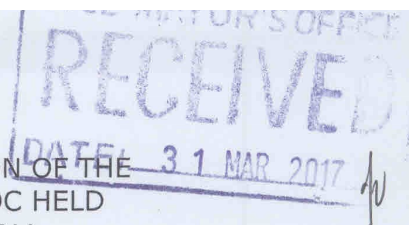
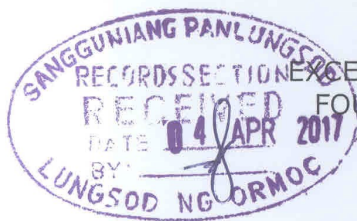


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 MARCH 30, 2017

PRESENT:

Leo Carmelo L. Locsin, Jr.	Vice Mayor & Presiding Officer
Rolando M. Villasencio,	SP Member, Majority Floor Leader
Vincent L. Rama,	SP Member, Asst. Majority Floor Leader
Mario M. Rodriguez	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	SP Member
Benjamin S. Pongos, Jr.,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III	SP Member
Nolito M. Quilang	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Lea Doris C. Villar	SP Member, Asst. Minority Floor Leader
Mariano Y. Corro,	Ex-Officio SP Member
	Chapter President, Liga ng mga Barangay ng Ormoc
	Prefatory Statement

It has been an established policy of the National Government to find measures that would effectively and sustainably promote the growth of the national economy. This end is much desired as economic growth naturally translates into wealth for the constituents as well as generation of much needed jobs for the national workforce. This in turn would be in consonance with the national thrusts of alleviating the perennial problem of nationwide poverty.

This national policy has been readily replicated and adopted by the City of Ormoc (City) by reason of its desirous and lofty intents. Towards this end, the City has embarked on various programs to promote business-friendliness as investments are widely regarded as both the driving force and propelling arm towards a sustainably prosperous local economy. One of these programs is aimed at assisting local businessmen, particularly those belonging to the Micro, Small, and Medium Enterprises (MSMEs) sector, which comprise around ninety-nine percent (99%) of registered businesses in the City, by particularly promoting their growth and expansion.

The City has observed that one of the desirable means of promoting and assisting these MSMEs, especially those belonging to the trade and services sectors, in their businesses is by providing them access to venues or opportunities where they can affordably display and market their goods or wares. With this recognition, the City has decided to respond proactively and effectually to this impending need of MSMEs.

Under Section 21 (d) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the Sangguniang Panlungsod, to wit, "may, by a duly enacted ordinance, temporarily close and regulate the use of any local street, road, thoroughfare, or any other public place where shopping malls, Sunday, flea or night markets, or shopping areas may be established and where goods, merchandise, foodstuffs, commodities, or articles of commerce may be sold and dispensed to the general public." The City invariably observes that the Ormoc City Plaza, for being a place frequently patronized by a significant number of people, will be a suitable venue for these MSMEs, especially those start-ups or new businesses, to display and market their goods or wares during special occasions or at periodic intervals of the year.

It is for this reason that this Sanggunian, thru this Ordinance, finds it desirable and necessary to authorize the Local Chief Executive (LCE) to temporarily close and regulate the use of the Ormoc City Plaza and allow in its Quadrangle area the establishment of flea or night markets, shopping areas, or bazaars where good, merchandise, foodstuffs, commodities or articles of commerce may be sold and dispensed to the general public and to impose regulatory fees and other charges relative thereto. Such use of the Ormoc City Plaza Quadrangle shall not only significantly support small entrepreneurs in the promotion of their business ventures but shall also boost the tourism initiatives of the City as these undertakings will also certainly stimulate a festive environment and crowd-drawing endeavors. This is not to mention that such venues shall also offer valuable opportunities to local entrepreneurs to showcase local products and talents.

FOREGOING PREMISES CONSIDERED, on motion of 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 and Mariano Y. Corro; be it

RESOLVED, to enact:

ORDINANCE NO. 023

AN ORDINANCE TEMPORARILY CLOSING AND REGULATING THE USE OF THE ORMOC CITY QUADRANGLE 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 THEREFOR, AND IMPOSING REGULATORY FEES AND OTHER CHARGES THERETO.

Be it Ordained by the Fourteenth Sangguniang Panlungsod ng Ormoc, that:

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 for the Establishment of Flea or Night Markets, Shopping Areas, or Bazaars."

SECTION II. SCOPE. This Ordinance shall govern the temporary closure and regulation of the Ormoc City Plaza Quadrangle 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 III. DEFINITION OF TERMS. When used in this Ordinance, the following terms shall mean:

- a. City Quadrangle** – the rectangular-shaped space designated for the establishment of flea or night markets, shopping areas, or bazaars in accordance herein, which is located in the Ormoc City Public Plaza, particularly in front of the City Stage and at the back of the old City Hall.
- b. Season** – shall mean those time intervals of the year when flea or night markets shopping areas, or bazaars may be established as authorized herein.

- c. Stall Space** - shall mean a temporary space located at the City Quadrangle to be used for the selling of goods, merchandise, foodstuffs, commodities or articles of commerce, including beverages; those structures or fixtures erected on the stall space shall be removable without loss or damage to the City Quadrangle and its vicinity and without costs to the City.
- d. Stall Space Fee** - the amount of regulatory fee imposed and collected by the City from the stallholders for the use of the stall space at the City Quadrangle for the selling of goods, merchandise, foodstuffs, commodities or articles of commerce, including beverages.
- e. Stallholder** - shall refer to a natural or juridical person in whose favor a Special Permit is granted by the City for the use of a stall space located at the City Quadrangle in accordance with this Ordinance.
- f. Special Permit** - shall refer to the permit issued by the Local Chief Executive (LCE) allowing the stallholder to use a stall space in accordance with this Ordinance.

SECTION IV. LOCATION. For purposes herein, the authority granted to the LCE to establish 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.

SECTION V. DESIGNATED DAYS AND TIME FOR ESTABLISHMENT OF FLEA OR NIGHT MARKETS, SHOPPING AREAS, OR BAZAARS. The LCE is hereby authorized to determine the period for the establishment of flea or night markets, shopping areas, or bazaars, at any days of the week, provided that, it shall be established during the following seasons:

- a. Summer - which shall cover the period from March 1 to April 30 of the year;
- b. Fiesta - which shall cover the period from May 15 to July 15 of the year;
- c. Charter Day - which shall cover the period from September 1 to October 31 of the year; and,
- d. Christmas - which shall cover the period from November 15 to January 15 of the succeeding year.

The foregoing seasons shall be exclusive, except when upon the determination of the LCE, the establishment of flea or night markets, shopping areas, or bazaars outside the aforementioned four seasons shall be allowed due to justifiable circumstances. Provided, however, that in this instance, the authority granted to the LCE to declare a special season shall be for a period not to exceed thirty (30) days; provided, further, that the LCE shall exercise this authority to declare a special season not more than once every calendar year.

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 a fixed amount of Seventeen Philippine Pesos (PhP17.00) per square meter, provided that, in no case shall each stall space exceed twelve (12) square meters in area. Said fee shall cover only the temporary use of the space; hence, amenities such as tents, tables and the likes shall be provided for by the stallholders.

SECTION VII. ISSUANCE OF SPECIAL PERMIT. Before a stall space is allowed to be erected or set up, a stallholder must first secure a Special Permit from the LCE in accordance with the succeeding section. Such Special Permit shall contain the name of the stallholder, the area of the stall space, the intended duration of the use of the stall space, and such other terms and conditions that the implementing offices shall deem fit and necessary.

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 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 _____ which would be for a total of _____ days.

Should the use of above-mentioned stall space be granted to me in accordance with the pertinent rules and regulations, I promise to hold the same under the following conditions:

- (1) That while I am occupying or using said stall space, I shall, at all times, keep the stall space clean and in good sanitary conditions and comply strictly with all sanitary rules and regulations now existing, or which may hereafter be promulgated;
- (2) That I shall pay the corresponding regulatory fees for the stall space in the manner prescribed by the existing ordinance;
- (3) That the business to be conducted in the stall space is owned exclusively by me;
- (4) That I shall not sublet or sell this privilege to the stall space, or otherwise permit another person to conduct another business therein; and,
- (5) That any violation on my part or on the part of my workers or agents of the foregoing conditions shall be sufficient cause for the implementing offices to cancel my Special Permit.

Respectfully,

Applicant

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

Applicant

Tax Identification No. _____

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, for
and in _____, this _____ day of
_____ 20____. Applicant/Affiant exhibited his/her Community
Tax Receipt No. _____ issued on _____, 20____, at
_____, Philippines.

2. It shall be the duty of the City Tourism Office to keep a registry book showing the names, addresses and other important information of all stall space applicants, including the date and hour of the receipt of the Office of each application. It shall also therefore be their duty to acknowledge receipt of the application setting forth thereon the time and date of receipt thereof.
3. If the application is determined to be complete and in order by the City Tourism Office, the applicant shall then proceed to the Business Permits and Licensing Office (BPLO) for assessment, and shall then pay to the City Treasurer's Office (CTO) the application fee in the amount of Php500.00 per application. Additionally, the CTO shall also collect from the applicant advance stall space fee corresponding to the total number of days that he intends to use the stall space based on the assessment by the BPLO. For this purpose, the City Treasurer shall therewith issue to the applicant the corresponding Official Receipt (OR) covering both payments, which proceeds shall form part of the City's general fund.
4. The applicant shall then present his OR back to the BPLO, who shall evaluate it, and then state his corresponding recommendations to the same. If the recommendations of the BPLO to the application are favorable, the LCE may forthwith issue the corresponding Special Permit. No stall space shall be allowed to be erected or set up in accordance herein without first securing the said Permit.

SECTION IX. ADMINISTRATIVE PROVISIONS. The following guidelines shall also apply in the use of the City Quadrangle herein:

1. All interested natural and juridical persons intending to apply for a stall space herein shall meet the following qualifications:
 - a. Must be a Filipino citizen and with good standing in the local community;
 - b. Must not have any outstanding delinquency as lessee or occupant in whatever capacity, of any property owned or operated by the City; and,
 - c. Must not have violated any provisions of the Revised Market Code, including its rules and regulations, and other similar ordinances.
2. Stallholders shall only sell articles, wares, goods, food items, merchandise, commodities or other articles of commerce not prohibited by law or ordinance, or by the LCE and/or his duly authorized representative(s).
3. The provision for electricity and water, if so desired to be installed by the stallholders, including the corresponding consumption charges for the same, shall be for their sole account and responsibility.
4. It shall be the sole duty and responsibility of the stallholders to keep their surroundings clean and orderly at all times during the time of their occupancy, and shall utilize all necessary measures to attain the same, including the use of the necessary tools and equipment and the employment of the needed manpower.

5. Any merchandise, goods, wares, items or commodities left in the stall space or its vicinity during the closing time shall be at the risk of the stallholders. It shall, however, be the duty of the Civil Security Unit personnel assigned in the City Plaza to apprehend and promptly turn over to the proper authorities or to the Philippine National Police (PNP) any person caught stealing or committing any offense within the quadrangle and its vicinity.
6. The City Government of Ormoc shall be free from all harms for any loss or damage which stallholders may suffer by reason of fire, theft or robbery, "force majeure", or for any other cause.
7. The LCE is authorized herein to formulate other guidelines or mechanics not covered herein but are necessary for the implementation of the full intents of this Ordinance.
8. The stallholder shall not assign his rights to the stall space nor sub-lease the same to another person.
9. Only one (1) stall space shall be awarded to each applicant. Immediate family members (those belonging to the same direct ascending and descending line of consanguinity and affinity) shall not be awarded more than one (1) stall space except when, upon the determination of the City Tourism Office, there are still remaining stall spaces available for use and no other interested applicants other than the immediate family members of existing applicants are interested of the same.
10. Should the number of applicants exceed the number of stall spaces available for use in the City Quadrangle as shown by the records of the City Tourism Office, adjudication of the stall spaces shall be made thru 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 delivery 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. 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 X. IMPLEMENTING OFFICES. The Office of the City Mayor and the City Tourism Office shall be principally tasked with the implementation of this Ordinance, including the BPLO and CTO in accordance with their assigned tasks herein.

Furthermore, the establishment of flea or night markets, shopping areas, or bazaars shall be included by the City Tourism Office in its Annual Tourism Plan since the said activities are tourism-oriented in that it will boost the tourism initiatives of the City Government since the subject undertakings will certainly stimulate a festive environment and people-gathering initiatives.

SECTION XI. PENALTY. Any violation of the provisions of this Ordinance shall be punished by the immediate cancellation of the Special Permit granted, and the non-entitlement of the violating stallholder to be granted the same at any time in the future. This is without prejudice to the other causes of action that the City may have against said parties, including costs and claims for damages.

SECTION XII. SEPARABILITY CLAUSE. If for any reasons, any part or provision of this Ordinance is declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall remain to be in full force and effect.

SECTION XIII. REPEALING CLAUSE. Any ordinance or parts thereof, or any rules and regulations and other executive orders that are inconsistent with this Ordinance, are hereby repealed, amended or modified accordingly.

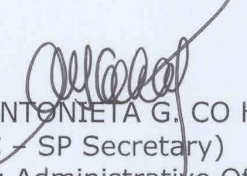
SECTION XIV. EFFECTIVITY. This Ordinance shall take effect immediately upon its approval and after compliance of the requirements of the Local Government Code of 1991.

ENACTED, March 30, 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 Acting City Legal Officer, Atty. Marcelo C. Oñate; the City Business Permits & Licensing Office; the City Tourism Office; the City Treasurer; the City Budget Officer; the 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

03 APR 2017
(Date)