



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 722-0304

ORDINANCE NO. 22-15 S. 2023

AN ORDINANCE PRESCRIBING GUIDELINES FOR THE LEASE OF REAL PROPERTIES OWNED BY AND REGISTERED UNDER THE NAME OF THE CITY GOVERNMENT OF BATANGAS AS COMMERCIAL SPACE, OFFICE SPACE, AND/OR SIMILAR PURPOSE, FOR A PERIOD OF TEN (10) YEARS OR LESS, AND FOR OTHER PURPOSES

SPONSOR: COUN. LORENZO A. GAMBOA, JR.
Chairman, Committee on Ways and Means

WHEREAS, the City Government of Batangas is the owner of several patrimonial and donated real properties such as buildings and lands, situated all over the City of Batangas;

WHEREAS, it is the interest of the City Government of Batangas to develop these properties and to maximize its use by leasing or renting them out to other government offices or non-government organizations and establishments, the income generated from which shall rebound to the benefit of the City of Batangas and its citizens;

WHEREAS, there is a compelling need for the City Government of Batangas to prescribe guidelines for the lease of commercial space, office space, and other similar purpose of properties owned by the City for a period of ten (10) years or less;

WHEREAS, Republic Act No. 9184 or the Government Procurement Reform Act provides necessary rules and regulations for modernization, standardization, and regulations of the procurement activities of the Government of the Philippines including the policy that the procurement of goods, infrastructure projects, and consulting services shall be competitive and transparent and therefore shall undergo competitive bidding;

WHEREAS, there is a need for the City Government of Batangas to create and establish the **BATANGAS CITY COMMITTEE ON LEASE AND RENTALS (BCCLAR)** and/or similar body for the determination of the minimum monthly rental fees, amount of deposit, advance rental and escalation rate of government leasable space. Likewise, the BCCLAR shall formulate the rules and regulations of the competitive bidding, a method that will be used to determine the monthly lease payments and the parameters of lease contracts for the Local Government's premises.

WHEREAS, stated under Section 22(c) of the Local Government Code of the Philippines that, unless otherwise provided, no contract may be entered into by the local chief executive in behalf of the local government unit without prior authorization by the Sanggunian concerned. A legible copy of such contract shall be posted at a conspicuous place in the provincial capitol or the city, municipal or Barangay hall;

NOW THEREFORE, be it **ORDAINED** as it is hereby **ORDAINED** by the Sangguniang Panlungsod of Batangas City, in a session duly assembled the following:

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Continuation of Ordinance No. 22-15 S. 2023

AN ORDINANCE PRESCRIBING GUIDELINES FOR THE LEASE OF REAL PROPERTIES OWNED BY AND REGISTERED UNDER THE NAME OF THE CITY GOVERNMENT OF BATANGAS AS COMMERCIAL SPACE, OFFICE SPACE, AND/OR SIMILAR PURPOSE, FOR A PERIOD OF TEN (10) YEARS OR LESS, AND FOR OTHER PURPOSES

SECTION 1. SHORT TITLE. This ordinance shall be known and cited as the “LEASE OF COMMERCIAL SPACE, OFFICE SPACE, AND/OR SIMILAR PROPERTIES OWNED BY THE CITY GOVERNMENT OF BATANGAS FOR A PERIOD OF TEN (10) YEARS OR LESS”.

SECTION 2. DECLARATION OF POLICY. Section 5, Article X of the 1987 Philippine Constitution empowers the Local Government Units (LGU) to create its own source of revenues, and to levy taxes, fees and charges, which shall accrue exclusively to the local governments. Towards this end, the City Mayor, upon recommendation by the BCCLAR, may declare patrimonial properties owned by the City Government of Batangas as leasable/rentable space to any other governmental offices and/or private organizations/establishments/commercial business/es in Batangas City, in order for the City to generate revenue through rentals.

SECTION 3. DEFINITION OF TERMS. As used in this Ordinance, the following terms shall be defined as follows:

3.1. “Lease” refers to a contract whereby a person grants to another person or entity the temporary use of the property for an agreed consideration;

3.2. “Lessee” refers to the grantee in a contract of lease or one who leases the property from the lessor. The head of agency shall be represented by the official having control of the appropriation against which the contract shall be charged and the contract shall be subject to the approval of the head of the agency concerned;

3.3. “Lessor” refers to the grantor in a contract of lease or one who leases out the property to the lessee. The City Mayor shall represent the Local Government of Batangas City to enter into a lease contract with the Lessee;

3.4. “Bidding” refers to the method of which the Local Government determines the lease contract amount of the properties subject matter and governed by Republic Act No 9184;

3.5. “BCCLAR” refers to Batangas City Committee on Lease and Rentals.

SECTION 4. COVERAGE. This Ordinance shall cover commercial spaces, office spaces, and/or other similar properties classified as patrimonial property of Batangas City.

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Continuation of Ordinance No. 22-15 S. 2023

AN ORDINANCE PRESCRIBING GUIDELINES FOR THE LEASE OF REAL PROPERTIES OWNED BY AND REGISTERED UNDER THE NAME OF THE CITY GOVERNMENT OF BATANGAS AS COMMERCIAL SPACE, OFFICE SPACE, AND/OR SIMILAR PURPOSE, FOR A PERIOD OF TEN (10) YEARS OR LESS, AND FOR OTHER PURPOSES

The City Government of Batangas shall make an inventory of its patrimonial properties owned in its private and proprietary capacity in relation to the standard set in the case of *Sangguniang Panlalawigan of Bataan v. Garcia*, G.R. No. 174964, 05 October 2016 deemed leasable to other any other governmental offices and/or private organizations/ establishments/ commercial business /es operating in Batangas City.

SECTION 5. BATANGAS CITY COMMITTEE ON LEASE AND RENTALS (BCCLAR). The Batangas City Committee on Lease and Rental and/ or similar body shall be created to formulate the appropriate rules and regulations necessary for the efficient and effective implementation of any and all provisions of this Ordinance. The BCCLAR shall be composed of the following:

- Chairman : City Legal Officer;
- Members : City Assessor; and
Register of Deeds.

If the Head of Office is not available, an employee who holds a next-in rank position who is deemed the most competent and qualified, or any of the authorized representative of the head as designated shall automatically be a member of the Committee.

SECTION 6. SCOPE AND FUNCTIONS. The Batangas City Committee on Lease and Rental (BCCLAR) shall formulate the guidelines governing the conduct of lease and rentals of any governmental spaces.

6.1 The BCCLAR shall make a list of properties deemed eligible to the not more than ten (10) years based on the inventory of patrimonial properties.

6.2 The BCCLAR shall be responsible in the determination of the following standards and terms:

- a. Floor Amount of Monthly Rentals;
- b. Terms and Duration of Lease;
- c. Use of Premises;
- d. Amount of Deposit and Advance Rentals;
- e. Escalation Clause; and
- f. Exit Clause

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Continuation of Ordinance No. 22-15 S. 2023

AN ORDINANCE PRESCRIBING GUIDELINES FOR THE LEASE OF REAL PROPERTIES OWNED BY AND REGISTERED UNDER THE NAME OF THE CITY GOVERNMENT OF BATANGAS AS COMMERCIAL SPACE, OFFICE SPACE, AND/OR SIMILAR PURPOSE, FOR A PERIOD OF TEN (10) YEARS OR LESS, AND FOR OTHER PURPOSES

6.3 The Committee shall prepare a Lease Contract or any other similar documents containing a minimum standard relative to the lease and rental of governmental premises, including but not limited to the following:

- a. Minimum Amount of Rent;
- b. Failure to Pay on Time;
- c. Terms and Conditions;
- d. Use of Premises;
- e. Deposit and Advance Rental;
- f. Escalation Clause;
- g. Public Utilities
- h. Force Majeure;
- i. Right to Inspect Leased Premises;
- j. Care of the Leased Premises;
- k. Safety and Sanitation;
- l. Liabilities for Suits;
- m. Injury or Damage to Third Person;
- n. Damaged to Lease Premises;
- o. Sub-Lease;
- p. Mortgage and Encumbrance;
- q. Repairs;
- r. Expropriation;
- s. Currency inflation and deflation;
- t. Pre-Termination and Termination of Lease;
- u. Disturbance of Possession;
- v. Abandonment of Lease Premises;
- w. Abandonment and/or Destruction due to Arrears;
- x. Inflammable and Explosive Materials;
- y. Partial and Total Destruction;
- z. Exit Clause;
 - aa. Non-Waiver;
 - bb. Breach or Default;
 - cc. Judicial Relief and Penalties; and
 - dd. Payment of Taxes.

6.4. The Committee shall recommend the same to the City Mayor.

6.5. The City Mayor shall choose from the recommendation of the Committee the properties to be declared as leasable/rentable.

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Republic of the Philippines
BATANGAS CITY

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Continuation of Ordinance No. 22-15 S. 2023

AN ORDINANCE PRESCRIBING GUIDELINES FOR THE LEASE OF REAL PROPERTIES OWNED BY AND REGISTERED UNDER THE NAME OF THE CITY GOVERNMENT OF BATANGAS AS COMMERCIAL SPACE, OFFICE SPACE, AND/OR SIMILAR PURPOSE, FOR A PERIOD OF TEN (10) YEARS OR LESS, AND FOR OTHER PURPOSES

SECTION 7. DETERMINATION OF THE AMOUNT OF LEASE. The amount of monthly lease/rental payment shall be determined through competitive bidding provided that the amount is not less than the minimum monthly rental as determined by the BCCLAR. The bidder who proposes the highest amount of bid for the property shall be deemed the Lessee.

SECTION 8. IMPLEMENTING RULES. The BCCLAR may promulgate and issue Implementing Rules and Regulations, subject to the approval of the City Mayor, for the efficient and effective implementation of the provision of this Ordinance. The non-issuance of the rules and regulations shall not in any manner forestall the effectivity and implementation of this Ordinance.

SECTION 9. REPEALING CLAUSE. Any ordinance, executive order and other rules and regulations, or parts thereof, in conflict with or inconsistent with the provision of this ordinance are hereby repealed or modified accordingly.

SECTION 10. SEPARABILITY CLAUSE. If any provision of this Ordinance is declared invalid or unconstitutional, all other provisions hereof not affected thereby shall continue to remain in full force and effect.

SECTION 11. EFFECTIVITY. This Ordinance shall take effect immediately upon approval of the City Mayor and fifteen (15) days after its publication in a local newspaper of general circulation within premises of Batangas City.

ENACTED, this 4th day of July, 2023.

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Michael C. Var



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 722-0304

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Continuation of Ordinance No. 22-15 S. 2023

AN ORDINANCE PRESCRIBING GUIDELINES FOR THE LEASE OF REAL PROPERTIES OWNED BY AND REGISTERED UNDER THE NAME OF THE CITY GOVERNMENT OF BATANGAS AS COMMERCIAL SPACE, OFFICE SPACE, AND/OR SIMILAR PURPOSE, FOR A PERIOD OF TEN (10) YEARS OR LESS, AND FOR OTHER PURPOSES


ATTY. OLIVA B. TELEGATOS
Secretary

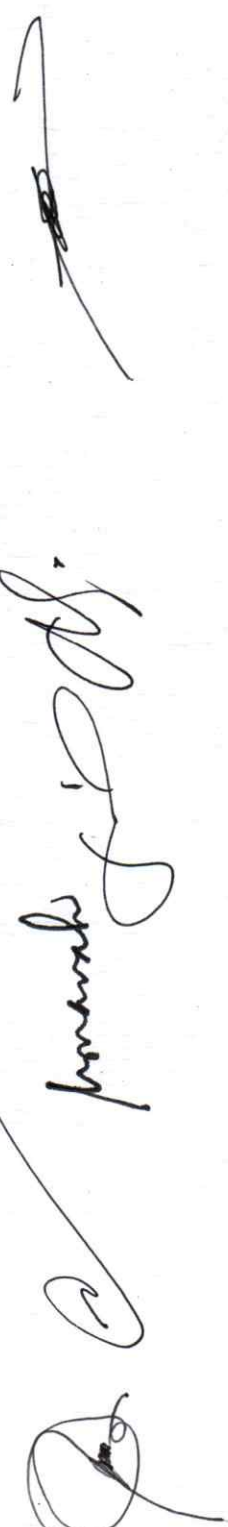
ATTESTED:


ATTY. ALYSSA RENEE A. CRUZ
Presiding Officer

APPROVED:


BEVERLEY ROSE A. DIMACUHA
City Mayor

Date Approved: JUL 17 2023





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**REPUBLIC OF THE PHILIPPINES
BATANGAS CITY**

OFFICE OF THE SANGGUNIANG PANLUNGSOD

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY
ON JULY 4, 2023 AT THE SAMPAGUITA FARM,
SAMPAGA, BATANGAS CITY**

PRESENT:

Hon. Alyssa Renee A. Cruz	Presiding Officer
Hon. Hamilton G. Blanco,	Councilor
Hon. Karlos Emmanjuel A. Buted,	”
Hon. Andrea Loise F. Macaraig,	”
Hon. Nestor E. Dimacuha,	”
Hon. Oliver Z. Macatangay,	”
Hon. Armando C. Lazarte,	”
Hon. Nelson J. Chavez,	”
Hon. Jose Jonash Luis F. Tolentino,	”
Hon. Zester Carlo M. Hernandez,	”
Hon. Isidra “Ched” M. Atienza,	”
Hon. Lorenzo A. Gamboa, Jr.,	”
Hon. Michael C. Villena,	”
Hon. Angelito Dondon A. Dimacuha,	(ABC-Rep.)
Hon. Marjorie A. Manalo,	(SK-Rep.)

“On motion of Councilor Gamboa seconded by Councilor Chavez, the following Resolution was Adopted:

RESOLUTION NO. 22-279 S. 2023

**ADOPTING THE REPORT OF THE COMMITTEE ON WAYS AND MEANS AND
APPROVING ON SECOND AND FINAL READING THE ORDINANCE PRESCRIBING
GUIDELINES FOR THE LEASE OF REAL PROPERTIES OWNED BY AND
REGISTERED UNDER THE NAME OF THE CITY GOVERNMENT OF BATANGAS
AS COMMERCIAL SPACE, OFFICE SPACE, AND/OR SIMILAR PURPOSE FOR A
PERIOD OF TEN (10) YEARS OR LESS, AND FOR OTHER PURPOSES**

RESOLVED, to adopt the report of the Committee on Ways and Means and to approve on Second and Final Reading the ordinance entitled: “An Ordinance Prescribing Guidelines for the Lease of Real Properties Owned by and Registered Under the Name of the City Government of Batangas as Commercial Space, Office Space, and/or Similar Purpose for a Period of Ten (10) Years or Less, and for Other Purposes”.

UNANIMOUSLY APPROVED.”

Continuation of Resolution No. 22-279 S. 2023

ADOPTING THE REPORT OF THE COMMITTEE ON WAYS AND MEANS AND APPROVING ON SECOND AND FINAL READING THE ORDINANCE PRESCRIBING GUIDELINES FOR THE LEASE OF REAL PROPERTIES OWNED BY AND REGISTERED UNDER THE NAME OF THE CITY GOVERNMENT OF BATANGAS AS COMMERCIAL SPACE, OFFICE SPACE, AND/OR SIMILAR PURPOSE FOR A PERIOD OF TEN (10) YEARS OR LESS, AND FOR OTHER PURPOSES

I hereby certify that the foregoing Resolution No. 22-279 S. 2023 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on July 4, 2023.


ROSEMARIE D. HERNANDEZ
Board Secretary IV

NOTED:


ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED:


ATTY. ALYSSA RENEE A. CRUZ
Presiding Officer

ODT/RDH/ystingchuy...



Republic of the Philippines
Province of Batangas
Batangas City
SANGGUNIANG PANLUNGSOD

COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORT

SUBJECT : AN ORDINANCE PRESCRIBING GUIDELINES FOR LEASE OF REAL PROPERTIES OWNED BY AND REGISTERED UNDER THE NAME OF THE CITY GOVERNMENT OF BATANGAS AS COMMERCIAL SPACE, OFFICE SPACE, AND/OR SIMILAR PURPOSES, FOR A PERIOD OF TEN (10) YEARS OR LESS, AND FOR OTHER PURPOSES

BACKGROUND

The proposed ordinance as mentioned above was approved on its first reading and was referred to the Committee on Ways and Mean for further study thru Resolution 22-444 S. 2023 during the Regular Session of the Sangguniang Panlungsod ng Batangas on June 6, 2023 held at Sampaguita Farm, Barangay Sampaga, Batangas City.

A Committee Hearing was held regarding the subject matter last June 27, 2023, 9:00 o'clock in the morning at the same venue and was attended by the following:

Coun. Lorenzo Gamboa, Jr.

Chairman, Committee on Ways and Means

Coun. Michael Villena - Member

SK. Fed. Pres. Marjorie Manalo - Member

Coun. Armando Lazarte

Coun. Oliver Macatangay

Coun. Jose Jonashi Luis Tolentino

Vice Mayor Alyssa Renee Cruz

Coun. Zester Carlos Hernandez - Member

Coun. Karlos Emmanjuel Buted - Member

Coun. Nestor Dimacuha

Coun. Andrea Loise Macaraig

Also present were the representatives of the following relevant offices:

Atty. Shaira Camille Jumarang	-	City Legal's Office;
Mrs. Guadalupe Tumambing	-	City Assessor's Office;
Ms. Annalyn Faytaren	-	City Administrator's Office;
Atty. Angelicka Jane Resurreccion	-	Deputy Register of Deeds, RD Batangas City;
Atty. Neil Adrian Pargas	-	Register of Deeds II, RD Batangas City.

DISCUSSIONS AND OBSERVATIONS

The following observations resulted after extensive discussions and deliberations of all present during the Committee Hearing, to wit:

1. The City Assessor's Office shall provide the Sangguniang Panlungsod with the List of all patrimonial properties registered under the City Government of Batangas;
2. Not all Government Property of the City of Batangas are registered in the Registry of Deeds;
3. Include the acronym BCCLAR in Section 3. Definition of Terms;



Republic of the Philippines
Province of Batangas
Batangas City
SANGGUNIANG PANLUNGSOD

COMMITTEE ON WAYS AND MEANS

4. Vacant lots and properties under Public Private Partnership (PPP) are not to be covered by the ordinance;
5. Provision for the payment of tax for those lessee whose business are subject to tax collection shall be added to Section 6.3;
6. Section 22, Paragraph (c) of the Local Government Code of the Philippines shall be made integral part of the ordinance and all other provisions of the law as needed in a case-to-case basis shall be included for strict compliance as conditions in the Contract of Lease, i.e. RA 10536 or "An Act Amending Republic Act 9296, Otherwise Known as "The Meat Inspection Code of the Philippines.", and Ordinance No. 19, S. 2008 or the Batangas City Revenue Code of 2009;
7. Section 7 shall explicitly expressed that the amount through competitive bidding shall not be no less than the minimum amount of monthly rentals as determined by the BCCLAR;
8. Clear provisions for prohibited acts shall be included in the Implementing Rules and Regulations (IRR) of the ordinance for the predetermination of the Termination of the Lease of Contract;
9. It has been proposed to conduct an internal audit to identify all government properties and have it registered officially;
10. Concurrence of the Sangguniang Panlungsod shall be secured prior to the signing of any Lease of Contract;
11. The ordinance is a timely and valuable legislation, it would be beneficial would generate income for the city government.

RECOMMENDATIONS

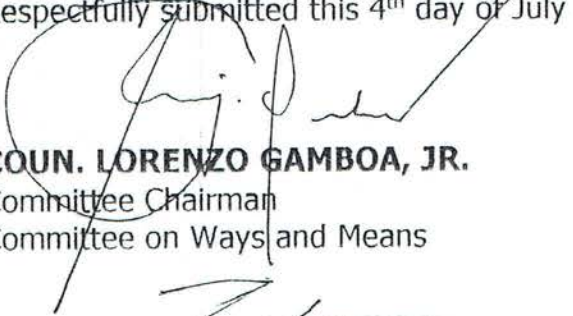
In accordance with the proceedings and based on the observations, the Committee on Ways and Means propose the following recommendations:

1. The adoption of this Committee Report; and
2. The approval on its Second and Final Reading the Ordinance titled, "AN ORDINANCE PRESCRIBING GUIDELINES FOR LEASE OF REAL PROPERTIES OWNED BY AND REGISTERED UNDER THE NAME OF THE CITY GOVERNMENT OF BATANGAS AS COMMERCIAL SPACE, OFFICE SPACE, AND/OR SIMILAR PURPOSES, FOR A PERIOD OF TEN (10) YEARS OR LESS, AND FOR OTHER PURPOSES." hereto attached.




Republic of the Philippines
Province of Batangas
Batangas City
SANGGUNIANG PANLUNGSOD
COMMITTEE ON WAYS AND MEANS


Respectfully submitted this 4th day of July 2023.




COUN. LORENZO GAMBOA, JR.
Committee Chairman
Committee on Ways and Means



COUN. ZESTER CARLO HERNANDEZ
Committee Member
Committee on Ways and Means



COUN. KARLOS EMMANJUEL BUTED
Committee Member
Committee on Ways and Means



SK. FED. PRES. MARJORIE MANALO
Committee Member
Committee on Ways and Means



COUN. MICHAEL VILLENA
Committee Member
Committee on Ways and Means



Republic of the Philippines
Province of Batangas
Batangas City
SANGGUNIANG PANLUNGSOD

COMMITTEE ON WAYS AND MEANS

SUBJECT: PROPOSED ORDINANCE PRESCRIBING GUIDELINES FOR LEASE OF REAL PROPERTIES OWNED BY AND REGISTERED UNDER THE NAME OF THE CITY GOVERNMENT OF BATANGAS AS COMMERCIAL SPACE, OFFICE SPACE, AND/OR SIMILAR PURPOSES, FOR A PERIOD OF TEN (10) YEARS OR LESS, AND FOR OTHER PURPOSES

DATE/TIME : 27 JUNE, 2023 / 9:00 AM.

No.	Name	Position	Office	Contact No.	Signature
1.	Hon. Alyssa Renee Cruz	Vice Mayor	SP		
2.	Hon. Lorenzo A. Gamboa Jr.	Committee Chairman	SP		
3.	Hon. Michael C. Villena	Committee Member	SP		
4.	Hon. Karlos Enmanuel A. Buted	Committee Member	SP		
5.	Hon. Marjorie Manalo	Committee Member	SK		
6.	Hon. Zester Carlo M. Hernandez	Committee Member	SP		
7.	Hon. Nelson J. Chavez	SP Member	SP		
8.	Hon. Nestor E. Dimacuha	SP Member	SP		
9.	Hon. Armando C. Lazarte	SP Member	SP		
10.	Hon. Andrea Loise F. Macaraig	SP Member	SP		
11.	Hon. Jose Jonash Luis Tolentino	SP Member	SP		
12.	Hon. Oliver Z. Macatangay	SP Member	SP		
13.	Hon. Hamilton G. Blanco	SP Member	SP		
14.	Hon. Isidra M. Atienza	SP Member	SP		
15.	Hon. Angelito Dondon A. Dimacuha	ABC President	SP		
16.	G. Judy A. Tumambing	City Assessor's Office	City	777-1967	
17.	Annalyn Jayson	Supr. Admin. Officer	Administrators	756-7920	
18.	Atty. Angelica Eve Resurrecion	Deputy Register of Deeds	RD Batangas City		
19.	Atty. Neil Adrian B. Pargas	Register of Deeds II	RD Batangas City		
20.	Atty. Shairo Camille L. Garcia-Humarang	City Legal Office			
21.					
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REPUBLIC OF THE PHILIPPINES

BATANGAS CITY

OFFICE OF THE SANGGUNIANG PANLUNGSOD

JOURNAL OF THE COMMITTEE HEARING CONDUCTED
BY THE COMMITTEE ON WAYS AND MEANS
CHAired BY COUNCILOR LORENZO GAMBOA HELD AT
SAMPAGUITA FARM, SAMPAGA, BATANGAS CITY
ON JUNE 27, 2023 AT 9:27 IN THE MORNING

**SUBJECT: PROPOSED ORDINANCE PRESCRIBING GUIDELINES
FOR LEASE OF REAL PROPERTIES OWNED BY AND
REGISTERED UNDER THE NAME OF THE CITY
GOVERNMENT OF BATANGAS AS COMMERCIAL SPACE,
OFFICE SPACE AND/OR SIMILAR PURPOSE FOR A PERIOD
OF TEN YEARS OR LESS AND FOR OTHER PURPOSES**

MGA NAGSIDALO:

Vice Mayor Atty. Alyssa Cruz Atienza	
Coun. Lorenzo A. Gamboa, Jr.	Comm. Chairman
Coun. Michael Villena	Comm. Member
Coun. Karlos Emmanuel Buted	Comm. Member
Coun. Marjorie Manalo	Comm. Member
Coun. Jose Jonash luis Tolentino	Comm. Member
Coun. Oliver Macatangay	SP Member
Coun. Zester Hernandez	SP Member
Coun. Nestor Dimacuha	SP Member
Coun. Armando Lazarte	SP Member
Coun. Andrea Loise Macaraig	SP Member

MGA NAGSIDALONG PANAUHIN:

See attendance sheet

Pormal na sinimulan ang pagdinig sa ganap na ika 9:27 na umaga sa pangunguna ng Tagapangulo Konsehal Lorenzo Gamboa. Pinamunuan ni Konsehal Nestor Dimacuha ang pambungad na panalangin.



CHAIR (Coun. Lorenzo Gamboa): This is a committee hearing of the Committee on Ways and Means is now called to order. Welcome po sa gagawin nating committee hearing at ako po aynagpapasalamat sa lahat ng nagpaunlak sa aming imbitasyon. And now I would like to recognize our guests from the City Assessor Mam Judy Tumaming, from the City Administrator's Office Mam Annalyn, mula sa ating City Legal Office, Atty. Shaira, from the Registry of Deeds Atty. Neil Pargas and Atty. Angelica Resurrection.

Also from the Sangguniang Panlungsod – I would like to recognize Vice Mayor Atty. Alyssa Cruz, together with our Councilors - Konsehal Boy Dimacuha, Konsehal Marjorie Manalo, Konsehal Karlos Buted, Konsehal Zester Hernandez, Konsehal Armando Lazarte, Konsehal Oliver Macatangay, and yours truly po, Konsehal Lorenzo Gamboa, Jr. and Chairman ng Committee on Ways and Means.

Sa pagpapatuloy po, para po sa kaayusan ng pagpupulong kung kayo po ay may mga katanungan, mangyaring paki taas lamang ang kanang kamay at hinayin na kayo ay ma-recognize ng Chair para kayo ay payagang sumagot. Gentle reminders po, please state your name, designation, affiliation and your purposes kung kayo po ay magsasalita at pakitanggal po ng face mask pag kayo po ay nagsalita para mas maliwanag po. Hinihiling din po para din po sa kaayusan ng ating pagpupulong ay ilagay po natin sa silent mode ang ating mga cellphone at huwag po tayong masyadong maingay. Maraming salamat po.

Sa pagpapatuloy po, ang atin pong pagpupulungan ay ang Proposed Ordinance Prescribing Guidelines For the Lease of Real Properties Owned by and Registered under the name of the City Government of Batangas as Commercial Space, Office Space, and/or Similar Purpose, for a Period of Ten (10) Years or Less and for Other Purposes. Sa atin pong mga panauhing naririto ngayon, atin pong hinihiling na mabigyan tayo ng paliwanag tungkol sa paksa na ating pag-uusapan dito or an overview po ng nasabing paksa. Before po, Konsehal Boy you are recognized.

COUN. NESTOR DIMACUHA: Thank you Mr. Chair, Magandang umaga po sa ating lahat. Before we start, let me inform our guests that the draft ordinance as prepared by Atty. Sonny Ricablanca, I assume that the City Government has also a copy at hand.

CHAIR : Atty. Shaira you are now recognized.

ATTY. SHAIRA G. HUMARANG: Good morning Mr. Chair. Today po, lumapit po kami sa Sanggunian for the approval of the proposed ordinance prescribing the guidelines for the lease of real properties owned by and registered under the name of the City Government of Batangas. In this ordinance, the purpose of which is the formulation of the guidelines when it comes to the lease of real properties for less than ten years.

CHAIR: So, dito sa umpisa po, meron po tayong mga Whereases, siguro naman ay pwedeng hindi na nating hindi basahin ito , so maybe we can proceed to Section 1. But before, Konsehal Buted you are recognized.

COUN. KARLOS BUTED: Good morning Mr. Chair, before we go further, I am quiet wandering Mr. Chair, the title is a proposed ordinance so, obviously this is not an amendment, ano po. Tanong ko lang po sa ating City Legal Office, what we have here, ano po yong status quo ng ating city government when it comes to this matter kasi . . . are we superseding the ordinance? Do we have a present rules and guidelines from the national government? Or is this something na ika-copy natin from the national government?

ATTY. SHAIRA G. HUMARANG: Mr. Chair to answer the question of Honorable Karlos Buted, actually currently we have no existing guidelines as to the lease contract entered into by the City Government of Batangas. With this ordinance we are going to formulate the provisions that will guide us everytime that the city government will enter into a contract of lease.

CHAIR: Thank you Atty. Shaira. So, back to Section 1 – Short Title – This ordinance shall be known and cited as the “Lease of Commercial Space, Office Space and/or Similar Properties Owned by the City Government of Batangas for a Period of Ten (10) Years or Less”. May mga katanungan po ba o discussion for Section 1?

N O N E

Kung wala po, lets proceed to Section 2. Declaration of Policy – Section 5, Article X of the 1987 PhilipoineConstitution empowers the local government units (LGU) to create its own sources of revenues, and to levy taxes, fees and charges which shall accrue exclusively to the local governments. Towards this end, the City Mayor, upon recommendation of the BCCLAR, may declare patrimonial



properties owned by the City Government of Batangas as leasable/rentable to any governmental offices and/or private organizations/establishments/commercial business/es in Batangas City in order for the City to generate revenue through rentals. May mga comments po ba tayo dito sa Section 2?

COUN. NESTOR DIMACUHA: Mr. Chair. . .

CHAIR: Konsehal Boy you are recognized.

COUN.NESTOR DIMACUHA: Thank you Mr. Chair. Declaration of Policy – the moment we declare policy we should be aware if the government property be used for public dominion is already declared para maging patrimonial property. So we cannot simply declare a policy without knowing first if this public dominion has already been withdrawn for public use. So, can we be enlightened on this? How many properties the city government owned and how many properties the city government withdraw the use for public purposes and can be declared as patrimonial property? May we be given as to the figure before we go over to the discussion, perhaps you could give us. Thank you Mr. Chair.

CHAIR: Thank you Konsehal Boy. Mam Judy . . .

MS. JUDY TUMAMBING: Good morning po. Sa akin pong pagkakaalam, buildings po ang pinag-uusapan, parang five or more po ang buildings ng city government. Coliseum, sports center, Slaughterhouse, Bay City Mall, Convention Center.

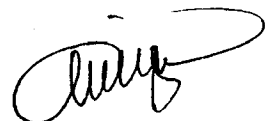
COUN. NESTOR DIMACUHA: Mr. Chair . . .

CHAIR: Yes Councilor Boy.

COUN. NESTOR DIMACUHA: The premise of the ordinance is not only to the edifice or structure. To my understanding this also involves land and real estates. So, the question is has the Assessor or the government offices which has jurisdiction has the numbers of those public dominion that has been withdrawn and now for patrimonial use of the land?

CHAIR: Konsehal Boy yong sinasabi mo ay nasa Section 6 – 6.1

COUN. NESTOR DIMACUHA: Yes, but I would like to hear from the City Assessor whether she has an idea. Dahil kailangan nating makuha ang figure eh, yong exact kasi sila yong Tagatasa ng lupang pag-aari ng pamahalaan na ginagamit para sa public. So, ito tayo ngayon, we are talking of the patrimonial property of



the city government at ito yong subject na ating pinag-uusapan. So, ang tanong ko po ay meron ba yong figure, meron ba kayong idea, ano yong mga properties withdrawn for public dominion na gagawin nating patrimonial para paupahan natin.

MS. JUDY TUMAMBING: Konsehal Boy gusto ko pong i-clarify kung yong PPP ay Public Private Partnership?

COUN. NESTOR DIMACUHA: Iba, iba yon.

MS. JUDY TUMAMBING: Ah iba po.

COUN. NESTOR DIMACUHA: Ang PPP ay isang scheme na kung saan yong private corporation ay ini-invite para makapag-construct ng isang public building o infrastructure.

MS. JUDY TUMAMBING: Kami po ay mag-i-inventory muna.

COUN. NESTOR DIMACUHA: So, as of the moment ay wala kayong inventory. That is very important kasi kailangan natin ng datus bago tayo makapag formulate ng guidelines.

MS. JUDY TUMAMBING: Noted po. I will provide this Committee po.

COUN. NESTOR DIMACUHA: Yes, please. Thank you.

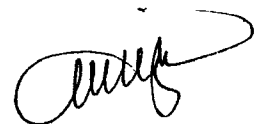
MS. JUDY TUMAMBING: Thank you din po, sige po.

CHAIR: Konsehal Mando. . .

COUN. ARMANDO LAZARTE: Thank you, good morning. Sa aking pagkakaalam sa PPP ay isa itong grand terminal. And for the information of the Body, ang aking pagkakaalam na pinarerentahan pa natin ay yang Bay Mall. Itong Grand Terminal ay yong partner ang gumawa. Itong ating Slaughter naman ay yon lang operation, hindi sila ang gumawa ng building.

CHAIR: Thank you Konsehal Mando. Konsehal Karlos you are recognized.

COUN. KARLOS BUTED: Thank you Mr. Chair. Mre. Chair dito sa Section 2, basahin ko lang . . . "Towards this end, the City Mayor, upon recommendation by the BCCLAR x x x x – very timely po na maintindihan yong BCCLAR because this is not a national agency, dito lang po ginawa. So, may I recommend for us to



become more prudent we include the acronym the Batangas City Committee on Lease and Rentals”.

CHAIR: Kindly take note po. Konsehal Mando. . .

COUN. ARMANDO LAZARTE: Thank you again. Medyo napapag-usapan namin ni Chairman, ito bang University of Batangas ay part din ng City Government.

ATTY. SHAIRA G. HUMARANG: Mr. chair, to answer the question of Councilor Armando Lazarte, the University of Batangas Elementary Department, the land is owned by the City Government, however, the City Government currently entered into a Contract of Lease for another fifty years.

COUN. ARMANDO LAZARTE: Thank you very much. Para alam po ng lahat kung alin talaga ang pag-aari ng siyudad.

CHAIR: Section 3. May question po ba dito sa Section 3?

W A L A

Proceed na po tayo sa Section 4 - Coverage – This Ordinance shall cover commercial spaces, office spaces and/or other similar properties classified as patrimonial property of the Batangas City. Question po – kasama po ba dito yong mga vacant lots. Mayroon po bang vacant lots na nakatiwangwang, ika nga po ay mayroong classification doon. Can we also lease those properties?

ATTY. SHAIRA G. HUMARANG: Under Section 4 – the coverage only is Commercial spaces, offices spaces and/or other similar properties, hence, it is safe to conclude what the City Government is willing to lease are those structures, however, when it comes to land it is not covered anymore.

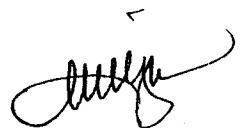
CHAIR: Okay thank you. Any question po sa Section 4 – Coverage?

N O N E

Kung wala na po, we now proceed to Section 5 - Batangas City Committee on Lease and Rentals. Any question po sa Section 5?

N O N E

So, kung wala po, proceed tayo sa Section 6.



Section 6 – Scope and Functions. So, dito po sa Section 6.1 – ang ibig sabihin po ba nito ay hindi lahat ng patrimonial property will be put up for lease? Ano po ba ang criteria ng Committee for lease dito sa Section na ito?

ATTY. SHAIRA G. HUMARANG: Your honor the Committee I think should convene first as to the properties to be leased.

CHAIR: Okay thank you. Any question po sa Section 6?

N O N E

So, kung wala, proceed na po tayo sa Section 7 – Determination of the Amount of Lease. Any question po sa Section 7?

Ito po bang sa Section 7, tayo po ba ay may sadyang base kung magkano yong ibi-bid natin? Kasi kung wala po tayong basis paano po tayo makakakontra ng maayos? Wala po ba yong basis as to depende sa area ng pararentahan? Dapat po ay nakalagay na yon dito sa Section 7.

ATTY. SHAIRA G. HUMARANG: Mr. Chair I just want to go back to Section 6.3 – I think we should also add the provision about the payment of tax and add to the guidelines that we are going to formulate considering that despite the fact that the property is owned by the local government, if the same is transferred to taxable entity then such property shall be subject to tax hence, it is important to add such provision in the guidelines, so that it is clear to the Lessee that the property is subject to tax.

CHAIR: Section 7 – Councilor Buted.

COUN. KARLOS BUTED: Mr. Chair I just want to ask if there is a standard when it comes to bidding process. Dito po sa Section 6.3 – Minimum amount of rent. Dito pa lang po, we assume that the BCCLRA Committee in terms of the amount and the standard dito po sa amount of rent.

CHAIR: Thank you Konsehal Karlos. Atty. Shaira you are now recognized.

ATTY. SHAIRA G. HUMARANG: Thank you Mr. Chair, 6.3 par. 8 – the minimum amount of rent, the Committee shall recommend the minimum amount of rent.

CHAIR: Thank you Attorney. Anymore questions sa Section 7?

N O N E



So, kung wala, proceed tayo sa Section 8 – Implementing Rules.

COUN. NESTOR DIMACUHA: Mr. Chair . . .

CHAIR: Konsehal Boy you are recognized.

COUN. NESTOR DIMACUHA: Salamat po. Assuming na nakapag determine na ang BCCLRA ng amount of rent is it correct to say na final na yon without the concurrence of the Sanggunian?

ATTY. SHAIRA G. HUMARANG: Your honor to answer the question of Honorable Boy Dimacuha, in fact, everytime that the City Government will enter into a Contract of Lease, there is always a prior approval from the Sanggunian.

COUN. NESTOR DIMALCUHA: Yes we know. Kaya dapat lagyan po natin dito ng sentence na stating there is a concurrence of the Sangguniang Panlungsod. That is my suggestion Mr. chair, thank you.

CHAIR: Thank you Councilor Boy. Section 8 na po tayo – Implementing Rules. Okay na din ito and Section 9. Sa Section 10, yes Councilor Karlos you are recognized.

COUN. KARLOS BUTED: Mr. Chair, Section 8 po, Implementing Rules - actually the information here is . . . siguro maglagay tayo ng pre-requisite before before the City Mayor may formulate the IRR, kasi the title is Implementing Rules, ano po. So obviously we are eyeing for for Implementing Office or organization who will implement the ordinance Mr. Chair. So I think it would be more effective if we include the word . . . the BCCLRA will be the implementing office . . . tapos po may kaunting phrase at pwede na si attorney ang magdagdag, however, the City Mayor may promulgate and so and so . . . salamat po.

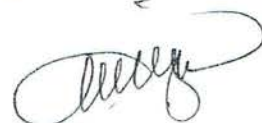
COUN. NESTOR DIMACUHA: With the approval of the City Mayor . . .

COUN. KARLOS BUTED: Yon po, may ganon po. Salamat po.

CHAIR: Attorney Shaira you are now recognized.

ATTY. SHAIRA G. HUMARANG: Actually this ia about No. 7 – “The bidder who proposes the highest amount of bid for the property shall be deemed the Lessee”.

CHAIR: Thank you attorney. Section 9 na po tayo. So okay na din ito. Section 10



– Separability Clause, okay na din po ito.

So, bago po tayo magtapos, nais po nating hingan ng opinion ang ating City Legal Office at saka ang ating taga Registry of Deeds.

ATTY. SHAIRA G. HUMARANG: Your honor, the ordinance will be of help to the City Government of Batangas since it is not an isolated transaction that a City Government could enter into a Contract of Lease. So, with this ordinance, the City Government of Batangas will have guidelines as to the provisions and this would be of help to the City Government of Batangas.

CHAIR: Thank you Attorney Shaira. Atty. Neil Pargas.

ATTY. NEIL ADRIAN PARGAS: Good morning Mr. Chair and to all members. Our office is honored to be part of this Committee to formulate guidelines that will benefit the local government and we will do our best to be of help to the Committee and to the Local Government as always. Thank you.

CHAIR: Thank you Attorney Neil. Konsehal Mando you are recognized.

COUN. ARMANDO LAZARTE: Gusto ko lang balikan doon sa Section 6.3 letter "T" – Pre-Termination and Termination of Lease". Example lang – Itong ating Slaughterhouse – dati napag-pulungan dito sa Sanggunian yong bagay na hindi naging maganda, nakapagkatay sila ng patay na, may sakit, nadala sa bagong palengke nuong araw ding yon. Paano natin ipapasok doon sa violation at termination. Ilang beses ba nila itong ginagawang ganon bago sila i-terminate ang contract? Baka yan ay mamaya ay wala tayong nailagay na ganon, at kahit silaay magpa-ulit-ulit ay kaawa awa ang ating mamamayan. Kasi noong oras na yon ay may nakarating dito sa Sanggunian dahil nga ng pangyayari na may patay na nakatay. Yon pala ay nanganganak yata, namatay sa panganganak, kinabukasan pa dinala doon sa Slaughter, tinanggap at kinatay. Then dinala sa palengke ay namaho doon. Sana mai-take into consideration yong mga bagay na yon bago maapruban ang ordinansa.

CHAIR: Thank you Councilor Mando. So, in addition po dito sa Termination of Lease, Attorney, halimbawa po ay meron tayong slaughterhouse diyan na hindi po nakakabayad doon sa fees, so ano po an gating gagawin doon?

ATTY. SHAIRA G. HUMARANG: Again, the Committee will still convene on that matter, however, there is a Task Force to supervise for the prohibited acts.



CHAIR: Thank you attorney. Any comments from our Register of Deeds Attorney Pargas.

ATTY. NEIL ADRIAN PARGAS: Thank you your honor. Mr. Chair, ang masasabi ko po ay ang magiging ask ng Committee, we will study per case basis po siguro, there will be specific law or special law that will be applicable and we will utilize to the full advantage of the City Government and I think that is the real purpose of the Committee created to ensure and safeguard the best interest of the local government. So, every contract that we will formulate or that we will draft I will thoroughly study so as to avoid previous mistakes or shortcomings if there is any and this is very time and very valuable legislation in the event that it will be consummated. Thank you your honor.

CHAIR: Thank you attorney. Any comments? Konsehal Boy, question?

COUN. NESTOR DIMACUHA: During the previous hearings, we were informed that most of the government properties ay hindi po nakarehistro. So, perhaps you give us information so that we could make any possible way that those property be registered.

ATTY. NEIL ADRIAN PARGAS: Mr. Chair, to answer the question of Councilor Boy Dimacuha, tama po ang sinabi ni Konsehal Boy na hindi po lahat ng property ng local government ay merong titulo kaya po hindi kami makakapagbigay ng eksaktong datos ng tala ng properties ng local government and gusto ko din pong sabihin sa inyo na yong system namin sa ngayon ay siya po ay Title Number Base. There must be a title number forwarded to us para malaman po namin on our own yong details ng title. So, ang makakapagbigay po talaga ng kumpletong datos sa ngayon ay ang Office ng City Assessor. Sila po ang may complete details ng numbers ng properties owned by the local government. Thank you Mr. Chair.

CHAIR: Thank you Atty. Neil. Any questions? Suggestions?

COUN. NESTOR DIMACUHA: Mr. Chair.

CHAIR: Councilor Boy . . .

COUN. NESTOR DIMACUHA: So, hearing the statement of our good friend, kaibigang kaibigan ko po ang tatay niya at matagal kong nakasama, so the City Assessor has all the information with regards to the title, so why not copy those titles para maiparehistro natin ng ating government properties. This is because



most of the government properties nowadays are being occupied by the informal settlers, though we have the RA 7279. Maaaring ang mga ito ay hadlang sa development at sinasabi nilang sa amin ito eh. Sasabihin nilang meron silang hawak na tax declaration. Sino yong nagbigay ng tax declaration para ma-subdivide yon. So perhaps you go around with those and find it why that is happening. There is something going on inside.

MS. JUDY TUMAMBING: Konsehal Boy yong pong sinasabi ninyo na meron silang tax dec., beneficial user laang po sila doon. Ang owner po ay ang city government. They pay taxes po.

COUN. NESTOR DIMACUHA: Yes. Pero i-tsek ninyong mabuti why they have that in possession of tax declaration registered in their names. Paanong nagkaroon ng tax declaration sa kanilang pangalan kung walang cahoots with some . . . alamin ho natin ito kasi ito ang magiging problema natin dito. Papaano natin maa-address yong sinasabi nating one million housing na program ng ating butihing president kung occupied by those informal settlers? Alamin natin yon, hanapin natin ang problema na bakit may mga ganong tax decs. sa mga tao na naka-register sa kanilang pangalan. Ang sa akin po ay try to find out why this is happening, kasi there is something easy going on inside, there are people from your department in cahoots with . . . alam naman natin kung sino yong nagbebenta ng properties. So, i-tsek ho nating mabuti. So para matulungan natin ang government ay mailagay natin sa tamang pwesto at itama natin ang lahat ng nangyayari, ano po.

MS. JUDY TUMAMBING: Noted po.

CHAIR: So, kung wala na pong mga katanungan, ang mga questions po, suhestyon po ng lahat ay masusing pag-aaralan ng Komitiba at ito po ay bibigyan ng karampatang rekomendasyon ng Lupon sa lalong madaling panahon. Kung wala na po kayong katanungan ang pagpupulong pong ito ay atin nang itinitindig. Maraming salamat po.

Natapos ang pagdinig sa ganap na ika 10:13 ng umaga.



CERTIFICATION

I hereby certify that the foregoing transcript is true and correct to the best of my own personal knowledge, belief and understanding.



CECILIA D. ATIENZA
Senior Administrative Asst. 1



Republic of the Philippines
Province of Batangas
Batangas City
SANGGUNIANG PANLUNGSOD

COMMITTEE ON WAYS AND MEANS

NOTICE OF COMMITTEE HEARING

TO : THE HONORABLE VICE MAYOR AND PRESIDING OFFICER
MEMBERS, COMMITTEE ON WAYS AND MEANS
MEMBERS, SANGGUNIANG PANLUNGSOD NG BATANGAS

FROM : THE COMMITTEE ON WAYS AND MEANS

SUBJECT : PROPOSED ORDINANCE PRESCRIBING GUIDELINES FOR LEASE
OF REAL PROPERTIES OWNED BY AND REGISTERED UNDER THE
NAME OF THE CITY GOVERNMENT OF BATANGAS AS COMMERCIAL
SPACE, OFFICE SPACE, AND/OR SIMILAR PURPOSES, FOR A PERIOD
OF TEN (10) YEARS OR LESS, AND FOR OTHER PURPOSES

DATE : 19 JUNE 2023

Ladies and Gentlemen:

The Committee on Ways and Means formally invites you to a Committee Hearing regarding to the subject mentioned to be held in **Sampaguita Farm, Barangay Sampaga, Batangas City** on **June 27, 2023, Tuesday at 9:00** o'clock in the morning.

Your attendance and participation to the above mentioned Committee Hearing is expected and will be highly appreciated.

Thank you very much!

Very truly yours:


LORENZO A. GAMBOA
Chairman
Committee on Ways and Means