

Republic of the Philippines
PROVINCE OF NEGROS ORIENTAL
City of Bayawan
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON DECEMBER 15, 2008 AT 2 O'CLOCK P. M. AT THE SP SESSION HALL.

RECORD OF ATTENDANCE

Hon. Rene G. Gaudiel	(Vice Mayor and Presiding)	Present
Hon. Clayborne Clyde L. Lim		Present
Hon. Raul P. Martinez		Present
Hon. Oscar T. Villamil		Present
Hon. Luis J. Sumalpong		Present
Hon. Mark Fidencio L. Aurelia		Present
Hon. Douglas T. Tijing		Present
Hon. Francisco T. Diao		Present
Hon. Victoriano D. Alabastro		Present
Hon. Serafin Ra. Albito		Present
Hon. Urbistondo C. Renacia		Present
Hon. Hermelie T. Saraña	(ABC President)	Present
Hon. Flintzel Dyan S. Diao	(SK Fed. Pres.)	Present

RESOLUTION NO. 785

“WHEREAS, Section 458 [a(2)v] of Republic Act No. 7160 (Local Government Code) has given to the Sangguniang Panlungsod the power to enact ordinances that will generate and maximize the use of resources and revenues for the development plans, program objectives and priorities of the city and thereby may authorize the city mayor to lease to private parties such public buildings held in a proprietary capacity, subject to existing laws, rules and regulations;

“WHEREAS, under Section 458 [a(5)v] of the same Republic Act No. 7160, the Sangguniang Panlungsod is authorized to enact ordinances which will ensure the efficient and effective delivery of basic services and facilities such as the establishment of bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public;

“WHEREAS, Section 458 [a(5)vi] provides that the Sangguniang Panlungsod may enact ordinances to regulate traffic on all streets and bridges;

“WHEREAS, Department Order No. 2008 – 24 dated June 20, 2008 of the Department of Transportation and Communications provides for guidelines in the operation of public utility transport terminals, among others;

“WHEREAS, part of the development plan of the city is the establishment of an integrated terminal that will serve as a focal point of all public utility vehicles operating in the city including the establishment of some income generating enterprises in said facility;

“WHEREAS, the existing public terminal is located near the center of commercial activities and the nearby streets are already congested most of the time hence, the necessity to relocate and decongest traffic therein;

“WHEREAS, the city has already finished the construction of an integrated terminal with facilities for the operation of establishments that will be part of the economic enterprises of the local government;

“NOW THEREFORE, on motion of Honorable Victoriano D. Alabastro and duly seconded by Honorable Clayborne Clyde L. Lim the Council

“RESOLVED, To enact, as it hereby enacts the following ordinance, to wit:

ORDINANCE NO. 58

AN ORDINANCE REGULATING THE USE OF THE BAYAWAN INTEGRATED BUSINESS CENTER AND FOR OTHER PURPOSES

Be it ordained that:

SECTION 1. Title. This ordinance shall be known as the “Bayawan Integrated Business Center Ordinance.”

SECTION 2. Establishment of Public Terminal. All existing public terminals are hereby transferred to the integrated business center in accordance with the arrangement as designated, copy of said assignment is attached as Annex “A” which forms part of this ordinance.

The City Mayor may assign sub-terminals for tricycles within the Bayawan Integrated Business Center premises in order to promote public convenience.

SECTION 3. General Policies. The following policies shall be used in the operation of the integrated business center:

- a) The integrated business center is a non-smoking area. Any violation hereof shall be penalized in accordance with the imposable penalties in Ordinance No. 36 Series of 2006 (Anti-Smoking Ordinance of Bayawan City).
- b) The integrated business center is an economic enterprise of the city and all efforts to make it financially feasible should be undertaken within the limitations provided by law and relevant issuances.
- c) No drinking of alcoholic beverage or hard liquor is allowed within the integrated business center. The sale of the same shall likewise be prohibited within the premises of the business center.
- d) The lessees shall comply with any and all reasonable rules and safety regulations which may be promulgated from time to time by the Local Government or its duly authorized representatives and with all rules, regulations, ordinance and laws made by the city, provincial or national government arising from or regarding the use, occupancy and sanitation fees as may be required.
- e) The lessees shall not cause or allow or permit any noxious, disturbing or offensive odors, fumes, grease or any smoke, dust, steam or vapor or any loud or disturbing noise, sound or vibration to emit or originate from the leased premises.

Prior to occupancy, all lessees must execute a Contract of Lease, copy is attached as Annex “B” to form part hereof.

SECTION 4. Business Center Management Committee. A Business Center Management Committee, herein after referred to as Committee, is hereby created composed of the following:

Chairman	-	City Mayor
Vice – Chairman	-	Vice-mayor
Members	-	Chair, SP Committee on Market, Slaughterhouse & Other Economic Enterprises
	-	Chair, SP Committee on Finance
	-	City Administrator
	-	Chair, SP Oversight Committee
	-	Chair, SP Committee on Law, Rules, Ethics and Regulation
	-	City Treasurer
	-	City Legal Officer
	-	City Accountant
	-	City Budget Officer
	-	Head, Internal Audit
	-	Manager, Hotel Operations
	-	

Subject to existing laws, rules and regulations, the City Mayor shall appoint the Manager for Hotel Operations. The City Mayor shall also appoint such other personnel as may be necessary for the operation of the Bayawan Integrated Business Center.

SECTION 5. Duties and Functions of the Business Center Management Committee. Except for the rates of leased premises and other charges indicated herein, the Committee shall be responsible for promulgating rules and regulations to ensure the smooth operation of the Business Center within the limitations provided by law, ordinances and related issuances.

The Committee shall meet every six (6) months or as often as it may deem necessary to review and assess the operations of the Business Center.

The rates herein provided shall be reviewed on or before the last quarter of every year to determine the necessity of adjusting the same subject to the approval of the City Council.

SECTION 6. Preferred Establishments. The following establishments are given preference to operate in the commercial spaces for lease in the integrated business center:

Pasalubong Center	refers to an establishment selling delicacies, novelty items, fashion products and similar items
Internet Café	refers to an establishment offering computer services with internet access or typing, editing and similar services; selling of snack items are allowed within this establishment
Bakeshop	refers to an establishment selling bread and other baked products including beverages such as softdrinks, bottled water, etc. except alcoholic beverages
Pharmacy	refers to an establishment which sells prescribed drugs and medicines and similar products as authorized by the proper government agency
Travel Agency/ Courier Services/ Law Offices	refers to an establishment offering communication, travel arrangement services or legal or Notarial services
Beauty Salons & Massage Parlors	refers to an establishment offering good grooming services and therapeutic massage to the public
Pawnshop/Money Changer	refers to an establishment duly authorized by law to operate a pawnshop or a foreign exchange center

SECTION 7. Spaces for Lease. The following spaces shall be leased out to the general public:

- a) Food court
- b) All stalls designated commercial spaces
- c) Comfort Room Operation
- d) Baggage Counter

SECTION 8. Bidding. All spaces to be leased shall be awarded through a public bidding. The bidding shall be advertised through posting at conspicuous places in the City Hall and Public Market. Further, the bidding shall be advertised on all radio stations in the city for a period of at least five (5) days prior to the conduct of the bidding. Bidding shall be on per commercial space basis.

The highest bidder shall be declared as the awardee of the right to lease the premises considered. The minimum floor price of the bidding shall be as follows:

Food court	₱ 29,300.00 per month
Stalls	₱ 5,900.00 per month/per stall
Comfort Room Operation	₱ 2,500.00 per month
Baggage Counter Operation	₱ 2,000.00 per month

The Specialized Bids and Awards Committee shall facilitate the conduct of the bidding. Bidders shall not be required to put up a bond. All bidders must indicate their nature of business, name of business, contact person, contact number and bid amount. Additionally, bidders should submit all the documentary requirements required under Republic Act No. 9184.

A bidder who has been declared a winner must make the necessary deposit, as required by the Contract of Lease, within five (5) working days from receipt of the Notice of Award otherwise, the next

highest bidder shall automatically become the awardee of said right. In the absence of any other qualified bidder, a re-bidding shall be conducted for the stall concerned.

If there is no other bidder, the sole bidder shall be declared as the winner provided the documentary and other requirements provided herein are satisfied.

SECTION 9. Hotel & Function Rooms. The available rooms shall be managed by the Hotel Manager. The rates for the various rooms will be as follows:

VIP (for 2 persons)	-	₱ 1,500.00 per day/per room
Double (for 2 persons)	-	₱800.00 per day/per room
Family Room (for 3 persons)	-	₱1,000.00 per day
**Additional Person	-	₱ 200.00
Dorm Type (for 6 persons)	-	₱ 200.00 per day/per person
Freshen-up Rate (2hours)	-	₱ 200.00
Function Room (300 persons)	-	₱2,000.00 for first 3 hours ₱500.00 per hour on next succeeding hour or a fraction thereof.

Function Room (100 persons) - ₱1,500.00 for first 3 hours
₱300.00 per hour on next succeeding hour

Conference Room - ₱ 500.00 for first 3 hours
₱100.00 per hour on next succeeding hour

Table and Chairs

Table with cover	-	₱ 30.00 (long)
Table with cover	-	₱ 20.00 (monobloc)
Table without cover	-	₱ 15.00 (monobloc)
Chair without cover	-	₱ 5.00
Chair with cover	-	₱ 10.00

SECTION 10. Berthing Fee. Public Utility Vehicles (PUV for brevity) who make use of the terminal at the Bayawan Integrated Business Center shall be charged berthing fees which shall be in accordance with the following schedule:

Buses	₱ 30.00 per trip
V-hire/Multi-cab/Jeep	₱ 15.00 per trip
Mini Bus (19-30 passengers)	₱ 20.00 per trip

Only outbound PUVs shall be charged with berthing fee. Vehicles who will park at the premises of the Bayawan Integrated Business Center for safekeeping purposes shall be charged the same rates except that the rate shall be on a twelve-hour basis. Vehicles of occupants of the hotel or those attending at functions held at the Bayawan Integrated Business Center shall be exempt from any fee.

SECTION 11. Private Terminals. All existing *private terminals* may continue its operation by its respective owners provided that they comply with the provisions of Department Order No. 2008 – 24 dated June 20, 2008 of the Department of Transportation & Communications, HLURB Board Resolution No. R-408 Series of 1988 and the Sanitation Code of the Philippines.

All existing private terminals have until one year from the effectivity of Department Order No. 2008 – 24 to comply with the standards mentioned in said Department Order.

SECTION 12. Authority. The City Mayor is hereby authorized to execute the necessary contract with third parties pertinent to the use of the commercial spaces for rent at the integrated business center and other relevant and pertinent papers for the operation of the Bayawan Integrated Business Center.

SECTION 13. Separability Clause. If any provision of this Ordinance is declared unconstitutional or illegal by a competent court, the same shall not affect the validity and effectivity of the other provisions.

SECTION 14. Effectivity. This Ordinance shall take effect after compliance with the provisions of the Local Government Code of 1991.

“Enacted.”

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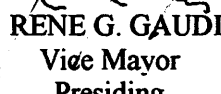
I hereby certify to the correctness of the foregoing resolution.

* * *


JULIUS T. ESPARTERO
Secretary to the Sangguniang Panlungsod

ATTESTED:

APPROVED: JAN 07 2009


RENE G. GAUDIEL
Vice Mayor
Presiding


GERMAN P. SARAÑA JR.
Mayor

Copy For:

- The Honorable Provincial Board, Dumaguete City