



REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SEVENTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON AUGUST 24, 1995

PRESENT:

Hon. Benjamin F. Tugonon,	Vice-Mayor & Presiding Officer
Hon. Celso P. Adolfo,	Majority Floor Leader, Kagawad
Hon. Claudio P. Larrazabal,	Asst. Majority Floor Leader, Kagawad
Hon. Benjamin B. Lladoc,	Kagawad
Hon. Sotero M. Pepito,	Kagawad
Hon. Alfredo F. Capahi,	Kagawad
Hon. Manuel T. Fiel,	Kagawad
Hon. Jose C. Alfaro, Jr.,	Kagawad
Hon. Gregorio A. Yrastorza, Jr.,	Kagawad
Hon. Mariano Y. Corro,	Minority Floor Leader, Kagawad
Hon. Angelyn R. Paca,	SK Federation President, Ex-Officio, Kagawad

ABSENT:

Hon. Jose B. Conejos,	Kagawad
Hon. Fernando P. Parrilla, (D.E. - Nla.)	Chapter Pres., Liga ng mga
	Barangay ng Ormoc, Ex-Officio, Kagawad

RESOLUTION NO. 95-47

WHEREAS, as Ormocanons, we have always prided ourselves in the cleanliness of our city as well as our beautiful plaza wherein visiting and local promenaders enjoy the scenic view of Ormoc Bay as they leisurely walk around our well-manicured plaza;

WHEREAS, as commonly practiced, especially in places like this, wherein people from all walks of life converge, it could not be denied that vendors with kiosks, stalls and vending stands are also present catering to the needs of the public;

WHEREAS, however, because of the unregulated proliferation of this stalls, kiosks and vending stands around this area, as well as its unregulated operations, the aesthetic status and condition of our parks are greatly affected in the sense that these stalls, kiosks and vending stands are used as second abode of these stall owners and without the necessary sanitary amenities as there should be;

WHEREFORE, premises considered, on motion of Kagawad Jose C. Alfaro, Jr., Chairman, Committee on Police, Fire and Public Safety, severally seconded by mga Kagawad Mariano Y. Corro, Alfredo F. Capahi and Benjamin B. Lladoc; be it

RESOLVED, to adopt:

ORDINANCE NO. 49

AN ORDINANCE REGULATING THE OPERATION OF TEMPORARY STALLS, KIOSKS OR STANDS, ALONG AND AT THE CITY PARKS, PLAZAS, AND OTHER PUBLIC RECREATIONAL SPACES AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

SECTION I - STALLS, KIOSKS or VENDING STANDS may be allowed along or at Parks, Plazas and other public recreational spaces provided that:

- a. Said stalls, kiosks or vending stands do not obstruct vehicular and/or pedestrian traffic.
- b. The same do not obstruct or spoil the aesthetic status or condition of the parks, and they have to provide their own waste or garbage receptacles.
- c. Owners of said stalls, kiosks or vending stands may operate their trades along and in the said plaza, parks or public recreational spaces only from 4:00 PM to 11:00 PM, however, the same may ply their trades beyond the time mentioned above during a celebration, social or religious affairs and gathering in the said plaza or park provided the said stalls, kiosks or stands are immediately removed after the same celebration and social or religious affairs or activities.
- d. Owners/operators of the said stalls, kiosks or stands must first secure the necessary Mayor's Permit which must be displayed conspicuously at the stalls, kiosks or stands while they are plying their trades.

SECTION II - PENALTIES

Stalls, kiosks or vending stands, (whether tenanted or untenanted) left and found in the regulated area outside the authorized time will be removed and impounded by the Ormoc City Police Personnel, who may request the assistance of the City Engineering Office, and shall deposit the same in a government lot.

For violation thereof the owners/operators of the said stalls, kiosks or stands shall suffer the following penalties:

- a. For the First Offense, the owner of the said stalls, kiosks or stands may recover the same only after paying an administrative fine to the City Treasurer's Office the amount of ₱200.00.
- b. For the Second Offense, the owner may recover the same after paying a fine to the City Treasurer's Office the amount of ₱400.00.
- c. For the Third Offense, the owner may recover the same after paying a fine to the City Treasurer's Office the amount of ₱1,000.00.
- d. And finally for the Fourth Offense, the penalty shall be the revocation of his/her license to sell and confiscation of the stalls, kiosks or stands.
- e. Failure to pay any of the fines mentioned in (a) (b) (c) within 10 days from the date of impounding shall mean forfeiture of the said stalls, kiosks or stands in favor of the City Government of Ormoc after the necessary forfeiture proceedings shall have been instituted with and approved by the competent court.

The Office of the City Treasurer must be informed by the Police as soon as possible of the impounding of the said stalls, kiosks or stands.

SECTION III - DEFINITION. For Purposes of this Ordinance,

- a. STALLS, KIOSKS, OR VENDING STANDS - shall mean structure of temporary and movable nature and similar structure, (either with or without wheels) used for selling goods.
- b. PLAZA, PARK, OR PUBLIC RECREATIONAL SPACE - shall mean areas for public entertainment, recreation, promenade and the like.

SECTION IV - REPEAL. Any Ordinance or Executive Order contrary to this ordinance shall be deemed amended or repealed.

SECTION V - SEPARABILITY CLAUSE. If any part of this Ordinance is declared contrary to law or unconstitutional the same shall not invalidate this whole ordinance.

SECTION VI - EFFECTIVITY. This Ordinance shall take effect immediately after 15 days of publication or posting of the copies of this ordinance at the City Hall, Executive Building and Sangguniang Panlungsod.

ENACTED, August 24, 1995.

RESOLVED, FURTHER, to furnish copies of this Resolution-Ordinance, one each, to His Honor, the City Mayor; the City Administrator, the City Legal Officer, the City Treasurer, the City Engineer, the City Prosecutors' Office, the Superintendent (City Director), PNP Ormoc City Police Command; the GSD General Services Officer and all others concerned, and with copies posted on bulletin boards at the City Hall, the Executive Building and at Sangguniang Panlungsod, -all in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing Resolution-Ordinance.

BENJAMIN TUGONON
Vice-Mayor & Presiding Officer

ATTESTED:

Lynalino
HERMOGENA P. SUMALING
Board Secretary II
OIC-Secretary to the
Sangguniang Panlungsod

APPROVED:

[Signature]
EULROCINO M. CODILLA, SR.
City Mayor

8/28/95
(Date)