

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 FEBRUARY 14, 2019

PRESENT:

Benjamin S. Pongos, Jr.,	(Acting City Vice-Mayor & Temporary Presiding Officer)
Vincent L. Rama,	SP Member
Mario M. Rodriguez,	SP Member, Majority Floor Leader
Tomas R. Serafica,	SP Member, Presiding Officer "Pro-Tempore"
Eusebio Gerardo S. Penserga,	SP Member, Asst. Majority Floor Leader
Gregorio G. Yrastorza III,	SP Member
Nolito M. Quilang,	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
Lea Doris C. Villar,	Minority Floor Leader
Esteban V. Laurente,	SP Member, Asst. Minority Floor Leader
Jasper C. Yerro,	Ex-Officio SP Member, Chapter President,
	Liga ng mga Barangay ng Ormoc
	Ex-Officio SP Member, Chapter President,
	Panlungsod Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON OFFICIAL BUSINESS:

Leo Carmelo L. Locsin, Jr.

(OIC-City Mayor),
City Vice Mayor & Presiding Officer

RESOLUTION NO. 2019-035

**A RESOLUTION DECLARING BARANGAY ORDINANCE
NO. 1, SERIES OF 2019 OF THE SANGGUNIANG
BARANGAY OF BARANGAY DISTRICT 12, ORMOC
CITY, ENTITLED: "AN ORDINANCE REGULATING THE
OPERATIONS OF TRANSIENT AND AMBULANT
VENDORS WITHIN THE JURISDICTION OF BARANGAY
DISTRICT 12, ORMOC CITY, LEYTE" UNDER REVIEW,
TO BE NOT INCONSISTENT WITH EXISTING LAWS
AND CITY ORDINANCES AND INTERPOSING NO
OBJECTIONS TO THE IMPLEMENTATION THEREOF.**

WHEREAS, this Sanggunian was in receipt of a copy of Barangay Ordinance No. 1, Series of 2019, from the Sangguniang Barangay of District 12, this City, entitled: "AN ORDINANCE REGULATING THE OPERATIONS OF TRANSIENT AND AMBULANT VENDORS WITHIN THE JURISDICTION OF BARANGAY DISTRICT 12, ORMOC CITY, LEYTE", a copy of said Ordinance is hereto attached as Annex "A" and made an integral part hereof;

WHEREAS, the aforementioned Ordinance was submitted to this Sanggunian pursuant to its review powers over enacted ordinances of all barangays within its territory as provided for in Sections 458 and 57 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991" (LGC), in order to find out whether the subject Ordinance approved by the concerned Sangguniang Barangay is within the scope of its prescribed powers, and also whether the same is not inconsistent with law or city ordinances;

WHEREAS, this Sanggunian, in the exercise of its review powers, and after thorough examination of the aforesaid Barangay Ordinance, finds that the same was enacted for the purpose of regulating the transactions and activities of vendors and peddlers within the jurisdiction of the Barangay in order to foster order and safety in the Barangay;

WHEREAS, this Sanggunian, after thorough examination, finds that the Ordinance is not inconsistent with existing laws and city ordinances and was enacted within the scope and authority of the Barangay, and therefore, manifests herein no objections to its implementation, and even urges that the same be implemented immediately in order to speedily further the noble ends they seek for welfare of the Barangay;

WHEREFORE, FOREGOING PREMISES CONSIDERED, on motion of SP Member Esteban V. Laurente, Member, Committee on Laws and Ordinances, severally seconded by SP Members Vincent L. Rama, Tomas R. Serafica, Nolito M. Quilang, John Eulalio Nepomuceno O. Aparis II, Lea Doris C. Villar and Jasper C. Yerro; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a RESOLUTION DECLARING BARANGAY ORDINANCE NO. 1, SERIES OF 2019 OF THE SANGGUNIANG BARANGAY OF BARANGAY DISTRICT 12, ORMOC CITY, ENTITLED: "AN ORDINANCE REGULATING THE OPERATIONS OF TRANSIENT AND AMBULANT VENDORS WITHIN THE JURISDICTION OF BARANGAY DISTRICT 12, ORMOC CITY, LEYTE" UNDER REVIEW, TO BE NOT INCONSISTENT WITH EXISTING LAWS AND CITY ORDINANCES AND INTERPOSING NO OBJECTIONS TO THE IMPLEMENTATION THEREOF;

ADOPTED, February 14, 2019.

RESOLVED, FURTHER, that copies of this resolution be furnished each to the Honorable City Mayor Richard I. Gomez; the City Administrator, Mr. Vincent L. Emnas; the City Legal Officer, Atty. Josephine Mejia-Romero; the Office of the Liga ng mga Barangay ng Ormoc; the Sangguniang Barangay of District 12; and all other offices concerned for their information and guidance.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the above resolution.

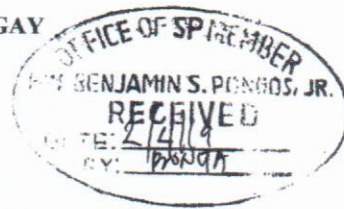

MARIA ANTONIETA G. CO HAT
(OIC - SP Secretary)
Supervising Administrative Officer

ATTESTED:


BENJAMIN S. PONGOS, JR.
(Acting City Vice-Mayor & Temporary Presiding Officer)
SP Member



Republic of the Philippines
OFFICE OF THE PUNONG BARANGAY
Barangay District 12,
San Pablo St., Ormoc City
Tel. No. (053) 255-5105



Annex A =

PREFATORY STATEMENT

WHEREAS, it is the policy of the state that local government units (LGUs) shall enjoy genuine and meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the national goals;

WHEREAS, an LGU shall exercise powers as a political subdivision and an entity representing the inhabitants of its territory;

WHEREAS, the boom in the City of Ormoc has brought livelihood opportunities to both local and non-local vendors, wherein these attract a great number of vendors and peddlers, including in the area of Barangay District 12;

WHEREAS, with this influx, it is imperative for the Local Government Unit of Barangay District 12, through the Sangguniang Barangay, to enact the necessary ordinance to regulate their transactions and activities in consonance with the legal standards to foster order and safety in the areas where they operate;

WHEREAS, with the passage of this ordinance, relationships between and among these vendors and peddlers, and the Local Authority in the Barangay shall be properly guided;

Wherefore, foregoing premises considered in a regular session held at Barangay Multi-Purpose Hall, Barangay District 12, on motion of HON. CHRISTOPHER ARBAN, be it

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

ORDINANCE NO. 1 -2019

AN ORDINANCE REGULATING THE OPERATIONS OF TRANSIENT AND AMBULANT VENDORS WITHIN THE JURISDICTION OF BARANGAY DISTRICT 12, ORMOC CITY, LEYTE.

Be it ordained by the Sangguniang Barangay of Barangay District 12, Ormoc City, that:

SECTION 1. TITLE. This Ordinance shall be known as the "Transient and Ambulant Vendors Ordinance of Barangay District 12, Ormoc City".

SECTION 2. SCOPE. This Ordinance shall cover all transient and ambulant vendors selling or marketing goods or merchandise within the jurisdiction of Barangay District 12, Ormoc City, including those whose operations are stationed or located at the Children's Park, Fr. I. Cata-ag Street, Ormoc City.

SECTION 3. DEFINITION OF TERMS. As used in this Ordinance, the following terms shall mean:

- a) **VENDOR**- shall refer to a seller, retailer, dealer, supplier, or merchant who sells goods or merchandise.
- b) **TRANSIENT VENDOR/MERCHANDISER** – a person or entity who vends or sells goods or merchandise not on a consistent or regular basis but rather intermittently.

- c) **STALLS, KIOSKS OR VENDING STANDS**- shall refer to any structure of temporary and movable nature and similar structure, either with or without wheels used for selling goods.
- d) **AMBULANT VENDOR**- a person who vends or sell goods or merchandise from one place to another.

SECTION 4. GENERAL REGULATORY POLICIES. It is the policy of the Barangay that the areas as specified by the location map of Barangay District 12 shall be that they can place stalls and kiosks at designated area which the barangay has identified.

Stalls, kiosks or vending stands may be allowed along the designated areas 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 that they have to provide their own waste or garbage receptacle.
- c) Owners of said stalls, kiosks or vending stands may operate their trades only at the designated areas from five o'clock (5:00) in the morning to nine o'clock (9:00) in the evening, however the same may ply their trades beyond the time mentioned above during celebrations, social or religious affairs and gathering in the said areas provided the same are immediately removed after the celebration or activity.
- d) Owners or operators of said stalls, kiosks or stands must first secure the necessary Barangay Permit which must be displayed conspicuously at the stalls, kiosks or stands while they are plying their trades.

For the effective implementation of this Ordinance, the Punong Barangay shall be authorized to designate the places or areas in the Barangay where the selling or marketing of any good or merchandise by transient and/or ambulant vendors shall be allowed.

SECTION 5. PROHIBITED ACTS. This Ordinance shall be deemed violated by anyone who commits any of the following acts:

- a) Installing or constructing any structure on any portion of a public road, alley or sidewalk, or other public places within the jurisdiction of Barangay District 12, Ormoc City not authorized or designated by the Barangay for the conduct of any business or commercial activities;
- b) Selling or marketing any good or merchandise in aforementioned unauthorized areas; and,
- c) Leaving any items and/or sleeping in their respective stalls, kiosks or vending stands at the designated areas from nine o'clock (9:00) in the evening until five o'clock (5:00) in the morning.

SECTION 6. PENALTIES. All transient and ambulant vendors heretofore existing and referred to in Section 2 and Section 3 above who refuse to comply and/or violate and are then apprehended to be plying their wares contrary to the provisions of this Ordinance shall be imposed the following penalties:

- a) For the First Offense: Fine not exceeding Four Hundred Philippine Pesos (Php400.00), however, the offender may opt to pay a no-contest Administrative Fine of Two Hundred Philippine Pesos (Php200.00);
- b) For the Second Offense: Fine not exceeding Eight Hundred Philippine Pesos (Php800.00), however, the offender may opt to pay a no-contest Administrative Fine of Four Hundred Philippine Pesos (Php400.00);
- c) For the Third and Succeeding Offenses: Fine not exceeding One Thousand Philippine

of Five Hundred Philippine Pesos (Php500.00) including the confiscation of the said stall, kiosk or stand;

All fines imposed herein shall be settled by paying the corresponding amount paid to the Barangay Treasurer or his/her duly-authorized representative who shall then issue the corresponding Official Receipt and keep the same under his/her custody until it is turned over to the Barangay as part of its general fund.

SECTION 7. WORDS AND PHRASES NOT HEREIN EXPRESSLY DEFINED.

Words and phrases embodied in this Code not herein specifically defined shall have the same definitions as found in R.A. 7160 and its Implementing Rules and Regulations as well as in other applicable laws.

SECTION 8. SEPARABILITY CLAUSE. If any provision of this Ordinance or the application of such provision to any person or circumstances is declared unconstitutional, the remainder of this Ordinance or the application of such provision to other persons or circumstances shall not be affected by such declaration.

SECTION 9. REPEALING CLAUSE. All ordinances, rules and regulations or part thereof, whose provisions are in conflict with, or contrary to, the provisions of this Ordinance are hereby repealed, amended and modified accordingly.

SECTION 10. EFFECTIVITY. This Ordinance shall take effect immediately upon approval and compliance with the provisions of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

XXX XXX XXX

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

NAMES AND SIGNATURES OF Sangguniang Barangay Members:

GP Sanchez
HON. GRACIAN PAUL A. SANCHEZ
KAGAWAD

HON. VANESSA C. ESTRERA
KAGAWAD

Ma. Loryn P. Aviles
HON. MA. LORYN P. AVILES
KAGAWAD

Charmelita P. Paca
HON. CARMELITA P. PACA
KAGAWAD

HON. EVANGELINE P. RAMIGUEL
KAGAWAD

HON. JADELYN P. APOSTOL
KAGAWAD

HON. CHRISTOPHER G. ARBAN
KAGAWAD

JOSHUA SANCHEZ
SK CHAIRMAN

CRISelda C. Maningo
Barangay Secretary

ATTESTED AND CERTIFIED TO BE DULY ADOPTED:

HON. JOSE MARIA MIGUEL P. AVILES
PUNONG BARANGAY