



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

RESOLUTION NO. 04-028

A RESOLUTION AUTHORIZING CITY MAYOR JAIME R. FRESNEDI TO ENTER INTO A CONTRACT OF LEASE WITH MERCURY DRUG CORPORATION AS REPRESENTED BY ITS GENERAL MANAGER, MS. VIVIAN QUE AZCONA, FOR THE USE OF A PROPERTY IN BARANGAY ALABANG OWNED BY THE CITY GOVERNMENT OF MUNTINLUPA.

- Sponsored by : Hon. Marissa Cole-Rongavilla
 Co-Sponsored : Hon. Allan Rey A. Camilon
 Hon. Melchor R. Teves
 Hon. Atty. Icasiano M. Dela Rea
 Hon. Artemio A. Simundac
 Hon. Lucio B. Constantino
 Hon. Rene Carl S. Cayetano
 Hon. Bal Niefes
 Hon. Ma. Luisa Babaran-Echavez, M.D.
 Hon. Allen F. Ampaya
 Hon. Kevin B. Delgado
 Hon. Elmer S. Espeleta
 Hon. Francis Ian T. Bagatsing
 Hon. Engr. Mamerto T. Sevilla, Jr.
 Hon. Joselito B. Arevalo
 Hon. Mario E. Bulay, Jr.

WHEREAS, Section 15 of the Local Government Code of 1991 provides that "Every local government unit created or recognized under this Code is a body politic and corporate endowed with the powers to be exercised by it in conformity with law";

WHEREAS, Section 22 (a) of the same Code states that "Every local government unit, as a corporation, shall have the following powers:

1. To have continuous succession in its corporate name;
2. To sue and be sued;
3. To have and use a corporate seal;
4. To acquire and convey real or personal property;
5. To enter into contracts;
6. To exercise such other powers as are granted to corporation, subject to the limitation provided in this Code and other laws";

WHEREAS, Section 22 (c) of the same Code further stipulated that "Unless otherwise provided in this Code, no contract may be entered into by the local chief executive in behalf of the local government unit without prior authorization by the Sanggunian concerned";

(Handwritten signatures of the Sangguniang Panglungsod members)



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WHEREAS, *Section 22 (c)* of the same *Code* further stipulated that “*Unless otherwise provided in this Code, no contract may be entered into by the local chief executive in behalf of the local government unit without prior authorization by the Sanggunian concerned*”;

WHEREAS, *Mercury Drug Corporation* has been occupying a property in Barangay Alabang owned by the City of Muntinlupa;

WHEREAS, the total area being used by said corporation is *393.75 square meters* more or less;

WHEREAS, *Mercury Drug Corporation* and the *City Government of Muntinlupa* thru *Mayor Jaime R. Fresnedi* had a previous five-year contract of lease which started on *January 01, 1999* and which expired on *December 31, 2003*, with a monthly rental of *One Hundred Ninety Two Thousand Two Hundred Four Pesos and Seventy Centavos (P192,204.70)*;

WHEREAS, *Mercury Drug Corporation* is interested to continue leasing and has offered to enter into a *new contract of lease* with the City of Muntinlupa for a period of *ten (10) years* to commence on *January 01, 2004* and expire on *December 31, 2013*;

WHEREAS, considering that a renovation shall be undertaken over the lease premises, a two (2) year moratorium on the increase in monthly rental shall be implemented;

WHEREAS, the escalation clause shall begin to be implemented on the third (3rd) year continuing up to the seventh (7th) year with a five percent (5%) annual increase in the monthly rental and with a seven point five percent (7.5%) increase in the monthly rental in the eight (8th) to tenth (10th) year of the lease period;

WHEREAS, *Mercury Drug Corporation* has offered to pay the City Government the following monthly rental;

January 01, 2004 to December 31, 2004- P192,204.70;
January 01, 2005 to December 31, 2005- P192,204.70;
January 01, 2006 to December 31, 2006- P201,814.95;
January 01, 2007 to December 31, 2007- P211,905.70;
January 01, 2008 to December 31, 2008- P222,500.95;
January 01, 2009 to December 31, 2009- P233,626.10;
January 01, 2010 to December 31, 2010- P245,307.30;
January 01, 2011 to December 31, 2011- P263,705.40;
January 01, 2012 to December 31, 2012- P283,488.30;
January 01, 2013 to December 31, 2013- P304,744.50;



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WHEREAS, *Mercury Drug Corporation* shall advance the amount of *One Million One Hundred Fifty Three Thousand Two Hundred Twenty Eight Pesos and Twenty Centavos (P1,153,228.20)* representing *six (6) months deposit*, which is *refundable* at the end of the term of the contract and another *One Million One Hundred Fifty Three Thousand Two Hundred Twenty Eight Pesos and Twenty Centavos (P1,153,228.20)* as *advance rental for six (6) months*, or a total of *Two Million Three Hundred Six Thousand Four Hundred Fifty Six Pesos and Forty Centavos (P2,306,456.40)* upon signing of the lease contract;

RESOLVED, THEREFORE, AS IT IS HEREBY RESOLVED, by the Sangguniang Panlungsod authorizing *City Mayor Atty. Jaime R. Fresnedi* to enter into *contract of lease* with *Mercury Drug Corporation* as represented by its *General Manager, Ms Vivian Que Azcona*, for the use of a property in Barangay Alabang owned by the City Government of Muntinlupa.

APPROVED, by the *Fourth (4th) Sangguniang Panlungsod of Muntinlupa* this *7th* day of *October 2004*, on its *13th* Regular Session.

CONCURRED:

BAL NIEFES
Councilor

RENE CARL S. CAYETANO
Councilor

ALLAN REY A. CAMILON
Councilor

ELMER S. ESPELETA
Councilor

MA. LUISA BABARAN-ECHAVEZ, M.D.
Councilor

FRANCIS IAN T. BAGATSING
Councilor

MELCHOR R. TEVES
Councilor

MARISSA COLE-RONGAVILLA
Councilor

ALLEN F. AMPAYA
Councilor

LUCIO B. CONSTANTINO
Councilor

KEVIN B. DELGADO
Councilor

MAMERTO T. SEVILLA, JR.
Councilor

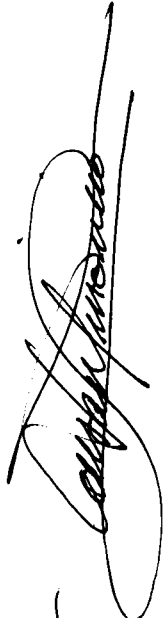


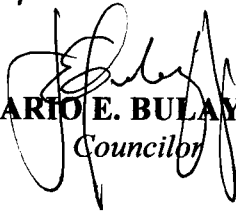
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ATTY. ICASIANO M. DELA REA
Councilor


JOSELITO V. AREVALO
Councilor



MARIO E. BULAY, JR.
Councilor

ARTEMIO A. SIMUNDAC
Sectoral Representative
President, Association of Barangay Captains

ABSENT:


CHRISTIAN GLENN D. LORICA
Sectoral Representative
President, Federation of Sangguniang Kabataan


I HEREBY CERTIFY, as to the correctness of the foregoing Resolution.


CECILIA C. LAZARTE
Secretary
Sangguniang Panlungsod

ATTESTED:


ATTY. RAUL R. CORRO
Acting City Vice Mayor/Presiding Officer

APPROVED:


ALDRIN L. SAN PEDRO
Acting City Mayor
Date: _____


PBS, JR.