the payment of utilities such as but not limited to electricity, water internet and telephone bills; for this purpose, the lessee shall cause the installation of separate electric and water meters per stall.
- 4.8. The LESSEE becomes insolvent, or goes into liquidation or receivership or be admitted to the benefits of any procedure for the settlement of debts or to be declared bankrupt.

SECTION 5. AWARD OF THE STALLS. There shall be created a Selection Committee.

- 5.1. *The Selection Committee shall be the following:*
- 5.1.1 *City Administrator- Chairman*
- 5.1.2 *SP, Committee Chair on Economic Enterprise-Members*
- 5.1.3 *Local Finance Committee-Members*
- 5.2 *All stalls shall be opened for bidding;*
- 5.3 Series of public announcements will be made for the purpose, and letters will be sent to local Chambers of Commerce (SCCI and Filipino-Chinese Chamber) to invite interested lessees;
- 5.4 The rental rates shall be fixed on the terms stated under Section 1, herein but the goodwill money shall be bided out/auctioned off to the highest bidder. The highest bid on the goodwill money

shall gain the right to lease the property/stall(s) subject to the terms of the Lease Contract;

5.5 All interested parties shall submit a Letter of Intent addressed to the City Mayor, declaring among others the following:

- 5.5.1. *Intent to Lease or renew the Lease (as the case maybe) for a commercial stall or stalls;*
- 5.5.2. *The location or number of stall(s);*
- 5.5.3. *The proposed amount of goodwill money (minimum bid);*
- 5.5.4. *The willingness to pay the goodwill money on the terms set by the city*
- 5.5.5. *To abide with all the other conditions that will be set forth in the Lease Contract;*
- 5.5.6. *Undertakes to comply with government laws, rules and regulations.*

5.6 Should two (2) or more parties have matching goodwill money proposal for the same stall or stalls, an auction shall be held among the contending parties and the highest bid will gain the award for the stall/stalls;

5.7 A Lease Contract shall be executed between the winning bidder and the city government;

5.8 The Sangguniang Panlungsod shall grant the City Mayor, authority to sign the Lease Contract between the lessee of every stall.

SECTION 6. SEPARABILITY CLAUSE. Should any provision of this Ordinance be subsequently declared unconstitutional or invalid, the other provision not so declared shall remain in force and effect.

SECTION 7. REPEALING CLAUSE. All other ordinances which are inconsistent with this Ordinance are likewise repealed or deemed modified.

SECTION 8. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the City of Surigao.

Enacted on January 11, 2024

SPONSORED BY: HON. BALTAZAR C. ABIAN
Chairman, Committee on Trade, Business Industry and Economic Enterprise.

- - - - -

PRIVILEGE HOUR/SPEECH

None

- - - - -

OTHER MATTERS

None

- - - - -

ADJOURNMENT

There being no other matters discussed, the 2nd Regular Session was adjourned at 2:46 o'clock in the afternoon of January 4, 2024.

(As to what transpired in the discussion, the transcribed stenographic notes of the same are kept and filed in the SP Office for record purposes and reference.)

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CLOSING PRAYER:

HON. JOSE EXPEDITUS B. BAYANA:

In the name of the father, the Son, and the Holy Spirit. Amen.
Our father,
who art in heaven,
hallowed be thy name.
Thy kingdom come,
thy will be done on earth as it is in heaven.
Give us this day,
our daily bread,
And forgive us our trespasses,
as we forgave those who trespassed against us.
And lead us not into temptation,
but deliver us from evil.
We thank you, Lord,
for the guidance you have granted us in today's session.
We hope that,
with Your guidance,
we have reached decisions
for the benefit of majority of the Surigaonons.

In the name of the father, the son, and the Holy Spirit. Amen.

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APPROVED, this ____ day of January 2024.

WE HEREBY CERTIFY that the foregoing statements, resolutions and the like were passed and approved by us, members of the Sangguniang Panlungsod of the City of Surigao, Province of Surigao del Norte.

EDNA B. SIEGA
Acting Sanggunian Secretary

CACEL R. AZARCON
City Councilor

NOEL CHRISTIAN G. CATRE, JR.
City Councilor

JOEL E. TINIO
City Councilor

JOSE EXPEDITUS B. BAYANA
City Councilor

JOSHUA EMILIO S. GELI
City Councilor

JOSEPH JOEY S. YUIPCO
City Councilor

JOENIL B. ALDONZA
City Councilor

BALTAZAR C. ABIAN
City Councilor

KARL DUANE A. CASURRA
City Councilor

FLORENILLO B. RAVELO
Liga ng mga Barangay President

JENELYN EDULZURA
SK Federation President

ATTESTED BY:

SEBASTIAN RIC A. NAGAS
City Councilor
Presiding Officer