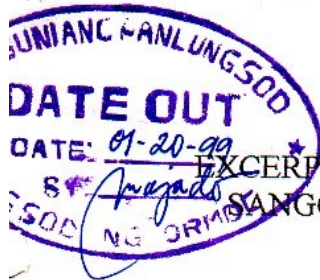
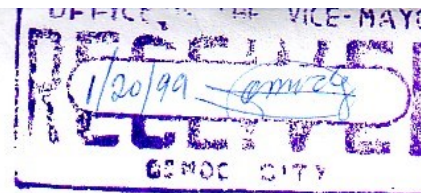
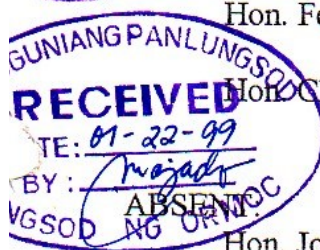


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
Lungsod ng Ormoc



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE EIGHTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON JANUARY 14, 1999

PRESENT:



Hon. Celso P. Adolfo,
Hon. Dennis Y. Capuyan,
Hon. Mariano Y. Corro,
Hon. Sotero M. Pepito,
Hon. Alfredo F. Capahi,
Hon. Eduardo P. Tan,
Hon. Claudio P. Larrazabal,
Hon. Fernando P. Parrilla,

Vice Mayor & Presiding Officer

Kagawad

Kagawad

Kagawad

Kagawad

Kagawad

Kagawad

Ex-Officio Kagawad, Chapter President,

Liga ng mga Barangay ng Ormoc

Ex-Officio Kagawad,

SK Federation President

Hon. Chiqui B. Labagala,

Hon. Jose S. Serafica,

(O.B. - Tacloban),

Kagawad, Floor Leader

Hon. Nepomuceno P. Aparis I,

(O.B. - Tacloban),

Kagawad, Assistant Floor Leader

Hon. Benjamin B. Lladoc,

(Sick Leave),

Kagawad

Hon. Jose C. Alfaro, Jr.,

(O.B. - Manila),

Kagawad

PREFATORY STATEMENT

The Ormoc City Public Market which is situated at the waterfront of the Poblacion of Ormoc City is the only public market being operated by the City Government. It performs a vital service to the community and encourages business activities in the locality. It serves as a focal point in the locality where the producers, traders and consumers can engage in more trade activities that accrue to their benefits.

The public market has been one of the main sources of income for vendors and suppliers, and likewise, one of the major sources of revenues for the local government unit. It generates substantial local revenues in the form of taxes, rental fees, business permits and licenses.

Through the years, the public market has been beset with problems of over crowding, poor sanitation and drainage, and inadequate support facilities. This disorderly condition at the public market prompted the City Government to construct three additional structures, known as Buildings "A", "B", and "C", wherein Building "A" is nearing completion.

Considering the steady growth and development of the City, the completion of the new market buildings will not only enhance the socio-economic condition of the populace but will also have a significant impact on the City's economic & commercial activities. Furthermore, the development of the public market will provide better and more sanitary facilities for the trading of food items and commodities.

Consistent with the City Government's drive of enhancing efficiency and effectiveness in the administration of all its economic enterprise undertakings, it is imperative that an Ordinance be passed to direct and govern the management/operation of the new public market buildings, specifically Building "A", which is nearing completion as stated earlier, and the fixing of the rentals, fees, and other charges for the use thereof.

Moreover, the Local Government Code of 1991 (RA 7160), Section 22, par. (d) thereof provides: "local Government Units shall enjoy full autonomy in the exercise of their proprietary functions and in the management of their economic enterprises, subject to the limitations provided in the Code and other applicable laws."

IN VIEW of the foregoing premises, on motion of Kagawad Sotero Pepito, Chairman, Committee on Market and Slaughterhouse severally seconded by Kagawad Dennis Y. Capuyan, Mariano Y. Corro and Alfredo F. Capahi; be it

RESOLVED, as it is hereby resolved, to pass and enact.

ORDINANCE NO. 67

AN ORDINANCE ADOPTING THE GUIDELINES ON THE OPERATION OF THE NEW PUBLIC MARKET SPECIFICALLY BUILDING "A" OF THE CITY OF ORMOC RELATIVE TO THE OCCUPANCY, CLASSIFICATION AND FIXING OF RENTAL RATES & OTHER RELATED MATTERS THEREOF.

BE IT ORDAINED, by the Eighth SANGGUNIANG PANLUNGSOD ng ORMOC, in REGULAR SESSION assembled, that:

SECTION 1. This Ordinance shall be known and cited as the "Ordinance governing the operation of New Public Market specifically Building "A" of Ormoc City."

SECTION 2. Definition of Terms: As used herein, unless the context provides otherwise, the following terms shall mean.

A. Public Market A public place specifically Building "A" where provisions are sold at wholesale or retail which is situated in the reclaimed area in Brgy. District I and II bounded on the North District 1 & 2, on the West by the Anilao River, on the South by the Ormoc Bay and the East by the PPA Compound.

B. City the City of Ormoc as created under R.A. 179.

C. City Administrator the City Administrator of Ormoc;

D. Economic Enterprise Committee (EEC) the Committee created by the City Mayor of Ormoc under Executive Order No. 03-95 dated August 11, 1995, as amended by Executive Order No. 01-1998.

E. City Treasurer the City Treasurer of Ormoc;

F. Stall refers to allocated spaces in the public market specifically Building "A" containing an area of 10.00 sq.m. more or less where merchandise is sold or offered for sale in the public market;

G. Section refers to a series of stalls in the public market where one class or kind of similar merchandise, articles, items, goods & commodities are sold.

H. Plasticwares Section refers to the section where plasticwares are the dominant item offered for sale.

I. Textile Section refers to the section where textile like, but not limited to, cloth products, fabrics, draperies and linens are sold;

J. Rentable Space refers to a place where a particular kind of business is located at the Second Floor of Building "A".

SECTION 3. The following persons have the priority in the occupancy of the stalls located at Ground Floor.

3.A Those who were transferred from Talipapa Section of the old Public Market Complex to Government Center at Brgy. Cogon, Ormoc City. Provided that the kind of business that they are presently engaged in, is one of the businesses mentioned in Section 7, hereof.

3.B Those who are presently occupying at the aforementioned Government Center with business permit. Provided that the kind of business that they are presently engaged in, is one of the businesses mentioned in Section 7, hereof.

3.C The rentable spaces at the Second Floor shall be available on a first come first serve basis. Provided, that the kind of business he will engage in is not one of those prohibited in Section 8.

SECTION 4. If there are still available stalls/spaces, after the person mentioned above are accommodated, the remaining stalls/spaces shall be leased to Filipino Citizen preferably Ormocanons.

SECTION 5. In the event that there are more qualified applicants than the available stalls at the award thereof shall be done thru drawing of lots.

SECTION 6. Rates of rental for stalls/rentable space.

6.A A stallholder shall pay a daily rental of P 50.00 which shall be paid within the day or he may opt to pay at a monthly rate of P1,500.00. In which case payment made within the first three days of the applicable month will entitle him to a discount of Ten Percent (10%) thereof.

6.B Occupant at second floor shall pay a monthly rate of P150.00 per square meter. In which case payment made within the first three days of the applicable month will entitle him to a discount of Ten Percent (10%) thereof.

6.C The rates of rental provided herein may be increased on the Fourth year after the effectivity of this ordinance and every three (3) yrs. thereafter, provided that the increase will not be more than fifteen percent (15%) thereof, by the Sangguniang Panlungsod upon recommendation of the Economic Enterprise without the need of a public hearing.

SECTION 7. Kind of Business. The following businesses shall be allowed at the Ground Floor:

- a. Shoes/Bags/Sandals
- b. Pharmacy
- c. Radio/TV & other Electronic Spareparts
- d. School/Office Supplies
- e. Textile
- f. Plastic Wares

SECTION 8. Prohibited Business. At the Second Floor, any kind of business is allowed except:

- a. Beer House
- b. Massage Clinic
- c. Karaoke Bar
- d. Computer Games
- e. Religious Activities (Place of Worship)
- f. Dancing School
- g. Illegal Gambling
- h. Eateries
- i. And other similar kind of business or activities enumerated above.

SECTION 9. The lease contract shall contain among others the following terms and conditions, to wit:

- A. The life of the lease contract shall not exceed three years renewable thereafter, on a yearly basis under such terms and conditions as maybe agreed upon by the parties;
- B. Payment of security deposit equivalent to two (2) months rental and one (1) month advance rental are required;
- C. Failure to pay the monthly rental equivalent to two (2) months shall be a ground for ejectment, without prejudice to the payment of the rentals due plus interest of two percent (2%) a month until paid.
- D. The City is neither responsible nor liable for damages/losses of the personal property of the lessee/occupants in their respective stalls or rentable spaces.
- E. Monthly rentals for stall (Ground Floor) and rentable spaces (Second Floor) shall be paid directly to the Office of the City Treasurer or to a duly authorized representative not later than at the end of each month, without the need of any demand, and rentals not paid on due date shall earn an interest of two (2 %) per month until paid. Provided, that monthly rental paid within the first 3 days of the applicable month shall entitle the lessee to a Ten Percent (10%) discount thereof, provided further that he has no delinquency.
- F. Electric and water consumption shall be for the account of the lessee/occupant.
- G. Stallholders, lessees/occupants of building shall conduct business from 4:00 AM until 9:00 P.M. only, as thereafter the gate will be closed and opened at 3:30 AM the following morning.
- H. No lessees/occupants shall engage in or conduct his business in the public market without first having obtained a Mayor's Permit and having paid the corresponding license fees , therefore.
- I. The stallholders, lessee/occupant shall surrender the stall/rentable space upon expiration of the lease contract unless renewed, and shall be liable for damages which the City of Ormoc may suffer for his failure to surrender the same;

- J. The City reserves the right to terminate the lease contract for failure or refusal of the stallholder, lessee to pay the rentals agreed upon during the period stipulated in the lease contract or any violation of the terms and conditions thereof;
- K. Should the lessee subleases or sells his right to occupy the stall/rentable spaces, the sublease or sale, as the case maybe, shall have no force and effect.

SECTION 10 . Vacant stalls: adjudication to applicants. Vacant stall shall be leased to the applicants thereof in the following manner:

- A. Notice of vacancy of the stalls shall be displayed above the vacant or newly-established stalls at least ten (10) days prior to such awarding to the respective applicants, or otherwise so place therein as to appraise the public of the fact that such stalls are unoccupied and available for lease. Such notice shall also be posted on the bulletin board of the public market concerned. This notice of vacancy shall be written on cardboard or any thick paper and shall contain the following:

NOTICE

Notice is hereby given that Stall No. _____, Building "A" of the Ormoc City Market Complex is vacant (or will be vacated on _____ 19____). Any person, at least 21 years of age who is not legally incapacitated, desiring to lease this stall, shall file an application therefor on the prescribed form (copies may be obtained from the Office of the City Treasurer) during office hours and before 12:00 o'clock noon of _____ 199____. In cases where there are more than one applicant, the award of the lease of the vacant stall shall be determined through drawing of lots to be conducted on _____, 199____, at 12:00 o'clock noon, at the Office of the City Treasurer by the Market Committee. This stall is in the Section of _____ and is intended for the sale of _____.

City Treasurer

- B. The application shall be under oath, and shall be submitted to the Office of the City Treasurer by the applicant himself, or through his or her attorney-in-fact.
- C. The City Treasurer is obliged to keep a Register Book showing in chronological sequence, the names and addresses of all applicants for vacant stalls, the numbers and description of the stall applied for by them, and the dates and hour of the receipt by the Treasurer of each application. It shall be also the duty of the Treasurer to acknowledge receipt of an application, stating therein the time and date of receipt thereof and the number as appearing in the registry book.

The format of the Application to Lease shall be shown below and worded as follows:

APPLICATION TO LEASE MARKET STALL

The City Treasurer
City of Ormoc

S I R :

I hereby apply under the following contract for the lease of market stall no. _____ of the City Market Building "A". I am _____ years of age, _____ Citizen of the _____ and residing at _____.

Should the above-mentioned stall be leased to me in accordance with the market rules and regulations, I oblige myself to hold the same under the following conditions:

1. That while I am occupying or leasing this stall, I shall at all times, have my picture and that of my helper conveniently framed and displayed conspicuously in the stall;
2. That I shall keep the stall in good sanitary condition, at all times and comply strictly with all sanitary and market rules and regulations now existing, or which may hereafter be promulgated;
3. I shall pay the corresponding rentals for the stall in the manner prescribed by existing ordinances;
4. The business to be conducted in the stall is owned exclusively by me.
5. In case I engage the services of helpers, I shall nevertheless personally conduct my business.
6. I shall not sublet or sell this privilege to the stall or otherwise permit another person to conduct a business therein; and
7. Any violation on my part or on the part of my helpers of the foregoing conditions shall be sufficient cause for the market authorities to cancel the lease contract

I, _____ do hereby state that I am the person who signed the foregoing statement/application; that I have read the same; and that the contents thereof are true to the best of my knowledge.

Very respectfully,

Applicant

SUBSCRIBED AND SWORN to before me, in the City of Ormoc, Philippines, this _____ day of _____, 199____. Applicant/Affront exhibited his/her Community Tax Receipt No. _____ issued on _____, 19____, at _____, Philippines.

Notary Public

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- D. If on the last day set for filing application, there is no application from a Filipino applicant, the hanging and posting of the Notice of Vacancy prescribed above shall be repeated for another ten-day period. If after the expiration of that period there is still no Filipino applicant, the vacant stall may be leased to any alien applicant on a first come first serve basis.

- SECTION 11. Vacancy of stall before expiration of the lease. Should the stallholder or lessee, for any reason whatsoever, discontinue or be required to discontinue for valid reasons his business before the expiration of his lease, such stall/rentable space shall be considered vacant and its occupancy thereafter shall be disposed of in the manner herein prescribed.
- SECTION 12. Partnership with Stallholder. Partnership duly registered with Security Exchange Commission (SEC) is qualified to apply for a stall or rentable space. In case of dissolution of the partnership before the expiration of lease contract, the surviving innocent partner shall be given the option to continue in the occupancy thereof for the unexpired term of the contract. Thereafter, he shall be considered as a new applicant.
- SECTION 13. Death of Lessee. Upon the death of the lawful stallholder/lessee of a stall/rentable space in the public market, the said stall/rentable space formerly leased to the deceased shall automatically be considered vacant. Provided, however, that if the deceased has spouse or children, they shall be allowed to continue occupying the same until the expiration of lease; thereafter, they shall be considered as a preferred new applicant.
- SECTION 14. Duties and Powers of the City Administrator. The City Administrator shall exercise direct and immediate supervision in the operation and management of the Public Market, subject to policies promulgated by the EEC.
- SECTION 15. Duties and Functions of the Market Administrator. Responsible in the day to day operation/management of the Public Market under the direction and control of the City Administrator.
- SECTION 16. Appeals in Adjudication of Stalls. Any person who is not satisfied with the adjudication made by the City Administrator, he/she may file an appeal therefrom to the EEC whose decision shall be final.
- SECTION 17. Sanitary Maintenance. The sanitary maintenance shall conform to the sanitary orders, rules and regulations promulgated by the City Health Officer.
- SECTION 18. Cleaning of Stalls. The cleaning and sanitation of the Public Market shall be under the direction and supervision of the Market Administrator.
- SECTION 19. Cleanliness & Sanitation. Stallholders shall maintain the cleanliness and sanitation of their respective stalls and its surroundings.
- SECTION 20. Garbage Receptacle. Stallholders shall provide in their stalls a garbage receptacle which shall be uniform in all stalls in accordance with the specification of the City Administrator.
- SECTION 21. Renovation of Stall. No renovation/improvement of stall/office space shall be made by the occupant thereof without prior written approval of the City Administrator upon the recommendation from the City Engineer's Office.
- SECTION 22. Electric & Water Consumption. Electric and water consumption shall be solely the account of stallholders/lessee of rentable space.
- SECTION 23. Installation of air-conditioning, telephone, lights and other facilities is at the expense of the stallholder/occupants subject to the written approval of the City Engineers Office.

SECTION 24. Assignment of sections. The public market shall be conveniently divided by the City Administrator into sections according to the kinds of merchandise, articles, items sold.

SECTION 25. Signboards. Business signboard shall provide every stallholder which is identical size and flush against the stall/rentable space façade stating the business name and name of occupant.

SECTION 26. Manner of Displaying Merchandise. All merchandise/goods shall be arranged in such a manner that no portion of alleys/passages shall be obstructed, impeded or block by such merchandise.

SECTION 27. In addition to the prohibitions stated elsewhere in this ordinance, it shall be considered unlawful and punishable for stallholders/lessee or any person to do or perform any of the following prohibited acts:

- A. To do any cooking inside the market premises.
- B. To use stalls/offices as dwelling.
- C. To peddle in and around the market building premises.
- D. Found to be occupying or using space in the public market without authority from the City Administrator.
- E. Peddling or sale of foodstuffs, such as but not limited to vegetables, meat, fish and other perishable items or which easily deteriorate.
- F. To utilize the alleys/passages as display area or for any purpose except as passageway.
- G. To sublet or sell the rights to occupy the stall/rentable space, or permit another person to conduct business

SECTION 28. Any violation of this Ordinance shall subject the violator thereof, to the penalty stated here with to wit:

Fine of not less than P500.00 but not more than P1,000.00 or an imprisonment of not more than six (6) months or both, at the discretion of the court. If the violation is committed by a juridical entity, the president, or person in charge thereof shall be liable. Violator of this Ordinance may opt to pay Administrative fine equivalent to a Fifty Percent (50%) of the amount indicated above and said amount shall be paid at City Treasurer Office who shall issue the corresponding receipt. Finally, he or she shall be disqualified from applying any stall/rentable space at the Public Market.

SECTION 29. All fines from Administrative Penalty, shall be paid directly to the City Treasurer's Office who shall issue official receipt.

SECTION 30. The City Administrator is hereby authorize to promulgate the implementing rules and regulations of this ordinance within sixty (60) days from the effectivity of this ordinance which shall be submitted immediately to the Sangguniang Panlungsod for review.

SECTION 31. Repeal. Any existing ordinance, resolutions or part thereof, inconsistent with this ordinance are hereby repealed or modified accordingly.

SECTION 32. Separability Clause. If any provision of this Ordinance is found to be invalid unconstitutional all the other provision hereof not affected thereby shall remain valid.

SECTION 33. Effectivity. This ordinance shall take effect upon its approval.


SECTION 34. Publication. In order to comply with the requirements of Republic Act 7160, otherwise, known as the Local Government Code of 1991, specifically Section 188 thereof, within ten (10) days after the approval of this Ordinance, a copy hereof, shall be posted in at least two (2) conspicuous and published once in a newspaper of general circulation in Ormoc City.

ENACTED, January 14, 1999.

RESOLVED, FURTHER, to furnish copies of this Ordinance to: His Honor, the City Mayor; the City Administrator, City Legal Officer, City Treasurer, Regional Trial Court Judges, Office of the Prosecutor and other offices concerned.

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the foregoing ordinance.


OSCAR P. LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:


CELSO P. ADOLFO
Vice Mayor & Presiding Officer

APPROVED:


EUFROCINO M. CODILLA, SR.
City Mayor

Jan. 22, 1999
(Date)