



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 722-0304

ORDINANCE NO. 22-23 S. 2023

AN ORDINANCE AMENDING ORDINANCE NO. 22-15 SERIES OF 2023 OTHERWISE KNOWN AS "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" TO EXPAND THE COMPOSITION, POWERS, AND AUTHORITY OF BATANGAS CITY COMMITTEE ON LEASE AND RENTALS (BCCLAR) TO LEASE ITS PATRIMONIAL PROPERTIES, AND PROVIDING PROCEDURES THEREOF

**SPONSOR : SP MEMBER LORENZO A. GAMBOA, JR.
Chairman, Committee on Ways and Means**

WHEREAS, the Sangguniang Panlungsod ng Batangas passed Ordinance No. 22-15 S. 2023 on 04 July 2023 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";

WHEREAS, it is the policy of the government to promote economy, efficiency, and effectiveness in the delivery of public services;

WHEREAS, Section 22 of the Local Government Code vests the Local Government Units with corporate powers and grants them full autonomy in the exercise of their proprietary functions and in the management of their economic enterprises;

WHEREAS, the City Government of Batangas owns real properties that remain undeveloped, underdeveloped, and underutilized, which the City Government is very keen on maximizing the potential for development and revenue;

WHEREAS, according to the Governing Procurement Policy Board (NPM 135- 2004 dated 14 October 2004), in case the government entity is leasing its existing assets, the activity does not involve expenditure of government funds, inasmuch as the same is not in the nature of procurement. Lease of assets, where the government is the lessor, contemplates income-generating activities and is well beyond the ambit of R.A. 9184;

WHEREAS, when the government, the City Government of Batangas, in this case, is the lessor in instances where it intends to lease out of government real property, the governing regulation is Executive Order No. 301, Series of 1987. However, E.O. 301 provides for decentralization of government contracts, which includes leases. Thus, the City Mayor shall have the authority to determine the reasonableness of the terms of the lease and the rental rates thereof, and to enter into such lease contracts without need of prior approval from higher authorities, subject to compliance with the uniform standards or guidelines established under the E.O. 301 and to the audit jurisdiction of the Commission on Audit;

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HON. ARMANDO C. LAZARTE
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Continuation of Ordinance No. 22-23 S. 2023

AN ORDINANCE AMENDING ORDINANCE NO. 22-15 SERIES OF 2023 OTHERWISE KNOWN AS "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" TO EXPAND THE COMPOSITION, POWERS, AND AUTHORITY OF BATANGAS CITY COMMITTEE ON LEASE AND RENTALS (BCCLAR) TO LEASE ITS PATRIMONIAL PROPERTIES, AND PROVIDING PROCEDURES THEREOF

WHEREAS, there is a need to amend Ordinance No. 22-15 S. 2023 to expand the composition, powers, and authority of the **Batangas City Committee on Lease and Rentals (BCCLAR)**;

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

SECTION 1. PURPOSE . - This Ordinance is enacted to expand the composition, powers, and authority of **Batangas City Committee on Lease and Rentals (BCCLAR)** to lease the properties of the City Government in its proprietary capacity and to provide procedure thereof.

SECTION 2. Section 5 of Ordinance No. 22-15 Series of 2023 is hereby amended as follows:

"Section 5. BATANGAS CITY COMMITTEE ON LEASE AND RENTALS (BCCLAR). - The Batangas City Government shall establish the Batangas City Committee on Lease and Rentals (BCCLAR) to undertake the functions specified in Section 7 of this Ordinance in order to facilitate professionalism and harmonization of procedures and standards. The BCCLAR shall be composed of the following:

Regular Members:

- a. The City Legal Officer;
- b. The City Assessor;
- c. The Internal Auditor;
- d. The City Engineer; and
- e. The City Treasurer.

Provisional Members:

- a. An employee or official of the City Government of Batangas who has technical expertise relevant to the property subject of the lease; and
- b. A representative from the end-user or implementing unit of the City Government of Batangas, responsible for the property subject of the lease.

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5.1 The Chairperson of the BCCLAR shall be the City Legal Officer and his/her office shall act as the Secretariat of the Committee.

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

SECTION 3. Section 6 of the same Ordinance is hereby amended to read as follows:

"Section 6. SCOPE AND FUNCTIONS OF THE BCCLAR. - The Batangas City Committee on Lease and Rentals (BCCLAR) shall have the following functions:

- 6.1 Prepare and maintain a detailed and updated list of real properties of the City Government of Batangas which are available for lease and are being leased, with their corresponding lease term and period and attached lease contracts;
- 6.2 Conduct a periodic report to the City Mayor of the status of the real properties being leased out and shall immediately notify the City Mayor of the lease contracts about to be expired, a year before the impending termination;
- 6.3 Conduct ocular inspection of the leased properties within one (1) month from the termination of the lease contract issued, take inventory of all permanent improvements introduced, performs related functions and submit findings and recommendations to the City Mayor within a week after the inspection.
- 6.4 Recommend to the City Mayor the real properties or facilities to be leased to private or public entity, in which case the City Mayor shall make the final determination of whether or not the properties shall be declared available for lease/rent.

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6.5 Establish the lease framework for contracts, with the following required standards and terms:

1. Floor Amount of Monthly Rentals
2. Terms and Duration of Lease
3. Use of premises
4. Amount of Deposit and Advance Rentals
5. Escalation Clause; and
6. Exit Clause

6.6 Conduct the selection of the lessee through Competitive Bidding and/or Selection, with the following duties:

1. Preparation of Bidding Documents;
2. Advertise and/or post the invitation to bid the property subject of the rent or lease/request for expressions of interest;
3. Conduct pre-bid conferences;
4. Determine the eligibility of prospective bidders;
5. If there are no proposals or if the proposals are non-compliant, re-bid the lease;
6. Receive and open bids;
7. Conduct the evaluation of bids;
8. Undertake post-qualification proceedings;
9. Resolve requests for reconsideration;
10. Recommend award of contracts to the City Mayor;
11. Recommend the imposition of sanctions;
12. Conduct periodic assessment of the bidding processes and procedures to streamline lease and rental activities.

6.7 Recommend the schedule, timeline and period in connection with the selection of the lessee and the award of the lease contract through bidding process, with the approval of the City Mayor;

6.8 Perform such other related functions as may be necessary, including the creation of a Technical Working Group (TWG) from a pool of technical, financial, and/or legal experts to assist in the following:

1. Review of the Technical Specifications, Scope of Work, and Terms of Reference;
2. Review of Bidding Documents;

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3. Shortlisting of consultants;
4. Eligibility screening
5. Evaluation of Bids;
6. Post-Qualification; and
7. Resolution of Request for Reconsideration.

SECTION 4. Section 8 of the same Ordinance is hereby re-numbered as Section 10 and new Section 8 shall be read as follows:

"Section 8. PROCEDURE FOR THE LEASE AND/OR RENTAL OF GOVERNMENT PROPERTY. -

- 8.1. Inventory of Leasable or Rentable Properties. The BCCLAR shall make a list of properties deemed eligible to be leased for not more than ten (10) years based on the inventory of patrimonial properties, provided that the list of properties available for lease is approved by the City Mayor.
- 8.2. Preparation of the Terms and Conditions of the Lease and/or Rent. The Terms and Conditions of the Lease and/or Rent of the government property shall be prepared by the BCCLAR, with the approval of the City Mayor.
- 8.3. Preparation of the Bidding Documents. Within 60 days from the directive of the City Mayor, the Bidding Documents shall be prepared by the BCCLAR which shall include the following:
 - i. Proposed Lease Contract;
 - ii. Tender Documents such as Pre-Qualification documents and Requests for Proposals (collectively referred to as "Bid Documents")
 - iii. Instructions to Bidders, including criteria for eligibility, bid evaluation and post-qualification, as well as the date, time and place of the pre-bid Conference (where applicable), submission of bids and opening of bids;
 - iv. Eligibility Requirements;
 - v. Form of Bid, Price Form, and List of Properties subject to lease;

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- vi. Duration of the contract of lease;
- vii. Form and Amount of Bid Security; and
- viii. Form and Amount of Performance Security and Warranty.

The BCCLAR may require additional document requirements necessary to complete the information required for the bidders to prepare and submit their respective bids.

8.4. Action of the City Mayor. The City Mayor shall either approve or disapprove the Proposed Lease Contract and Bid Documents. If the City Mayor disapproves, the Proposed Lease Contract and Bid Documents shall be returned to the BCCLAR for further study and revision. If the City Mayor confirms the recommendation of the BCCLAR, she/he shall affix his/ her signature to the cover memorandum prepared by the BCCLAR. If the City Mayor takes an adverse position, she/he shall issue a written resolution in support of his/ her action or comments for the consideration of the BCCLAR.

8.5. Invitation to Bid. Prior to the issuance of the Invitation to Bid, the BCCLAR is mandated to hold a conference on each and every contract of lease that the City Government will enter into. The conference shall lay down the purpose, terms and conditions of the lease and/or rent.

In line with the principle of transparency and competitiveness, all Invitations to Bid contracts under competitive bidding shall be advertised by the City Government in such manner and for such length of time as may be necessary under the circumstances, in order to ensure the widest possible dissemination thereof, such as, but not limited to, posting in the City Government's premises, in newspapers of general circulation, and the website of the Batangas City, if available.

The Invitation to Bid shall contain, among others:

- i. A brief description of the subject matter of the Lease/Rent;

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- ii. A general statement on the criteria to be used by the City Government for the eligibility check, the short listing of prospective bidders, the examination and evaluation of Bids, and post-qualification;
- iii. The date, time and place of the deadlines for the submission and receipt of the eligibility requirements, the submission and receipt of bids, and the opening of bids;
- iv. The period of availability of the Bidding Documents, and the place where these may be secured;
- v. The contract duration; and
- vi. Such other necessary information deemed relevant by the BCCLAR.

8.6. Pre-Bid Conference. The BCCLAR shall conduct at least one pre-bid conference with eligible bidders to discuss among others, matter relative to the technical and financial bids, eligibility requirements and other relevant bidding matters.

8.7. Submission of Applications. Using the prescribed sworn filing form in Annex "A" - "B", the prospective bidder shall submit the following requirements in three (3) legible copies in separate sealed envelopes:

1. Duly filled-out Lease Application Form with project brief indicating the terms of lease such as description of the proposed use, rental rate, specific area to be leased, herein attached as ANNEX "A" and "A-1."
2. Duly notarized Omnibus Undertaking (Sworn Statement), herein attached as ANNEX "B."
3. Secretary's Certificate (for corporation/partnership/ cooperative)
4. Authorization Letter signed by the sole proprietor (for single proprietor)
5. Legal Requirements

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- a. Certified True Copy of DTI/SEC/CDA Registration Certificate
- b. Current Mayor's Permit/Business Permit
- c. BIR Certificate of Registration (Form 2303)
- d. BIR Renewal of Registration (Form 0605)
- e. Tax Clearance from the BIR that the Applicant has no outstanding tax obligation with the government
- f. Articles of Incorporation and By Laws, if applicable
- g. General Information Sheet, if applicable
- h. License to operate
- i. Licenses, Accreditation or additional permits specifically required for the business operations of the proponent, if applicable

6. Financial Requirements

- a. Proof of financial capability to conduct and sustain the business (Income Tax Return and Audited Financial Statements of the preceding year stamped received by the BIR)
- b. Proof of Financial and managerial capacity of applicant for the business/service to be established which shall include detailed specifications/requirements of the project for capitalization, area manpower, equipment, technical know-how
- c. Summary of projected income, costs and earnings for the first five years of the operation of the proposed project

7. Technical Requirements

- a. Business Plan/Project Brief indicating the proposed improvements/ development to be introduced in the area, terms of lease (i.e. duration of lease, rental rates, etc.) estimated project cost and timeline of the proposed development, among others
- b. Architectural Plan/Land Use Plan, if applicable
- c. Proof of experience and expertise in conducting the proposed business
- d. Other related inputs such as physical description and/or land use plan and other data relevant and necessary for the bidding, if applicable

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All other documents as may be reasonably required by the BCCLAR during the selection process or through the Terms of Reference to prove the legal capacity of the proponent.

All documents submitted pursuant to this provision should be current and should be certified true copies of the original documents. All documents originating from any jurisdiction outside the Philippines should be authenticated by the Philippine Consul stationed at the origin country of the documents or authenticated through an Apostille, whichever is applicable.

A prospective bidder may be allowed to submit his eligibility requirement electronically. However, said bidder shall later on certify under oath as to correctness of the statements made and the completeness and authenticity of the documents submitted.

The bids shall be received by the BCCLAR on such date, time and place specified in the invitation to bid. The deadline for the receipt of bids shall be fixed by the BCCLAR, giving the prospective bidders sufficient time to study and prepare their bids. The deadline shall also consider the urgency of the contract involved.

8.8. Receipt and Opening of Bids. The BCCLAR shall determine the eligibility of prospective bidders for the Lease and/or rental of government property, based on the bidders' compliance with the eligibility requirements within the period set forth in the Invitation to Bid. The eligibility requirements shall provide for fair and equal access to all prospective bidders. The documents submitted in satisfaction of the eligibility requirements shall be made under oath by the prospective bidder or by his duly authorized representative certifying to the correctness of the statements made and the completeness and authenticity of the documents submitted.

Bids submitted after the deadline shall not be accepted.

All Bids shall be accompanied by a Bid security, which shall serve as guarantee that, after receipt of the Notice of Award, the winning bidders shall enter into contract with the City Government within the stipulated time and furnish the required performance security.

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Bids and Bid securities shall be valid for such reasonable period of time indicated in the Bidding Documents. The duration for each undertaking shall take into account the time involved in the process of Bid evaluation and award of contract.

The BCCLAR shall publicly open all bids at the time, date, and place specified in the bidding documents.

8.9. Bid Evaluation. Prior to Bid evaluation, the BCCLAR shall examine first the technical components of the bids using "pass/fail" criteria to determine whether all required documents are present. Only bids that are determined to contain all the bid requirements of the technical component shall be considered for opening and evaluation of their financial component.

The BCCLAR shall evaluate the financial component of the bids. The bids that passed the preliminary examination shall be ranked from highest to lowest in terms of their corresponding calculated price shall be referred to as the "Highest Calculated Bid".

8.10. Post Qualification. Post-qualification is the stage where the bidder with the Highest Calculated undergoes verification and validation whether he has passed all the requirements and conditions as specified in the Bidding Documents.

If the bidder with the Highest Calculated passes all the criteria for post-qualification, his Bid shall be considered the "Highest Calculated Responsive Bid". However, if a bidder fails to meet any of the requirements or conditions, he shall be "post-disqualified" and the BCCLAR shall conduct the post-qualification on the bidder with the second Highest Calculated Bid. If the bidder with the second Highest Calculated Bid is post-disqualified, the same procedure shall be repeated until the Highest Calculated Responsive Bid is finally determined.

In all cases, the contract shall be awarded only to the bidder with the Highest Calculated Responsive Bid.

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In case of failure of bidding, the contract shall be re-advertised and re-bid. The BCCLAR shall observe the same process and set the new periods according to the same rules followed during the first bidding. After the second failed bidding, however, the BCCLAR may resort to the negotiation of contract whereby the City Government directly negotiates a contract with a technically, legally and financially capable private entity.

A single calculated and responsive bid shall be considered for award if it falls under of the following circumstances:

- i. If after advertisement, only one prospective bidder submits a Letter of Intent and/or applies for eligibility check, and meets the eligibility requirements or criteria, after which it submits a bid, which is found to be responsive to the bidding requirements;
- ii. If after the advertisement, more than one prospective bidder applies for eligibility check, but only one bidder meets the eligibility requirements or criteria, after which in submits a bid which is found to be responsive to the bidding requirements; or
- iii. If after the eligibility check, more than one bidder meets the eligibility requirements, but only one bidder submits a bid, and its bid is found to be responsive to the bidding requirements.
- iv. In all instances, the BCCLAR shall ensure that the contract reflects the most advantageous prevailing price for the government.

8.11. Award and Implementation of the Lease Contract. Within a period not exceeding fifteen (15) calendar days from the determination and declaration by the BCCLAR of the Highest Calculated Responsive Bid, and the recommendation of the award, the City Mayor shall approve or disapprove the said recommendation. In case of approval, the City Mayor shall immediately issue the Notice of Award to the bidder with the Highest Calculated Responsive Bid. If the City Mayor undertakes an adverse position, he/she shall issue a written resolution in support of his/her action.

HON. NELSON J. CHAVEZ

HON. ARMANDO C. LAZARTE

HON. OLIVER Z. MACATANGAY

HON. NESTOR E. DIMACUHA

HON. ANDREA LOISE F. MACARAIG

HON. KARLOS EMMANUEL A. BUTED

HON. HAMILTON G. BLANCO

HON. MARJORIE A. MANALO

HON. ANGELITO DONDON A. DIMACUHA

HON. MICHAEL C. VILLENA

HON. LORENZO A. GAMBOA, JR.

HON. ISDRA M. ATIENZA

HON. ZESTER CARLO M. HERNANDEZ

HON. JOSE JONASH LUIS ESPOLIENTINO



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 722-0304

Continuation of Ordinance No. 22-23 S. 2023

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Within ten (10) calendar days from receipt of the Notice of Award, the winning bidder shall formally enter into contract with the City Government for the lease or rent of the government property.

The City Government shall issue the Notice to Proceed to the winning bidder not later than seven (7) calendar days from the date of approval of the contract by the appropriate authority. All notices called for by the terms of the contract shall be effective only at the time of receipt thereof by the lessee.

The procurement process from the opening of bids up to the award of contract shall not exceed three (3) months, or a shorter period to be determined by the BCCLAR. If no action on the contract is taken by the City Mayor within the periods specified in the preceding paragraph, the contract concerned shall be deemed approved.

Prior to the signing of the contract, the winning bidder shall, as a measure of guarantee for the faithful performance of and compliance with his obligations under the contract prepared in accordance with the Bidding Documents, be required to post a performance security in such form and amount as specified in the Bidding Documents.

If, for justifiable causes, the bidder with the Highest Calculated Responsive Bid fails, refuses or is otherwise unable to enter into contract with the City Government, or if the bidder fails to post the required performance security within the period stipulated in the Bidding Documents, the BCCLAR shall disqualify the said bidder and shall undertake post-qualification for the next-ranked Highest Calculated Bid. This procedure shall be repeated until an award is made. However, if no award is possible, the contract shall be subjected to a new bidding.

In the case of a failure to post the required performance security, the bid security shall be forfeited without prejudice to the imposition of sanctions."

SECTION 5. Section 9 of the same Ordinance is hereby re-numbered as Section 11 and new Section 9 shall be read as follows:

Section 9. Minimum Terms and Conditions. - The contract of lease shall include, but not limited to, the following terms and conditions:

HON. NELSON J. CHAVEZ
HON. ARMANDO C. LAZARTE
HON. OLIVER Z. MACATANGAY
HON. NESTOR E. DIMACUHA
HON. ANDREA LOISE F. MACAPARAIG
HON. CARLOS EMMANUEL A. BUTED
HON. HAMILTON G. BLANCO

HON. MARJORIE A. MANALO
HON. ANGELITO DONDON A. DIMACUHA
HON. MICHAEL C. VILLENA
HON. LORENZO A. GAMBOA, JR.
HON. JUDRAM M. TIENZA
HON. ZESTER CARLO M. HERNANDEZ
HON. JOSE DINASH LUIS ESPOLVENTINO



Continuation of Ordinance No. 22-23 S. 2023

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9.1 General Guidelines. - The general guidelines in the negotiation of the lease contract are as follows:

- a. As a general rule, rental rates are considered reasonable when they represent or approximate the value of what the Lessee gets in terms of the business, activity, accommodation, facility, amenities, and convenience from the leased real property, and the Lessor gets an equitable share in the revenues, return of capital or investment.
- b. Rental rates may consider the prevailing market rates for lease of real estate or venue with the same or similar condition or classification and located within the vicinity.
- c. The contract of lease shall be embodied in a public instrument and shall integrate all the covenants, understanding and agreements of the Lessor and the Lessee.
- d. The lease contracts should be recorded in the Registry of Property.
- e. The lessee cannot sublease the real property subject of the lease contract, unless otherwise agreed upon, provided, that such agreement is expressly spelled out in the lease contract that was duly executed by the Lessor and the Lessee.
- f. The Lessee cannot assign the lease without the consent of the Lessor, unless there is a stipulation to the contrary in the lease contract that was duly executed by the Lessor and the Lessee.
- g. Upon termination of the Lease Contract, whether through action of the lessor or lessee, a duly notarized Deed of Conveyance (ANNEX "C") must be executed and submitted by the Lessee to turn over all permanent improvements in the leased premises to the City Government of Batangas, upon ocular inspection and acceptance of the inventory of the BCCLAR.

9.2 Basic Lease Contracts Provisions - In the exercise of its corporate power to enter into contracts, the City Government of Batangas hereby ensures the enforcement of the lease contract terms and conditions consistent with basic rules and regulations:

HON. NELSON J. CHAVEZ

HON. ARMANDO CAZARTE

HON. OLIVER Z. MACATANGAY

HON. MESTOR E. DIMACUHA

HON. ANDREA LOISE F. MACARAIG

HON. KARLOS EMMANJUEL A. BUTED

HON. HAMILTON G. BLANCO

HON. MARJORIE A. MANALO

HON. ANGELITO DONDON A. DIMACUHA

HON. MICHAEL C. VILLENA

HON. LORENZO A. RAMBOLA, JR.

HON. GORAM M. ATIENZA

HON. ZESTER CARLO M. HERNANDEZ

HON. JOSE JONASH LUIS F. TOLENTINO



Continuation of Ordinance No. 22-23 S. 2023

AN ORDINANCE AMENDING ORDINANCE NO. 22-15 SERIES OF 2023 OTHERWISE KNOWN AS "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" TO EXPAND THE COMPOSITION, POWERS, AND AUTHORITY OF BATANGAS CITY COMMITTEE ON LEASE AND RENTALS (BCCLAR) TO LEASE ITS PATRIMONIAL PROPERTIES, AND PROVIDING PROCEDURES THEREOF

- a. Monthly Rental/s. By default, the monthly rental/s are payable in advance, on or before the 25th day of the month and every month thereafter, with corresponding billing invoices generated every 25th day of each month, unless the lease contract shall specify otherwise.
- b. Rental Deposit. Immediately upon the approval of the lease contract, cash payments equivalent to two (2) months deposit and one (1) month advance must be remitted by the lessee. The rental deposit shall be held in trust to cover all unpaid accounts or back rentals, utility charges and cost of damage or repair of the leased premises. Upon expiration of the lease agreement, unless the City Government has valid claim/s against the lessee, the rental deposit shall be returned in full.
- c. Interests and Penalty Charges. Interests and penalty charges shall be imposed on unpaid accounts reckoned from the day following the due date of the principal amount as prescribed in the proposed lease contract on the imposition of interest and penalty charges.
- d. Value Added Tax. The corresponding prescribed VAT shall be levied, assessed and collected on the leased properties, in addition to the basic monthly rental charges.
- e. Property Insurance. All leased premises and improvements shall be insured against all property risks and other applicable coverages with the Government Service Insurance System. The property shall be insured with LOSS PAYEE CLAUSE, stating specifically, "Loss, if any, is payable to the City Government of Batangas."
- f. Real Property Tax. The lessee, being the beneficial user of the property, shall pay for the real property tax of the property being leased or the pro-rated real estate tax due of its leased premises directly to the City Government of Batangas
- g. Utility Expenses. Utility expenses such as light or electric power, telephone and water are generally charged against the occupant/user of the premises. For lessees using common meters, consumptions are computed and paid for on a pro-rated basis depending on estimated charges or kilowatts used. For lessees using sub meters, which are connected to a mother meter, charges can be increased or marked-up to cover the actual consumption as indicated in the mother meter. Meanwhile, for lessees with individual meters, the utility charges are paid directly to the utility companies.

HON. NELSON J. CHAVEZ

HON. ARMANDO C. LACARTE

HON. OLIVER Z. MACATANGAY

HON. MESTOR E. DIMACUHA

HON. ANDREA LOSE F. MACARAIG

HON. KARLOS EMMANUEL A. BUTED

HON. HAMILTON G. BLANCO

HON. MARIORIE A. MANALO

HON. ANGELITO DONDON A. DIMACUHA

HON. MICHAEL C. VILLENA

HON. JOSE ANTONIO G. GABEDA, JR.

HON. JERRY M. ATIENZA

HON. ZESTER CARLO M. HERNANDEZ

HON. JOSE RONALD LUIS F. TOLENTINO



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9.3. Rights and Obligation of Both Parties -The rights and obligations of both parties shall be clearly defined to preclude ambiguity and shall be fair and equitable to both parties. Such rights and obligations shall include:

1. Obligation of the LESSOR -

- a. To allow the lessee free and uninterrupted use of the real property, building or facility for the use stipulated in the lease contract; and
- b. To grant an exclusive right to the lessee over the property for the use thereof based on the approved activities and business.

2. Obligations of the LESSEE -

- a. To pay the real property tax of the property being leased and the business tax on the business operation of the LESSEE;
- b. To pay promptly and regularly the rentals to the Lessor as agreed upon in a manner specified in the contract;
- c. To pay the monthly billings for facilities like electric, water and telephone during the period of lease.;
- d. To surrender the real property upon expiration of the lease contract and to shoulder damages which the Lessor may suffer for failure to surrender the same;
- e. To faithfully comply with the terms and conditions of the agreement.

3. Rights of the LESSOR -

- a. In the event the real property is deserted by the lessee before the expiration of the lease without the justifiable cause, the Lessor shall have the right to enter and re-let the same and receive the rentals corresponding to the unexpired period of the lease;

HON. ARMANDO C. AZARTE

HON. MARJORIE A. MANALO

HON. OLIVER Z. MACATANGAY

HON. NESTOR E. DIMACUHA

HON. ANDREA LOISE V. MACARAIG

HON. FARRUS EMMANUEL A. BUTED

HON. HAMILTON G. BLANCO

HON. MARJORIE A. MANALO

HON. ANGELITO DONDON A. DIMACUHA

HON. MICHAEL C. VILLENA

HON. LORENZO A. GAMBOA, JR.

HON. SIDRA M. ATIENZA

HON. ZESTER CARLO M. HERNANDEZ

HON. JOSE JONASH LUIS F. TORRENTINO



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- b. To terminate the lease contract and eject the lessee for failure or refusal of the latter to pay the rentals the Lessor as agreed upon during the period stipulated in the lease contract or for violation of contract conditions by the lessee; and
- c. To own all improvements made by the lessee on the land at the end of the lease period free from all liens and encumbrances, unless stipulations in the contract provide otherwise.

4. Rights of the LESSEE -

- a. To occupy and use exclusively the building/space leased to the exclusion of the owner or his relatives.
- b. To introduce improvements in the building/space, subject to prior consent of the lessor under such terms and conditions as may be agreed upon.

5. Lease Oversight Committee - A Lease Oversight Committee composed of representatives of the BCCLAR and the Lessee shall be established that will responsible for overseeing, monitoring the lease contract and ensuring compliance with the terms and conditions of the lease contract.

9.4 Required Provisions in the Contract of Lease - The BCCLAR shall prepare a lease contract containing the required provisions relative to the lease or rental of government properties, including but not limited to:

- a. Minimum Amount of Rent;
- b. Failure to Pay on Time;
- c. Terms and Conditions;
- d. Use of premises;
- e. Deposit and Advance Rentals;
- f. Escalation Clause;
- g. Public utilities;
- h. Force Majeure;
- i. Right to Inspect Leased properties;
- j. Care of the Leased premises;

HON. NELSON J. CHAVEZ

HON. ARMANDO C. LAZARTE

HON. OLIVER Z. MACATANGAY

HON. NESTOR E. DIMACUHA

HON. ANDREA LOISE N. MACARAIG

HON. KARLOS EMMANUEL A. BUTED

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HON. LORENZO A. GAMBOA, JR.

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- k. Safety and sanitation;
- l. Liabilities for suits;
- m. Injury or Damage to Third Persons;
- n. Damage to Leased Property;
- 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 Leased Premises;
- w. Abandonment and/or Desertion 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

SECTION 6. Section 10 of the same Ordinance is hereby re-numbered as Section 12.

SECTION 7. Section 11 of the same Ordinance is hereby re-numbered as Section 13.

SECTION 8. 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 the premises of Batangas City.

ENACTED, this 19th day of September, 2023.

HON. NELSON J. CHAVEZ

HON. ARMANDO C. LAZARTE

HON. OLIVER Z. MACATANGAY

HON. GABRIEL E. DIMACUHA

HON. ANDREA LOISE F. MACAVAJA

HON. KAMLOS EMMANUEL A. BUTED

HON. HAMILTON G. BLANCO

HON. MARJORIE A. MANALO

HON. ANGELITO DONDON A. DIMACUHA

HON. MICHAEL C. VILLENA

HON. JOHNNY A. GAMBIDA, JR.

HON. ISIDRA M. ATENZA

HON. ZESTER CARLO M. HERNANDEZ

HON. JOSE JONASH LUIS F. TOLENTINO



Republic of the Philippines
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Rosemarie D. Hernandez
ROSEMARIE D. HERNANDEZ
 Board Secretary IV

ATTESTED:

H. Blanco
HAMILTON G. BLANCO
 Acting Presiding Officer

APPROVED:

Allyssa Renee A. Cruz
ATTY. ALYSSA RENEE A. CRUZ
 Acting City Mayor

Date Approved: SEP 27 2023

Hon. Arnelson I. Chavez
 HON. ARNELSON I. CHAVEZ

Hon. Armando C. Lazarte
 HON. ARMANDO C. LAZARTE

Hon. Oliver Z. Macatangay
 HON. OLIVER Z. MACATANGAY

Hon. Nestor E. Dimacuja
 HON. NESTOR E. DIMACUHA

Hon. Andrea Louise F. Macaraig
 HON. ANDREA LOUISE F. MACARAIG

Hon. Carlos Emmanuel A. Buted
 HON. CARLOS EMMANUEL A. BUTED

Hon. Marjorie A. Manalo
 HON. MARJORIE A. MANALO

Hon. Angelito Dondon A. Dimacuja
 HON. ANGELITO DONDON A. DIMACUHA

Hon. Michael C. Villena
 HON. MICHAEL C. VILLENA

Hon. Lorenzo A. Gamboa, Jr.
 HON. LORENZO A. GAMBOA, JR.

Hon. Sidra M. Atienza
 HON. SIDRA M. ATIENZA

Hon. Zester Carlo M. Hernandez
 HON. ZESTER CARLO M. HERNANDEZ

Hon. Genash Luis F. Tolentino
 HON. GENASH LUIS F. TOLENTINO

LEASE APPLICATION FORM

Page 1 of 2

Application Date: / /		Tracking No:		
APPLICANT PROFILE				
Full Company Name:				
Trade Name:				
Company Information				
Company Address:				
Main Office:				
Billing Address:				
Telephone Number:		SEC/DTI/CDA Registration Number:		
Mobile Number:		Date Established:		
Email Address:		Business Permit Number:		
Company Tax Identification Number:		Effectivity of Business Permit:		
Business Type				
<input type="checkbox"/> Single Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Cooperative <input type="checkbox"/> Others				
Parent Company:				
Nature of Business:				
Principal Officers				
Name	Position	Direct Phone Number	Nationality	Years of Service
COMPANY REPRESENTATIVE				
Main Contact Person				
Position	Years in the Company			
Telephone Number				
Cellphone Number				
E-mail Address				
Submitted by:				
Signature over Printed Name / Date		Signature over Printed Name / Date		
Position in the Company		Position in the Company		
LEASE PROFILE (to be accomplished by the City Representative)				
<input type="checkbox"/> New <input type="checkbox"/> Renewal				
Property to be Leased:	<input type="checkbox"/> Land	<input type="checkbox"/> Building	<input type="checkbox"/> Others	
Location of Property:	Intended Use:			
Facilities to be put-up (for Medium or Long-Term Lease):				
Land:		Building/Improvements:		
Block No.:		Block No.:		
Lot No.:		Lot No.:		
Area Size:		Area Size:		
Rental Rate/sq.m.:		Rental Rate/sq.m.:		
Tax Dec. No.:		Tax Dec. No.:		
Internal Use Only				
Received by:		Reviewed/Evaluated		

DOCUMENTARY REQUIREMENTS
(New and Renewal Application)

Page 2 of 2

Please submit the following requirements in three (3) legible copies in separate sealed envelopes.

1. Duly filled-out Lease Application Form with project brief indicating the terms of lease such as description of the proposed use, rental rate, specific area to be leased
2. Duly notarized Omnibus Undertaking (Sworn Statement)
3. Secretary's Certificate (for Corporation/Partnership/Cooperative)
4. Authorization Letter (For Single Proprietor)
5. Legal Requirements
- Certified True Copy of SEC/DTI/CDA Registration, whichever is applicable
- DTI Certificate of Registration
- SEC Certificate of Registration
- CDA Certificate of Registration
- Mayor's or Business Permit or its equivalent document
- BIR 2303 or Certificate of Registration
- BIR Renewal of Registration (Form 0605)
- Tax Clearance from the BIR that the Applicant has no outstanding tax obligation with the government
- Articles of Incorporation and By Laws, *if applicable*
- General Information Sheet, *if applicable*
- Licenses, Accreditation or additional permits specifically required for the business operations of the proponent.
Kindly specify: _____
6. Financial Requirements
- Proof of financial capability to conduct and sustain the business (*Stamped Income Tax Return and Audited Financial Statements of the preceding year*);
- Proof of Financial and managerial capacity of applicant for the business/service to be established which shall include detailed specifications/requirements of the project for capitalization, area manpower, equipment, technical knowhow
- Summary of projected income, costs and earnings for the first five years of the operation of the proposed project
7. Technical Requirements
- Business Plan/Project Brief indicating the proposed improvements/development to be introduced in the area, terms of lease (i.e. duration of lease, rental rates, etc.) estimated project cost and timeline of the proposed development, among others
- Architectural Plan/Land Use Plan, *if applicable*
- Proof of experience and expertise in conducting the proposed business
- Other related inputs such as physical description and/or land use plan and other data relevant and necessary for the bidding, *if applicable*
- All other documents as may be reasonably required by the City Government during the bidding/selection process or through the Terms of Reference to prove the legal capacity of the proponent

All documents submitted should be complete, current and should be certified true copies of the original documents.

OMNIBUS UNDERTAKING
(SWORN AFFIDAVIT)

REPUBLIC OF THE PHILIPPINE)
CITY OF BATANGAS) S.S.

AFFIDAVIT

I, (Name of proponent/authorized signing official for corporation) of legal age, Filipino, single/married, with residence and postal address at _____, after having been duly sworn in accordance with law, hereby depose and say that:

1. I am the (Position/Title) of (Name of Company) an entity engaged in the business of (Nature of Business), with principal office and business address at (Postal Address).
2. I signify my interest to apply to lease from the **City Government of Batangas** the (land/building) property containing (area size) sq.m. area located at (Block No. and Lot No.) under (Tax Declaration No./Title No./Property Identification Number) for (number of months/year) for the purpose of (purpose of lease).
3. I/the (Name of proponent/authorized signing official for corporation) am attesting that I am responsible for:
 - a. having taken steps to comply and secure all the permits from the local government units and other government agencies necessary for the lease application and to conduct business in the City of Batangas;
 - b. having basic knowledge of all applicable laws, decrees and ordinances, rules and regulations thereof;
 - c. having fully read the information supplied in the application form and any false or misleading information provided therein shall be a ground for the cancellation of the lease contract issued, without prejudice to the filing of appropriate administrative.
4. I hereby authorize the **City Government of Batangas** and its duly authorized official/employee to verify the statements documents information submitted herewith to substantiate my application to lease.
5. I hereby hold **City Government of Batangas** free from all liens, encumbrances and liabilities resulting from non-compliance therewith.
6. I am executing this affidavit to attest the truth of the foregoing statements and as a requirement of the lease application.

IN WITNESS WHEREOF, I have unto affixed my signature on this _____ day of 20__ in the City of _____.

(Name and Signature of Affiant)

SUBSCRIBED AND SWORN to before me this _____ day of _____.

(Notary Public)

Doc. No. _____
Page No. _____
Book No. _____
Series of _____

DEED OF CONVEYANCE

KNOW ALL MEN BY THESE PRESENTS.

(Name of Lessee), a (private/public) corporation duly organized and existing under and by virtue of the laws of the Republic of the Philippines, with principal office and business address at _____, represented herein by its duly authorized representative _____, (designation) as evidenced by a Board Resolution No. ____ Series of _____ and Secretary's Certificate dated _____, a copy of which is hereto attached and made an integral part hereof as **Annex "___"**, does hereby transfer and convey unto the **CITY GOVERNMENT OF BATANGAS** the following described properties covered by the Lease Contract executed by the City Government of Batangas, as the lessor and **(Name of Lessee)**, as the lessee, to wit: (**Annex "___"**)

The above-cited improvements were the subject of a physical inventory undertaken report of which is hereto attached as **Annex "___"**,

This Deed of Conveyance is in compliance with paragraph _____ of the Lease Contact quoted hereunder:

IN WITNESS WHEREOF, this Deed of Conveyance is signed at Batangas City on the _____ day of _____.

BY:

LESSEE

CONFORME:

LESSOR
City Government of Batangas

SIGNED IN THE PRESENCE OF:

ACKNOWLEDGMENT

Republic of the Philippines)
City of Batangas) s.s.

BEFORE ME, a Notary Public for and in the City of _____, Philippines, this _____ day of _____ personally appeared with Identification Card Number _____ issued at _____ on _____ (Authorized Representative) known to me to be the same persons who executed the foregoing instrument.

The foregoing instrument is a Deed of Conveyance consisting of _____ pages, including this page on which this Acknowledgment is written, signed by the parties and their instrumental witnesses on each and every page hereof.

IN WITNESS WHEREOF, I have hereunto affixed my hand and notarial seal on these presents at the place and on the date first above written,

Doc No.:
Page No.:
Book No.:
Series of

**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 SEPTEMBER 19, 2023 AT THE SAMPAGUITA FARM,
SAMPAGA, BATANGAS CITY**

PRESENT:

Hon. Hamilton G. Blanco,	Acting Presiding Officer
Hon. Karlos Emmanjuel A. Buted,	Sangguniang Panlungsod Member
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,	Liga ng mga Barangay President
Hon. Marjorie A. Manalo,	Sangguniang Kabataan President
Hon. Alyssa Renee A. Cruz	Acting City Mayor

“On motion of SP Member Nestor Dimacuha seconded by SP Member Chavez, the following Resolution was Adopted:

RESOLUTION NO. 22-378 S. 2023

**APPROVING THE ORDINANCE AMENDING ORDINANCE NO. 22-15 SERIES OF
2023 OTHERWISE KNOWN AS “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” TO EXPAND THE
COMPOSITION, POWERS AND AUTHORITY OF BATANGAS CITY COMMITTEE
ON LEASE AND RENTALS (BCCLAR) TO LEASE ITS PATRIMONIAL
PROPERTIES, AND PROVIDING PROCEDURES THEREOF**


RESOLVED, to approve the ordinance entitled: “An Ordinance Amending Ordinance No. 22-15 Series of 2023 Otherwise Known as “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” to Expand the Composition, Powers and Authority of Batangas City Committee on Lease and Rentals (BCCLAR) to Lease its Patrimonial Properties, and Providing Procedures Thereof”.

UNANIMOUSLY APPROVED . ”

Continuation of Resolution No. 22-378 S. 2023

APPROVING THE ORDINANCE AMENDING ORDINANCE NO. 22-15 SERIES OF 2023 OTHERWISE KNOWN AS "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" TO EXPAND THE COMPOSITION, POWERS AND AUTHORITY OF BATANGAS CITY COMMITTEE ON LEASE AND RENTALS (BCCLAR) TO LEASE ITS PATRIMONIAL PROPERTIES, AND PROVIDING PROCEDURES THEREOF

I hereby certify that the foregoing Resolution No. 22-378 S. 2023 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on September 19, 2023.


ROSEMARIE D. HERNANDEZ
Board Secretary IV

ATTESTED:


HAMILTON G. BLANCO
Acting Presiding Officer

RDH/ystingchuy...

REPUBLIC OF THE PHILIPPINES

BATANGAS CITY

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPTS FROM THE JOURNAL OF THE REGULAR SESSION HELD AT
SAMPAGUITA FARM, SAMPAGA, BATANGAS CITY
ON SEPTEMBER 19, 2023 AT 12:09 IN THE AFTERNOON

Mga Nagsidalo:

Kgg. Hamilton Blanco	Pansamantalang Tagapangulo
Kgg. Karlos Emmanuel Buted	SP Member
Kgg. Andrea Loise Macaraig	SP Member
Kgg. Nestor Dimacuha	SP Member
Kgg. Oliver Macatangay	SP Member
Kgg. Armando Lazarte	SP Member
Kgg. Nelson Chavez	SP Member
Kgg. Jose Jonash Luis Tolentino	SP Member
Kgg. Zester Carlo Hernandez	SP Member
Kgg. Isidra Atienza	SP Member
Kgg. Lorenzo Gamboa, Jr.	SP Member
Kgg. Michael Villena	SP Member
Kgg. Angelito Dondon Dimacuha	SP Member
	Liga ng Mga Brgy., - Pangulo
Kgg. Marjorie Manalo	SP Member
	Liga ng Mga Kabataan-Pangulo

X ----- X

X. MGA BAGONG PAG-UUSAPAN

Item No. 3 – Letter from the City Mayor Beverley Rose A. Dimacuha re: Proposed Ordinance entitled: “An Ordinance Amending Ordinance No. 22-15 Series 2023 otherwise known as “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” To Expand the Composition, Powers and Authority of Batangas City Committee on Lease and Rentals (BCCLAR) to Lease its Patrimonial Properties and Providing Procedures Thereof.

x x x

SP MEMBER NESTOR DIMACUHA: Mr. Presiding Officer, the introduced amendment by the author of the ordinance happened to be Atty. Ricablanca and was sponsored by good Councilor Junjun Gamboa, as per conversation two weeks ago, Atty. Ricablanca noticed that there was a lacking authority accorded to BCCLAR which is the Expansion for the Composition, Powers and Authority of the Committee to Lease the Patrimonial Properties. So, what they introduced is a mere title and a separate provision to support the title is for the good councilor to craft a provision that would define specifically what was written in the title – “Expansion of the Composition, Powers and Authority of BCCLAR to Lease the Patrimonial Properties and Providing Procedures Therefor. So, it is proper that another provision is to be crafted. However, under our Rules on Internal Procedure – “Any legislative matter duly certified by the City Mayor as urgent whether or not it is included in the calendar of business may be presented and considered by the Sanggunian at the same session without need of suspending the Rules”.

So, to my understanding the member who will craft the authority and what was the intention of the amendment is the Chairman itself, si Atty. Ricablanca. And I assume that they have already formulated and crafted the authority. Now, if you would notice in the communication letter sent to us by the City Mayor it is certified urgent and needs expeditious action on the matter. So I think under this situation, do we have refer this or do we have to approve this? To my wisdom, I would adhere paragraph “e” of the governing Rules in approval of our ordinances, Mr. Chair. So, I would like to introduce a subsidiary motion, that we approve this, Mr. Presiding Officer.

CHAIR: There is a subsidiary motion raised by Konsehal Boy



Dimacuha regarding the issue of the Letter of the City Mayor Beverley Rose A. Dimacuha on the ordinance entitled "An Ordinance Amending Ordinance No. 22-15 Series of 2023 otherwise known as "Lease of Commercial Space, Office Space, and/or Similar Properties owned by the City Government of Batangas City Committee on Lease and Rentals (BCCLAR) to Lease its Patrimonial Properties and Providing Procedures Thereof.

Considering that this matter is certified as urgent and merits an expeditious action, and approved by the members of the Committee, the same is hereby approved. Any comments, suggestions, discussions?

N O N E

Hearing none, the motion is approved. Thank you Konsehal Boy.

x x x

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

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