

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 JUNE 27, 2017 IN LIEU OF  
JUNE 29, 2017

PRESENT:

Vincent L. Rama,	(OIC-City Vice Mayor & Temporary Presiding Officer)
	SP Member, Asst. Majority Floor Leader
Rolando M. Villasencio,	SP Member, 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

ON OFFICIAL BUSINESS:

Leo Carmelo L. Locsin, Jr.	(OIC - City Mayor), Vice Mayor & Presiding Officer
----------------------------	---

**PREFATORY STATEMENT**

The Fourteenth Sangguniang Panlungsod ng Ormoc (Sanggunian) was in receipt of a communication from the Office of the City Mayor of Ormoc City (City) requesting for appropriate action to an endorsement from the secretariat of the Local Price Coordinating Council (LPCC) of the City relative to the latter's Resolution No. 1 Series of 2016 dated August 25, 2016 entitled "A Resolution Requesting the Sangguniang Panlungsod for the Enactment of an Ordinance for the Purchase and Installation of an Electronic Price Monitoring Billboard at the Ormoc City Public Market." Apparently, the Resolution requested for the enactment of a Sanggunian ordinance for the purchase of an electronic price monitoring billboards for installation at the Ormoc City Public Market as a control measure against unreasonable and exorbitant prices of goods sold in the area.

The LPCC is a body that was created by the Local Chief Executive (LCE) in accordance with law, and among its chief and most prominent functions is to assist the City in ensuring the availability of basic necessities and prime commodities at reasonable prices at all times to the general public. However, quite obviously, this objective is not without its limitations as it should be delicately and properly balanced with legitimate businesses' right to a fair return on their investments. In accordance with said mandate, the Resolution called for the establishment of price monitoring billboards in the City Public Market that will aim to aid the LPCC in monitoring and protecting price levels of basic necessities and prime commodities against exorbitant, excessive and unreasonable increases, in order to safeguard the interests of the consuming public.

Ord. No. 037

Indeed, the Resolution, after thorough review, is found to be replete with soundness and merit in view of the prevalence of unabated unscrupulous price manipulations of basic necessities and prime commodities sold in the City Public Market to the detriment of the buying public, and the impending need to find effective and sustainable measures to abate the same. This is especially crucial in light of the undeniable fact that most buyers patronizing all Public Markets in the City come from the most disadvantaged sector of society – the poor and the marginalized in particular.

Indeed, in consideration of the foregoing situation, the urgency for the City to devise ways and means to achieve effective protection of the public against unreasonable and manipulative pricing schemes compels this Sanggunian to get into the picture and intervene within the bounds of its power granted by law, jurisprudence and established custom. Not only are the intents in the Resolution found to be within the legal authority of this Sanggunian to respond to and abide by, but equally and crucially, the means set forth are also deemed to be justifiable, equitable and efficacious in arriving at the ends sought. After all, there can be no argument that as the long-recognized 'City Dads', the Sanggunian must, in view of its noble mandate, at all times and on all occasions protect and safeguard the highest and most supreme interest of all – the welfare of the people.

FOREGOING PREMISES CONSIDERED, on motion of SP Member Benjamin S. Pongos, Chairman, Committee on Trade, Commerce and Industry, severally seconded by SP Members Rolando M. Villasencio, Mario M. Rodriguez, Eusebio Gerardo S. Penserga, Gregorio G. Yrastorza III, John Eulalio Nepornuceno O. Aparis II and Mariano Y. Corro; be it

RESOLVED, to enact:

**ORDINANCE NO. 037**

**AN ORDINANCE ESTABLISHING PRICE MONITORING BILLBOARDS IN PUBLIC MARKETS IN ORMOC CITY, PROVIDING GUIDELINES THERETO, PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF, AND APPROPRIATING FUNDS THEREFOR.**

BE IT ENACTED, by the Fourteenth Sangguniang Panlungsod ng Ormoc, That:

**SECTION 1. TITLE.** This Ordinance shall be known as the **"ORMOC CITY PUBLIC MARKETS PRICE MONITORING BILLBOARDS ORDINANCE"**.

**SECTION 2. SCOPE.** This Ordinance shall govern the establishment of price monitoring billboards in Public Markets in Ormoc City, including the prescribing of guidelines and penalties for the violations thereof, and finally, for the appropriation of funds for its proper implementation.

**SECTION 3. DEFINITION OF TERMS.** For purposes of this Ordinance, the following terms shall have the following meaning:





- (a) **Basic Necessities** – refers to goods which are vital to the needs of consumers for their sustenance and existence such as, but not limited to, rice, corn, root crops, bread; fresh, dried or canned fish and other marine products; fresh pork, beef and poultry meat; fresh eggs; potable water in bottles and containers; fresh and processed milk; fresh vegetables and fruits; locally manufactured instant noodles; coffee; sugar; cooking oil; salt; laundry soap and detergents; firewood; charcoal; household liquefied petroleum gas (LPG) and kerosene; candles; and, drugs classified as essential by the Department of Health.
- (b) **Local Price Coordinating Council (LPCC)** – shall refer to the special body created by the Local Chief Executive in accordance with Republic Act No. 7581, otherwise known as the Price Act, its Implementing Rules and Regulations, and pertinent Department of Interior and Local Government (DILG) memorandum circulars.
- (c) **Price Billboards** – shall refer to price monitoring billboards, preferably of the electronic and modern type, that are erected or installed in the Public Markets and publicly exhibits or displays in a conspicuous and prominent manner the Price Ceilings of certain basic necessities and prime commodities.
- (d) **Price Ceiling** - means the maximum price at which any basic necessity or prime commodity may be sold to the general public.
- (e) **Prime Commodities** – include fresh fruits; flour; dried processed and canned pork; beef and poultry meat; dairy products not falling under basic necessities; noodles; onions; garlic; vinegar; patis; soy sauce; toilet soap; fertilizer; pesticides; herbicides; poultry; swine and cattle feeds; veterinary products for poultry, swine and cattle; paper; school supplies; nipa shingles; sawali; cement; clinker; GI sheets; hollow blocks; plywood; plyboard; construction nails; batteries; electrical supplies; light bulbs; steel wire; and all drugs not classified as essential drugs by the Department of Health.
- (f) **Public Markets** – shall refer to public markets within the City and its vicinity, including the buildings, structures, immovables and movables therein, which are necessary and essential for its operations, and that are established or recognized as such by the City Government.
- (g) **Vendor** – refers to any person, natural or juridical, who is selling or offering for sale basic necessities or prime commodities in the Public Markets.

**SECTION 3. MANDATORY COMPLIANCE OF THE PRICE CEILINGS.** All vendors shall at all times strictly observe the Price Ceilings exhibited in the Price Billboards in Public Markets with regards to the basic commodities and prime commodities they offer for sale. Vendors may sell said goods at prices lower than the Price Ceilings; however, they are strictly prohibited from selling at prices higher than them.

**SECTION 4. DETERMINATION OF PRICE CEILINGS.** The LPCC or its duly-authorized representatives are hereby mandated to determine the Price Ceilings in accordance with this Ordinance. In furtherance of the same, they shall primarily take into consideration the Price Ceilings set and determined by the following government agencies in accordance with their legal mandate: (a) Department of Trade and Industry; (b) the Department of Environment and Natural Resources; (c) the Department of Agriculture; and, (d) Department of Health.

If and when, however, the LPCC or its duly-authorized representatives deems that the Price Ceilings as set by the aforementioned government agencies are not reasonable, practical or applicable in the Public Markets, it shall proceed to adjust the same and fix different Price Ceilings taking into consideration the following criteria:

- (1) the supply available in the market;
- (2) legitimate businesses' fair return on investment;
- (3) cost of producing and marketing the goods; and,
- (4) such other factors or conditions which will aid in arriving at a just and reasonable Price Ceiling.

**SECTION 5. POWERS AND FUNCTIONS OF THE LPCC.** For purposes of achieving the ends of this Ordinance, the LPCC shall have the following functions:

- a. Regularly fix, monitor and update the Price Ceiling levels of basic necessities and prime commodities in the Price Billboards in the Public Markets.
- b. Enforce and implement the full intents of this Ordinance in cooperation and coordination with the offices of the City Government and agencies or instrumentalities of the National Government.
- c. Issue guidelines for the proper establishment and operation of the Price Billboards in the Public Markets.
- d. Promulgate the necessary implementing rules and regulations for the full and effective implementation of this Ordinance.
- e. Recommend to the Sanggunian amendments or other measures that it deems necessary and desirable for the implementation of the full intents of this Ordinance.
- f. Perform such other acts necessary, appropriate and incidental for the accomplishment of the full intents of this Ordinance.

**SECTION 6. GUIDELINES FOR THE IMPLEMENTATION.** In the establishment of the Price Billboards in the Public Markets, the following implementing guidelines shall be observed by the implementing offices or agencies:

- (1) The Price Billboards shall initially be purchased and put up in the following areas:
  - A. One (1) unit at a designated (strategic) area in the Wet Section of the City Public Market (**Building 1- Fish Section**) located along the Ormoc Bay;
  - B. One (1) unit at a designated (strategic) area in the Dry Section of the City Public Market (**Building 2 - Meat Section**) located along the Ormoc Bay; and,
  - C. One (1) unit at a designated (strategic) area in Valencia Satellite Public Market located in Barangay Valencia, this City.



- (2) If in the determination of the LPCC the number of Price Billboards as indicated in the immediately preceding sub-section for the current Public Markets is not sufficient for the implementation of this Ordinance's full intents, or when new Public Markets shall be established after the effectivity of this Ordinance, it shall recommend to the LCE for the purchase and installation of additional units of the Price Billboards.
- (3) The Price Ceilings of basic necessities and prime commodities available in the respective areas shall be exhibited and displayed on the Price Billboards in a conspicuous and prominent manner from the start to the end of commercial operations of the Public Markets of each day.
- (4) The updating of the Price Ceilings shall be performed on a weekly basis or at intervals or periods as deemed necessary by the LPCC. It shall only be upon the initiatives or instructions of the LPCC or its duly-authorized representatives that any changes or updates may be effected on the Price Ceilings posted on the Price Billboards.
- (5) The Price Ceilings shall be monitored by the LPCC or its authorized representatives regularly or as often as possible.
- (6) A complaint by any person on the reasonableness or accuracy of Price Ceilings on the Price Billboards shall be filed with the LPCC or its duly-authorized representatives, and the latter shall act on it fairly and expeditiously, but without disregard for the minimum requirements of due process. However, no such complaint shall be entertained if filed by a vendor who has a pending charge for the violation of this Ordinance. In any case, the LPCC shall prescribe the necessary procedure for the implementation of this sub-section.

**SECTION 7. PENALTY FOR VIOLATION OF PRICE CEILING.** Any vendor who is caught selling basic necessities or prime commodities beyond the Price Ceilings on the Price Billboards shall be penalized as follows:

**First Offense:** A Fine not exceeding One Thousand Philippine Pesos (Php1,000.00) but offender may opt to pay a no-contest Administrative Fine of Five Hundred Philippine Pesos (Php500.00).

**Second Offense:** A Fine not exceeding Two Thousand Philippine Pesos (Php2,000.00) but offender may opt to pay a no-contest Administrative Fine of One Thousand Philippine Pesos (Php1,000.00).

**Third Offense:** A Fine not exceeding Three Thousand Philippine Pesos (Php3, 000.00) but offender may opt to pay a no-contest Administrative Fine of Five Hundred Philippine Pesos (Php500.00).

**Fourth and Succeeding Offenses:** A Fine not exceeding Four Thousand Philippine Pesos (Php4, 000.00) plus revocation of the Lease Contract with the City Government and the cancellation of the Business Permit.

Provided that for the first, second and third offenses, the LCE shall suspend the Business Permit and/or commercial operations of the offender until the subject violation has been fully rectified and the Administrative Fine or Fine, as the case may be, has been settled in full.

Provided, further, that for purposes of counting the number of offenses of an offender relative to the penalties stated in this Section, the reckoning period shall be one calendar year so that any violation done after said period shall again be counted as a first offense and successively thereafter for that calendar year.

Provided, finally, that a single act of overpricing by a vendor of each item displayed or exhibited in the Price Billboards shall constitute as a single and separate offense for purposes of applying the penalties in this Section.

**SECTION 8. ENFORCING OR IMPLEMENTING OFFICES.** The implementation and enforcement of this Ordinance shall be primarily lodged with the following offices: the Office of the City Mayor, the Office of the Public Market Administrator and the Civil Security Unit. However, the LPCC shall have a significant role in the implementation of this Ordinance in accordance with their mandate herein and in other applicable laws and rules and regulations.

**SECTION 9. BUDGET APPROPRIATION.** The expenditures to cover the purchase, operations and maintenance of the Price Billboards and to implement all the other provisions of this Ordinance for Calendar Year 2017 shall be provided through Supplemental Budget to be sourced from the General Fund of the City, or from any available funds of the City Treasury.

The annual fund necessary for the regular maintenance and operations of the Price Billboards, as well as to implement all other provisions of this Code, shall be included in the yearly operations from the General Fund of the Ormoc City Government which shall be based on a budget presented by the concerned offices to the City Mayor to include Personal Services, Maintenance and Other Operating Expenses and Capital Outlay.

**SECTION 10. SEPARABILITY CLAUSE.** If, for any reason, any portion or provision, section or part of this Ordinance is declared not valid by a court of competent jurisdiction or suspended or revoked by the Sanggunian, such judgment shall not affect or impair the remaining portions, provisions, sections, or parts hereof which shall remain or continue to be in full force and effect.

**SECTION 11. REPEALING CLAUSE.** All other ordinances, decrees, orders, rules and regulations or parts thereof inconsistent with this Ordinance are hereby repealed or modified accordingly.

**SECTION 12. EFFECTIVITY CLAUSE.** This Ordinance shall take effect immediately after its approval and compliance of the requirements of the Local Government Code of 1991. However, in order to accommodate and put into place the necessary transition period, the penal provisions of this Ordinance shall only be enforced three (3) months from the time the Price Billboards are actually installed and activated.

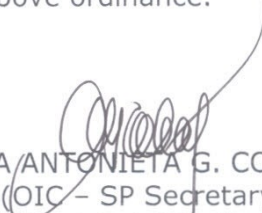
ENACTED, June 27, 2017.

RESOLVED, FURTHER, to furnish copies of this Ordinance one each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the OIC-Public Market Administrator; the City Budget Officer; the OIC-City Accountant; the City Treasurer; 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:

  
VINCENT L. RAMA  
(OIC-City Vice Mayor & Temporary Presiding Officer)  
SP Member  
Asst. Majority Floor Leader

APPROVED:

  
RICHARD I. GOMEZ  
City Mayor

30 JUN 2017

(Date)