

Republic of the Philippines
PROVINCE OF CAGAYAN
City of Tuguegarao

SEVENTH CITY COUNCIL

EXCERPTS FROM THE MINUTES OF THE SPECIAL SESSION
OF THE SANGGUNIANG PANLUNGSOD OF TUGUEGARAO CITY, CAGAYAN
HELD ON AUGUST 04, 2016, 9:00 A.M., THURSDAY,
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Bienvenido C. De Guzman II	City Vice Mayor, Presiding Officer
Hon. Danilo L. Baccay	Sangguniang Panlungsod Member
Hon. Jude T. Bayona	-dc-
Hon. Kendrick S. Calubaquib	-dc-
Hon. Maila Rosario T. Que	-dc-
Hon. Arnel T. Arugay	-dc-
Hon. Gilbert S. Labang	-dc-
Hon. Wannoce R. Abraam	-dc-
Hon. Imogen Claire M. Callangan	-dc-
Hon. Mary Marjorie P. Martin-Chan	-dc-
Hon. Rymund P. Guzman	-dc-
Hon. Grace B. Arago	-dc-
Hon. Anthony C. Tuddao	-dc-
Hon. Jose Pedro G. Velasco	-dc-

CITY RESOLUTION NO. 124-2016

A RESOLUTION RATIFYING THE MEMORANDUM OF AGREEMENT (MOA) BY AND BETWEEN THE TUGUEGARAO CITY GOVERNMENT AND MR. ALFREDO B. MALLARI FOR THE OPERATION OF THE BARATILYO

WHEREAS, Tuguegarao City shall conduct Presyo Agawid/Baratilyo 2016 from August 1, 2016 to September 15, 2016 by virtue of City Resolution No. 110-2016 approved on July 21, 2016 by the Seventh City Council;

WHEREAS, one of the provisions of the said Resolution provides that the Memorandum of Agreement (MOA) shall be subject for the ratification/approval of the Seventh City Council;

WHEREAS, in compliance therewith, the City Mayor, Hon. Atty. Jefferson P. Soriano, endorsed to the Seventh City Council the said MOA for the Baratilyo by and between the Tuguegarao City Government and Mr. Alfredo B. Mallari for ratification.

NOW THEREFORE, RESOLVE, as it is hereby **RESOLVED**, to ratify the Memorandum of Agreement (MOA) by and between the Tuguegarao City Government and Mr. Alfredo B. Mallari for the operation of the Baratilyo as amended, to wit:

A G R E E M E N T

KNOW ALL MEN BY THESE PRESENTS:

This AGREEMENT, made and entered into in the City of Tuguegarao, Province of Cagayan, Philippines, by and between –

THE CITY GOVERNMENT OF TUGUEGARAO, represented by City Mayor JEFFERSON P. SORIANO, hereunder referred to as the FIRST PARTY,

-and-



ALFREDO B. MALLARI, JR., of legal age, Filipino citizen, and of No. 132, Barangay Centro 06, Tuguegarao City, doing business under the name and style Gemini's Home Décor, hereinafter referred to as the SECOND PARTY,

WITNESSETH: THAT --

WHEREAS, Tuguegarao City celebrates its fiesta every 16th of August;

WHEREAS, it has been a tradition to hold a "baratillo" (flea market) at this time of the year;

WHEREAS, in order for an orderly and smooth "baratillo", its operation is granted to an individual or entity, under certain terms and conditions;

WHEREAS, pursuant to City Resolution No. 110-2016 (dated July 21, 2016) of the Sangguniang Panlungsod of Tuguegarao; the SECOND PARTY qualified and submitted the negotiated amount of P1,700,000.00.

NOW, THEREFORE, for and in consideration of the foregoing premises, the FIRST PARTY and the SECOND PARTY have mutually agreed and covenanted, as they hereby AGREE and COVENANT as follows:

1. **Contract Price:** The SECOND PARTY shall pay the FIRST PARTY the amount of P1,700,000.00 to conduct the "baratillo" 2016 of Tuguegarao City;
2. **Mode of Payment:** The SECOND PARTY may pay in lump sum the amount of P1,700,000.00 upon the execution of this contract to the City Treasurer; or, make a down payment of 30% of the negotiated price or P510,000.00, and the balance payable on or before August 31, 2016, and provide a security/surety/cash bond, to answer for the balance; and, in case of default, to pay a one percent (1%) per day penalty until the balance is fully paid;
3. "Baratillo" 2016 shall be held for a period of forty-five (45) days only, from August 1, 2016 to September 15, 2016;
4. **Obligations of the SECOND PARTY --**
 - a. Secure a Mayor's Permit;
 - b. Install and dismantle the stalls;
 - c. Pay electric and water bills;
 - d. Maintain cleanliness and sanitation within the premises;
 - e. Provide Portable Toilets to be used by the exhibitors;
 - f. Prohibit the use of flammable materials such as LPG and firewood within the place of operation;
 - g. Provide six (6) pieces ten-pounder fire extinguishers and coordinate with the Fire Marshal of Tuguegarao City for the site locations thereof within the "baratillo" area;
 - h. To pay a penalty of P50,000.00 per day for not totally clearing the streets after September 17, 2016; and,
 - i. To post a security/surety bond in the amount of One Hundred Thousand Pesos (P100,000.00) to guarantee the performance of the operator's obligations and to answer for whatever damages incurred in the operation of the business.
5. **Obligations of the FIRST PARTY --**
 - a. Re-route the flow of traffic within the vicinity of the area of operation of the "baratillo" 2016, which area of operation is -- Gonzaga Street (from corner Bonifacio Street to Del Rosario Street); and portion of Del Rosario Street (from corner Gomez Street to Gonzaga Street), starting July 30, 2016 (2 days allowance to close the streets and for the SECOND PARTY to put up the stalls) until September 17, 2016 (also 2 days allowance for the SECOND PARTY to dismantle the stalls);
 - b. To make available a fire truck within the premises round-the-clock;
 - c. To re-locate affected vendors within the area of operation;
 - d. To provide parking spaces for tricycles; and,
 - e. To insure public safety, peace and order within the premises.

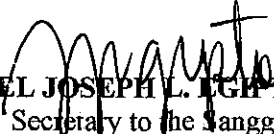
6. The FIRST PARTY and the SECOND PARTY are hereby enjoined to strictly observe and abide by all the foregoing terms and conditions of this AGREEMENT.

RESOLVED FURTHER, to forward a copy of this Resolution to the City Mayor, Hon. Atty. Jefferson P. Soriano, and Mr. Alfredo B. Mallari for information and appropriate action.


On motion of Hon. Raymundo P. Guzman and without any objection, **CITY RESOLUTION NO. 124-2016** was **UNANIMOUSLY APPROVED** in plenary under suspended rules.

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I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. IGINTO, Ph.D.
Secretary to the Sanggunian

ATTESTED:


HON. BIENVENIDO C. DE GUZMAN II
City Vice Mayor
Presiding Officer

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