

Item No.: 22

Date: 01 2024 OCT



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

Province of Leyte
Legal Office

Released: [Signature]
Time: [Signature]
Date: 9-25-24

SANGGUNIANG PANLALAWIGAN



-oOo-

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT

September 23, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 09, S-2024 of the Sangguniang Panlungsod of Baybay, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 09 S-2024 entitled: **“An Ordinance Further Amending Sections 1 and 2 of City Ordinance No. 006, Series of 2015, Regulating the Use of Government Facilities of the City of Baybay for Public and Private Purposes, and Fixing its Rental.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the Subject Ordinance is within the power covered under Section 458(2)(vi)¹ and 458(3)(i)² of the Local Government Code of 1991 (R.A 7160).

Likewise as settled in the case of *Constantino v. Desierto* 288 SCRA 654, it is within the power of the local council to repeal or amend its prior acts either expressly, or by the passage of an essentially inconsistent resolutions. Hence, recommending for the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

¹ Section 4589(a)(2)(vi) prescribe reasonable limits and restraints on the use of property within the jurisdiction of the city.

² Section 458(a)(3)(i) Fix and impose reasonable fees and charges for all services rendered by the city government to private persons or entities.



Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

Province of Leyte
Legal Office
Received: *[Signature]*
Time: *[Signature]*
Date: 7-21-24

1ST INDORSEMENT
29 July 2024

Province of Leyte
Legal Office
Received: *[Signature]*
Time: *[Signature]*
Date: 09/18/2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **CITY ORDINANCE NO. 09, S. 2024** of the **CITY OF BAYBAY, LEYTE**, entitled: **An Ordinance Further Amending Sections 1 and 2 of City Ordinance No. 006, series of 2015, Regulating the Use of Government Facilities of the City of Baybay for Public and Private Purposes, and Fixing its Rental.**

FLORINDA JILLS. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
CITY OF BAYBAY
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OFFICE OF THE SANGGUNIANG PANLUNGSOD

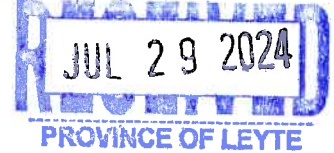
3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 * panlungsodsangguniang@gmail.com

July 26 , 2024

The Sangguniang Panlalawigan
 Province of Leyte
 Tacloban City

Sir/Madam

SANGGUNIANG PANLALAWIGAN



I am pleased to transmit herewith the Hard copies of City Ordinance No. 09 S. 2024 of the Sangguniang Panlungsod of Baybay City:

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

Thank you very much.

[Signature]
 ATTY. VIVIAN E. VIDALLON
 SP Secretary

Incl.: as stated



SANGGUNIANG PANLALAWIGAN

Republic of the Philippines
PROVINCE OF LEYTE
CITY OF BAYBAY
-0000000-

JUL 29 2024



OFFICE OF THE SANGGUNIANG PANLUNGSOD

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

6th SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 09, S-2024
26th Regular Session

AN ORDINANCE FURTHER AMENDING SECTIONS 1 and 2 OF CITY ORDINANCE NO. 006, SERIES OF 2015, REGULATING THE USE OF GOVERNMENT FACILITIES OF THE CITY OF BAYBAY FOR PUBLIC AND PRIVATE PURPOSES, AND FIXING ITS RENTAL"

Sponsored by: Hon. Jose Rommel A. Peñaranda

WHEREAS, the continuous growth of the City of Baybay corresponds with the extension of services of its various facilities to address the concerns of the constituents;

WHEREAS, there is a need to amend the previous ordinance to specify additional facilities and the manner of their utilization;

WHEREAS, Section 458 (a)(2)(vi) of the Local Government Code empowers the City Government, through the *Sanggunian*, to prescribe reasonable limits and restraints on the use of property within the jurisdiction of the city;

WHEREAS, Section 458 (a)(3)(i) of the Local Government Code likewise empowers the City Government, through the *Sanggunian*, to fix and impose reasonable fees and charges for all services rendered by the city government to private persons or entities;

NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the 6th *Sangguniang Panlungsod* of the City of Baybay, Province of Leyte, in its 26th Regular Session duly assembled that:

SECTION 1. Section 1 of City Ordinance No. 006 Series of 2015 is further amended as follows:

Section 1. The following are the city government facilities for purposes of this Ordinance.

XXXXXXXX

- z. Assembly Hall at the New City Hall
- aa. Training Room at the New City Hall
- bb. Meeting Room at the New City Hall
- cc. Integrated Building at the new public plaza
- dd. Baybay City Convention Center Hall "B"
- ee. Convention Center Function Room "B-1"
- ff. Women's Training Center
- gg. Gazebo at the Boardwalk
- hh. Dormitory at the old Pasalubong Center

A. Vidal

ATTY. JOSE ROMMEL A. PEÑARANDA
SP Member

DOMINIC J. MURILLO
SP Member

JOSIE REBUCAS
SP Member

JULES LUDAS C. CARI
President LIGA ng mga Barangay
Ex-Oficio SPM

KYLA SHANNEN T. VIDAL
SK Chair, City Federation
Ex-Oficio SPM

Rommel A. Peñaranda
ROMMEL A. PEÑARANDA
SP Member

Simone L. Astorga
SIMONE L. ASTORGA
SP Member

Dr. Fulgencio C. Arradaza
DR. FULGENCIO C. ARRADAZA
SP Member

Jose L. Bacusmo
JOSE L. BACUSMO
SP Member

Florencia Avila
FLORENCIA AVILA
SP Member

Carmen L. Cari
CARMEN L. CARI
SP Member

Ramon Ronald J. Veloso
RAMON RONALD J. VELOSO
SP Member

SECTION 2. Section 2 of City Ordinance No. 006 Series of 2015 is further amended as follows:

SECTION 2. The fixed rentals of the above facilities if used for private purposes are hereunder provided except the City Plaza Stage and its premises and Legislative Session Hall.

XXXXXXXX

(ee) For the Assembly Hall at the New City Hall, the amount of Six Thousand Pesos (Php 6,000.00) for the first FOUR (4) hours of use and an additional One Thousand Pesos (Php 1,000.00) for every additional hour of use. The amount is inclusive of the use of the air conditioning system and electricity. The City Mayor may reduce the amount herein mentioned provided that the reduction shall not be more than 50% of the regular rent.

(ff) For the Training Room at the New City Hall, the amount of Five Thousand Pesos (Php 5,000.00) for the first FOUR (4) hours of use and an additional One Thousand Pesos (Php 1,000.00) for every additional hour of use. The amount is inclusive of the use of the air conditioning system and electricity. The City Mayor may reduce the amount herein mentioned provided that the reduction shall not be more than 50% of the regular rent.

(gg) For the Meeting Room at the New City Hall, the amount of Four Thousand Pesos (Php 4,000.00) for the first FOUR (4) hours of use and an additional One Thousand Pesos (Php 1,000.00) for every additional hour of use. The amount is inclusive of the use of the air conditioning system and electricity. The City Mayor may reduce the amount herein mentioned provided that the reduction shall not be more than 50% of the regular rent.

(hh) For the Integrated Building at the new public plaza, the rates of the function rooms would be as follows:

1. For the Small Room, the amount of One Thousand Pesos (Php 1,000.00) for the first FOUR (4) hours of use and an additional One Hundred Pesos (Php 100.00) for every additional hour of use. The amount is inclusive of the use of the air conditioning system and electricity. If no air conditioning will be used, the rate would be Five Hundred Pesos (Php 500.00) for every FOUR (4) hours of use. The City Mayor may reduce the amount herein mentioned provided that the reduction shall not be more than 50% of the regular rent.
2. For the Big Room, the amount of Two Thousand Pesos (Php 2,000.00) for the first FOUR (4) hours of use and an additional Two Hundred Pesos (Php 200.00) for every additional hour of use. The amount is inclusive of the use of the air conditioning system and electricity. If no air conditioning will be used, the rate would be One Thousand Pesos (Php 1,000.00) for every FOUR (4) hours of use. The City Mayor may reduce the amount herein mentioned provided that the reduction shall not be more than 50% of the regular rent.

RAMON RONALD J. VELOSO
SP Member

CARMEN L. CARI
SP Member

FLECKEN T. VIDAL
SP Member

JOSE L. BACUSMO
SP Member

Dr. FULTON IKE C. ARRADAZA
SP Member

SIMON L. ASTORGA
SP Member

ROMULO B. ALCALA
SP Member

ATTY. JOSE ROMMEL A. PENARANDA
SP Member

DONALD J. F. MURILLO
SP Member

JORGE V. REBUCAS
SP Member

JULES LUCHAS C. CARI
President, LIGA ng mga Barangay
Ex-Officio SPM

KYLA SHANNEN T. VIDAL
SK Chair, City Federation
Ex-Officio SPM

A. Cari

(ii) For the Baybay City Convention Center Hall "B", the amount of Six Thousand Pesos (Php 6,000.00) per hour of use. The amount is inclusive of the use of the air conditioning system and electricity. If the Light Emitting Diode or LED Wall will be used in this Convention Hall "B", the rent will be Twenty-five Pesos (Php 25,000.00) for the first four (4) hours of use and an additional of One Thousand Pesos (Php 1,000.00) for an additional hour of use for a maximum use of eight (8) hours. The same amount will be charged for the use of the Light Emitting Diode or LED Wall at the Convention Hall "A". On both instances, the City Mayor may reduce the amount herein mentioned provided that the reduction shall not be more than 50% of the regular rent.

(jj) For the Convention Center Function Room "B-1", the amount of Two Thousand Pesos (Php 2,000.00) per hour of use. The amount is inclusive of the use of the air conditioning system and electricity. However, if no air conditioning will be used, the amount of rent shall be One Thousand Pesos (Php 1,000.00) per hour of use. The City Mayor may reduce the amount herein mentioned provided that the reduction shall not be more than 50% of the regular rent.

(kk) For the Women's Training Center, the amount of Three Thousand Pesos (Php 3,000.00) for the first four (4) hours of use and an additional Two Hundred Pesos (Php 200.00) for every additional hour of use. The amount is inclusive of the use of the air conditioning system and electricity. If no air conditioning will be used, the rate would be One Thousand Five Hundred Pesos (Php 1,500.00) for the first four (4) hours of use and an additional One Hundred Pesos (Php 100.00) for every additional hour of use. The City Mayor may reduce the amount herein mentioned provided that the reduction shall not be more than 50% of the regular rent.

(ll) For the Dormitory at the old Pasalubong Center, the amount shall be Two Thousand Pesos (Php 2,000.00) per day of use.

(mm) For the Gazebo at the boardwalk shall not be subject to lease and shall be reserve for public use only.

Section 3. Separability Clause. - If any provision of this Ordinance is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

Section 4. Repealing Clause. - Pertinent provisions of all other laws, decrees, executive orders, and rules and regulations contrary to or inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 5. Effectivity Clause. - This Ordinance shall take effect after its publication in a newspaper of general circulation in the City.

Enacted: July 4, 2024
Baybay City, Leyte, Philippines.

CARRIED BY ALL OF THE MEMBERS PRESENT:


ROMULO B. ALCALA
SP Member


SIMONE L. ASTORGA
SP Member



ATTY. JOSE ROYMEL A. PENARANDA
SP Member

DOMINIC S. MURILLO
SP Member

JORGE V. REBUCAS
SP Member

JULIUS L. CAS C. CARI
President, LIGA ng mga Barangay
Ex-Officio SPM

KYLL SHANNEN T. VIDAL
SK Chair, City Federation
Ex-Officio SPM


ROMULO B. ALCALA
SP Member


SIMONE L. ASTORGA
SP Member


Dr. FULTON K. C. ARRADAZA
SP Member


JOSE L. BACUSMO
SP Member


FIKEMON F. AVILA
SP Member


CARMEN L. CARI
SP Member


RAMON RONALD J. VELOSO
SP Member





DR. FULTON IKE C. ARRADAZA
SP Member

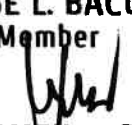

FILEMON F. AVILA
SP Member


RAMON RONALD J. VELOSO-
SP Member - via zoom


DOMINIC JUNIE F. MURILLO
SP Member


JULES LUCAS C. CARI
President, LIGA Ng Mga Barangay
Ex-Officio SPM


JOSE L. BACUSMO
SP Member


CARMEN L. CARI
SP Member


ATTY. JOSE ROMMEL A. PEÑARANDA
SP Member


JORGE V. REBUCAS
SP Member


KYLA SHANNEN T. VIDAL – via zoom
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.


HARVEY A. CANO
Acting 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: 7/26/24



Republic of the Philippines
PROVINCE OF LEYTE
CITY OF BAYBAY
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OFFICE OF THE SANGGUNIANG PANLUNGSOD


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

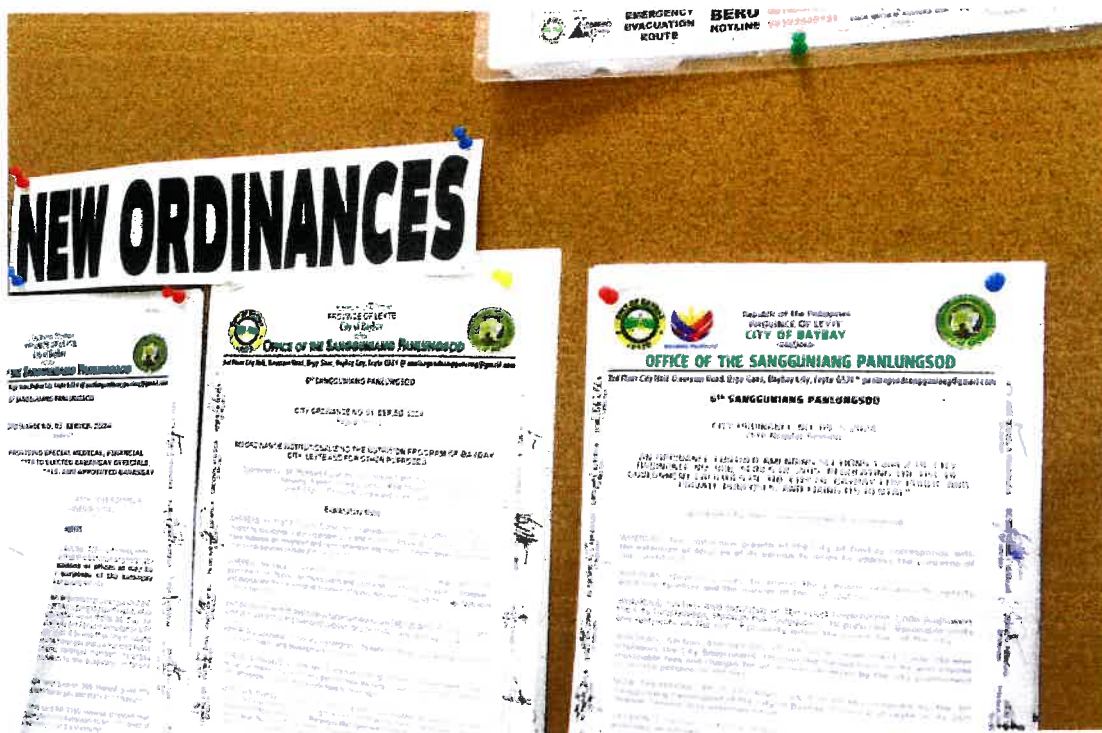
C E R T I F I C A T I O N

TO WHOM THIS MAY CONCERN:

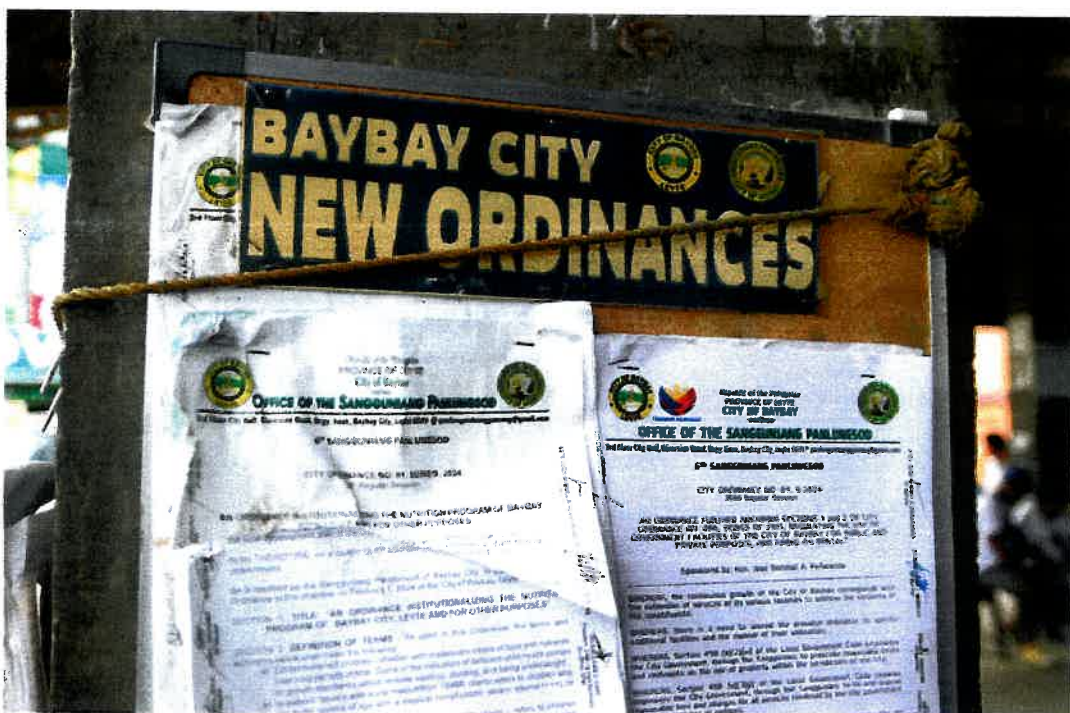
THIS IS TO CERTIFY that the City Ordinance No. 09 s. 2024 " AN ORDINANCE FURTHER AMENDING SECTIONS 1 AND 2 OF CITY ORDINANCE NO. 006, SERIES OF 2015, REGULATING THE USE OF GOVERNMENT FACILITIES OF THE CITY OF BAYBAY FOR PUBLIC AND PRIVATE PURPOSES, AND FIXING ITS RENTAL" was posted in the bulletin board at Legislative Department, New City Hall, Diversion Road, the public market and Baybay City Bus and Terminal immediately upon approval thereof.

Issued this 26th day of July 2024, at Baybay City, Leyte.

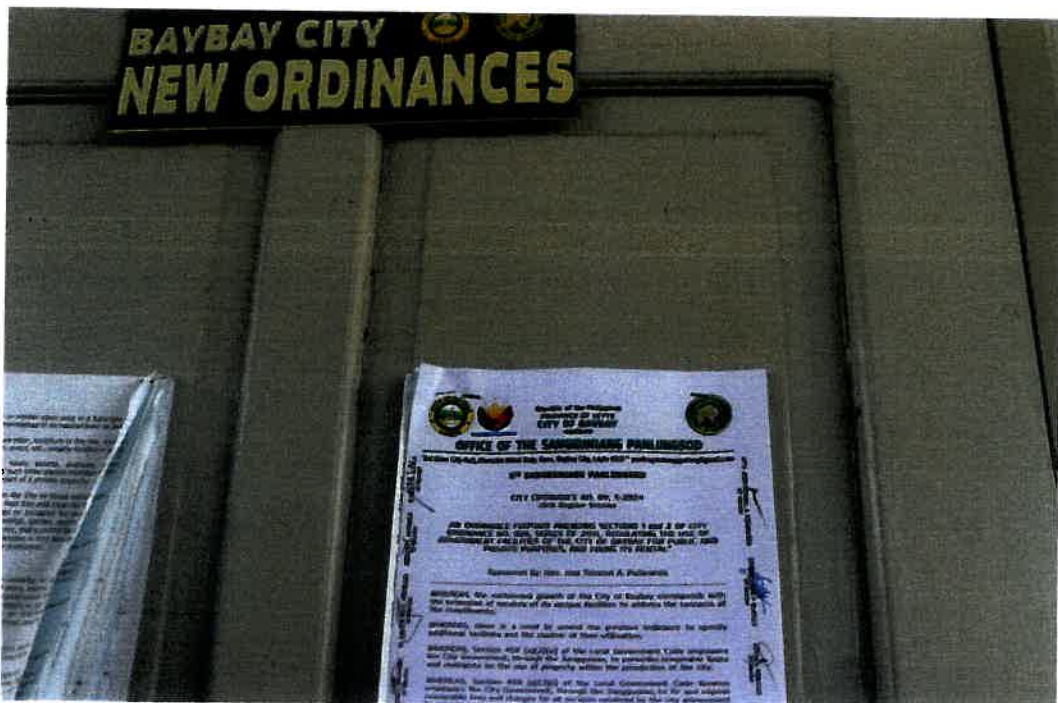
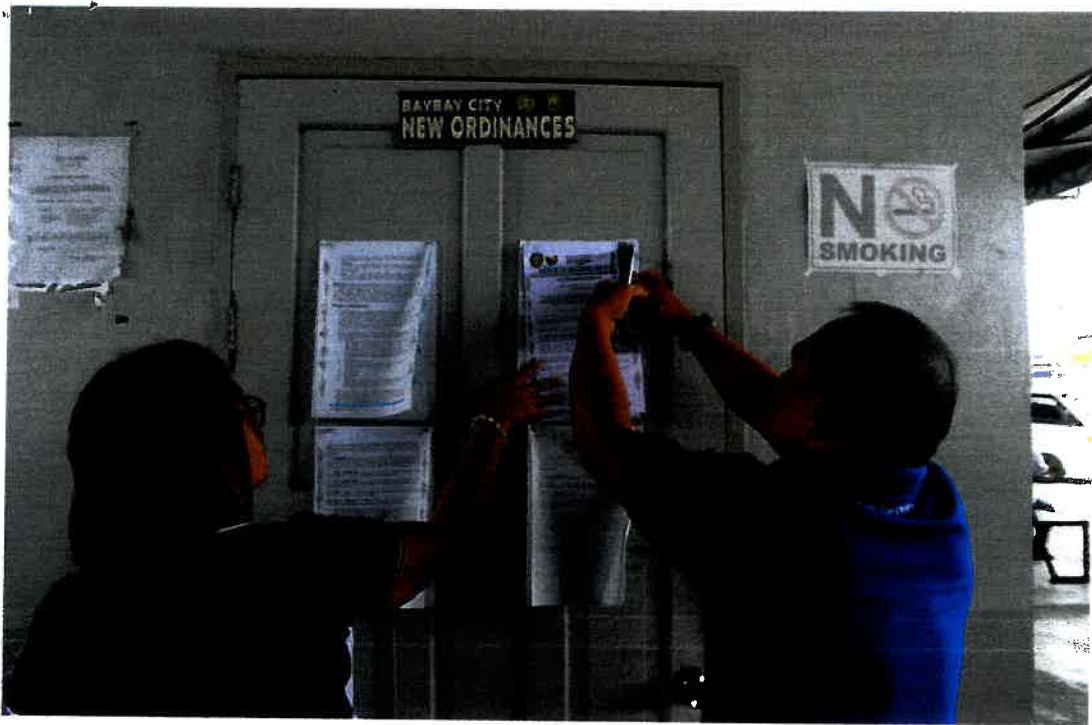

ATTY. VIVIAN E. VIDALLON
SP Secretary



SANGGUNIANG PANLUNGSOD BULLETIN BOARD



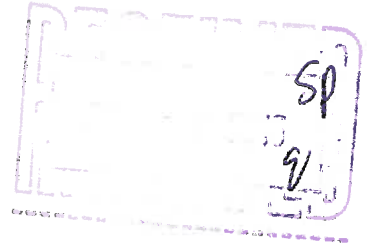
BAYBAY CITY TRICYCLE TERMINAL



BAYBAY CITY BUS TERMINAL



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



Office of the Sangguniang Panlungsod

Excerpt from the

MINUTES OF THE 21st REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD
OF BAYBAY CITY, LEYTE HELD AT THE SESSION HALL ON JUNE 22, 2015.

CITY ORDINANCE NO. 006 Series 2015

AN ORDINANCE AMENDING CITY ORDINANCE NO. 004, 2008 OTHERWISE KNOWN AS "AN ORDINANCE REGULATING THE USE OF THE CITY GOVERNMENT FACILITIES OF THE CITY OF BAYBAY FOR PUBLIC AND PRIVATE PURPOSES AND FIXING ITS RENTAL".

Sponsored & Introduced by: Hon. SP Member Cristelo S. Loreto & Hon. SP Member Arturo Elisa O. Astorga.

SECTION 1. The following are the city government facilities for purposes of this Ordinance.

- a. Baybay City Plaza Stage and Premises
- b. Gymnasium
- c. Legislative Function Rooms
- d. Legislative Auditorium
- e. Legislative Canteen
- f. Legislative Session Hall
- g. Stalls at the Public Plaza
- h. Athletic Grounds/Oval
- i. Swimming Pool & Cottages
- j. Badminton Courts

SECTION 2. The fixed rentals of the above facilities if used for private purposes are hereunder provided except the City Plaza Stage and its premises and Legislative Session Hall.

- a. For the **Gymnasium**, the amount of Four Hundred Pesos (P400.00) per hour of use. Provided, that the maximum rental shall not exceed Two Thousand Five Pesos (P2,500.00) per day.
- b. For the **Legislative Function Room**, the amount of Five Hundred Pesos (P500.00) per room for the first four (4) hours of use and an additional amount of One Hundred Pesos (P100.00) for every additional hour.
- c. For the **Legislative Auditorium** the amount of Four Hundred Pesos (P400.00) per hour of use, that the maximum rental shall not exceed Two Thousand Pesos (P2,000.00) per day.

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- d. For the **Legislative Canteen**, the monthly rental shall be fixed at Three Thousand Pesos (**P3,000.00**). The electric, water and telephone bills shall be at the sole account of the lessee including the expenses for its installation. For this purpose, the City Mayor is authorized to enter into a lease contract with the present occupant of the canteen subject to some conditions a herein a set forth of the ordinance.
- e. In order to maintain the symbolic stature and a power of the **Legislative Session Hall**, it shall not be made available for lease or use to other persons/entities regardless of its purpose except for extreme necessity as determined by the presiding officer and the council.
- f. For the **Stalls at the Plaza**, a monthly rental of One Thousand Five Hundred Pesos (P1,500.00) per stall shall be the initial rent for the first year of the contract. Thereafter, the city mayor thru its representative may increase the rent by not more than 10%. However, should the City Mayor find it more beneficial to the city government to lease all stalls to a single individual or entity, he/she may do so provided a bidding among interested individual or entities shall be given the contract and the highest bidder shall be given the contract of lease but in no case that the winning bid be less than One Thousand Five Hundred Pesos (P1,500.00) per stall. The City Mayor or his/her authorized representative is further authorized to regulate the kind of business that the stall lessee may engage during the period of the contract of lease.
- g. For the **Athletic Grounds/Oval**, the amount of Four Hundred Pesos (P400.00) per hour, but not exceed Two Thousand Pesos (P2,000.00) per day.
- h. For the **Swimming Pool/Cottages**, the amount of Two Hundred Pesos (P200.00) per day of fraction thereof as rental for the cottages, while an entrance fee of Forty Pesos (P40.00) per head for adults and Ten Pesos (P10.00) for students be collected. However, during practice for athletic meets or tournaments, this will be free of charge provided, a letter request be made and duly approved by the City Mayor or his/her authorized representative.
- i. For the **Badminton Courts**, the amount of Three Thousand pesos (P3,000.00) per month). The electric, water and telephone bills shall be at the sole account of the lessee including the expenses for its installation. For this purpose, the City Mayor is authorized to enter into a lease contract with the present occupant of the Badminton Courts subject to some conditions a herein a set forth of the ordinance.

SECTION 3. Use for Public Purposes.

Whenever, the above facilities are used for public purposes by the City Government of the City of Baybay or any other agencies of the national government, they shall be free of charge.

Public purposes shall mean the activity is related to or in furtherance of the official function of the agency concerned.

SECTION 4. Availment of Discounted Rate.

- a. All regular employees and elective Government Officials of the City of Baybay shall likewise be entitled to a 30% discount for the use of any of the above facilities for private purposes.
- b. All NGOs and POs and Civic Organizations accredited by the Local Government shall likewise be entitled to the same discount for the use of the Legislative Function Room, Gymnasium, and Legislative Auditorium, provided, that said activity/ies is/are, for their common benefits, however, if the activity or purpose is to promote tourism industry of the city or in furtherance to or in relation with the programs of the city government as certified to be the City Mayor or the City Administrator, it is free of charge.

SECTION 5. Scheduling of Activities and Payment of Rates.

The Office of the City Mayor or in his/her absence, the next ranking employee shall receive, facilitate and plot the schedule of the application of first come-first serve basis for the use of the facilities above mentioned. The plotted schedule shall be posted in the Bulletin Board of the SP/CMO.

The payment shall be made directly at the City Treasurer's Office and the Official Receipt shall be made as the basis of the SP/CMO to confirm the schedule. For the activities of the NGOs, POs and Civic Organizations which are free of charge, the letter request which is duly approved by the City Mayor or City Administrator shall serve as confirmation slip/authority to book their activity.

Provided, that the City Government has the right to cancel any scheduled activities at any of the facilities mentioned should the exigency or public service requires in such case, the payment shall be returned.

SECTION 6. Effectivity.

This Ordinance shall take effect after 15 days from its publication in local newspaper.

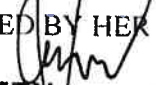
Enacted, June 22, 2015.

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the SangguniangPanlungsod during its regular session held on June 22, 2015.

ATTESTED AND CERTIFIED TO BE DULY ADOPTED:


MICHAEL L. CARI
City Vice Mayor & Presiding Officer


AMELITO V. BORNEO
SP Secretary

APPROVED BY HER HONOR:

CARMEN L. CARI
City Mayor