

**SANGGUNIANG PANLUNGSOD  
GENERAL SANTOS CITY**

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**COMMITTEE REPORT NO. 18-193**

Submitted by the **COMMITTEE ON TRADE, COMMERCE AND INDUSTRY**

Date of Hearing: July 12, 2017

Re: SPPO NO. 1718-0131

**RECOMMENDATION: FOR ANOTHER HEARING**

**Author/Sponsor:** Hon. Brix T. Tan; **Co-Author/Co-Sponsor:** Hon. Shirlyn L. Bañas-Nogales

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**MADAM PRESIDENT:**

The abovementioned Committee to which was referred the following:

TITLE	RECOMMENDATION
<b>SPPO NO. 1718-0131:</b> AN ORDINANCE INSTITUTIONALIZING THE JOINT-VENTURE (JV) APPROACH TOWARDS DEVELOPMENT IN THE CITY OF GENERAL SANTOS, PRESCRIBING GUIDELINES AND MECHANISM FOR ITS IMPLEMENTATION AND FOR OTHER PURPOSES. ( <i>Hon. Brix T. Tan – Author/Sponsor, Hon. Shirlyn L. Bañas-Nogales – Co-Author/Co-Sponsor</i> )	<b>FOR ANOTHER COMMITTEE HEARING</b>

has considered the same and has the honor to report it back to the August Body with the foregoing recommendation.

Respectfully submitted:

**BRIX T. TAN**

*City Councilor & Chairperson*



**MINUTES OF THE HEARING OF THE COMMITTEE ON TRADE,  
COMMERCE AND INDUSTRY OF THE 18<sup>TH</sup> SANGGUNIANG  
PANLUNGSOD, CITY OF GENERAL SANTOS.**

Wednesday, July 12, 2017  
10:12 A.M. – 11:37 A.M.

SP Learning Resource Center, Legislative Building  
City Hall Drive, General Santos City

**COUNCILORS PRESENT:** Honorable Brix T. Tan (*Chairperson*)

**GUESTS/RESOURCE PERSONS:** (*See attached attendance sheet.*)

**AGENDUM:**

**SPPO NO. 1718-0131: AN ORDINANCE INSTITUTIONALIZING THE JOINT-  
VENTURE (JV) APPROACH TOWARDS DEVELOPMENT IN THE CITY OF GENERAL  
SANTOS, PRESCRIBING GUIDELINES AND MECHANISM FOR ITS  
IMPLEMENTATION AND FOR OTHER PURPOSES.** (*Hon. Brix T. Tan –  
Author/Sponsor, Hon. Shirlyn L. Bañas-Nogralles – Co-Author/Co-Sponsor*)

The committee hearing was called to order by its chairperson, Hon. Brix T. Tan who then acknowledged everybody's presence.

Engr. Paches of CEMCDO elucidated the purpose of the proposed measure. She cited that in the Public-Private Partnership (PPP) Ordinance, one of the modalities identified was the joint venture, however, there are no details as to how it is to be undertaken. This Joint Venture Ordinance would supplement the PPP Ordinance that the city already passed.

Thereafter, the chair ruled to proceed with the discussion of the content of the proposed ordinance. In Sections 1 to 6, there were no questions/clarifications from the body.

On Section 7, letter **b**, the acronym **PSP** was ruled to be spelled out into **Private Sector Proponent**. In letter **g**, **Credit Enhance**, it was clarified that the definition is only up to the word "guarantees." The succeeding words "**Indirect Guarantees**" should be another term to be defined under letter **m**, to read as: **m. Indirect Guarantees - refer to an agreement whereby the City assumes full or partial responsibility for or assists in maintaining the financial standing of the PSP or project company in order that the PSP/project company avoids defaulting on the project loans, subject to fulfillment of the PSP/project company of its undertakings and obligations under the JVA.** With the said amendment, the original letter **m** and the succeeding letters will be adjusted accordingly, subject to style.

On Section 8, letter **d**, Atty. Taniegra clarified that there is no problem in partnering with other government agencies for as long as the parties will enter into a Memorandum of Agreement.

On Section 9, letter f, an amendment was introduced to change the word "may" to "**shall**", which the chair ruled as approved.

Atty. Taniegra suggested that the word "**contractual**" in Section 10, letter a.5 should be defined under the Definition of Terms.

Under Section 10, letter a.16 was amended, to read as: "**Establishment of a JV bank account, and the appointment of a chartered accountant and lawyer, if required**;" The chair ruled the said amendment approved on committee level. In letter a.30, the word "**period**" was **deleted**.

Letters a.32 and a.38 were merged, to read as: "**Anti-corruption warranties and the manner and procedures for the resolution of warranty against corruption.**" The amendment was approved on committee level.

The acronym "**IRRR**" in the 4<sup>th</sup> whereas was changed to "**IRR**".

Since the body agreed to only tackle up to Section 10, the chair ruled to call for another committee hearing to this effect.

**FOR ANOTHER COMMITTEE HEARING**

There being no more matter to discuss, the chair declared the hearing on recess at 11:37 o'clock in the morning.

**RECESS AT 11:37 A.M.**

*Prepared by:*

**LOIDA D. ASAN**  
*Stenographic Reporter III*

**JULIET A. DELA TORRE**  
*Stenographic Reporter III*

*Reviewed/Edited by:*

*Noted by:*

**JANET B. ZABALA**  
*Board Secretary I*

**LOLITA P. PEDRO**  
*Division Chief, Journal & Minutes*

*ATTESTED:*

**BRIX T. TAN**  
*City Councilor/Chairperson*