

79th Regular Session

ORDINANCE NO. SP-459, S-96

AN ORDINANCE RATIFYING THE BUILD-OPERATE-AND-TRANSFER (B-O-T) AGREEMENT OF DAPITAN PUBLIC MARKET, EXECUTED BY AND BETWEEN THE QUEZON CITY GOVERNMENT, REPRESENTED BY THE CITY MAYOR, HON. ISMAEL A. MATHAY, JR., AND ITHIEL CORPORATION, REPRESENTED BY THE GENERAL MANAGER, DELFIN M. SIGUA, TO UNDERTAKE THE FINANCING, CONSTRUCTION AND IMPROVEMENT OF NEW DAPITAN PUBLIC MARKET ON A PARCEL OF LAND WITH AN AREA OF FIVE THOUSAND TWO HUNDRED (5,200) SQUARE METERS, MORE OR LESS, COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 15735, LOCATED AT BARANGAY STA. TERESITA, QUEZON CITY, UNDER SUCH TERMS AND CONDITIONS THEREIN STIPULATED IN PURSUANCE OF THE BUILD-OPERATE-AND-TRANSFER (B-O-T) SCHEME OF R.A. NO. 6957, AS AMENDED BY R.A. NO. 7718.

Introduced by the Committee on Public Markets, Slaughterhouses,
Hawkers and Other Related Franchises.

Chairman: Cesar A. Dario, Jr.

Vice Chairman: Antonio L. Sioson

Members: Emilio G. Tamayo

Antonio V. Hernandez (Anthony Alonzo)

Winston "Winnie" T. Castelo

Ex-Officio Member: Godofredo T. Liban, II.

WHEREAS, Section 302 (a) of Republic Act. No. 7160, otherwise known as the Local Government Code of 1991, explicitly provides:

"Local government units may enter into contracts with any duly prequalified individual contractor, for the financing, construction, operation and maintenance of any financially viable infrastructure facilities, under the build-operate-and-transfer agreement, subject to the applicable provisions of Republic Act Numbered Sixty-Nine Hundred Fifty Seven (R.A. 6957) authorizing the financing, construction, operation and maintenance of infrastructure projects by the private sector and the rules and regulations issued thereunder and such terms and conditions provided in this Section."

WHEREAS, Section 455 (b) (1) (VI) of the same Code further states that the City Mayor shall:

“Represent the City in all its business transactions and sign in its behalf all bonds, contracts and obligations and such other documents upon authority of the sangguniang panlungsod or pursuant to law or ordinance;

WHEREAS, in conformity with the decentralization program mandated in the Constitution, the participation of the private sector in the delivery of services should be encouraged and promoted to enhance autonomy of local governments;

WHEREAS, the present state of Dapitan Public Market is incessantly deleterious, hence, posing great danger to public health and safety particularly to legitimate stallholders;

WHEREAS, the facilities of the Dapitan Public Market require thorough rehabilitation to conform with the demands of modern concepts and standards;

WHEREAS, for the purpose of economic progress and development of the consuming public and the legitimate stallholders thereat, there is an urgent need for the privatization of the said public market;

WHEREAS, due to extreme financial constraint, the Quezon City government needs the support and the services of a reputable and competent corporation and/or entity to undertake the development of Dapitan Public Market in Quezon City through a build-operate-and-transfer scheme.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED:

SECTION 1. The Build-Operate-and-Transfer Agreement of Dapitan Public Market, executed by and between the Quezon City government, represented by the City Mayor, Honorable Ismael A. Mathay, Jr., and Ithiel Corporation, represented by the General Manager, Mr. Delfin M. Sigua, to undertake the financing, construction and improvement of new Dapitan Public Market on a parcel of land with an area of five thousand two hundred (5,200) square meters, more or less, covered by Transfer Certificate of Title No. 15735, located at Barangay Sta. Teresita, Quezon City, under such terms and conditions therein stipulated in pursuance of the Build-Operate-and-Transfer Scheme of R.A. No. 6957, as amended by R.A. No. 7718, is hereby ratified.

SECTION 2. This Ordinance shall take effect immediately upon its approval.

ENACTED: December 17, 1996.

(SGD.) EUFEMIO C. LAGUMBAY
Acting Presiding Officer

ATTESTED:

(SGD.) EUGENIO V. JURILLA
City Secretary

APPROVED:

(SGD.) ISMAEL A. MATHAY, JR.
City Mayor