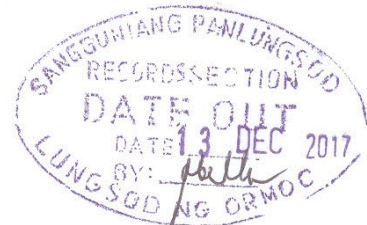


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,  
ORMOC CITY HALL BUILDING  
ON DECEMBER 04, 2017 IN LIEU OF  
DECEMBER 07, 2017



PRESENT:

Leo Carmelo L. Locsin, Jr.,  
Rolando M. Villasencio,  
Vincent L. Rama,  
Mario M. Rodriguez,  
Tomas R. Serafica,  
Benjamin S. Pongos, Jr.,  
Eusebio Gerardo S. Penserga,  
Gregorio G. Yrastorza III,  
Nolito M. Quilang,  
John Eulalio Nepomuceno O. Aparis II,

Lea Doris C. Villar,  
Mariano Y. Corro,

Vice Mayor & Presiding Officer  
SP Member, Majority Floor Leader  
SP Member, Asst. Majority Floor Leader  
SP Member, Presiding Officer "Pro-Tempore"

SP Member  
SP Member  
SP Member  
SP Member  
SP Member  
SP Member

Minority Floor Leader  
SP Member, Asst. Minority Floor Leader  
Ex-Officio SP Member

Chapter President, Liga ng mga Barangay ng Ormoc

PREFATORY STATEMENT

The City of Ormoc (City) thru the passage by this Sanggunian of Ordinance No. 23 Series of 2017 entitled, the "Ordinance for the Temporary Closure and Regulation of the Use of the Ormoc City Plaza Quadrangle for the Establishment of Flea or Night Markets, Shopping Areas, or Bazaars", actively recognized and responded to the importance of lending substantial support to the development of Micro, Small and Medium Enterprises (MSMEs) in the City. Verily, their tremendous significance cannot be denied given that in 2015 statistical data provided by the Philippine Statistics Authority (PSA) and the Department of Trade and Industry (DTI), out of the 900,914 establishments in the Philippines, 99.5% of these are MSMEs which have generated a total of 4,784,870 jobs. No doubt, MSMEs have contributed almost 61.6% of the total jobs generated by all types of business establishments in 2015 alone.

Indeed, MSMEs play a vital role in the inclusive socio-economic development of our country. Due to their very nature, MSMEs provide livelihood to our constituents who are less skilled and who are usually from the underprivileged sectors of society. They also provide added value to local products and offer a ground for training the public's entrepreneurial spirit and resourcefulness. In the City, 2016 data showed that 99% of locally registered enterprises are MSMEs. Given their dominant presence in the local economy and their obvious importance to our City's socio-economic development, the City Government finds it imperative that this economic sector be extended various forms of much-needed support, chief of which is the provision of opportunities or venues where they can sell their wares and offer their services – actually, the very same objectives of the enactment of mentioned Ordinance. This is not to forget, however, the additional tourism objectives the said legislation had also intended to attain, for certainly a City Public Plaza made busier, livelier and more vibrant by the presence of MSMEs operating assorted businesses is also a proven tourist-drawing alternative.

After the huge success exhibited by the implementation of the said Ordinance in promoting both the tourism initiatives and MSMEs development of the City, the City Government, thru the Local Chief Executive (LCE), has identified and acknowledged the need to amend the existing Ordinance for the purpose of assisting more MSMEs, most especially the beginners and start-ups, willing to do business in the City thru the offering of more venues in the City Public Plaza for their businesses. Verily, this will again be a two-pronged initiative as it will also further draw in more tourists and visitors into patronizing lively and merry-making activities naturally spurred by the business operations of these MSMEs.

Certainly, this Sanggunian recognizes the significance and merit of adjusting the present Ordinance for the pursuit of mentioned noble purposes. Hence, they are regarded and admitted as the very essence and rationale behind the passing of this amendatory Ordinance which intent is the expansion of the authority of the LCE to include other areas in the City Public Plaza other than exclusively the City Quadrangle. Surely, the herein subject amendments will definitely result to additional venues and hence, opportunities for more MSMEs-conducted and City Tourism Office-sponsored events and activities in the City Public Plaza during special times of the year considered as most commercial and tourist seasons.

FOREGOING PREMISES CONSIDERED, on motion of Honorable SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Public Properties, severally seconded by SP Members Rolando M. Villasencio, Vincent L. Rama, Tomas R. Serafica, Mario M. Rodriguez, Eusebio Gerardo S. Penseraga, Gregorio G. Yrastorza III and Mariano Y. Corro, be it

RESOLVED, AS IT IS HEREBY RESOLVED, to enact:

**ORDINANCE NO. 054**

**AN ORDINANCE AMENDING ORDINANCE NO. 23 SERIES OF 2017, OTHERWISE KNOWN AS THE "ORDINANCE FOR THE TEMPORARY CLOSURE AND REGULATION OF THE USE OF THE ORMOC CITY PLAZA QUADRANGLE FOR THE ESTABLISHMENT OF FLEA OR NIGHT MARKETS, SHOPPING AREAS OR BAZAARS" AND INCORPORATING THEREIN CERTAIN NEW PROVISIONS.**

**SECTION 1.** The Title of Ordinance No. 23 Series of 2017 (the "amended Ordinance") shall now read as follows:

"AN ORDINANCE TEMPORARILY CLOSING AND REGULATING THE USE OF THE ORMOC CITY QUADRANGLE AND OTHER AREAS OF THE CITY PUBLIC PLAZA FOR THE ESTABLISHMENT OF FLEA OR NIGHT MARKETS, SHOPPING AREAS, OR BAZAARS WHERE GOODS, MERCHANDISE, FOODSTUFFS, COMMODITIES, OR ARTICLES OF COMMERCE MAY BE SOLD AND DISPENSED TO THE GENERAL PUBLIC, PRESCRIBING GUIDELINES THERFOR, AND IMPOSING REGULATORY FEES AND OTHER CHARGES THERETO"



**SECTION 2.** Section I of the amended Ordinance shall now read as follows:

"Section I. Title. This Ordinance shall be known as the "Ordinance for the Temporary Closure and Regulation of the Use of the Ormoc City Plaza Quadrangle and other areas of the City Public Plaza for the Establishment of Flea or Night Markets, Shopping Areas, or Bazaars."

**SECTION 3.** Section II of the amended Ordinance shall now read as follows:

"Section II. Scope. This Ordinance shall govern the temporary closure and regulation of the Ormoc City Plaza Quadrangle and other areas of the City Public Plaza for the establishment of flea or night markets, shopping areas, or bazaars and the imposition of fees and other charges for its operation as provided hereof."

**SECTION 4.** Section III of the amended Ordinance, shall have an additional subsection to read as follows:

"a. City Public Plaza – that property, including the improvements and structures found thereon, located along parts of Larrazabal Boulevard, San Pedro Street and Bonifacio Street, that had been, through legislation, customs and tradition, recognized as the City Public Plaza."

The succeeding subsections of the aforementioned section affected by the insertion of a subsection subject herein and those of other succeeding amendments herein shall be renumbered accordingly.

**SECTION 5.** Section IV of the amended Ordinance, shall now read as follows:

"Section IV. Location. For purposes herein, the establishment of flea or night markets, shopping areas, or bazaars in the Ormoc City Public Plaza shall be limited only to the area within the City Quadrangle and to other areas of the Public Plaza upon the discretion of the LCE. Provided, that, the establishment of flea or night markets, shopping areas, or bazaars in the Ormoc City Public Plaza shall not be more than any two (2) areas in the City Public Plaza, including the City Quadrangle, at any one time or simultaneously, in furtherance herein.

**SECTION 6.** Section VI of the amended Ordinance, shall now read as follows:

"Section VI. Imposition of Stall Space Fees. There shall be imposed and collected from the stallholders a daily stall space fee for the temporary use of a stall space at the City Quadrangle and other areas of the City Public Plaza a fixed amount of Seventeen Philippine Pesos (PhP17.00) per square meter, provided that, in no case shall the stall area exceed twelve (12) square meters in area. Said fee shall cover only the temporary use of the space; amenities such as tents, tables and the likes shall be provided by the stallholders."

**SECTION 7.** Section VIII of the amended Ordinance, shall now read as follows:

"Section VIII. Procedure for Securing Special Permit.

1. Anyone who is interested to use a stall space in accordance herein shall file an application under oath with the City Tourism

Office, which shall promptly evaluate and act on it, including the assignment or designation of the area in the City Quadrangle or in any other area situated in the Ormoc City Plaza where the stall space is to be erected or set up. Such application shall be substantially in the following form:

APPLICATION FOR USE OF STALL SPACE  
City Tourism Office  
City of Ormoc  
Sir:

I am hereby submitting an application for the use of stall space in the Ormoc City Plaza Quadrangle/\_\_\_\_\_. I am \_\_\_\_\_ years of age, Filipino Citizen, single/married, and a resident of \_\_\_\_\_. I will start using the stall space on \_\_\_\_\_ until \_\_\_\_\_.  
x x x"

**SECTION 8.** Section IX of the amended Ordinance, shall now read as follows:

"Section IX. Administrative Provisions. The following guidelines shall also apply in the use of the City Quadrangle and other areas of the City Public Plaza:

x x x

10. Should the number of interested applicants exceed the number of stall spaces available for use in the City Quadrangle and other areas of the City Public Plaza as shown by the records of the City Tourism Office, adjudication of the stall spaces shall be made through drawing of lots to be conducted by said Office on the date and hour specified in a notice. The notice shall specify the number of stall spaces to be raffled and the last date which the application therefore may be filed. Applicants shall be furnished copies of the notice of the drawing of lots by personal deliver or mail, and the same shall also be posted in two (2) conspicuous places in the City Hall for at least five (5) consecutive days to apprise the public of said fact.

11. The result of the drawing of lots shall determine who among the applicants shall have the right to use a stall space in the City Quadrangle and other areas of the City Public Plaza. The losing applicants shall be refunded in full by the CTO of the amount of advance stall space fees paid relative to their stall space application, exclusive of the non-refundable application fee which is to cover the necessary expenses by the City Government."

**SECTION 9.** If, for any reason, any provision of this Ordinance is declared to be unconstitutional or invalid, the other sections or provisions hereof which are not affected shall continue to be in full force and effect.

Ord. No. 054

**SECTION 10.** All existing ordinances and parts thereof which are inconsistent with the provisions of this Ordinance are hereby deemed repealed, amended or modified accordingly.

**SECTION 11.** This Ordinance shall take effect immediately upon its approval and after compliance of the requirements of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

ENACTED, December 4, 2017.

RESOLVED, FURTHER, to furnish copies of this ordinance each to the City Mayor Richard I. Gomez; the City Administrator, Mr. Vincent L. Emnas; the City Legal Officer, Atty. Jasper M. Lucero; the City Business Permits & Licensing Office; the City Tourism Office; the City Treasurer; the City Budget Officer; the OIC - City Accountant; the City Auditor; the OIC-City Director, DILG; and other offices concerned;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above ordinance.

MARIA ANTONIETA G. CO HAT  
(OIC - SP Secretary)  
Supervising Administrative Officer

ATTESTED:

LEO CARMELO L. LOCSIN, JR.  
Vice Mayor & Presiding Officer

APPROVED:

RICHARD I. GOMEZ  
City Mayor

14 DEC 2017

(Date)