

SP Records
APR 14 2023 *Vina*

Republic of the Philippine
PROVINCE OF LEYTE

Item No.: 06
Date: APR 25 2023

SANGGUNIANG PANLALAWIGAN
RECEIVED
130 April 2023
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2nd Indorsement
March 31, 2023

[Signature]
4-11-23

Respectfully returned to the, Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 01, S. 2023 of the SB of Matalom Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) of R.A. 7160, the same being to the opinion of the Provincial Legal Office (PLO), an exercise of the power authorized under Section 447 (3), (i) & (iii) of the Code, respectively. Provided, That, pursuant to Section 186 of the Code, "Fees or Charges shall not be unjust, excessive, oppressive, confiscatory, or contrary to declared national policy".

[Signature]
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer *[Signature]*

Republic of the Philippines
PROVINCE OF LEYTE

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Province of Leyte
Legal Office

[Handwritten Signature]
3. 20. 23

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT

29 March 2023

Respectfully indorsed to the PROVINCIAL LEGAL OFFICE the herein **MUNICIPAL ORDINANCE NO. 01 S 2023** of the **MUNICIPALITY OF MATALOM, LEYTE**; imposing rental fees for the use of commercial spaces in the newly renovated building at the public market, for review and recommendations.

[Handwritten Signature]
FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

[Handwritten Initials]
SP Records
32923



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATALOM

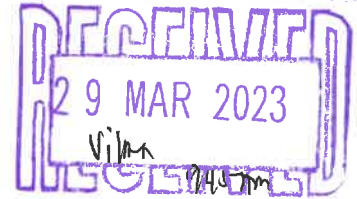


OFFICE OF THE SANGGUNIANG BAYAN SECRETARY

16 March 2023

THE SANGGUNIANG PANLALAWIGAN
Legislative Building, Capitol Site
Tacloban City

SANGGUNIANG PANLALAWIGAN



PROVINCE OF LEYTE

Thru: FLORINDA JILL S. UYVICO
Sangguniang Panlalawigan Secretary
Legislative Building, Capitol Site, Tacloban City

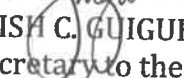
Gentlemen/Ladies:

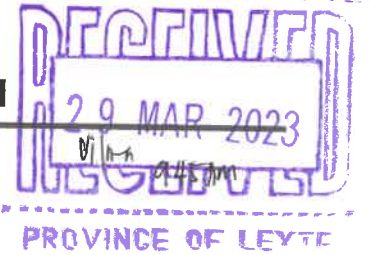
We are respectfully forwarding to the Sangguniang Panlalawigan for review, 16 copies of the following ordinances:

1. Municipal Ordinance No. 1, s. 2023 of the Municipality of Matalom, Leyte, An Ordinance Imposing Rental Fees for the Use of Commercial Spaces in the Newly-Renovated Antipolo Building Located at the Public Market, Matalom, Leyte;
2. Municipal Ordinance No. 2, s. 2023 of the Municipality of Matalom, Leyte, An Ordinance Creating the Position of a Municipal Government Assistant Department Head II (Local Disaster Risk Reduction and Management Officer) - SG 23, Prescribing Its Functions, Duties and Responsibilities, and Appropriating Funds Thereof.

Kindly acknowledge receipt hereof.

Very truly yours,


IRISH C. GUIGUE
Secretary to the Sanggunian



OFFICE OF THE SANGGUNIANG BAYAN

**MUNICIPAL ORDINANCE NO. 01
Series of 2023**

**AN ORDINANCE IMPOSING RENTAL FEES FOR THE USE OF COMMERCIAL SPACES IN THE
NEWLY-RENOVATED ANTIPOLO BUILDING LOCATED AT THE PUBLIC MARKET,
MATALOM, LEYTE.**

*Sponsor: Hon. Joseleo W. Dances
Co-Sponsor: Hon. Alfonso B. Tan*

WHEREAS, Section 129 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 provides that "each local government unit shall exercise its power to create its own sources of revenue and to levy taxes, fees and charges subject to the provisions herein, consistent with the basic policy of local autonomy. Such taxes, fees and charges shall accrue exclusively to the local government units";

WHEREAS, Section 132 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 states that "the power to impose a tax, fee or charge or to generate revenue under this Code shall be exercised by the Sanggunian of the local government unit concerned through an appropriate ordinance";

WHEREAS, it is hereby a declared policy to develop the public market as an instrument of public service for the promotion of the general welfare and the protection of the health of the people, as well as a means to raise revenues for development projects and activities;

NOW WHEREFORE, premises considered, the Sangguniang Bayan during its regular session assembled an on motion of Hon. Joseleo W. Dances, seconded by Hon. Alfonso B. Tan, be it

ENACTED, AS IT IS HEREBY ENACTED to approve and adopt the Municipal Ordinance imposing rental fees of commercial spaces at the newly-renovated Antipolo building located in the Public Market, Matalom, Leyte:

Section 1. Title. This Ordinance shall be known as "An Ordinance Imposing Rental Fees of Commercial Spaces at the Newly- Renovated Antipolo Building Located in Public Market, Matalom, Leyte".

Section 2. Scope. This Ordinance shall cover the collection of rental fees of commercial spaces at the newly-renovated Antipolo building;

Section 3. Definition of Terms. When used in this Ordinance, the term shall means;

- a. Lessee – is a natural person having in his/her possession a duly executed contract for lease for a specified rental granted in his/her favor by the Municipality of Matalom, Leyte;
- b. Lessor – means Local Government of Matalom, Leyte represented by the Municipal Mayor who transfers, conveys, and assigns the possession and occupancy of stall in the newly-renovated Antipolo building to any person for a specified rental, by an agreement or contract of lease duly executed in writing;



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- c. Space Rental Fee – the amount charged to the lessees who occupy space inside the newly-renovated Antipolo building;
- d. Fee - means fees and charges fixed by law or Ordinance for the regulation or inspection of business activity. It also shall include charges fixed by the law or agency for the services of a public officer in the discharges of his official duties.

Section 4. Imposition of Fees. There shall be collected from lessees the following fees and charges for commercial space rental:

- a. For the six (6) units of commercial spaces at the front side of the Antipolo Building - ₱ 3,500.00 a month per unit;
- b. For the eight (8) units of commercial spaces at the back side of the Antipolo building - ₱ 1,000.00 a month per unit

Section 5. Time and Manner of Payment. The fee for space rental shall be paid to the Municipal Treasurer or the duly authorized representative within the month. In case of a new lessee, the rental due for the month in which the lease start, shall be paid before the occupancy of the space, along with a refundable security deposit of:

- a. Twenty Thousand Pesos (₱ 20,000.00) for the commercial spaces at the front side of the Antipolo building, less any unpaid rent, utilities and damages. If the lessee fails to pay the monthly rental fee within the prescribed period, he/she shall pay a surcharge of twenty-five percent (25%) of the total amount of the rental due. Failure to pay the rental fee for three (3) consecutive months shall cause automatic cancellation of the contract of lease without prejudice to suing the lessee for the unpaid rents at the expense of the lessee. The space shall be declared vacant and open for lease.
- b. Five Thousand Pesos (₱ 5,000.00) for stalls at the back side of the Antipolo building, less any unpaid rent, utilities and damages. If the lessee fails to pay the monthly rental fee within the prescribed period, he/she shall pay a surcharge of twenty-five percent (25%) of the total amount of the rental due. Failure to pay the rental fee for two (2) consecutive months shall cause automatic cancellation of the contract of lease without prejudice to suing the lessee for the unpaid rents at the expense of the lessee. The space shall be declared vacant and open for lease.

Section 6. Contract of Lease. The contract of lease shall be embodied in a public instrument and shall integrate all the covenants, understanding and agreements of the LESSOR and LESSEE. The rights and obligations of both parties shall be clearly defined to preclude ambiguity and shall be fair and equitable to both parties.

Section 7. Repealing Clause. All ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

Section 8. Effectivity. This Ordinance shall take effect upon approval and compliance with the mandatory posting and publication requirement prescribed under R.A. 7160 otherwise known as the Local Government code of 1991.

UNANIMOUSLY APPROVED: March 1, 2023

X-----X

I HEREBY CERTIFY THAT THIS IS A

[Handwritten signatures and stamps]

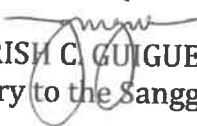
Municipal Ordinance No. 01 series of 2023

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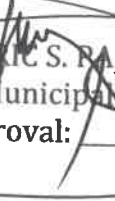
TRUE AND ACCURATE COPY OF THE ORDINANCE DULY ENACTED BY
THE SANGGUNIANG BAYAN ON MARCH 1, 2023.



IRISH C. GUIGUE
Secretary to the Sanggunian


ATTESTED:


HON. RIKRIK JAY S. PAJULIO
Municipal Vice-Mayor/Presiding Officer

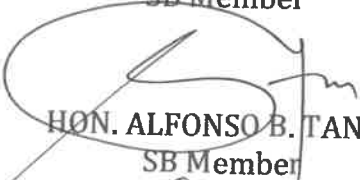
APPROVED:


HON. ERIC S. PAJULIO, D.M.D.
Municipal Mayor
Date of Approval: 3/15/23



HON. MARIA NICHOLINA P. CAUBE
SB Member

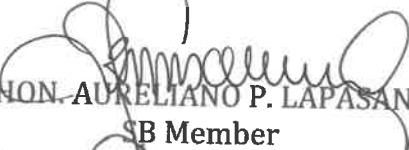

HON. JOSELEO W. DANCES
SB Member


HON. MARIA PAMELA P. GADO
SB Member

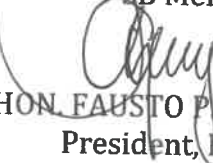

HON. ALFONSO B. TAN
SB Member


HON. LEONARD P. TAN II
SB Member


HON. SABINO G. GERONA
SB Member



HON. AURELIANO P. LAPASANDA
SB Member


HON. RONALD P. GILO
SB Member


HON. FAUSTO P. GARIN JR.
President, InB


HON. JOSE CHRISTOPHER P. DAÑO
President, PPSK



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MUNICIPALITY OF MATALOM


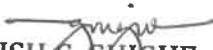
OFFICE OF THE SANGGUNIANG BAYAN SECRETARY

CERTIFICATION

THIS IS TO CERTIFY that Municipal Ordinance No. 01, s. 2023 entitled AN ORDINANCE IMPOSING RENTAL FEES FOR THE USE OF COMMERCIAL SPACES IN THE NEWLY-RENOVATED ANTIPOLO BUILDING LOCATED AT THE PUBLIC MARKET, MATALOM, LEYTE, has been posted in three (3) conspicuous places in the municipality since March 16, 2023 and shall remain posted for three (3) consecutive weeks.

This certification is issued in compliance with the pertinent provisions of the Local Government Code of 1991.

ISSUED this 16th day of March, 2023 at Matalom, Leyte, Philippines.


IRISH C. GUIGUE
Secretary to the Sanggunian