



**EXCERPT FROM THE MINUTES OF THE 100<sup>TH</sup> REGULAR SESSION OF THE 4<sup>TH</sup> SANGGUNIANG PANLUNGSOD (SP) HELD AT THE SP SESSION HALL, LEGISLATIVE BUILDING, EAST POBLACION, CITY OF NAGA, CEBU ON JULY 01, 2021.**

**PRESENT:**

- |                              |  |
|------------------------------|--|
| HON. VIRGILIO M. CHIONG      | - Vice Mayor /Presiding Officer                                  |
| HON. JUSTINO L. DAKAY        | - Majority Floor Leader  |
| HON. SCOTT JUVENAL A. CHIONG | - Assistant Majority Floor Leader/Liga ng mga Barangay President |
| HON. AURELIO B. ALINSONORIN  | - Sangguniang Panlungsod Member                                  |
| HON. AFSHIN MARK K. SEÑOR    | - Sangguniang Panlungsod Member                                  |
| HON. CHARMAINE R. NAVARRO    | - Sangguniang Panlungsod Member                                  |
| HON. PORFERIO V. RESABA, JR. | - Sangguniang Panlungsod Member                                  |
| HON. DOMINADOR A. LIBOR      | - Sangguniang Panlungsod Member                                  |
| HON. LUZMINDA R. LAPITAN     | - Sangguniang Panlungsod Member                                  |
| HON. LETECIA F. ABANGAN      | - Sangguniang Panlungsod Member                                  |
| HON. RAY A. MANABAT          | - Sangguniang Panlungsod Member                                  |
| HON. CLINT ISIDRO A. CHIONG  | - Sangguniang Panlungsod Member                                  |
| HON. JHUN MARK T. SISMAR     | - SK Federation President  |

**ORDINANCE NO. 2021-72**

**Hon. Aurelio B. Alinsonorin - Sponsor**  
*Chairperson, Committee on Franchises, Utilities and Facilities*

**GRANTING TAX CREDIT TO QUIRANTE CONSTRUCTION (OPERATING OSTING'S RESTOBAR AND GRILL) AND 0712 AD FOODS (OPERATING AVENTINO'S PIZZA AND PASTA) FOR GRADUAL REFUND OF THE CONSTRUCTION COST, UNDER THE TERMS AND CONDITIONS SET FORTH IN A MEMORANDUM OF AGREEMENT, FOR REPAIR AND RETROFITTING OF A CITY-OWNED TWO (2)-STOREY COMMERCIAL BUILDING IN BARANGAY EAST POBLACION**

**EXPLANATORY NOTE**

On June 09, 2021, this Sanggunian passed Resolution No. 857-2021 authorizing the Honorable City Mayor Kristine Vanessa T. Chiong to enter into a Memorandum of Agreement (MOA) with Quirante Construction and 0712 AD Foods, which operate Oosting's Restobar and Grill, and Aventino's Pizza and Pasta, respectively, for the repair and retrofitting of a city-owned commercial building located at the scenic baywalk in Barangay East Poblacion, City of Naga, Cebu.

The City Government leased the ground floor of the building with an area of 54-square meter (sq.m.) to Mr. Artemio IV M. Panganiban for him to operate Aventino's Pizza Pasta for ten (10) years from December 27, 2017 to December 31, 2027.

The second floor, which has a total area of 206.22 sq.m., is likewise leased to Quirante Construction, through its CEO, Engr. Jonathan Quirante, to operate Oosting's Restobar and Grill for fifteen (15) years from November 15, 2017 to December 31, 2032.

The terms and conditions set forth in the MOA is for the two establishments to shoulder the expenses for the repair and retrofitting of the building provided that the amount spent be credited to their respective tax payments due to the City Government.

This developed after the Office of the Building Official reported notable structural defacement of the property apparently due to the settlement of the reclaimed land where the building currently stands.

*(Handwritten signatures and initials)*

The City Engineering Office and City Planning and Development Coordinator recommended the immediate repair and retrofiting of the commercial building with a total estimated cost of One Million Eight Hundred Twenty-Five Thousand Pesos (₱1,825,000.00).

As stated in the approved MOA, Quirante Construction shall finance 64% of the project cost amounting to One Million One Hundred Sixty-Eight Thousand Pesos (P1,168,000.00), while 0712 AD Foods shall share the remaining 36% of the cost equivalent to Six Hundred Fifty-Seven Thousand Pesos (P657,000.00) to complete the repair and retrofiting.

The gradual tax refund for the repair and retrofiting of the building will be based on the terms and conditions as provided in the MOA duly executed between the City Government and the two other parties - Quirante Construction and AD Foods.

**BE IT ORDAINED**, as it is hereby **ORDAINED** by the Sangguniang Panlungsod of the City of Naga, Cebu, in session assembled, that:

**SECTION 1. TITLE.** – This Ordinance shall be known as **“GRANTING TAX CREDIT TO QUIRANTE CONSTRUCTION (OPERATING OSTING’S RESTOBAR AND GRILL) AND 0712 AD FOODS (OPERATING AVENTINO’S PIZZA AND PASTA) FOR GRADUAL REFUND OF THE CONSTRUCTION COST, UNDER THE TERMS AND CONDITIONS SET FORTH IN A MEMORANDUM OF AGREEMENT, FOR REPAIR AND RETROFITTING OF A CITY-OWNED TWO (2)-STOREY COMMERCIAL BUILDING IN BARANGAY EAST POBLACION, CITY OF NAGA, CEBU.”**

**SECTION 2. SCOPE.** – This Ordinance shall apply and cover only the two establishments – Quirante Construction and 0712 AD Foods, which currently operate Ousting’s Restobar and Grill and Aventinos Pizza and Pasta, respectively, and both lessees/occupants of the city-owned two-storey commercial building at baywalk area, Barangay East Poblacion, City of Naga, Cebu.

**SECTION 3. AGREEMENT.** – the parties mutually agreed as specifically provided in the approved MOA that Quirante Construction shall finance sixty-four percent (64%) of the project cost amounting to One Million One Hundred Sixty-Eight Thousand Pesos (₱1,168,000.00), while 0712 AD Foods shall shoulder the remaining 36% of the cost equivalent to Six Hundred Fifty-Seven Thousand Pesos (₱657,000.00) to complete the repair and retrofiting of the building.

It is also further agreed that Quirante Construction shall implement the project as contractor based on the approved detailed engineering and cost estimates prepared by the City Planning and Development Coordinator.

**SECTION 4. APPROVAL OF GRADUAL TAX REFUND.** – This Ordinance hereby approves the gradual tax refund for the repair and retrofiting of the commercial building, which shall be based on the terms and conditions set forth in the MOA entered into, by and between, the City Government on the one hand, and Quirante Construction and 0712 AD Foods on the other hand.

**SECTION 5. WARRANTY SECURITY AND WARRANTY AGAINST STRUCTURAL DEFECTS.** – Upon completion of the project and the issuance of Certificate of Final Acceptance, Quirante Construction shall post a warranty security for a duration of one (1) year from the acceptance.

However, even after the lapse of one year warranty period, the contractor continues to be responsible/liable for any structural defect/failure that will occur on the infrastructure facility due to its fault for the duration of fifteen (15) years.

**SECTION 6. SEPARABILITY CLAUSE.** – If any provision of this Ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, the other provisions unaffected thereby shall remain valid and subsisting.

**SECTION 7. REPEALING CLAUSE.** – All ordinances, resolutions, orders, issuances, rules, regulations, or parts thereof, which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

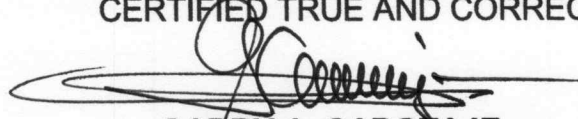
**SECTION 8. COPIES FURNISHED CLAUSE.** – Let copies of this Ordinance be furnished to City Government offices and parties concerned for their information, reference and guidance.

**SECTION 9. EFFECTIVITY.** – This Ordinance shall take effect upon its approval and compliance with all the pertinent requirements as provided for by law.

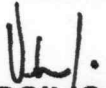
**ENACTED BY THE SANGGUNIANG PANLUNGSOD, CITY OF NAGA, CEBU,** in its Regular Session held on the 3<sup>rd</sup> day of September 2021.

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CERTIFIED TRUE AND CORRECT:

  
**GARRY A. CABOTAJE**  
Secretary to the Sanggunian

ATTESTED BY:

  
**VIRGILIO M. CHIONG**  
Vice Mayor/Presiding Officer

APPROVED BY:

  
**KRISTINE VANESSA T. CHIONG**  
City Mayor