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Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

Item No.: 23
Date: JUN 06 2023

SANGGUNIANG PANLALAWIGAN
26 May 2023
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office
Released: [Signature]
Time: [Signature]
Date: 25.23

2nd INDORSEMENT
May 23, 2023

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 04, S. 2023 of the Sangguniang Panlungsod of Baybay, Leyte, recommending for the declaration of validity pursuant to its power under Section 56 (c) of R.A 7160, for it is within the powers of the local council to repeal/amend its prior acts either expressly or by the passage of an essentially inconsistent resolution (Constantino v. Desierto, 288, SCRA 654). 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.

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

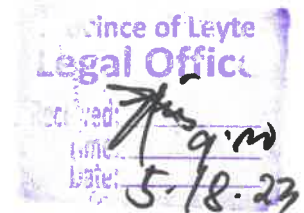


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
May 17, 2023



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **CITY ORDINANCE NO. 04, S. 2023** of the **CITY OF BAYBAY, LEYTE**, ENTITLED: **AN ORDINANCE AMENDING CITY ORDINANCE NO. 17, SERIES OF 2018, AN ORDINANCE FIXING THE INITIAL RENTAL OF THE COMMERCIAL BUILDINGS DESIGNATED AS BLOCK A & B AT THE NEW RECLAMATION AREA AND REGULATING ITS USE.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay



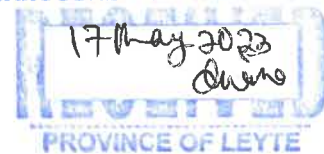
Office of the Sangguniang Panlungsod

Telefax No. (+63-53)335-4808/563-9009 2nd Floor, Legislative Bldg., Magsaysay Ave., Baybay City, Leyte 6521 @ sangguniangpanlungsod@gmail.com

May 4, 2023

The Sangguniang Panlalawigan
Province of Leyte
Tacloban City

SANGGUNIANG PANLALAWIGAN



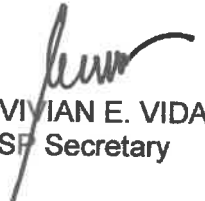
To the Sangguniang Panlalawigan of the Province of Leyte:

I am pleased to transmit herewith the Soft and Hard copy of the City Ordinance of the sangguniang Panlungsod of Baybay City:

1. **City Ordinance No. 04, s. 2023** " AN ORDINANCE AMENDING CITY ORDINANCE NO. 17, SERIES OF 2018, AN ORDINANCE FIXING THE INITIAL RENTAL OF THE COMMERCIAL BUILDINGS DESIGNATED AS BLOCK A & B AT THE NEW RECLAMATION AREA AND REGULATING ITS USE".
2. **City Ordinance No. 05, s. 2023** " AN ORDINANCE INSTITUTIONALIZING THE COMMUNITY FOOD PROGRAM (CFP) IN BARANGAYS OF THE CITY OF BAYBAY AND FOR SUCH OTHER PURPOSES."

It is hoped that said Ordinance is in order and therefore, merits your kind consideration.

Thank you very much.


ATTY. VIVIAN E. VIDALLON
SF Secretary

Incl.: as stated



Office of the Sangguniang Panlungsod

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 @ panlungsodsangguniang@gmail.com

6TH SANGGUNIANG PANLUNGSOD

SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 04, S. 2023
9th Regular Session

17 May 2023
Leyte
PROVINCE OF LEYTE

AN ORDINANCE AMENDING CITY ORDINANCE NO. 17, SERIES OF 2018, AN ORDINANCE FIXING THE INITIAL RENTAL OF THE COMMERCIAL BUILDINGS DESIGNATED AS BLOCK A & B AT THE NEW RECLAMATION AREA AND REGULATING ITS USE.

Sponsored by: HON. ROMULO B. ALCALA

I. TITLE. This Ordinance shall be known as, "AN ORDINANCE AMENDING CITY ORDINANCE NO. 17, SERIES OF 2018, AN ORDINANCE FIXING THE INITIAL RENTAL OF THE COMMERCIAL BUILDINGS DESIGNATED AS BLOCK "A" AND "B" AT THE NEW RECLAMATION AREA AND REGULATING ITS USE".

II. DEFINITION OF TERMS:

xxxxxx

III. RENTABLE SPACE:

a. xxxxxx

b. xxxxxx

c. xxxxxx

d. xxxxxx

e. The space in front of the stall where the "makeshift" shade introduced by the stallholder or any portion thereof shall be assessed with a monthly rental of P100.00 per square meter,

IV. GOODWILL MONEY AND DEPOSIT

a. There shall be paid to the city government a non-refundable amount of Ten Thousand Pesos (P10,000.00) as goodwill money and another Ten Thousand (P10,000.00) Pesos as cash deposit by the stallholder upon signing of the contract of lease, provided, however, for those who have existing stalls and not yet paid herein goodwill money, the same shall be paid in five (5) equal installments upon agreement by the parties.

b. xxxxx

V. CONTRACT OF LEASE

a. xxxxx

b. xxxxx

VI. SEPARABILITY CLAUSE.

The provisions of this Ordinance are hereby declared separable and if any provision shall be held invalid, or unconstitutional, the remainder of the provisions hereof which are not affected shall remain valid and effective.

VII. REPEALING CLAUSE.

All ordinances, resolutions, rules and regulations inconsistent with or contrary to the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

VIII. EFFECTIVITY.

This Ordinance shall take effect 15 days upon its approval by the Sangguniang Panlalawigan and after due compliance with all the requirements provided under R.A. 7160, otherwise known as the Local Government Code of 1991.


Enacted: March 1, 2023
Baybay City, Leyte, Philippines.

CARRIED BY ALL OF THE MEMBERS PRESENT:


ROMULO B. ALCALA
SP Member


SIMOUNE L. ASTORGA
SP Member


DR. FULTON IKE C. ARRADAZA
SP Member


JOSE L. BACUSMO
SP Member


FILEMON F. AVILA
SP Member

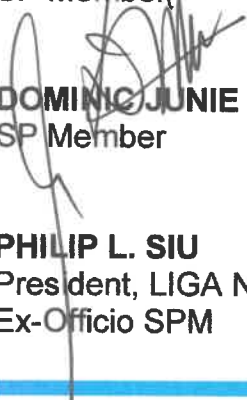

CARMEN L. CARI
SP Member

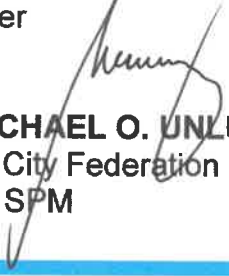

RAMON RONALD J. VELOSO
SP Member


ATTY. JOSE ROMMEL A. PEÑARANDA
SP Member


DOMINIC JUNIE F. MURILLO
SP Member


JORGE V. REBUCAS
SP Member


PHILIP L. SIU
President, LIGA Ng Mga Barangay
Ex-Officio SPM

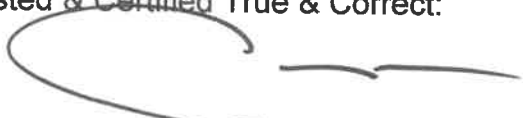

MARK MICHAEL O. UNLU-CAY
SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Florante Cayunda Jr.; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Jay Ryan Austero; City Treasurer Alberta A. Manatad, CLGOO Juvy C. Pedrera, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.


I HEREBY CERTIFY to the correctness of the foregoing Ordinance.


ATTY. VIVIAN E. VIDALLON
SP Secretary

Attested & Certified True & Correct:


ATTY. ERNESTO M. BUTAWAN
City Vice Mayor, Presiding Officer

Approved by His Honor:


ENGR. JOSE CARLOS L. CARI
City Mayor

Date Approved: 4/20/23



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
-0000000-

Office of the Sangguniang Panlungsod

Telefax No. (+62-53) 335-4808

2nd Floor, Legislative Bldg., R. Magsaysay Ave., Baybay City, Leyte 6571

@sangguniangpanlungsodbaybay

Excerpt from the
44th Regular Session of the Sangguniang Panlungsod, City of Baybay held on
December 10, 2018.

CITY ORDINANCE NO. 17, S. 2018

AN ORDINANCE FIXING THE INITIAL RENTAL OF THE COMMERCIAL BUILDINGS DESIGNATED AS BLOCK A & B AT THE NEW RECLAMATION AREA AND REGULATING ITS USE.

PREFATORY STATEMENT

WHEREAS, ONE OF THE FAMOUS FOOD PRODUCTS OF BAYBAY CITY IS THE "BAYBAY CHICKEN BARBEQUE" WHICH WERE SOLD IN SHANTIES LINED UP AT THE OLD "PANTALAN" AND CONTINUOUSLY SOLD IN ALSO SHANTIES IN DIFFERENT PLACES IN BAYBAY CITY WHEN THE PPA STOPPED ITS OPERATION AT THE PIER IN THE YEAR 2000;

WHEREAS, IN LINE WITH THE THRUST OF THE CITY GOVERNMENT TO PROMOTE ITS NOTABLE FOOD/PRODUCT A DECENT COMMERCIAL BUILDING WAS CONSTRUCTED AT THE NEW RECLAMATION AREA FACING THE SEA HEREIN REFERRED TO AS BLOCK A AND BLOCK B WHERE THIS FAMOUS "BAYBAY CHICKEN BARBEQUE" FOOD/PRODUCT WILL BE SOLD;

WHEREAS, THE COMMERCIAL BUILDING A & B ARE READY FOR RENT AND OCCUPANCY TO THOSE "BARBEQUE" BUSINESS OPERATORS WHO ARE INTERESTED TO OPERATE.

WHEREFORE, on motion of Honorable Atty. Ernesto M. Butawan and duly seconded by Honorables Vicente Victor G. Veloso and Jorge V. Rebutas,

BE IT RESOLVED, AS IT HEREBY DOES RESOLVE, TO PASS AND ENACT AN ORDINANCE IN THIS CHAMBER, ON DECEMBER 10, 2018, AT BAYBAY CITY, LEYTE, KNOWN AS:

CITY ORDINANCE NO. 17, S. 2018

- I. TITLE. AN ORDINANCE FIXING THE INITIAL RENTAL OF THE COMMERCIAL BUILDINGS DESIGNATED AS BLOCK "A" AND BLOCK "B" AT THE NEW RECLAMATION AREA AND REGULATING ITS USE.

II. DEFINITION OF TERMS

- a. Commercial Buildings BLOCK "A" AND BLOCK "B" - refers to the newly constructed commercial buildings at the new reclamation area which are fronting the Camotes sea;
- b. Stallholder - refers to any bonafide resident of Baybay City who signed a lease contract with the city government of Baybay to engage in the selling of the famous "Baybay barbeque" at any of the commercial buildings at the new reclamation area specially those who sell the famous Baybay chicken barbeque at the boulevard and at the vacant lot in front of Gelias hardware;
- c. Goodwill money - refers to the non-refundable sum of money in the amount of P10,000.00 which every new stallholder will pay to the city government upon signing of the lease contract;
- d. Cash deposit - refers to the sum of money in the amount of P10,000.00 which every stallholder must deposit at the city treasurer's office upon signing of the lease contract which will answer for any unpaid utility bills and damages on the premises and will be returned to the stallholder upon expiration of the contract should there be no contract renewal;

III. RENTABLE SPACE:

- a. Commercial buildings "A" and "B" has a total of twenty rentable space (10 each block) each with an approximate area of thirty-six (36) square meters;
- b. Each space has an initial monthly rent at P200 per square meter for the first year of operation and thereafter the city mayor with the concurrence of the sangguniang panlungsod may increase it to not more than 20% but not less than 10%;
- c. New stallholder who applied for rent after the first year operation of this commercial buildings must follow the rate paid for by the existing stallholders;
- d. There shall be collected each from the lessee the amount of P10,000.00 as cash deposit payable to the city government of Baybay, Leyte which will be returned upon termination of the contract less expenses incurred to unpaid bills or other liabilities of the lessee should there be any;
- e. The space in front of the stall where the "makeshift" shade introduced by the stallholder is not part of the rentable space and its use shall remain to the sole discretion of the city government;

IV. GOODWILL MONEY AND DEPOSIT

- a. There shall be paid to the city government a non-refundable amount of Ten Thousand Pesos (P10,000.00) as goodwill money and another Ten Thousand (P10,000.00) Pesos as cash deposit by the stallholder upon signing of the contract of lease;

- b. The goodwill money shall be deemed part of the general fund of city government of Baybay and will not be returned to the stallholder while the cash deposit shall be returned to the stallholder upon expiration of the contract subject to deductions of any unpaid utility bills, monthly rental and damages.

V. CONTRACT OF LEASE

- a. No stallholder shall be allowed to occupy any rentable space at the two commercial buildings designated as Building "A" and Building "B" without signing a lease contract prepared by the city government;
- b. The city legal office shall draft the contract of lease detailing other conditions of the rent such as but not limited to payments of water, electric, telephone bills, renewal of contracts, sublease, improvements on the space and such other conditions as the city government may deem proper subject to the limitations provided herein;

VI. SEPARABILITY CLAUSE.

The provisions of this Ordinance are hereby declared separable and if any provision shall be held invalid, or unconstitutional, the remainder of the provisions hereof are not affected and shall remain valid and effective.

VII. REPEALING CLAUSE.

All ordinances, resolutions, rules and regulations inconsistent with or contrary to the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

VIII. EFFECTIVITY.

This Ordinance shall take effect 15 days upon its approval by the Sangguniang Panlalawigan and after due compliance with all the requirements provided under R.A. 7160, otherwise known as the Local Government Code of 1991.

Enacted: December 10, 2018
Baybay City, Leyte, Philippines.

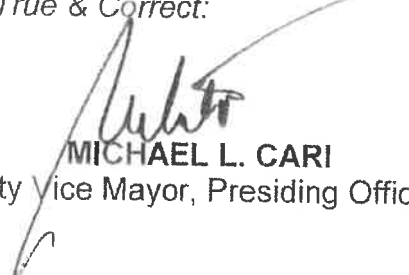
RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Carmen L. Cari, City Administrator Deogracias E. Pernitez; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Evelinda A. Oppus; City Treasurer Evelyn P. Relente, CLGOO Estela I. Creer, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.



ATTY. VIVIAN E. VIDALLON
SP Secretary

Attested & Certified True & Correct:

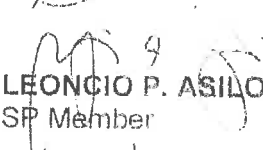

MICHAEL L. CARI
City Vice Mayor, Presiding Officer


Concurred:


ATTY. ERNESTO M. BUTAWAN
SP Member


EDGARDO R. OMPOY
SP Member


ARTURO ELISA O. ASTORGA
SP Member


LEONCIO P. ASILOM, JR.
SP Member


RODULFO S. PALMA, JR.
SP Member

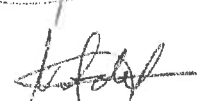

VICENTE VICTOR G. VELOSO
SP Member



ALAN D. FERNANDEZ
SP Member


DOMINADOR K. MURILLO, D.M.
SP Member


FILEMON F. AVILA
SP Member


JORGE V. REBUCAS
SP Member


NATALIE B. ANDRES
Chair, SK City Federation
Ex-officio SPM


CARL NICOLAS C. CARI
Chair, LIGA Ng Mga Barangay
Ex-officio SPM

Approved by Her Honor:


CARMEN L. CARI
City Mayor

Date Approved: 2/13/19



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay



Office of the Sangguniang Panlungsod

Telefax No. (+63-53)335-4808/563-9009 2nd Floor, Legislative Bldg., Magsaysay Ave., Baybay City, Leyte 6521 @ sangguniangpanlungsod@gmail.com

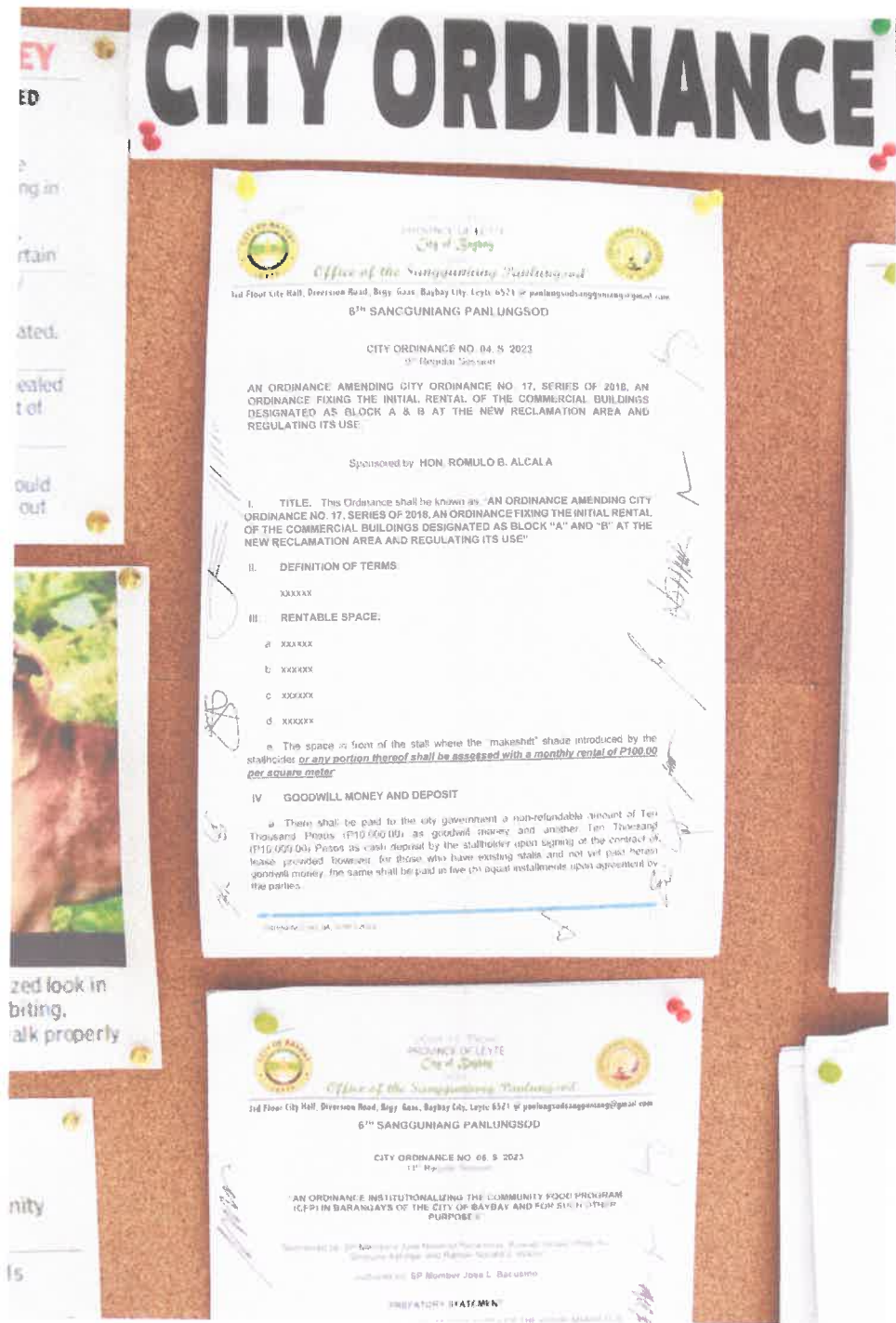
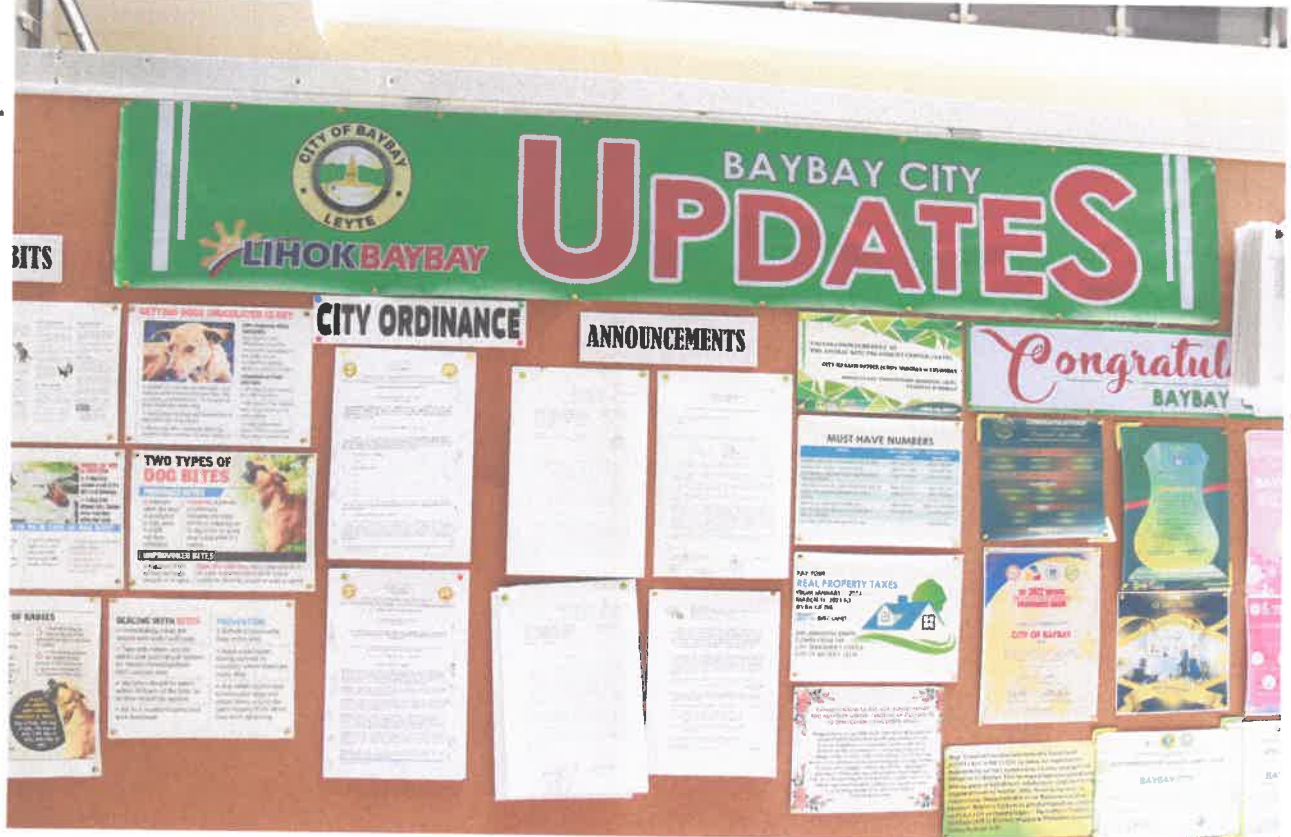
CERTIFICATION

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that the **City Ordinance No. 04 s. 2023** "AN ORDINANCE AMENDING CITY ORDINANCE NO. 17, SERIES OF 2018, AN ORDINANCE FIXING THE INITIAL RENTAL OF THE COMMERCIAL BUILDINGS DESIGNATED AS BLOCK A & B AT THE NEW RECLAMATION AREA AND REGULATING ITS USE". was posted in the bulletin board at Legislative Building and published by the EV Mail.

Issued this 24TH day of April 2023, at Baybay City, Leyte.

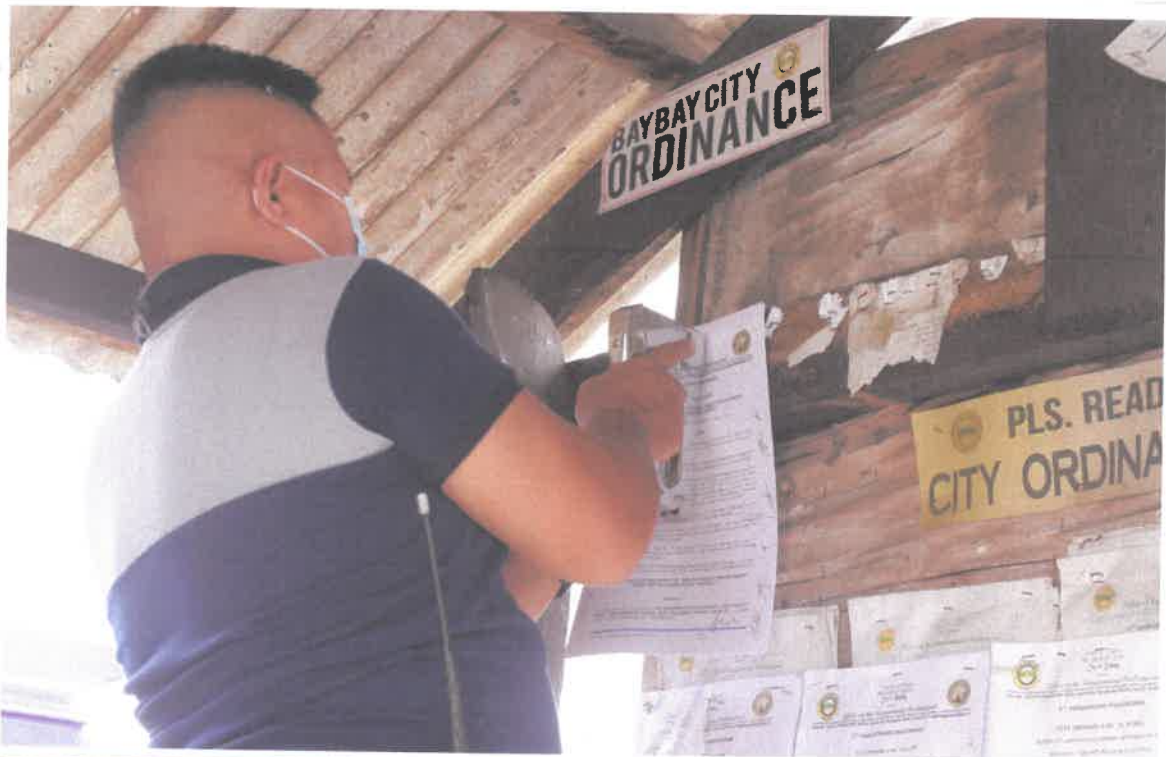

ATTY. VIVIAN E. VIDALLON
SP Secretary



NEW BAYBAY CITY HALL BULLETIN BOARD



BAYBAY BUS TERMINAL



BAYBAY PRINCE MALL PARKING AREA