



Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION
OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN HELD AT
THE LOU-IS RESTAURANT, BALANGA CITY, BATAAN
ON APRIL 1, 2019

PRESENT:

Hon. Ma. Cristina M. Garcia, Vice Governor and Presiding Officer

FIRST DISTRICT:

Hon. Benjamin C. Serrano, Jr., Board Member
Hon. Aristotle J. Gaza, Board Member
Hon. Dexter B. Dominguez, Board Member
Hon. Rolando Z. Tigas, Board Member
Hon. Reynaldo T. Ibe, Jr., Board Member

SECOND DISTRICT:

Hon. Jovy Z. Banzon, Board Member
Hon. Manuel N. Beltran, Board Member
Hon. Edgardo P. Calimbas, Board Member
Hon. Dante R. Manalaysay, Board Member
Hon. Jose C. Villapando, Sr., Board Member

Hon. Doroteo M. Austria, Board Member (FABC President)
Hon. Noel Joseph L. Valdecañas, Board Member (PCL President)
Hon. Precious D. Manuel, Board Member (SKF President)

ABSENT:

None

ORDINANCE NO. 04
Series of 2019

AN ORDINANCE ESTABLISHING THE TERMS AND CONDITIONS FOR THE
SUBLEASE OF THE BATAAN GOVERNMENT CENTER ALSO KNOWN AS "THE
BUNKER", PRESCRIBING POLICIES, RULES AND REGULATIONS FOR THE
OPERATION, ADMINISTRATION AND MANAGEMENT OF THE BUNKER, AND FOR
OTHER PURPOSES".

Sponsored by: HON. JOVY Z. BANZON

Be it enacted, as it is hereby enacted, by the Sangguniang Panlalawigan
of Bataan in session assembled:

"WHEREAS, pursuant to Section 12 of R.A. 7160 otherwise known as
the Local Government Code of 1991, provinces, cities, and municipalities are
endeavored to establish their respective government centers where offices,
agencies, or branches of the National Government, Local Government Units, or
government-owned or controlled corporations may, as far as practicable, be
located;

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Provincial Governor

"EXCELLENT PUBLIC SERVICE TOWARDS A BETTER QUALITY OF LIFE FOR ALL"

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WHEREAS, keeping in mind the powers granted to the Local Government Units (LGU's) by R.A. 7160, the Provincial Government of Bataan (PGB) together with MTD Philippines, Inc. (MTD) entered into a Joint Venture Agreement (JVA), a Public Private Partnership (PPP) scheme, for the development, construction, operation and implementation of the Bataan Government Center and Central Business Hub Project, duly authorized by this Sanggunian under Resolution No. 77 dated April 27, 2015;

WHEREAS, in order to formalize additional terms and conditions agreed upon by the parties after the execution of the JVA, the PGB and MTD signed a Supplemental Agreement (SA) embodying the request of the PGB for the increase in the number of floors as well the corresponding revisions and adjustments in the architectural and engineering designs of the Government Center also known as "The Bunker", duly authorized by the Sangguniang Panlalawigan under Resolution No. 268 dated June 18, 2018;

WHEREAS, in order to formalize a bigger floor area requested by the PGB and terms and conditions not provided by the PGB and terms and conditions not provided in the JVA as agreed upon by the parties, the PGB, MTD and ALLOY MTD BATAAN, INC. (AMBI) signed a Supplemental Agreement (SA) embodying the request of the PGB for the increase in the number of floors as well the corresponding revisions and adjustments in the architectural and engineering designs of the Government Center also known as "The Bunker", duly authorized by this Sanggunian under Resolution No. 268 dated June 18, 2018;

WHEREAS, under the JVA and SA, the PGB shall lease from MTD a total floor area of 22,618.14 square meters of The Bunker subject to applicable taxes and an annual escalation rate;

WHEREAS, pursuant to the JVA and SA, the PGB is authorized to sublease available spaces to third party tenants and shall be responsible for the marketing and sub-leasing of The Bunker, the lease rate of which shall be subject to its discretion and determination;

WHEREAS, in order to properly determine the appropriate lease rates, the PGB created The Bunker Lease Committee by virtue of Administrative Order No. 04, Series of 2017. The Bunker Lease Committee in consultation with PGB Finance Committee has made recommendations as to the schedule of lease rates for the sublease of The Bunker to third party tenants;

WHEREAS, the Sangguniang Panlalawigan of Bataan have reviewed the recommended lease rates submitted by The Bunker Lease Committee in consultation with PGB Finance Committee;

WHEREAS, to ensure the effective and efficient operation and administration of The Bunker, The Sangguniang Panlalawigan deemed it necessary and appropriate that policies, rules and regulations, and sub-leasing of The Bunker as a one-stop center to cater to the needs of the general public, to be prescribed;

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panlalawigan of Bataan in session assembled that:

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Provincial Governor

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SECTION 1. Title. - This Ordinance shall be known as "AN ORDINANCE ESTABLISHING THE TERMS AND CONDITIONS FOR THE SUBLEASE OF THE BATAAN GOVERNMENT CENTER ALSO KNOWN AS "THE BUNKER", PRESCRIBING POLICIES, RULES AND REGULATIONS FOR THE OPERATION, ADMINISTRATION AND MANAGEMENT OF THE BUNKER, AND FOR OTHER PURPOSES";

SECTION 2. Coverage and Application. - This Ordinance shall govern the sublease, operation, administration and management of the Bataan Government Center otherwise known as The Bunker;

SECTION 3. Bunker Lease Rates. - The following lease rate are hereby adopted for the sublease of The Bunker which shall serve as the basis of Lease Agreements to be entered into by PGB with third party tenants:

	1st Floor	2 nd Floor	3 rd Floor	4 th to 7 th Floor
Monthly Lease Rate (per square meter):	₱650.00	₱525.00	₱420.00	₱420.00

SECTION 4. Lease Term and Rate Escalation. - Lease term for The Bunker shall be five (5) years minimum, subject to a five percent (5%) annual escalation. Tenants are extended a rate escalation holiday of two (2) years, effectively applying the escalation rate on the third year of the lease term. For lease terms of Ten (10) years and above, rate escalation holiday shall be Three (3) years, effectively applying the escalation rate on the Fourth year of the lease term except for spaces leased out to commercial tenants;

SECTION 5. Lease Agreement/Memorandum of Agreement. - The PGB may enter into a Lease Agreement with any government agencies or commercial entities that desire to lease a space in The Bunker in accordance with the provisions of this Ordinance and other terms and may be agreed upon by the parties;

The Lease Agreement shall provide for the following, among others:

- Contracting parties
- Lease rate
- Lease term
- Leased area or coverage of the lease
- Term and conditions of use
- Other clauses relative to the Lease Agreement

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- Prior to the formulation of the Lease Agreement, leasing procedures shall be implemented, as outlined in Annex "A" which includes Leasing Workflow, and the Offer to Lease. The Bunker Property Management Office Leasing personnel shall manage the flow of this process with the tenant.

SECTION 6. Policies, Rules, Regulations. - As indicated in Article X of the Joint Venture Agreement between PGB and MTD, administration, operation and maintenance of The Bunker shall be supervised by the MTD, through its nominated Operations and Maintenance Company and as detailed in the attached House Rules or Annex "C";

Included in this section are the following:

- Building set up
- Housekeeping
- Security
- Day-to-day operations

SECTION 7. Fit-outs. - After the consummation of the Lease Agreement between PGB and Third Party tenant the appropriate fit-outs of their LEASED spaces must be undertaken prior to move-in. The appropriate fit-out guidelines and procedures are specified in the attached Annex "D";

SECTION 8. Organization of the Property Management Office. - The Bunker operations shall be shared by the PGB Property Management Office (PMO) and the property management office of MTD and AMBI, otherwise known as "Philjaya Property Management" or "Philjaya", the organization chart of the PGB PMO is hereto attached as Annex "E";

- The PGB PMO shall be mainly responsible for:
 - Billing and collection of LEASE payments
 - Tenant relations
 - Functional and administrative supervision and building services
- Philjaya shall cover:
 - Building facilities, operations, monitoring, and maintenance including utilities expenses of common areas;
 - Housekeeping services of all the common areas including security administration, janitorial, concierge services, wastewater treatment and conveyance, garbage collection;

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- Insurance of the entire facility, centralized air conditioning, engine and maintenance works on architectural components and MEFP equipment, power and water supply system, required government operation and fire permits, etc.

SECTION 9. Billings and Payments. - All billings and payments shall be facilitated through the Provincial Treasurer's Office with details as indicated in Annex "F" of this Ordinance;

SECTION 10. Authority of the Provincial Governor to Sign Lease Agreements. - The Provincial Governor is hereby given authority to sign all Lease Agreements that comply with all the terms and conditions as provided in this Ordinance without need of ratification;

SECTION 11. Prior Sangguniang Panlalawigan Approval. The Governor, with prior approval and authorization by the Sangguniang Panlalawigan, may sign and enter for and in behalf of the Provincial Government into Lease Agreement with terms and conditions different from the foregoing with government agencies that have important roles in, and are necessary, for the one-stop government center;

SECTION 12. Separability Clause. If any provision of this Ordinance is held invalid, provisions which are not affected shall remain in force and effect;

SECTION 13. Effectivity Clause. - This Ordinance shall take effect fifteen (15) days after publication and posting thereof in accordance with law;

APPROVED UNANIMOUSLY.

SEVERINO P. SALAZAR
Secretary to the SP

BENJAMIN C. SERRANO, JR.
Board Member

ARISTOTLE J. GAZA
Board Member

DEXTER B. DOMINGUEZ
Board Member

ROLANDO Z. TIGAS
Board Member

REYNALDO T. IBE, JR.
Board Member

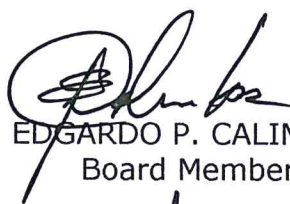
JOVY Z. BANZON
Board Member

ALBERT S. GARCIA
Provincial Governor

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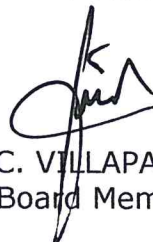
MANUEL N. BELTRAN
Board Member



EDGARDO P. CALIMBAS
Board Member



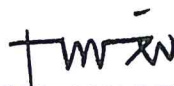
DANTE R. MANALAYSAY
Board Member



JOSE C. VILLAPANDO, SR.
Board Member



DOROTEO M. AUSTRIA
Board Member
(FABC President)



NOEL JOSEPH L. VALDECAÑAS
Board Member
(PCL President)



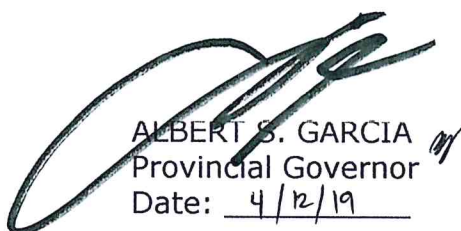
PRECIOUS D. MANUEL
Board Member
(SKF President)

ATTESTED:



MA. CRISTINA M. GARCIA
Vice Governor
(Presiding Officer)

APPROVED:



ALBERT S. GARCIA
Provincial Governor
Date: 4/12/19