

Republika ng Pilipinas
LALAWIGAN NG TIMOG DABAW
STA. CRUZ

TANGGAPAN NG SANGGUNIANG BAYAN
10th REGULAR SESSION
April 10, 2002

RESOLUTION NO. 2002-100

Authored and Sponsored by: Hon. Raul D. Duhaylungsod
Co-sponsored by: Hon. Lolita P. Legaspi
Hon. Jerome A. Undalok
Hon. Wilfredo C. Bulat-ag
Hon. Ignatius R. Bajo
Hon. Philip R. Rizada, Sr.
Hon. Felicidad U. Grageda
Hon. Oliver O. Enot

ENACTING AN ORDINANCE AMENDING SUBSECTIONS 1.4.A.1 AND 1.4.B.1 OF ARTICLE III AND SUBSECTIONS 6.3 AND 6.6 OF ARTICLE IV OF MUNICIPAL ORDINANCE NO. 03, SERIES OF 2001 OTHERWISE KNOWN AS "STA. CRUZ INTEGRATED TRANSPORT TERMINAL CODE"

WHEREAS, subsections 1.4.a.1 and 1.4.b.1 of Article III of the Municipal Ordinance No. 3 s. 2001 otherwise known as "Sta. Cruz Integrated Transport Technical Code" imposed goodwill money to lessees who shall avail of stalls and open space in the terminal area in lump sum amount of P50,000.00 and P20,000.00 upon signing of the contract, respectively

WHEREAS, subsections 6.3 and 6.6 of Article IV of the same Code provides the substantial format for the application to lease and the conditions of the contract to lease, respectively, specifying the prohibition to sublease, or assign the leased premises, neither to sell or transfer the rights to any other person with the corresponding penalty.

WHEREAS, the above-cited subsections and provisions of the Code have been the subject of complaints of many prospective lessees which resulted to only few takers of the said stalls and lots/open spaces in the terminal area.

WHEREAS, to address such complaints and lessen the rigid conditions for the prospective lessees, the Terminal Advisory Board on its meeting last Jan. 28, 2001 recommended that: a) goodwill money for stalls and lots be retained however it will be paid on 12 and 6 equal monthly installments, respectively; and, b) lessees are allowed to sublease, assign, sell or transfer rights to their leased stalls upon payment of a transfer fee of P25, 000.00 and P10,000.00 for the open space by the transferee.

NOW THEREFORE, on motion of Hon. Raul D. Duhaylungsod, unanimously seconded, it was

RESOLVED, as it is hereby resolved by the Sangguniang Bayan of Sta. Cruz, assembled in session to amend subsections 1.4.a.1 and 1.4.b.1 of Article III and subsections 6.3 and 6.6 Article IV of Municipal Ordinance No.3 s. 2001, to wit:

MUNICIPAL ORDINANCE NO. 04
Series of 2002

AN ACT AMENDING SUBSECTIONS 1.4.A.1 & 1.4.B.1 OF ARTICLE III AND SUBSECTIONS 6.3 & 6.6 OF ARTICLE IV OF MUNICIPAL ORDINANCE NO. 3 S. 2001 OTHERWISE KNOWN AS THE "STA. CRUZ INTEGRATED TRANSPORT TERMINAL CODE"

Be it ordained by the Sangguniang Bayan of Sta. Cruz, in session assembled that:

SECTION 1 - This ordinance shall amend subsections 1.4.a.1 & 1.4.b.1 of Article III and subsections 6.3 & 6.6 of Article IV of the Municipal Ordinance No. 3 series of 2001, to wit:

1.a Stalls.

- 1.a.1. Goodwill money for stalls shall be P50,000.00 to be paid in 12 equal monthly installments upon signing of the contract in the amount of P4,166.00.
- 1.a.2. A transfer fee of P25,000.00 shall be paid to the municipality in case of sale or transfer of rights of stall to another. Sublease agreement shall not exceed one (1) year.
- 1.a.3. The sublessee is required to pay the rent of P2,500.00 for the six (6) months and the same amount for the next six (6) months. A sublease agreement exceeding one (1) year is strictly prohibited and the parties to such agreement shall be required to pay a transfer fee of P25,000.00 upon execution of the sale or transfer of rights. The rental payments made shall be credited to the transfer fee herein mentioned.

1.b Open Space

- 1.b.1. The word “lot” shall be read as “open space” and be construed as such.
- 1.b.2. Goodwill money for open space shall be P20,000.00 to be paid on 6 equal monthly installment upon signing of the contract in the amount of P3,333.00
- 1.b.3. A transfer fee of P10,000.00 shall be paid to the municipality in case of sale or transfer of rights of stall to another. Sublease agreement shall not exceed one (1) year.
- 1.b.4. The sublessee is required to pay the rent of P1,250.00 for the six (6) months and the same amount for the next six (6) months. A sublease agreement exceeding one (1) year is strictly prohibited and the parties to such agreement shall be required to pay a transfer fee of P10,000.00 upon execution of the sale or transfer of rights. The rental payments made shall be credited to the transfer fee herein mentioned.

SECTION 2 - A six-month tax holiday will be given to the awardees of the rentable stalls and open space in the terminal upon the start of the entrepreneurial activity. (Said tax holiday covers only for the payment of business permits and local licenses excluding mayor’s permit)

SECTION 3 - The awardees of the rentable open space must shoulder all the expenses for the construction of non-permanent structures.

SECTION 4 - In case of failure to pay on the part of the lessee any of the monthly rental shall be given a 15-day grace period to pay the same plus the 25% surcharge.

SECTION 5 - Lessee maybe allowed to introduce any improvements with the leased premises under its own exclusive account provided a prior written consent and approval from the Transport Terminal Advisory Board shall be seek thereof.

SECTION 6 - Lessee may transfer his/her Right of Lease over the leased premises provided however that a transfer fee of P25,000.00 shall be paid in the case of stalls and P10,000.00 in the case of open spaces, to the Municipal Treasury of Sta. Cruz, Davao del Sur.

SECTION 7 - Any ordinance inconsistent with this ordinance or with any of its provision is hereby repealed, modified or amended accordingly.

SECTION 8 - This ordinance shall take effect fifteen (15) days from date of publication and/or posting in three (3) conspicuous areas in the municipality.

UNANIMOUSLY APPROVED.

CERTIFIED CORRECT:

(SGD.)JUANITO G. DABLO, JR.
Acting Secretary

ATTESTED:

(SGD.) DOMINADOR M. BENDIGO, JR.
Vice-Mayor
(Presiding Officer)

APPROVED: April 18, 2002

(SGD.)JOEL RAY L. LOPEZ
Mayor