



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panlungsod

RESOLUTION NO. 04-282

A RESOLUTION AUTHORIZING MAYOR JAIME R. FRESNEDI TO FILE AN APPROPRIATE ACTION IN COURT TO EJECT THE JOINT VENTURE OF AYESEL CONSTRUCTION AND DEVELOPMENT CORPORATION ET. AL. FROM THE ALABANG CITY TERMINAL FOR VIOLATION OF THE CONTRACT OF LEASE.

Sponsored By:

- Hon. Atty. Raul R. Corro*
- Hon. Patricio L. Boncayao Jr.*
- Hon. Artemio A. Simundac*
- Hon. Rufino B. Joaquin*
- Hon. Santiago V. Carlos Jr.*
- Hon. Allan Rey A. Camilon*
- Hon. Melchor R. Teves*
- Hon. Atty. Icasiano M. Dela Rea*
- Hon. Mamerto T. Sevilla Jr.*
- Hon. Christian Glen D. Lorica*

WHEREAS, on 29 March 2001, a contract of lease was entered into between the City Government of Muntinlupa, as Lessor and the Joint Venture of Aysel Construction and Development Corporation and Royalty Foods Inc. and Monarch Alabang Food Inc., as Lessee, to manage and operate the Alabang City Terminal located in Alabang, City of Muntinlupa;

WHEREAS, on March 2003, the City Treasurer in a formal letter to the Lessee, demanded payment of backrentals amounting to P3,209,990.00 covering three (3) months for Phase I-A, eleven (11) months for Phase I-B and eight (8) months for Phase II for the period of July 2002 up to May 2003 based on Article III, item 3.1 of the contract of lease;

WHEREAS, on June 2003, the Office of the City Attorney endorsed to the Sangguniang Panlungsod the letters from the said office and the Office of the City Treasurer demanding the said rental payments, asserting that as of 14 May 2003, the delinquency in rental payments amounted to P3,209,990.00 which has remained unpaid;

WHEREAS, the City Attorney requested the City Council to pass a resolution authorizing the Mayor, Hon. Jaime R. Fresnedi to file the necessary action in court against the Lessee;

WHEREAS, on 6 November 2003, the City Attorney reiterated his request for such authority and informed the Presiding Officer of the City Council that as of 24 September 2003, the unpaid rentals has increased to P4,173,791.60;

WHEREAS, in the latest Amended Statement of Account issued by the Treasurer's Office as of November 2003, the outstanding balance of unpaid rentals has increased to P4,541,492.00;



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WHEREAS, the City Attorney also requested the expeditious issuance of the requisite authority because the City Government is suffering great damage and prejudice for the non-payment of rentals;

WHEREAS, in a Contract of Lease, non-payment of rentals is a ground for ejection of the Lessee;


WHEREAS, the reasons cited by the Lessee for non-payment of rentals are not justified under the Contract of Lease entered into;


WHEREAS, it is the duty and obligation of the City Government to ensure that the Contract of Lease must be complied with to protect its interest;

NOW, THEREFORE BE IT RESOLVED AS IT IS HEREBY RESOLVED, by the Sangguniang Panlungsod of Muntinlupa that a resolution be passed authorizing Mayor Jaime R. Fresnedi to file an appropriate action in court to eject the Joint Venture of Aysel Construction and Development Corporation et. al. from the Alabang City terminal for violation of the Contract of Lease

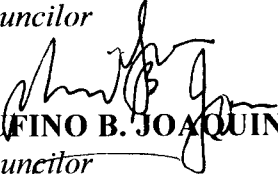
APPROVED, by the *Sangguniang Panlungsod* this 15th day of January 2004, on its 100th Regular Session.


CONCURRED

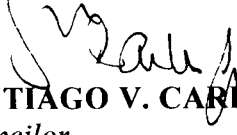

ATTY. PATRICIO E. BONCAYAO, JR.
Councilor


MAMERTO T. SEVILLA, JR.
Councilor


ALLAN REY A. CAMILON
Councilor


RUFINO B. JOAQUIN
Councilor


ATTY. RAUL R. CORRO
Councilor


SANTIAGO V. CARLOS, JR.
Councilor


MELCHOR R. TEVES
Councilor



ATTY. ICASIANO M. DELA REA
Councilor




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CHRISTIAN GLENN D. LORICA
Sectoral Representative
President
Federation of Sangguniang


ARTEMIO A. SIMUNDAC
Sectoral Representative
President
Association of Barangay Captains


ALDRIN L. SAN PEDRO
Councilor


NO: 
RENE CARL S. CAYETANO
Councilor


BAL MEFES
Councilor

ABSENT:


ELMER S. ESPELETA
Councilor

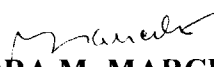
DR. NICANOR L. ECHAVEZ
Councilor


FRANCIS IAN P. BAGATSING
Councilor

LUCIO B. CONSTANTINO
Councilor


MARIO E. BULAY, JR.
Councilor

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


LEONORA M. MARCELO
Acting Secretary
SANGGUNIA PANLUNGSOD

ATTESTED:


ATTY. JO JASON T. ALCARAZ
City Vice Mayor/Presiding Officer

APPROVED:


ATTY. JAIME R. FRESNEDI
City Mayor

Date: _____