

Republic of the Philippines
Province of Negros Oriental
MUNICIPALITY OF MABINAY
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Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MABINAY, PROVINCE OF NEGROS ORIENTAL HELD AT THE SESSION HALL ON TUESDAY, NOVEMBER 22, 2016.

PRESENT:

Hon. Enozario T. Baldoza,	... Municipal Vice-Mayor,
Hon. Joeterry A. Uy,	... Municipal Councilor,
Hon. Irene Y. Baldoza,	... Municipal Councilor,
Hon. Rutillo A. Cabusog,	... Municipal Councilor,
Hon. Odon M. Cueco,	... Municipal Councilor,
Hon. Elan N. Cadayday,	...Municipal Councilor,
Hon. Maria Rita M. Ricaplaza,	... Municipal Councilor,
Hon. Eduardo K. Solon,	... Municipal Councilor,
Hon. Ma. Marlita B. Buscato,	... Municipal Councilor,
Hon. Godiardo M. Codera, Jr.,	... ABC Vice-President,

ABSENT: NONE

RESOLUTION NO. 203

"WHEREAS, there is a need to impose rental and formulate policies and guidelines for the operation of Mabinay Spring Restaurant/Pasalubong Center at the Mabinay Spring Resort, this municipality;

"NOW THEREFORE, on motion of Honorable SB Member Rita Ricaplaza seconded by Honorable SB Member Rutillo Cabusog, the council

"RESOLVED, as it is hereby resolved, enact the following ordinance to wit:

ORDINANCE NO. 48

**AN ORDINANCE IMPOSING RENTAL FEES
AND FORMULATING POLICIES AND GUIDELINES
FOR THE OPERATION OF THE MABINAY SPRING
RESTAURANT/PASALUBONG CENTER AT THE
MABINAY SPRING RESORT, THIS MUNICIPALITY.**

'Be it ordained by the Sangguniang Bayan of Mabinay, Province of Negros Oriental in its Regular Session assembled that:

"SECTION 1 – PRE-OCCUPANCY ACTIVITIES:

1. **INFORMATION DISSEMINATION.** A Notice of Vacancy shall be posted for a period of seven (7) calendar days in conspicuous places in the municipality to invite potential and interested clients. Such notice shall be posted in the said Restaurant Building, in the Terminal Complex Area, in the Bulletin Board of the Municipal Hall and at the entrance of the Mayor's Office, this municipality. The public shall be informed of the bidding to be conducted for the occupancy of said facility.

2. APPLICATION FOR LEASE/RENTAL. All interested applicants may apply at the Office of the Municipal Treasurer and thereat secure an Application for Lease Contract and other requirements. Said application shall be returned to the Office of the Municipal Treasurer duly filled-up and notarized.
3. SCREENING AND AWARDING OF STALLS.
 - a. All applicants shall undergo screening prior to his/her participation in the public bidding for the said facility. Per proposal from the Local Finance Committee, the base amount for the Occupancy Fee shall be P 15,000.00 and the bidder who submits the highest complying bid or quotation shall be awarded the right to lease the said facility.
 - b. A Notice of Award/Occupancy will be issued to applicants who have submitted the bid which is most advantageous to the municipal government. The Contract of Lease for the stall space shall be a period of one (1) year, renewable upon its expiration.
4. BUSINESS PERMIT/LICENSE, FEES AND FINES
 - a. After the applicant has been served the Notice of Award, he/she will process or secure the necessary requirements in the concerned offices and agencies for the issuance of the Mayor's Business Permit/License.
 - b. The rentals and other relevant fees are as follows:
 - P 10,000.00 per month as fixed lease for the said facility covering the months from November 2016 to May 2017.
 - P 8,000.00 per month as fixed lease for the said facility covering the months from June 2016 to October 2017.
 - Occupancy fee before applicant be allowed to occupy the said Restaurant/Pasalubong Center.
 - c. Payment of rentals and other relevant fees shall be effected prior to its operation. Hence, payment of one (1) month rental as Mayor's permit and two (2) months deposit to cover delinquencies after cancellation or expiration of the contract is mandatory. If the contract will not be renewed, the deposited amount shall be refunded to the lessee.
 - d. Corresponding fines and penalties shall be imposed to late and non-payment of fees at a fixed rate of two percent (2%) per month but not to exceed thirty six (36) months.

"SECTION 2 - ACTUAL OPERATION:

1. LEASE AGREEMENT – TERMS, CONDITIONS AND LIMITATIONS. The terms, conditions and limitations in the actual operation of the business in the Mabinay Spring Restaurant/Pasalubong Center are contained in the Contract of Lease. The responsibilities and obligations of both the lessor and the lessee are hereby expounded and explicitly laid down in the Contract of Lease.
2. COLLECTION. Collection of rentals and other fees due to the government shall be the responsibility of the Municipal Treasurer. To ensure that such responsibility is properly and effectively discharged, the collection function shall directly be under the control and supervision of the Municipal Treasurer.
3. CANCELLATION/REVOCAION OF LEASE. Any violation on the part of the lessee on the terms and conditions set forth in the Lease Contract, including the prohibitions and limitations thereof, shall be sufficient cause for revocation/cancellation of the lease and for the eviction of the stallholder from his/her stall.

4. PROHIBITIONS AND LIMITATIONS.

- a. No smoking within the premises. Violators will be penalized under the existing policies and provisions under our Municipal Anti-Smoking Ordinance.
- b. Lessee shall not be allowed to occupy stalls or spaces other than those leased to them. No awardee shall sublease the stall awarded to him/her. Any violation found thereof shall subject the lessee to outright revocation of his/her lease contract.
- c. No lessee shall remove, construct or alter the original structure of any booth/stall without prior permit or consent from the Office of the Mayor/Office of the Municipal Treasurer.
- d. In no case shall the lessee convert any portion of the facility and its premises into temporary and permanent dwelling. Any violation of this specific provision shall likewise subject to the termination of the lease contract.

5. APPLICABILITY OF CODE OF SANITATION.

- a. All provisions of the Code on Sanitation shall whenever applicable, be observed by and enforced upon this establishment, lessee and their respective personnel/helpers.
- b. Special effort shall be exerted to strictly observe and enforce sanitation relating to water supply, food handling, sewage and garbage collection/disposal.


"SECTION 3 – This ordinance shall take effect immediately upon its approval.

"APPROVED."

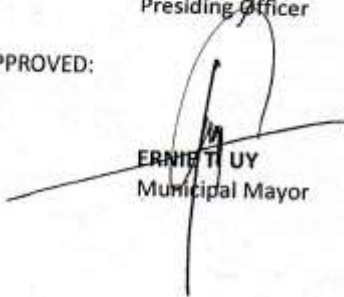
I HEREBY CERTIFY to the correctness of the above-quoted resolution and its subsequent ordinance.

FELICITA C. DURANGO
Municipal SB Secretary

ATTESTED BY:


ENOZARIO T. BALDOZA
Municipal Vice-Mayor
Presiding Officer

APPROVED:


ERNIG TI UY
Municipal Mayor