

Republic of the Philippines  
SANGGUNIANG PANLALAWIGAN  
PROVINCE OF NEGROS ORIENTAL

EXCERPT FROM THE JOURNAL OF THE SANGGUNIANG PANLALAWIGAN SESSION ON:

Date: February 3, 2005 – 3:05 P.M.

Classification: Regular Session

RECORD OF ATTENDANCE:

HON. JOSE A. BALDADO  
Vice Governor & Presiding Officer  
Present

HON. ERNESTO T. TIJING	- Present	HON. LEA GA BROMO	- Present
HON. MARCELO G. ADANZA	- Present	HON. NAPOLEON E. VILLEGAS, JR.	- Present
HON. PRYDE HENRY A. TEVES	- Present	HON. RODOLFO A. MARTINEZ	- Present
HON. MA. ANTONIA E. VILLEGAS	- OB Mla.	HON. JOSEPH ARVIN M. CABIO (SK)	- Present
HON. ERWIN MICHAEL L. MACIAS	- Absent	HON. APOLINARIO I. ARNAIZ, SR. (LNMB)	- Present
HON. ARTURO V. UMBAC	- Present	HON. ROEL R. DEGAMO (PCL)	- Present
HON. MELIMORE C. SAYCON	- Present		

RESOLUTION NO. 99

“Submitted Resolution No. 632, series of 2004, of the Sangguniang Panlungsod of Bayawan, this province, enacting Ordinance No. 37, otherwise known as an Ordinance Regulating the Use of Equipment owned by the City of Bayawan;

“Whereas, said resolution/ordinance conforms to the provisions of the Local Government Code of 1991;

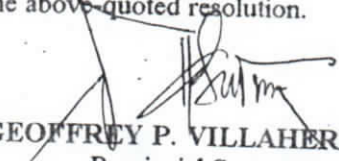
“On motion of Honorable Member Ernesto T. Tijing, seconded by Honorable Member Melimore C. Saycon, the Sangguniang Panlalawigan

“RESOLVES, To declare VALID Resolution No. 632, series of 2004, of the Sangguniang Panlungsod of Bayawan, this province; and to furnish a copy hereof for their information.

“Approved.”

---

I hereby certify to the correctness of the above quoted resolution.

  
GEOFFREY P. VILLAHERMOSA  
Provincial Secretary



**JOSE A. BALDADO**  
Vice Governor of Negros Oriental  
Presiding Officer

Copy For:

The Sangguniang Panlungsod  
Bayawan City

ADL/mpby

Republic of the Philippines  
PROVINCE OF NEGROS ORIENTAL  
CITY OF BAYAWAN  
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON NOVEMBER 3, 2004 AT 9 O'CLOCK A. M. AT THE SP SESSION HALL.

PRESENT:

Hon. Rene G. Gaudiel	Vice Mayor, Presiding
Hon. Clayborne Clyde L. Lim	Councilor
Hon. Rowena T. Cabanban	-do-
Hon. Peter Paul F. Renacia	-do-
Hon. Francisco T. Diao	-do-
Hon. Douglas T. Tijing	-do-
Hon. Agustin L. Barte Jr.	-do-
Hon. John T. Raymond Jr.	-do-
Hon. Guillermo A. Diao	-do-
Hon. Antonio B. Villamil	-do-
Hon. Oscar T. Villamil	President, LNMB
Hon. Fredelyn T. Trayvilla	SK Federated President

ABSENT:

Hon. Novelito A. Herrero (O.B. Neg. Occ.) Councilor

RESOLUTION NO. 632

“Third and Final Reading of An Ordinance Amending Ordinance No. 26, series of 1995, otherwise known as “An Ordinance Regulation the Use of Municipal Owned Equipment by Private Persons, Non-government and Other Government Organizations and their Instrumentalities and Prescribing Rental Fees Thereof.

“On motion of Honorable Oscar T. Villamil, President of the Liga Ng Mga Barangay and duly seconded by Honorable Councilor Raymond, the Council

“RESOLVED, to enact, as it hereby enacts the following ordinance, to wit:

ORDINANCE NO. 37

AN ORDINANCE REGULATING THE USE OF CITY OWNED EQUIPMENT BY PRIVATE PERSONS, NON-GOVERNMENT AND OTHER GOVERNMENT ORGANIZATIONS AND THEIR INSTRUMENTALITIES AND PRESCRIBING RENTAL FEES THEREFOR.

Be it ordained by the Sangguniang Panlungsod of Bayawan City, Negros Oriental, Philippines that:

Section 1. This ordinance shall be known as an ordinance regulating the use of Equipment owned by the City of Bayawan.

Section 2. Definitions of Terms.

Bare rental – refers to equipment rental of which fuel and oil shall be for the lessee’s account

Charges – refer to pecuniary liabilities, as rent or fees against persons or property, equipment usage, parts, materials and supplies

Equipment – Equipment owned and operated by the City Government of Bayawan

Lease Agreement- that piece of legal document that binds the LGU with the lessee under certain



terms and conditions agreed upon by both parties for the use of any city equipment;

Lessor – refers to the Local Government Unit as owner and operator of the equipment;

Lessee –persons or organizations who rent or lease the city or LGU equipment

LGU – the Local Government Unit or the City Government of the City of Bayawan

Persons – means any natural or juridical being.

### Section 3. General Policy

It shall be the general policy of the City Government of Bayawan to use its equipment principally for the city or barangay government sponsored projects and allied activities, however, during times when these equipment are idle, the same maybe rented out to persons, non-government organizations, government, organizations and their instrumentalities subject to the provisions of this ordinance.

### Section 4. Application to Rent Equipment

Any person, non-government and other government organizations and their instrumentalities who wish to rent any of the city owned equipment shall file his or their application with the Office of the City Engineer in a prescribed application form to be prepared and supplied by that office.

### Section 5. Recommendation and Approval of Application

Within a period of five (5) working days from the filing of the application, the City Engineer or his authorized representative shall appraise the application and conduct ocular inspection if necessary and submit his recommendation together with the accomplished application to the City Mayor for his consideration and approval.

### Section 6. Contract of Lease.

A Contract of Lease to be signed by the City Mayor and the Lessee, shall cover the agreement to lease the equipment subject to the following terms and conditions:

1. Fifty percent (50%) of the estimated amount of rental as recommended by the City Engineer shall made payable prior to the release of the equipment and the balance shall be paid in full within three (3) days after the completion of the work requested otherwise it shall bear interest at the prevailing rate except for light equipment which shall be paid within twenty-four (24) hours;

2. Routine or preventive maintenance of the equipment shall be borne by the lessor. Lessee should allow any preventive maintenance or repair to be undertaken by Lessor personnel to do same.

3. Repair of premature breakdown that result from overloading or by forcing an equipment to operate under abnormal conditions shall be charged to the Lessee;

4. Repair of breakdowns resulting from the normal wear and tear of equipment shall be borne by the lessor;

5. Rental type is Bare wherein during the duration of the work requested, fuel and oil shall be supplied by the Lessee;

6. Bare rental of equipment shall be computed based on the following :

Bare Rental = Equipment available hours x bare rental per hour

Where: a) Equipment Available Hours are operational hours of equipment.

This is based from "Equipment Daily Time/Operation Report"  
(ED TOR) submitted daily by the driver/operator assigned.

b) Bare rental rate is prescribed under Section 10 of this ordinance

7. After equipment is checked-up or tested by the lessee, rental shall commence when equipment leaves from the lessor's yard. Rental shall terminate upon return of equipment to the lessor's yard at the same condition except for ordinary wear and tear. Time spent for repair and maintenance of equipment during the rental period is not included in the computation for rental.

8. The lessee shall be responsible for the general safety of the equipment while the same is under his lease and custody and any damage that may arise from vandalism or theft shall be borne by the lessee;

9. No request for work extension beyond the scope of the original request shall be entertained without the prior approval of the City Mayor;

10. The LGU reserves the right to withdraw its equipment anytime when the need and interest of the City Government so require;

11. Mobilization and demobilization charges of equipment shall be borne by the lessee;

12. Salaries and wages of the operator/driver and maintenance of equipment will be shouldered by the LGU. However, accommodation of these personnel shall be provided by the Lessee;

13. Leased equipment should not be rented to any third party by the lessee without the prior written approval of the Lessor;

14. During rental duration, security, safety and insurance of the personnel and equipment shall be provided by and for the account of the lessee;

15. The Lessee is responsible for the unloading and reloading of rental units at the project/lessee site;

16. All documents, right of way, and all permits affecting safe passage contracted shall be provided by and for the account of the lessee;

17. The equipment and personnel contracted shall be under the full control and supervision of the Lessee. Thus, shall assume full responsibility for loss, damage, or partial loss of equipment/personnel.

18. Any minor parts or supplies used in the repair of equipment purchased by the lessee to immediately return back to operation the equipment, will be re-imbursed by the lessor after checking authenticity of the purchase and if it was really used by the LGU equipment.

**Section 7. Authority of the City Mayor.** The City Mayor is authorized to enter into a lease agreement with any prospective lessee for the use of city equipment without the expressed authority of the Sangguniang Panlungsod provided that the amount of the contract shall not exceed Fifty Thousand Pesos (P50,000.00) provided further, that contract of lease in excess of this amount shall need the expressed authority of the Sangguniang Panlungsod through resolution passed for this purpose. For highly meritorious cases and in the interest of public service, the City Mayor may reduce the amount of lease or allow the free use of the City Equipment.

**Section 8. Unauthorized Use of City Equipment.** Any unauthorized use of City Equipment shall be punishable under Section 9 of this ordinance.

**Section 9. Administrative Fine and Penalty.**

Any person found violating this ordinance shall be fined an amount of not exceeding P 2,000.00 or imprisonment of not exceeding 3 months or both fine and imprisonment as maybe determined by the proper court, provided however, that when the person found violating this ordinance is an employee of the city government, the following administrative penalty shall apply:

First offense	-	30 days suspension without pay
Second offense	-	60 days suspension without pay
Third offense	-	Dismissal form the service

**Section 10. Equipment Rental Schedule**

**BAYAWAN CITY LISTS OF EQUIPMENT FOR RENTAL**

<i>Equipt.#</i>	<i>Equipment Description</i>	<i>Rental per Hr. (Bare)</i>	<i>Purpose / Equipment Application</i>
<b>1)HEAVY</b>	<b>EQUIPMENT :</b>		
<b>A) Bulldozer</b>			
B-01	Bulldozer, Komatsu D60A-6	P 900.00 / Hr.	Road opening/leveling/cutting/ stockpile
B-02	" , Komatsu D85A	P 1,651.00 / Hr.	----ditto----
B-03	" , Caterpillar D8H46A	P 1,651.00 / Hr.	"

B-04	"	, Caterpillar D8H46A	P 1,651.00 / Hr.	"
B-05	"	, Komatsu D155-1	P 1,920.00 / Hr.	"
B-06	"	, Caterpillar D6H 46A	P 1,800.00 / Hr.	"
*B-07	"	, Caterpillar D9G-66A	P 2,000.00 / Hr.	"

**B) Payloader**

P-01	Payloader, TCM 860 Model		P 800.00 / Hr.	Loading , stockpiling, scraping, leveling
P-02	" , " 870 "		P 850.00 / Hr.	"
P-03	" , " 870 "		P 850.00 / Hr.	"
P-04	" , " 870 "		P 850.00 / Hr.	"
*P-05	" , " 870 "		P 850.00 / Hr.	"

**C) Backhoe (Hydraulic Excavator)**

BH-01	Backhoe, Hitachi EX 200-2		P 700.00/Hr	Excavation, stockpiling, loading, Leveling
BH-02	" , " EX 200		P 700.00/Hr.	"
BH-03	" , " EX 200		P 700.00/Hr.	"
BH-04	" , Komatsu PC210		P 700.00/Hr.	"
BH-05	" , Hitachi WHO6D		P 700.00/Hr.	"
*BH-06	" , Komatsu PC 220		P 750.00/Hr.	"

**D) Vibratory Roller (Compactor)**

RR-01	Road Roller,		P 507.00/Hr.	Compaction, leveling top soil
VR-02	Vibratory Roller, Dynapac CA 25		P 772.00/Hr.	"
VR-03	" " , " CA 25 PD		P 772.00/Hr.	"
VR-04	" " , " CA 25		P 772.00/Hr.	"
VR-05	Vibratory Roller , " CA 25		P 772.00/Hr.	"
VR-06	" " , " CA 25		P 772.00/Hr.	"

**E) Motor Grader**

MG-01	Motor Grader, Mitsubishi, LG2 H		P 400.00/Hr.	Road grading, scraping, side cutting
MG-02	" " , " , LG2 H		P 400.00/Hr.	"
MG-03	" " , " , LG2 H		P 400.00/Hr.	"
MG-04	Motor Grader, Komatsu CD500R-2		P 500.00/Hr.	"
MG-05	Motor Grader, Caterpillar 140 G		P 550.00/Hr.	"
**MG-06	Motor Grader, 135-150 Hp.		P 600.00/Hr.	"

**F) Dump Trucks**

DT-01	Dump Truck, Isuzu 12 PCI Model		P 500.00/Hr.	Hauling, delivery of materials/ Personnel
DT-02	----- ditto -----		P 500.00/Hr.	"
DT-03	"		P 500.00/Hr.	"
DT-04	"		P 500.00/Hr.	"
DT-05	"		P 500.00/Hr.	"
DT-06	Dump Truck, Isuzu 10 PCI Model		P 500.00/Hr.	"
DT-07	----- ditto -----		P 500.00/Hr.	"
DT-08	"		P 500.00/Hr.	"
DT-09	"		P 500.00/Hr.	"
DT-10	"		P 500.00/Hr.	"
DT-11	"		P 500.00/Hr.	"

*Jh*

DT-12	"	P 500.00/Hr.	"
DT-14	"	P 500.00/Hr.	"
DT-15	"	P 500.00/Hr.	"
DT-16	"	P 500.00/Hr.	"
DT-17	Dump Truck, Isuzu 10PBI Model	P 500.00/Hr.	"
DT-18	-----ditto ----	P 400.00/Hr.	"
DT-19	Dump Truck, Isuzu TD 70 Model	P 400.00/Hr.	"
DT-20	Dump Truck, Hino KR Model	P 325.00/Hr.	"
DT-21	" " , Isuzu, 10PDI Model	P 500.00/Hr.	"
DT-22	-----ditto ----	P 500.00/Hr.	"
DT-23	----- ditto ----	P 500.00/Hr.	"
DT-24	----- " -----	P 500.00/Hr.	"
*DT- 25	Dump Truck , Isuzu 12 PCI Model	P 500.00/Hr.	"
*DT- 26	Dump Truck, Isuzu 10 PCI Model	P 500.00/Hr.	"
*DT-27	Dump Truck, " " " "	P 500.00/Hr.	"
*DT-28	Dump Truck, " " " "	P 500.00/Hr.	"
*DT-29	Dump Truck, " " " "	P 500.00/Hr.	"
G)Water	Truck		"
WT-01	Water Truck, Fuso 8DC9 Model	P 350.00/Hr.	Supply of Water, Cleaning, Washing
WT-02	" " , Isuzu 10PCI Model	P 350.00/Hr.	"
WT-03	" " , Fuso 8DC9 Model	P 350.00/Hr.	"
H) Transit Mixer			"
TM-01	Transit Mixer, Isuzu 10 PCI Model	P 525.00/Hr.	Delivery of Concrete Mix
TM- 02	Transit Mixer, Isuzu10 PCI Model	P 525.00/Hr.	"
I)Truck	Tractor		
TT-01	Truck Tractor, Fuso 10DC5 Model	P 525.00/Hr.	Mob./Demob. Of equipment/ Materials
J)Trailer			
Tr-01	Trailer, 40 Tons Cap., 12 tires	P 250.00/Hr.	Loading of equipment/materials
K)Rock	Crusher		
RC-01	Rock Crusher, 50 Tons/Hr. Cap.	P 500.00/Hr.	Rock Crushing of boulders to Aggregate
L)Drilling	Machine		
DM-01	Drilling Machine, Isuzu Model	P 400.00/Hr.	Drilling source of water, Bearing pres.
M)Crane			
TMC-01	Truck Mounted Crane, 40 Tonner	P 600.00/Hr.	Lifting materials, loading
CMC-01	Crawler Crane, 35 Tonner	P 550.00/Hr.	Lifting materials, loading/excavation
II) LIGHT	EQUIPMENT:		
	Toyota Land Cruiser Jeep	P 200.00/Hr.	Personnel Service Vehicle
	Pick-up / 4 Wheel Drive, Isuzu & etc.	P 250.00/Hr.	---ditto---
	Isuzu Elf, 2-1/2 tonner	P 225.00/Hr.	"
	Passenger Van	P 200.00/Hr.	"
	Welding Machine, Gas Driven	P 100.00/Hr.	"
	Welding Machine, Electric, 220 volts	P 30.00/Hr.	"
	One Bagger Concrete Mixer	P100.00/Hr.	"
	Bush Cutter,	P40.00/Hr.	"
	Patrol Boat (Fiber)	P 120.00/Hr.	Service and Rescue
	Rubber Boat	P 100.00/Hr.	"

Section 11. This ordinance shall take effect after compliance with R.A. 7160, the Local Government Code of 1991.

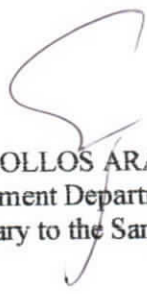
*Jhu*

"Enacted."

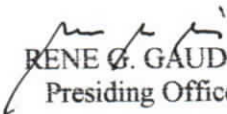
\* \* \*

I hereby certify to the correctness of the foregoing resolution.


\* \* \*

  
FE BOLLOS ARAULA  
City Government Department Head I  
Secretary to the Sanggunian

ATTESTED:

  
RENE G. GAUDIEL  
Presiding Officer

APPROVED: NOV 10 2004

  
GERMAN P. SARAÑA JR.  
City Mayor

COPY FOR:

- The Honorable Provincial Board, Dumaguete City