



DISTRICT I

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City Councilor

HON. MICHAEL E. SOLIS
City Councilor

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HON. ROWENA BAUTISTA-MENDIOLA
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

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City Councilor

HON. ALEJANDRO F. GUTIERREZ
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City Councilor

HON. REYNALDO D. PALABRICA
City Councilor - Liga ng Brgy. President

HON. MAC RAVEN ESPIRITU
City Councilor - SK FEDERATION PRESIDENT

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE SARINO-EVARISTO
City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

CITY RESOLUTION NO. CR 2020-218
Series of 2020

A RESOLUTION REVOKING CITY RESOLUTION NO. CR 2019-144 GRANTING THE APPLICATION FOR DEVELOPMENT PERMIT OF YUXING CONSTRUCTION, INC. FOR THE PROPOSED CONSTRUCTION OF A 10-STOREY COMMERCIAL CENTER AT BARANGAY BAYANAN, CITY OF BACOR, CAVITE AND ISSUING A NEW DEVELOPMENT PERMIT IN FAVOR OF EXTREME OCEAN LUCK DEVELOPMENT CORPORATION FOR THE PROPOSED CONSTRUCTION OF A 10-STOREY COMMERCIAL CENTER AT BARANGAY MAMBOG 4, CITY OF BACOR, CAVITE.

Sponsored by:

Hon. Alde Joselito F. Pagulayan

WHEREAS, an application for Development Permit was filed by **Yuxing Construction Inc.** for the construction of a commercial mall project herein described as:

Name of Project:	10-Storey Commercial Center
Location:	<u>Brgy. Bayanan,</u> City of Bacoor, Cavite
Land Area:	2,692.50 sq. m.
Floor Area:	18,215 square meters
Transfer Certificate of Title:	TCT No. 167-2016001591
Project Classification:	Commercial Center

WHEREAS, the Sangguniang Panlungsod issued City Resolution No. 2019-144 dated 06 December 2019 granting the application for development permit of Yuxing Construction Inc.

WHEREAS, on 02 June 2020, an officer of Yuxing Construction Inc. wrote the City Administrator, Mr. Jerome Oliveros, and requested that City Resolution No. 2019-144 be revised so that the location of the proposed development project mentioned above shall indicate "Barangay Mambog 4" instead of "Barangay Bayanan"





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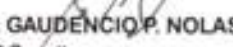

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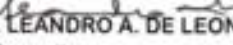

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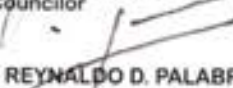

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City Mayor

and that the name of the applicant should be changed from "Yuxing Construction Inc." to "Extreme Ocean Luck Development Corporation".

WHEREAS, the said request was transmitted by Mr. Oliveros to the Sangguniang Panlungsod for appropriate action.

WHEREAS, when required to explain the reason why the said amendments should be done on City Resolution No. 2019-144, Yuxing Construction Inc. and Extreme Ocean Luck Development Corporation separately submitted their respective Deeds of Undertaking and Board Resolutions.

WHEREAS, a perusal of the said Deeds of Undertaking and Board Resolutions showed that:

- a) Yuxing Construction Inc. ("YUXING") was compelled to transfer all of its rights and obligations to develop, construct, own, manage, sell, or lease the said project to Extreme Ocean Luck Development Corporation ("EXTREME OCEAN") "due to reasons not attributable to the fault of any of the officials or personnel of the local government of the City of Bacoor, Cavite and directly related to the severe financial losses suffered by the said corporation due to the economic disruptions caused by the COVID-19 pandemic";
- b) The transfer by YUXING of all its rights and obligations in relation to the proposed construction of a 10-storey commercial building in Barangay Mambog 4, Bacoor City, Cavite to EXTREME OCEAN was done in accordance with all applicable laws and regulations of the Philippine government;
- c) All aspects of the proposed project that were reviewed and approved by the various departments and officials of the local government of the City of Bacoor, Cavite including the Sangguniang Panlungsod which gave rise to the issuance of City Resolution No. CR2019-144 shall not be revised by EXTREME OCEAN;



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- d) The request to amend the location of the proposed project from Barangay Bayanan, Bacoor City, Cavite to Barangay Mambog 4, Bacoor City, Cavite as reflected in City Resolution No. CR2019-144 was due to an inadvertence committed by low-level personnel of YUXING in the application form submitted by the said Corporation to the Sangguniang Panlungsod and not due to the fault of any of the officials and personnel of the local government of the City of Bacoor, Cavite or of EXTREME OCEAN. As a matter of fact, all the engineering plans and other documents submitted by YUXING to the various departments of the City Government indicate that the project shall be constructed in Barangay Mambog 4 and not in Barangay Bayanan of the said city;
- e) The request to amend City Resolution No. CR2019-144 by changing the name of the applicant for the Development Permit granted by virtue of the said resolution (i.e., from "YUXING CONSTRUCTION INC." to "EXTREME OCEAN LUCK DEVELOPMENT CORPORATION") is intended to set the official records straight, avoid any confusion in the future that might arise during the construction of the project, and to cause the revocation of City Resolution No. CR 2019-144; and
- f) EXTREME OCEAN and YUXING shall not hold any official or personnel of the local government of the City of Bacoor, Cavite criminally, civilly, or administratively liable for any damage or injury that the said Corporation might suffer as a result of the amendment/revocation of City Resolution No. CR 2019-144.

WHEREAS, the Committee on Housing and Land Utilization through its Chairman, Hon. Alde Joselito F. Pagulayan, reviewed all the pertinent documents submitted by YUXING and EXTREME OCEAN and recommended the following:

- a) The revocation of City Resolution No. CR 2019-144; and



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b) The issuance of a Development Permit to **EXTREME OCEAN LUCK DEVELOPMENT CORPORATION** for the construction of a **10-Storey Commercial Center** located at Barangay **Mambog 4**, City of Bacoor, Province of Cavite, subject to the developer's compliance with the prescribed guidelines and regulations under pertinent laws and with the various conditions hereunder set forth;

WHEREAS, the Developer manifested before the Sangguniang Panlungsod that **Extreme Ocean Luck Development Corporation** (the "Developer") is the legitimate owner of a parcel of land registered under the name of **Spouses Allen Tan and Irish Tan** ("land owner") covered by TCT No. 167-2016001591 with an area of 2,692.50 square meters- more or less- now the subject of the application for the above-mentioned development permit, that the landowner's title over the same is free from any legal infirmity, that it has not received any order issued by any court in the Philippines restraining it from proceeding with the development of the above-mentioned project, that no tenant shall be adversely affected by the said development, and that the developer and landowner has complied - and will continue to comply - with all the requirements for such a development project set under prevailing laws and under the various policies of the national government and its various instrumentalities;

WHEREFORE, on motion of Honorable Pagulayan unanimously seconded by a majority of the members present, in regular online session duly assembled, **BE IT RESOLVED AS IT IS HEREBY RESOLVED** by the Sangguniang Panlungsod of the City of Bacoor, Province of Cavite to authorize the grant of a Development Permit to **Extreme Ocean Luck Development Corporation** for the proposed **10-Storey Commercial Center** project **PROVIDED** that;

1. The Developer manifests that **Extreme Ocean Luck Development Corporation** is the legitimate and registered owner of the parcel of land subject of the above-mentioned application for Development Permit, that its title over the same is free from any legal infirmity, that it has not received any order issued by any court in the Philippines restraining it from proceeding with the



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development of the above-mentioned project, that no natural or juridical person shall be adversely affected by the said development, and that the said landowner and developer has complied - and will continue to comply - with all the requirements for such a development project set under prevailing laws and under the various policies of the national government and its various instrumentalities;

2. The Developer hereby undertakes to pay all corresponding government fees and taxes equivalent to the area/s covered by its application for a development permit before such permit is issued;

3. The Developer undertakes to hold the City Government, and all of its elected and appointed officials, free and blameless from any and all claims, demand, account or action arising out of any infirmity in its title to the above-mentioned real property or to any person or tenant caused by or resulting from the development or construction of the above-mentioned project;

4. The Developer undertakes that its non-compliance with the requirements of **Provincial Ordinance No. 2003-005** (entitled: "An ordinance Requiring All Subdivision Developers Doing Business In The Province Of Cavite To Provide Slope Protection, A One-Meter Path Walk And Two-Meter Plant Strip, To Be Placed At The Edge Of The Property Line Of The Three-Meter Easement Before Commencing Construction Of Any Housing Unit, And Providing Penalties For Violation Thereof."), **Municipal Ordinance No. 4-S-2011** (entitled: "An Ordinance Mandating The Establishment Of A Water Impounding System In All Land Development Projects In Bacoor, Cavite") **Municipal Ordinance No. 5-S-2011** (entitled: "An Ordinance Requiring The Installation Of A "Grease And Used Oil Waste Disposal System" In All Business Establishments Operating In Bacoor, Cavite", **City Ordinance No. 2013-035** (entitled: "An Ordinance Mandating the Prioritization of Employment of Bacoor Residents In All Establishments Operating Within the City of Bacoor, Cavite and For Other Purposes") and other pertinent ordinances or resolutions approved by the Sangguniang Panlungsod of Bacoor, or any misrepresentation committed by the Developer in connection with its application for a Development Permit, shall be deemed sufficient grounds for the revocation of any permit issued by the city government in favor of the Developer, its contractors, sub-contractors, suppliers, or affiliates or the non-issuance of an Occupancy Permit in favor of the Developer;



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City Mayor

5. The Developer undertakes to devote and develop a parcel of land within the above-described development project where a materials recovery facility (MRF) will be placed in accordance with Republic Act 9003 also known as the "Ecological Solid waste Management Act of 2000" within one (1) year after the issuance of the above-mentioned development permit;

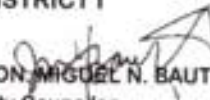
6. For every hectare comprising the gross floor area of the commercial mall project subject of the application for a Development Permit, the Developer shall construct a multi-purpose hall building, classroom building, daycare center, or health center at any place within the City of Bacoor, the size, design, and location of which building shall be identified and approved by the City Mayor. The said multi-purpose hall building, classroom building, daycare center or health center shall then be donated by the Developer to the city within six (6) months after its completion to enable the city government to effectively meet the needs of prospective customers of the said shopping mall. Provided: that in case the said multi-purpose hall building, classroom building, daycare center or health center to be donated to the City Government is located within a residential subdivision project, the homeowners of the said subdivision shall be given preference in using the same. Provided further: that the City Government shall be allowed by the Developer to use the said facility to be donated during special public occasions or during a public emergency. Provided lastly: that the use, operation, and management of the said facility shall be subject to a Memorandum of Agreement between the City Government, the Developer, and the homeowners' association of the subdivision wherein the facility to be donated is located in case the Developer decides on constructing the said property within a residential subdivision project;

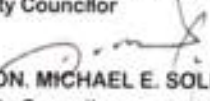
7. The Developer undertakes to pay a one-half percent (0.5%) tax on the assessed value of lands that it owns with an assessed value in excess of Fifty Thousand Pesos (PhP 50,000.00) pursuant to Republic Act No. 7279 and to Municipal Ordinance No. 33-S-2011;

8. The Developer hereby undertakes to require all its employees—or the employees of its contractors or sub-contractors—who will be reporting for work within the territorial jurisdiction of the City of Bacoor, Cavite to obtain Work Permits from the Office of the City Mayor prior to their engagement or employment by the Developer or by its contractors or sub-contractors;

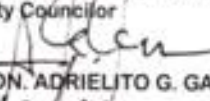


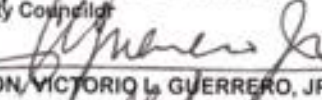
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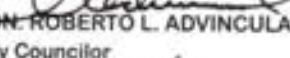
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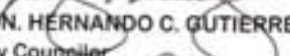

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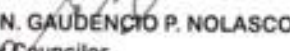

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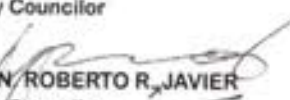

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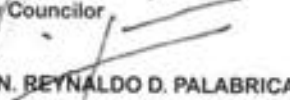

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9. The Developer undertakes to provide the City Government through the Business Permits and Licensing Office (BPLO), with a list of the names and addresses of the various contractors/suppliers who will work on the above-mentioned development project for purposes of assessing the proper Business Permit Fees that the City Government should charge to the said contractors/suppliers. Moreover, the Developer hereby undertakes to secure a business permit for the operation of any utility (water, cable TV, etc.) to be operated by the Developer—or its affiliates—within its development project;

10. The Developer hereby undertakes to plant at least one hundred (100) trees within the territorial jurisdiction of City of Bacoor, Cavite for every hectare of the gross floor area of the commercial mall subject of the above-mentioned application within one (1) year from the date of approval of the Development Permit. Provided: that the type of trees, the manner and schedule of planting of such trees, and the exact location where such trees shall be planted by the Developer shall be subject to the prior approval of the City Mayor. Provided further, that the types of trees to be planted by the Developer shall be subject to the recommendation of the Department of Environment and Natural Resources (DENR) or of the City Environment and Natural Resources Office (CENRO). Provided further, that the cost of planting and maintaining the said trees, which shall include but shall not be limited to the watering and fertilizing of the said trees, shall be borne exclusively by the Developer for the entire duration of one (1) year following its planting;

11. The Developer undertakes to design its shopping mall in such a way that its entrance/exit gates are at least forty (40) meters away from the edge of the nearest national, provincial, or city road so that motor vehicles entering or exiting the said mall shall not impede the orderly flow of traffic on such roads. Provided, further, that the Developer shall provide sufficient space for the construction of various vehicle stops, traffic stoplights, parking lots, public transport terminals and other devices/structures/systems that will mitigate traffic congestion within and around the said commercial mall. Provided lastly, that the design and location of such vehicle stops, traffic stoplights, parking lots, public transport terminals and other devices/structures/systems shall be subject to prior approval by the Bacoor Traffic Management Department (BTMD) and by the appropriate agencies of the national government;

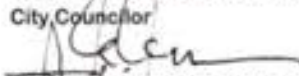


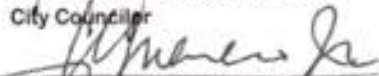
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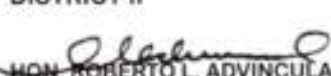
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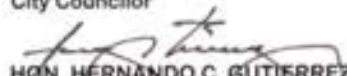

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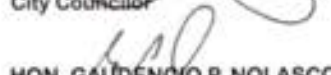

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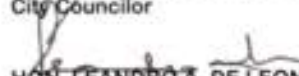

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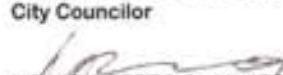

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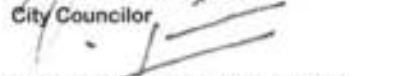

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City Councilor


HON. ALDE JOSELITO F. PAGULAYAN
City Councilor


HON. ROBERTO R. JAVIER
City Councilor



HON. REYNALDO D. PALABRICA
City Councilor - Liga ng Brgy. President


HON. MAC RAVEN ESPIRITU
City Councilor - SK FEDERATION PRESIDENT

Attested by:


ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:


HON. CATHERINE SARINO-EVARISTO
City Vice Mayor / Presiding Officer

Approved by:


HON. LANI MERCADO - REVILLA
City Mayor

12. The Developer undertakes to design the roads inside its development project, if any, in such a way that they may be interconnected with the road network of the City Government and with that of adjoining residential subdivisions. Provided, further, that the design of the said roads should contribute to the mitigation of traffic congestion within and around the said shopping mall. Provided, further, that the design of the said road network shall be subject to the prior approval of the BTMD and the Office of the Building Official (OBO). Provided, lastly, that the Developer shall allow the city government to open the said roads to vehicular traffic during the occurrence of public emergencies;

13. The Developer undertakes to install high-definition, all weather closed circuit television cameras at strategic locations within the commercial mall within one (1) year after the approval of its Development Permit in compliance with the Municipal Government's crime prevention program pursuant to **Municipal Ordinance No. 18-S-2009** which was passed by the Sangguniang Bayan on 22 October 2009 (entitled: "An Ordinance Requiring Business Establishments And Residential Subdivisions Operating In Bacoor, Cavite To Install Closed Circuit TV Cameras.");

14. The Developer undertakes to require any security agency that it will hire to guard the commercial mall while it is being constructed and during its operation to register with the Office of the City Mayor and to pay the corresponding Business Permit Fee before it can operate;

15. The Developer undertakes to complete the perimeter fence of its shopping mall, if any, covered by its application for a Development Permit within one (1) year from the date of approval of the said permit;

16. The Developer undertakes to finish the development of the said project within one (1) year from the date of issuance of a development permit by the City Government. Provided that, if the developer can not complete the Project for any justifiable reason, the said Developer shall request the Mayor for an extension of the afore-mentioned period before the same expires; and

17. The Developer shall comply with all the foregoing and with other conditions that maybe set forth by the City Mayor in accordance with law. Otherwise, the City Government shall not approve the Developer's application for a Development Permit and/or shall not grant the Developer an Occupancy Permit.



DISTRICT I

HON. MIGUEL N. BAUTISTA
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

On Leave
HON. ROWENA BAUTISTA-MENDIOLA
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

DISTRICT II

HON. ROBERTO L. ADVINCULA
City Councilor

HON. HERNANDO C. GUTIERREZ
City Councilor

HON. GAUDENCIO P. NOLASCO
City Councilor

HON. LEANDRO A. DE LEON
City Councilor

HON. ALDE JOSELITO F. PAGULAYAN
City Councilor

HON. ROBERTO R. JAVIER
City Councilor

HON. REYNALDO D. PALABRICA
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Attested by:

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Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE SARINO-EVARISTO
City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

RESOLVED FURTHER, that **Extreme Ocean Luck Development Corporation** and all government offices concerned be furnished with copies of this Resolution.

RESOLVED MOREOVER, that this Resolution shall be published once at a local publication of general circulation in order to become effective at the expense of the Developer.

RESOLVED LASTLY, that any misrepresentation made by the Developer in any of the documents it submitted to the City Government shall result in the revocation hereof.

ADOPTED by the Sangguniang Panlungsod this 29th day of June 2020 at the City of Bacoor, Cavite.

I hereby certify the truth and correctness of the above-quoted Resolution.

Certified by:

HON. CATHERINE SARINO-EVARISTO
City Vice Mayor

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Approved by:

HON. LANI MERCADO-REVILLA
City Mayor