



DISTRICT I

OFFICIAL BUSINESS

HON. ROWENA BAUTISTA - MENDIOLA
City Councilor

HON. MIGUEL N. BAUTISTA
City Councilor

HON. EDWIN G. GAWARAN
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

SICK LEAVE

HON. VENUS D. DE CASTRO
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

DISTRICT II

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City Councilor

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City Councilor

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City Councilor

HON. ROBERTO R. JAVIER
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor / ABC President

Presided by:

Atty. KHALID A. MATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE S. VARRISTO
City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

CITY ORDINANCE NO. CO 50-2017

Series of 2017

AN ORDINANCE CREATING THE SPECIAL TECHNICAL WORKING GROUP FOR THE BACOR PUBLIC MARKET.

Sponsored by: Hon. Apolonio I. Advincula Jr., Hon. Miguel N. Bautista, Hon. Edwin G. Gawaran, Hon. Victorio L. Guerrero Jr., Hon. Alejandro F. Gutierrez, Hon. Hernando C. Gutierrez, Hon. Robert R. Javier, and Hon. Reynaldo D. Palabrica and Michael E. Solis.

WHEREAS, the Office of the City Mayor requested the Sangguniang Panlungsod to pass a City Ordinance creating a Special Technical Working Group for the Bacoor Public Market ("STWG-BPM") based on a draft ordinance submitted by the City Legal Officer.

WHEREAS, based on the said draft ordinance, the STWG-BPM will primarily be tasked to (1) conduct a detailed feasibility study/analysis of the operations and finances of the BPM, (2) to identify possible ways of improving the conditions and delivery of public service in the BPM, (3) to propose concrete plans of action which shall be taken by the City Mayor regarding the operation and management of the BPM in accordance with the applicable laws, city ordinances and in relation to City Resolution No. 098, series of 2017, which was duly passed by the Sangguniang Panlungsod on 14 August 2017 and signed by the Mayor on even date, and (4) to perform such other functions as may be assigned to it by the City Mayor. The STWG, based on the proposed ordinance, shall serve as the technical arm of the City Mayor and all its actions and recommendations shall at all times be subject to the approval of the City Mayor.

WHEREAS, the Sangguniang Panlungsod passed City Resolution No. 098, series of 2017, "A Resolution (A) Conforming with and Approving, the Deed of Assignment with Absolute Waiver of Rights, Interests and Participations Executed by the Spouses Henry Del Rosario and Flaviana M. Del Rosario and Cavite Merchants Property Management and Development Corporation on July 21 2017, (B) Authorizing the City Mayor, the Honorable Lani Mercado-Revilla, to enter, for and in behalf of the City of Bacoor, Cavite into a Compromise Agreement in Civil Case No. 2013-245 and Civil Case No. 13-3923, pending before the Regional Trial Court, Bacoor City, Cavite and the Municipal Trial Court, Bacoor City Cavite Respectively, for the settlement of the Controversies therein, and (C) Authorizing the City Legal Officer, Atty. Maria Bernadette Carrasco, and Atty. Roy Cheng, counsel



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Attested by:
ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

on record, to file with the said Courts the Necessary Pleading or Motion, on behalf of the City of Bacoor, Cavite in support of the said Compromise Agreement" which resolution was passed duly by the Sangguniang Panlungsod on 14 August 2017 and signed by the City Mayor on even date.

WHEREAS, through the said City Resolution No. 098, series of 2017, the Sangguniang Panlungsod conformed with and approved the "DEED OF ASSIGNMENT with Absolute Waiver of Rights, Interests and Participations" executed by the Spouses Henry Del Rosario and Flaviana M. Del Rosario and Cavite Merchants Property Management and Development Corporation on July 21 2017, **PROVIDED THAT**, such conformity and approval will not in any way, constitute as an admission or recognition by the City of the interests or rights of the Spouses Del Rosario to operate the Public Market, in view of the pendency of cases between the Spouses Del Rosario and the City before the courts of Bacoor City, Cavite, but is only made for the good of the public, to restore a peaceful and smooth delivery of public service at the Bacoor Public Market and in the hope of reaching a possible compromise agreement in said cases; and **PROVIDED FURTHER** that, such conformity and approval is subject to the terms and conditions which the parties may stipulate in a compromise agreement for the ultimate purpose of reaching an amicable settlement of the case(s), towards its final dismissal upon the discretion and approval of the Honorable Court. The same resolution also authorized the City Mayor Honorable Lani Mercado-Revilla to enter, for and in behalf of the City, into a compromise agreement in Civil Case No. BCV-2013-245 and Civil Case No. 13-3923, pending before the Regional Trial Court of Bacoor City.

WHEREAS, in the said "Deed of Assignment with Absolute Waiver of Rights, Interests and Participations" executed by the Spouses Henry Del Rosario and Flaviana M. Del Rosario ("HDR") and Cavite Merchants Property Management and Development Corporation ("CMPMDC"), CMPMDC acknowledged the existence of the case involving Zapote Public Market (i.e., the Bacoor Public Market) between HDR and the city government (Civil Case No. BCV-2013-245) and other civil and criminal cases which arose from, and connected with, the operation of the Public Market by HDR. CMPMDC assumed the liability/ies of HDR in connection with the management, operation and maintenance of the Bacoor Public Market. In the Deed of Assignment, HDR also agreed to withdraw the pending civil and criminal cases against the city government and its officials and CMPMDC will substitute HDR as the new party plaintiff in the said civil actions.

WHEREAS, there is a need to create a Special Technical Working Group for the Bacoor Public Market (STWG-BPM) (1) in City Ordinance No. CO 50-2017 (STWG-BPM)



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Sangguniang Panlungsod Secretary

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City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

order to expedite the drafting of a compromise agreement between the City of Bacoor and the Cavite Merchants Property Management and Development Corporation, (2) to ensure the proper settlement of all of the liabilities of the Spouses Del Rosario to the City of Bacoor emanating from its use, management and operation of the Bacoor Public Market by virtue of a preliminary injunction and order of the courts of Bacoor through its assignor CMPMDC, (3) in order to ensure the proper and legal existence of CMPMDC, in the interim, and (4) for the improvement of the delivery of public services at the Bacoor Public Market.

NOW THEREFORE:

BE IT ORDAINED by the Sangguniang Panlungsod of the City of Bacoor, THAT:

Section 1. A Special Technical Working Group on the Bacoor Public Market (STWG-BPM) is hereby created in preparation for the recovery of the operation and management of the said facility by the City Government once the existing preliminary injunction order and Civil Case No. BCV-2013-245 are dismissed.

Section 2. The STWG-BPM shall have the following functions:

21. Make a detailed analysis of the operation and finances of the Bacoor Public Market;
- 2.2. Identify possible ways of increasing the income of the BACOOR PUBLIC MARKET and improving its services to the public;
- 2.3. Propose plans of action regarding the operation and management of the BACOOR PUBLIC MARKET to the City Mayor and to the Sangguniang Panlungsod; and
- 2.4. Perform such other function as may be assigned to it by the City Mayor.

Section 3. All actions and decisions of the STWG-BPM shall be subject to the approval of the City Mayor.

Section 4. The decisions and actions of the STWG-BPM may be reviewed by the Sangguniang Panlungsod pursuant to its oversight functions.



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Sangguniang Panlungsod Secretary

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HON. CATHERINE S. SEVERISTO
City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

Section 5. The STWG-BPM shall be comprised of the following city officials;

CHAIRPERSON : JEROME V. OLIVEROS, City Administrator

MEMBERS :

- 1) Hon. Edwin Gawaran, Chairperson of the SP Committee on Government Enterprises and Privatization, Public Franchises
- 2) Mrs. Elvinia Guerrero, City Budget Officer
- 3) Mr. Francisco Ocampo, Business Permits and Licensing Officer
- 4) Atty. Edith C. Napalan, City Treasurer
- 5) Atty. Maria Bernadette R. Carrasco, City Legal Officer
- 6) Ms. Jocelyn R. Ricardo, LOCAL ECONOMIC AND INVESTMENTS PROMOTION OFFICER (LEIPO)
- 7) Atty. Roy Cheng, CITY INSPECTION and COMPLIANCE UNIT (CICU)

The members of the STWG-BPM shall not be entitled to any additional compensation or benefits other than the salaries, benefits and other remuneration that they are currently receiving as employees of the City Government.

Section 6. The composition of the STWG-BPM may be changed by the City Mayor by way of a memorandum subject to the exigencies of public service. However, the representative of the Sangguniang Panlungsod to the said body may only be replaced by way of a Resolution passed by the city council. The existence of the STWG-BPM shall only be for a period of six (6) months, provided that the said period may be extended by the Sangguniang Panlungsod by way of a City Resolution, depending on the exigencies of public service.

Section 7. No action shall be undertaken by the STWG-BPM unless it has been approved by a majority vote of all its member and has been approved by the City Mayor.

Section 8. All existing ordinance, resolution, and executive order that are in conflict with, or that duplicates this ordinance or any of its provisions are hereby repealed and/or modified accordingly.

Section 9. Should any provision of this ordinance be declared void, its remaining provisions that are not affected by such declaration shall remain valid and in effect.

Section 10. In view of the significance of the Bacoor Public Market to the public welfare, this ordinance shall take effect immediately after its posting in at least three (3) conspicuous



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 City Mayor

places within the City of Bacoor, which shall include the bulletin board located at the Bacoor Public Market

Section 11. Let copies of this ordinance be sent to the office of the City Mayor and to all government departments, agencies, and offices concerned.

ENACTED this 9th day of October 2017 during the 41st session of the Sangguniang Panlungsod of the City of Bacoor, Cavite.

I hereby certify that the foregoing Ordinance is true and correct and that it was duly approved in accordance with law.

Certified by:

HON. CATHERINE S. EVARISTO
 City Vice Mayor / Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA, JR.
 Sangguniang Panlungsod Secretary

Approved by:

HON. LANI MERCADO - REVILLA
 City Mayor

Date of Approval: NOV 08 2017