



REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SIXTH  
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE  
PLACIDO ENECIO SESSION HALL, SANGGUNIANG PANLUNGSOD  
BUILDING ON FEBRUARY 26, 1993



PRESENT:

Hon. Benjamin F. Tugonon,  
Hon. Sotero M. Pepito,  
Hon. Jose B. Conejos,  
Hon. Celso P. Adolfo,  
Hon. Sixto T. Pongos,  
Hon. Benjamin B. Lladoc,  
Hon. Mariano Y. Corro,  
Hon. Nestor C. Penserga,  
Hon. Claudio P. Larrazabal,  
Hon. Jose C. Alfaro, Jr.,  
Hon. Alfredo F. Capahi,  
Hon. Fernando P. Parrilla,  
Hon. Angelyn R. Paca,

Vice-Mayor & Presiding Officer  
Majority Floor Leader, Kagawad  
Assistant Majority Floor Leader, Kagawad

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ABC President, Ex-Officio,  
SM Fed. Pres., Ex-Officio,

ABSENT:

N O N E

RESOLUTION NO. 44

WHEREAS, the existing ordinance on market fees was enacted sometime in 1977, yet;

WHEREAS, the aforesaid ordinance needs revision so as to conform to the provisions of Republic Act No. 7160, otherwise, known as the Local Government Code of 1991;

WHEREAS, most of the rates provided for therein are no longer realistic in the light of present economic conditions-

NOW, THEREFORE, in consideration of the foregoing premises, on joint motion of Kagawad Alfredo F. Capahi, Chairman, Committee on Finance, and Kagawad Mariano Y. Corro, Chairman, Committee on Laws and Ordinances, jointly seconded by Kagawad Benjamin B. Lladoc and Jose C. Alfaro, Jr.;

RESOLVED, to enact:

TAX ORDINANCE NO. 93-01

AN ORDINANCE ADOPTING THE MARKET FEES IN ORMOC CITY.

Article I - MARKET FEES

SECTION 1. Scope of this Article. - This Article shall govern and regulate the establishment, operation and management of all public markets and slaughterhouses, and the examination and inspection of meat, fish, vegetables, fruits and other marketable goods for public consumption. No person other than the City of Ormoc shall establish any kind and/or engage in the inspection and certification of meat and fish for public consumption within the territorial jurisdiction of the city.

SECTION 2. Definition of Terms.

"Public Market" shall mean or be understood to refer to any place, building or structure, design or form, and any extension thereof which shall be shown on the maps and plans on file in the City Engineering Department and, as subject to the provisions of this Article, shall not apply to bazaars, fairs, booths or the like which are to be erected on public thoroughfares, plazas or vacant lands which have not been designated as public market by the Sangguniang Panlungsod.

Under the foregoing definition the following are hereby declared as public markets of the City of Ormoc:

(a) The reclaimed area in Brgy. District I and II bounded on the North by the District 1 and 2, on the West by the Anilao River, on the South by the Ormoc Bay and the East by the PPA Compound.

(b) The public market in Barrio Valencia.

"Stalls" refer to allocated spaces in the public market of certain or definite dimensions, with or without a table or inclosure where merchandise of any kind is sold or offered for sale in the public market. The term market stalls used in this Article shall be understood to apply to any allocated space where merchandise is sold or offered for sale in the public market of the City of Ormoc in accordance with the uniform standard space which is at least one hundred (100) square meters which may hereafter be approved by the authorities: Provided, however, That stalls already created before the enactment of this Ordinance having a measurement of less than 100 square meters shall be considered as a standard stall for the purpose of this Article.

Each stall, stand or allocated space for the use of the vendors in the public market shall be given a number which shall be conspicuously displayed on top of the stall, stand or allocated space.

"Booth" refers to two or more continuous stall in the public market with an enclosure where merchandise of any kind is sold or offered for sale.

"Tienda" refers to any allocated space in the public market of definite dimensions bigger than a booth.

"Section" refers to a series on stalls or booths in the public market where one class or kind of merchandise is sold or offered for sale.

"Zone" refers to an aggrupation of contiguous sections in the public market usually made as a territorial unit for purposes of effecting a collector assignment scheme as may be determined by the City Treasurer from time to time.

SECTION 3. Preference in the occupancy of public markets and premises.

- Only citizens of the Philippines shall have preference to the occupancy of public market stalls and premises.

SECTION 4. Payment of Fees. - Unless otherwise provided herein, market

fees shall be paid in advance before any person can sell, or offer for sale, any commodity or merchandise, hereinafter specified, within the public market and its premises. Regular stall holders shall pay the rental fees and other obligations directly to revenue collectors at the market office.

SECTION 5. Designation and subdivision of market buildings; rates

of fees and rentals therefor. - In cases where there are several market buildings or pavilions, each one of them shall be given a number or other

designation subdivicing them into sections, each section to house one class or group of allied goods, commodities or merchandise.

SECTION 6. Classification of markets. - The Market Committee of the Sangguniang Panlungsod shall recommend the classification of public markets into first, second and third class public market and shall prescribed the rental fees thereof based on a resectioning authorized under P.D. 231. (Local Tax Code)

SECTION 7. Rates of rentals for fixed stalls, booths and tiendas. There is hereby imposed and collected from each and every person or entity engaged in business within the public market and its premises the following daily rentals rates of market fees on stalls occupied therein:

	Daily Rental
Building No. I	
a) Fish Section .....	P 5.00
b) Vegetable Section .....	5.00
c) Meat Section .....	10.00
Building Nos. II & III	
a) Grocery (front) .....	20.00
b) Inside stalls .....	10.00
c) Center aisle .....	5.00
Building Nos. IV & V	
a) Dry Goods Front Section .....	20.00
b) Inside stalls .....	10.00
Building No. VI	
a) Carenderia Section .....	20.00
b) Barbeque Section .....	5.00
Add:	
a) Tobacco Section .....	3.00
b) Talipapa East .....	6.00
c) Talipapa West (extensions) .....	6.00
d) New Vegetable Section .....	5.00
e) Landing Fee on Fresh Fish - present daily average in kilos .....	.25/kilo
f) Talipapa Cluster	
1) Front Stall .....	10.00
2) Back Stall .....	6.00

PROVIDED, however, That fixed stalls for vegetables and dried fish section (along Anilao River) ..... P 6.00

Vendors of dry goods, groceries and other foodstuffs shall be understood to mean and include:

- 1) Dealer of salted or dried fish
- 2) Dealer of fresh meat
- 3) Vendors of rice, palay, corn and other cereals
- 4) Vendors of vegetables, fruits, and the like
- 5) Dealers of dry goods
- 6) Carenderias, sari-sari stores, panciterias, refreshment parlors and other allied business
- 7) Retail dealers in tuba, soft drinks, and other beverages.

Other business ventures not mentioned above, but occupying a stall space in the public market shall, however be levied each a market fee of (P1.00 sq.m./day).

SECTION 8. Market Fees for the Occupancy of Market Premises.  
For occupying market premises, but not occupying stalls or permanent spaces therein, there is hereby imposed the following fees to wit:

	<u>Per Day</u>
1. Wholesale dealers of salted bolinao.....	0.05/kilo
2. Wholesale dealers of bodo and tabagak fishes:...	0.10/kilo
3. Wholesale dealers of dried bolinao (dilis), libod, quiampet:.....	0.20/kilo
4. Wholesale dealers of any other salted or dried fish not included above.....	0.15/kilo
5. Vendors of crabs or other similar seafoods .....	0.20/kilo
6. Vendors of imbao or similar seafoods .....	0.25/kilo
7. Vendors of alimango.....	0.50/kilo
8. Vendors of Lambay.....	0.40/kilo
9. Vendors of Pansat.....	1.00/kilo
10. Vendors of Pasayan.....	0.50/kilo
11. Vendors of Nokus.....	0.50/kilo
12. Vendors of Bangos.....	0.25/kilo
13. Vendors of Bananas (uncooked).....	0.20/kilo
14. Vendors of Camote (uncooked).....	7 1/2 cent./kilo
15. Vendors of Cassava (uncooked).....	0.05/kilo
16. Vendors of Gabi and Karlang.....	0.10/kilo
17. Others than those above stated.....	0.05/kilo

SECTION 9. Market Entrance Fee. - There is hereby imposed a market entrance fee on all transient vendors of any commodity or merchandise being brought into the public market for sale on the basis of weight, bundle, sack, can, cartload or any other convenient unit of measure.

The amount of entrance fee to be imposed, however, shall not exceed the amount of market fee collectible where the fee charged is on the basis of space occupied by the said commodity or merchandise, as provided in the next preceding sub-section.

In case the vendor (from whom such entrance fee was collected) occupied any table, cubicle, or other space with an area in excess of what he paid for, he shall be required to pay the correct amount of fee due thereon less than that which he already paid as entrance fee. Suppliers or distributors of goods, commodities or general merchandise of permanent occupants of market stalls, booths, tiendas or other space, as well as the occupants themselves when they bring in goods, commodities or merchandise to replenish or augment their stock, shall not be considered as transient vendors required to pay the market entrance fees herein authorized.

SECTION 10. Compulsory sale of fish by the kilo. - The sale of fish by the kilo, whether fresh, frozen or dried, except salted fish, shall be compulsory in the City of Ormoc. It shall be unlawful for any person, or entity to sell or offer for sale any fish subject of this Article by any other measure of capacity.

SECTION 11. Fish variety classification and landing fees. - For purposes of this Article, the different kinds of fresh fish sold in the public market are hereby classified and the corresponding market fees levied, as follows:

<u>CLASS</u>	<u>VARIETY</u>	<u>PER KILO FEE</u>
First	- Ahaan, bahaulo, bangus, katambak, manambo, mahinlo, malasugi, mambulaw,	

- mamsa, tangigi, libgaw and others of similar class, variety and quality .....P0.25/kilo
- Second - Bansikol, Barilis, Bilong-bilong, Bulis, Buraw, Hasa-hasa, Lambarok, Tumbaw, Olisi, danggit and others of similar class, variety and quality.....P0.20/kilo
- Third - Agok-ok, bangsi, barungoy, bulinaw, burot, gingaw, gurami, halwan, iho, kiampi, mangsi, pagi, saguksuk, suwasid, ubod, and others similar in class, variety and quality ..... P0.15/kilo

SECTION 12. Fish examination, inspection and weighing. No fresh fish shall be sold in the public market before the same has been examined, inspected and weighed at a designated place in the premises of the public market by the City Health Officer and the City Treasurer, or their duly authorized representatives, to ensure that the same are fit for human consumption. The said fish shall also be weighed in the same place for determination of market fees.

All fish which shall be found to be stale, putrefied or decomposed, diseased or poisonous, dynamited or caught by the use of other explosives or toxic substances shall be condemned and disposed of in accordance with the rules and regulations governing fish and meat inspection.

SECTION 13. Fees from Person Selling in Trucks, Boats in Market Vicinity. - The City Treasurer, through his authorized representatives in the city markets, shall collect fees from persons selling merchandise in trucks, in conveyances or in boats docked or moored in the waters of the harbors in the vicinity of the city markets or in any other places within the territorial jurisdiction of the City of Ormoc according to the following schedule of rates:

<u>Merchandise or Animals</u>	<u>Per Head</u>
Carabao .....	P50.00
Cow .....	50.00
Sheep.....	8.00
Goat .....	5.00
Pig; large size .....	10.00
Pig; medium size .....	7.50
Pig; small size .....	5.00
Chicken .....	0.25/kilo

<u>Firewood</u>	<u>Per 100 Bundles</u>
First class or second class .....	P1.50

<u>Bamboo Sticks:</u>	<u>Per 100 Pieces</u>
First class or second class .....	P 1.50

<u>Nipa Shingle:</u>	
First class or second class.....	P 1.00 per bundles of 25 pcs.

It shall be the duty of owner, owners and/or operators of trucks, captains or skippers of watercrafts and other conveyance ferrying or loading of said merchandise upon arrival in any city market and before unloading and/or selling or offering for sale the merchandise or animals carried in the same, to immediately report to the Market Collectors their presence in the said market in order that the latter could determine the exact amount of fees they are required to pay: Provided, however, That any violation of this provision shall render such above named persons jointly and severally liable to the payment of aforesaid fees equivalent to twice the amount of said fees as provided above, for merchandise so unloaded or sold without previous notification to the Market Administrator or to the market collectors as provided in this Section.

SECTION 14. Advance payment of rentals. - Permanent lessees or occupants of market stalls, booths or tiendas shall be allowed to pay at their option the daily rentals in advance for the full months with a rebate of ten per centum (10%) thereof to be made on the first three (3) days of the calendar month for which said rental is applicable.

SECTION 15. Prohibition for the Construction of Additional Structures. - The lessees or occupants of market space are prohibited from constructing structures in addition to tiendas awarded to them.

SECTION 16. Peddling in and around market premises. - Nothing in this Article shall be construed as permitting any peddling in and around the market premises or having in any way altered or amended any prohibition provided for by ordinances relative to peddling or provisions of pertinent sections thereof.

SECTION 17. License fees of stallholders. - No stallholder shall engage in or conduct his business in the public markets without first having obtained a permit therefor from the Office of the City Mayor.

SECTION 18. Manner of Collecting Rentals, Fees and Sucharges; Civil Remedies. - All market rentals and/or fees shall be collected with the issuance of official receipts or cash tickets in the manner prescribed by the City Treasurer; Provided, however, That every cash receipts or cash ticket issued for the payment of such fees or rentals shall bear the name of the lessee, the number of the corresponding stall, booth or tienda, as the case may be, and the date for which payment is made.

Except as herein above otherwise provided, the daily rentals and/or fees prescribed shall be paid before three o'clock every afternoon in the case of stalls, booths, tiendas or lots permanently leased and in the case of transient vendors they should pay the prescribed fees or rentals upon entering the market or its premises with their goods or merchandise for sale. Failure to effect payment within the time stated shall subject the delinquent lessees or occupants to a surcharge of twenty five per centum (25%) on the regular rental or fee due for the day if payment is made after three o'clock in the afternoon of the same day and thereafter, aside from the surcharge to pay an interest of 2% per month on the regular rental of fees due.

SECTION 19. Person Other Than the Stallholder Occupying Stall to Pay Rental. - Any person other than the stallholder (or his partner) or his registered helper found conducting business at the stallholders stall shall be required to pay rentals in addition to the corresponding rentals collected from the regular stallholder; Provided, however, That the regular stallholder or lessee of the stall or booth so illegally used or occupied shall, in proper cases, be dealt with as provided in this Article.

SECTION 20. Vacancy of stalls; adjudication to applicants. -  
Vacant stalls shall be leased to the applicants thereof in the following manner:

1. Notice of vacancy of the stalls or booths shall be displayed above the vacant or newly-established stalls or booths 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 or booths are unoccupied and available for lease.

Such notice shall also be posted on the bulletin board of the market concerned. This notice of vacancy shall be written on cardboard or any thick paper and shall conform to the following form:

NOTICE

Notice is hereby given that Stall No. \_\_\_\_\_, Building or Pavilion No. \_\_\_\_\_ of the \_\_\_\_\_ Market 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 \_\_\_\_\_, 19\_\_\_\_. 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 \_\_\_\_\_, 19\_\_\_\_, 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

2. 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.

3. It shall be the duty of the City Treasurer to keep a Register Book showing the names and addresses of all applicants for vacant stalls or booths, 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.

Such application shall be substantially in the following form:

APPLICATION TO LEASE MARKET STALL

The City Treasurer  
City of Ormoc

Sir :

I hereby apply under the following contract for the lease of market stall no. \_\_\_\_\_ of the City Market. 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 promise to hold the same under the following conditions:

(1) That while I am occupying or leasing this stall (or these stalls), I shall, at all times, have my picture and that of my helper (or those of my helpers) conveniently framed and displayed conspicuously in the stall;

(2) That I shall keep the stall (or stalls) 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 booth (or booths) or stall (or stalls) in the manner prescribed by existing ordinances;

(4) The business to be conducted in the stall (or stalls) is owned exclusively to me.

(5) In case I engage helpers, I shall nevertheless personally conduct my business and be present at the stall (or stalls or booths). I shall promptly notify the market authorities of my absence, giving my reason or reasons therefor.

(6) I shall not sublet or sell this privilege to the stall (stalls or booths), 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 market authorities to cancel this contract.

Very respectfully,

\_\_\_\_\_  
Applicant

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.

\_\_\_\_\_  
Applicant  
Tax Identification No. \_\_\_\_\_

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

\_\_\_\_\_  
Official Title

4. Applicants who are Filipino citizens shall have preference in the lease of public market stalls. If on the last day set for filing application, there is no application from a Filipino citizen, 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 stall affected may be leased to any alien applicant who filed his application first. If there are several alien applicants, the adjudication of the stall shall be made through drawing of lots to be conducted by the Market Committee. In case there is only one Filipino applicant, the stall or booth applied for shall be adjudicated to him. If there are several Filipino applicants for the same stall, adjudication of the stall shall be made through drawing of lots to be conducted by the Market Committee on the date and hour specified in the notice. The result of the drawing of lots shall be reported immediately by the Committee to the City Treasurer for appropriate action.

**SECTION 21. Vacancy of stall before expiration of the lease.** Should the stall holder or lessee, for any reason whatsoever, discontinue or be required to discontinue his business before his lease of the stall expires, such stall shall be considered vacant and its occupancy thereafter shall be disposed of in the manner herein prescribed.

**SECTION 22. Assignment of Stalls, Booths or Tiendas.** - No person shall sell, offer or expose for sale any article in any public market or use or occupy any stall, booth or tienda without first having been assigned to such stall, booth or tienda. Any person violating the provisions of this section shall be required to pay daily special fee to consist of twice the amount regularly charged in the market for said stall, booth or tienda: Provided, however, that the regular lessee or occupant of the stall, booth or tienda in question may for cause be deprived of the stall, booth or tienda leased to be occupied by him or required to pay special assignment fees for the abandonment of his stall, booth or tienda during the whole period the same had been occupied by unauthorized persons in the discretion of the City Treasurer.

**SECTION 23. Death of Lessee.** - Upon the death of the lawful holder of a stall, booth or tienda in the public market, the said stall, booth or tienda formerly leased to the deceased shall automatically become vacant and the same shall be adjudicated in accordance with Section 20 hereof. Provided, however, that if the holder has children and any of the children who is duly qualified request by written petition to continue with the business of his or her parents, he or she shall be allowed to continue occupying the same stall, booth or tienda under the conditions as those imposed upon his or her predecessor in interest.

**SECTION 24. Partnership with Stallholder.** - A stallholder who enters into business partnership which must be registered with SEC has the right to occupy the stall. In case of death or any legal impediment of such original stallholder to continue in his business, the surviving partner may be authorized to continue occupying the stall for a period of not exceeding sixty (60) days within which to wind up the business of the partnership. If the surviving partner is otherwise qualified to occupy a market stall under the provisions hereof, and the spouse, parent, son, daughter or relative within the third degree of consanguinity or affinity of the deceased, is not applying for the stall, he shall be given the preference to continue occupying the stall or booth concerned, if he applied therefor.

**SECTION 25. Lessee to Personally Administer his Stall.** - Any person who has been awarded the right to lease a market stall in accordance with the provisions hereof, shall occupy, administer and be present personally at his stall or stalls, booth or booths. He may employ helpers who must be citizens of the Philippines, including but not limited to the spouse, parents, and children of the stallholders who are actually living with him and who are not disqualified under the provisions hereof. The persons to be employed as helpers shall not, under any circumstances, be persons with whom the stallholder has any commercial relations or transactions.

SECTION 26. Dummies, sub-lease of stalls. - In any case where the person, registered to be the holder or lessee of a stall or stalls, booth or booths in the public market, is found to be in reality not the person who is actually occupying said stall or stalls, booth or booths, the lease of such stall or stalls, booth or booths, shall be cancelled if, upon investigation, such stallholder shall be found to have sub-leased his or his stall or stalls, booth or booths, to another person, or to have connived with such person so that the latter may, for any reason, be able to occupy the said stall or stalls, booth or booths.

SECTION 27. Citizenship of Stallholders. - Subject to the provisions of Section 20 hereof, no person shall be permitted to engage in any form of business in the public markets other than citizens of the Philippines.

SECTION 28. Other Disqualifications of Stallholders. - No person suffering from any communicable disease shall be permitted to engage in business in any public market or be employed therein in any capacity and no person holding any stall, booth or tienda in the public market shall be allowed to lease another stall, booth or tienda in another public market of the city; Provided, however, That stallholders affected by this provisions are hereby given a period of grace not to exceed four months within which to dispose of the merchandise in their stalls, booths or tiendas after which the lease shall automatically become cancelled and revoked and said stalls, booths or tiendas shall be considered vacant and subject to adjudication to other parties as provided in this Article or to the spouse or the eldest son or daughter of the holder as provided in Section 20 hereof. To carry out the purpose of this section the person holding any stall, booth or tienda and the person employed by him or her shall, before engaging in business or entering employment, secure from the City Health Officer, a certificate of good health to which a picture of the applicant should be attached.

SECTION 29. Stalls leased not to exceed two for each person. - No person shall be allowed to lease more than two stalls nor shall any person be allowed to lease more than one tienda; Provided, however, when there are unoccupied stalls and no other person is interested to lease the same then it can be leased to stallholder even if he owns more than two stalls.

It shall be unlawful for more than one member of the family consisting of the father, mother, sons and daughters to hold stalls in one market unless those sons and daughters of the family so occupying or leasing stalls therein are already married and with families of their own to support or when they are already living themselves and independent of their parents. Any person violating these provisions shall upon investigation be required to immediately vacate the stall, booth or tienda illegally occupied.

SECTION 30. Temporary Lease. - Temporary leases granted before the approval of this Ordinance are hereby cancelled but temporary holders may apply and shall have the right to occupy permanently their respective stalls, booths or tiendas and shall enjoy all the privileges and rights that are extended and granted to permanent holders of stalls, booths or tiendas; but if said temporary holders do not desire to apply for the aforesaid stalls, for definite adjudication in their favor, the stalls, booths or tiendas occupied by them shall be declared vacant.

SECTION 31. Duration of regular lease. - The regular lease of a market stall, booth or tienda shall be understood to be continuous unless the City Mayor, for any reasonable or justifiable cause or for any violation of the provisions of this Article or any other ordinances or any rules and regulations relating to the administration of public markets, shall revoke the same; Provided, however, That the rents shall be paid daily

in the manner prescribed by the City Treasurer in the case of stalls or booths and monthly in the case of tiendas in accordance with the terms and conditions of the contract of lease entered into for the purpose by the lessee and the City Government unless the holder desires to pay such rents in advance for any period of time longer than a day or month as the case may be.

SECTION 32. Stallholders to Occupy Alloted Stalls or Space Only.

Holders of stalls, booths or tiendas shall not be allowed to occupy stalls or spaces other than those leased to them. It shall be the duty of the Market Administrator and his subordinates to enforce this prohibition and apply in proper cases the penalty provided herein for offending stallholders.

SECTION 33. Forward Movement of Adjoining Lessees when Corner

Stalls, Booths or Tiendas Become Vacant. - When a stall, booth or tienda or a series of stalls, booths or tiendas become vacant, adjoining holder of stalls, booths or tiendas shall have preference to the lease or occupation of the vacant stalls, booths or tiendas in which case the occupants concerned may move forward toward the corner stall; Provided, however, That if the total number of holders in a given line of stalls, booths or tiendas, half are entitled to move toward the right corner when and if the vacant corner stalls, booths or tiendas are in the right; the other half toward the left corner should the contrary be the case; and Provided, finally, That the right to move forward to the corner stalls, booths, or tiendas vacated is optional only and may be expressly waived, in which case the stall, tienda holder refusing to move forward may occupy the stall, tienda holder not occupied. Movement beyond the center stall, booth or tienda in the line of stalls, booths or tiendas affected toward the vacant stalls, booths or tiendas is allowable.

SECTION 34. Vacation Leave of Stallholders. - Permission to be

absent for a short duration may be given a holder of stall, booth or tienda by the Market Administrator when, by reason of illness or other sufficient cause, the granting of such permission becomes necessary: Provided, however, That where the stall, booth or tienda holder contemplates being absent for a period of more than seven (7) days he shall submit to the Market Administrator a written explanation thereof accompanied by a medical certificate under oath in case of illness, or other evidence supporting said application which shall be forwarded by the Market Administrator to the City Treasurer for approval: Provided, further, That the period of leave of absence a stallholder may enjoy shall not exceed of one (1) month for every year of stay in his stall: and Provided, finally, That the maximum period of leave that may be granted a holder of stall, booth or tienda shall not exceed four months. During the stallholder's absence, as this section provides, one of his registered helpers shall be authorized to continue the business of his stall or booth. Failure of the stallholder to return and resume business at his stall at the expiration of the leave granted shall be deemed sufficient cause for cancellation of his lease unless otherwise decreed by the City Mayor.

SECTION 35. Duties and Powers of the City Administrator. - The City

Administrator shall exercise direct and immediate supervision, administration and control over the City Public Markets and all personnel, properties, appropriations and other matters pertaining thereto.

SECTION 36. Rules and Regulations Governing this Article. -

1) Any person, discovered to be occupying or using space in the public market without authority from the City, first paying the fees as hereinabove provided, shall be subject to the payment of the accrued market fees in an

amount equivalent to three times the regular rate for the space illegally occupied. The same rule shall apply to any person who is found occupying more spaces than what is duly leased to him shall pay double the regular rate for such extra space until said rental becomes current and up-to-date.

2) Any person who fails to pay the monthly rental within the time fixed herein shall pay a penalty of an additional amount of twenty five per centum of the rent due.

3) The peddling or sale of foodstuffs, such as vegetables, meat, fish and other of a perishable nature or which easily deteriorate outside the market site or premises is hereby prohibited.

4) Fresh fish to be sold in the public market shall first be examined and inspected at a designated place inside the premises of the public market by the City Health Officer and the City Treasurer, or their duly authorized representatives, to ensure that the same are in fresh and good condition.

5) Each and every market vendor shall pay to the market collector the market fees immediately upon entering the market premises.

6) Permanent market vendors who occupy stalls or booths shall pay the fees between seven and eleven o'clock in the morning (7:00 a.m. to 11:00 a.m.) everyday, subject, however, to surcharge of twenty per centum (20%) of the regular rate or fee if not paid within the time herein mentioned, such increment thereto to be added to the regular fee and accounted for in the same manner.

SECTION 37. - Issuance of cash tickets to transient vendors; prohibition on transfer thereof. - Cash tickets shall be issued in the name of the vendor buying the same and the name of such vendor shall be written on the back thereof. The cash tickets shall pertain only to the person buying the same and shall be good only for the space or spaces of the market premises to which they are designated while in the hands of the original purchaser. If a vendor disposes of his merchandise by wholesale to another vendor, the latter shall purchase new tickets if he desires to sell the same merchandise even if sold in the same place occupied by the previous vendor.

SECTION 38. Appeals in Adjudication of Stalls. - Any person who is not satisfied with the adjudication made by the City Treasurer or the Market Committee of the stall applied for by him may file an appeal therefrom with the City Mayor whose decision shall be final.

SECTION 39. Penalty. - Any violation of the provisions of this Article shall be punishable by a fine of not more than one thousand pesos (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 shall be liable.

Article 2. - Sanitation and Physical Arrangement

SECTION 40. Lighting, Ventilation Drainage, etc. - The public market shall be adequately lighted and ventilated but lights and power used in stalls, tiendas, or booths shall be for the account of the user and the city. The ground surface shall be properly drained and paved. All stand, stalls and market fixtures shall be constructed in such a manner and form as the City Engineer and the City Health Officer or their authorized representatives may approve.

SECTION 41. Sanitary Maintenance. - The sanitary maintenance and inspection of all city markets shall be governed by sanitary orders, rules and regulations promulgated by the City Health Officer and those which the Sangguniang Panlungsod may adopt from time to time.

SECTION 42. Cleaning of Stalls. - The cleaning and sanitation of city markets shall, in relation to Section 22 hereof, be under the direction, supervision and administration of the Market Administrator and for this purpose shall be furnished such number of market cleaners or laborers as may be necessary.

The cleaning of market stalls, including the floor space thereof and appurtenance thereto, shall be done by the holders and their helpers during market hours. All waste matters shall be placed by them in the garbage receptacles provided in the following section, which refuse and garbage shall be collected and disposed of by the market cleaners and laborers. The representatives of the City Health Officer shall see to it that the markets are maintained in clean and sanitary conditions.

SECTION 43. Refuse, where place. - No stallholder or any other person shall place refuse on the floor, stall or any place other than the garbage receptacles provided for the purpose by the city.

SECTION 44. Shanties and Structures Prohibited. - No shanty or structure in the nature of an independent room as an addition thereto shall be permitted in or about the public market for officials and employees or for other city purposes.

SECTION 45. Altering of Stalls, Fixtures, etc. - No person shall alter, disfigure and add to or change the structure of any stall or market fixture without the written permission from the Sangguniang Panlungsod duly approved by the Mayor. The said altering or improving of stalls and fixtures are considered as the properties of the City of Ormoc.

SECTION 46. Market Sections. - Every public market shall be conveniently divided into sections according to the kinds of merchandise pertaining to one section shall not be allowed in any other sections. Any violation of the provisions of this section shall subject the offender to the cancellation of lease of his stall or stalls and subsequent therefrom upon twenty-four hours notice to that effect of the City Mayor.

SECTION 47. Manner of Exposing Merchandise; Containers. - All provisions, merchandise, goods or articles offered for sale in the market shall be so arranged that no portion of the alleys shall be obstructed and that the floors, stands, stalls and other places or things used for exposing, the same can be easily and perfectly cleaned. All merchandise, goods, articles, or foodstuffs offered for sale shall be protected from all kinds of insects and vermin and placed in such manner as the Market Administrator or his authorized representative may direct. All containers for merchandise shall be of such size, class and condition as prescribed by the Market Superintendent as shall be suitable for the purpose for which it is used.

SECTION 48. Sale or Exposure for sale, what constitutes. - Whenever any article shall be exhibited in any public market as if the same were intended for sale, whether sold or not, or directly offered for sale or not, such exhibition shall be held to be an exposure of the same for sale and an offer to sell within the meaning of this Ordinance.

SECTION 49. Assignment of vendors to sections. - Vendors shall be assigned to sections according to the nature of articles intended for sale. Any attempt to occupy any stall for any purpose other than that for which it was specifically assigned shall render void any privilege granted the stallholders and shall ipso facto give rise to the cancellation of their leases and subsequent ejection from their stalls as provided in Section 46 hereof.

SECTION 50. Any meat as substitute for beef or cow's meat.

(a) No meat vendor in any city market shall sell to the public any meat without properly identifying the same.

(b) Sign posting. - Proper board signs shall be posted by the market authorities in conspicuous places of the sections for any kind of meat including dressed fowls, stating the kind of meat authorized for sale in each section which shall be separated from each other by a tall wire screen.

(c) Definition. - The term "meat" as herein urged shall refer to fresh meat from cow, carabao, goat, sheep, swine and dressed fowls butchered or slaughtered in the city slaughterhouse and are not allowed to be sold or offered for sale to the public elsewhere but the city market.

SECTION 51. Disqualification of ejected stallholders. - Should a stallholder be ejected from his stall for cause as this Ordinance so provides, he and his helper shall be disqualified from leasing again said stall or any other stall in any public market of the city for a period of one year.

SECTION 52. Loitering, etc., prohibited. - No lessee, occupant or any employee of any market where foodstuffs and food products are sold or offered for sale shall permit any unauthorized person or any animal of any description to occupy, loiter, sit or lie upon or have access to a table, shelf or other places where the foodstuffs are kept, displayed or stored, nor in any way obstruct, impede or block the stalls or passage ways of patrons or customers.

### Article 3. - Administrative Supervision and Control

SECTION 53. Administrative Direction and Control. - Subject to the general executive supervision and control of the City Mayor, the direction, supervision and general administrative control of city markets, including adjudication or assignment, reassignment and allocation of stalls, the standardization, classification and/or grouping or regrouping of merchandise to be sold in the stalls, and the direction, control and supervision over the Market Administrator and market collectors are hereby vested in the City Treasurer, his assistant or other representatives duly authorized by him. Provided, however, That the power exercised by the City Treasurer incident to the adjudication, assignment, reassignment or allocation of stalls shall be subject to the provisions of Section 36 of this Ordinance.

All activities incident to the collection of stall fees, regular or special, wharfage fees, fees from trucks carrying merchandise, municipal and/or internal revenue license taxes or dues from persons or entities doing business in the markets and all accounting work incident to market collections are hereby vested in the City Treasurer shall be exercised under his direction by the Market Administrator, Chief Market Collector and Market Collectors or other personnel of the City Finance Department duly authorized by the City Treasurer, Provided, however, That all market personnel who are engaged wholly or partially in the collection of fees, licenses and the like

in the market shall be under the direct administrative control and supervision of the City Treasurer to whom they shall directly be responsible for the due performance of their duties in accordance with this Article; and Provided, further, That in the performance of their regular duties the Market Administrator, the Chief Market Collector and the Market Collectors shall promptly report to the authorities concerned through the City Treasurer all anomalies, irregularities, violations of ordinances and/or market rules and regulations, or neglect of duty that may come to their attention in connection with the performance of the activities enumerated above.

SECTION 54. Composition of Market Committee - The Market Superintendent shall see to it that the city markets are efficiently operated and that all subordinates and market personnel assigned in the markets, slaughterhouses and cold storages perform their duties properly. If a stallholder fails or refuses to pay his or her stall fees, the market collector or any official or employees in the market shall report the same to the Market Administrator and/or, in his absence, to the Chief Market Collector who shall enforce the collection of said stall fees.

While in the performance of their duties the Market Administrator, market collectors, market cleaners and watchmen shall wear a prescribed uniform with nameplates and with numbered badges conspicuously displayed on their persons. The uniform and designs of the badges shall be prescribed by the City Treasurer in the case of the Market Administrator and market collectors, by the Chief of Police in the case of watchmen, and the City Health Officer in case of market cleaners. These uniforms, name plates and badges shall serve as symbols of the authority in them vested.

All persons connected with the city markets shall be required to acquaint themselves with the provisions of this Code in order that they can act without hesitancy or delay on any question arising in the public markets regarding the operation or administration thereof.

SECTION 55. Rules and regulations, posting of. - The Market Administrator shall post in each public market in English and in the local dialect the rules and regulations relative to the sanitation and good order in the public markets, manner of leasing stalls therein, privileges of stallholders and such other rules and regulations as the Sangguniang Panlungsod, the City Treasurer or the City Health Officer shall deem necessary. He shall also furnish each stallholder a copy, in English or in the dialect, of the rules and regulations relating to the same subject as may hereafter be promulgated.

SECTION 56. Bulletin Board. - For the purpose of the preceding section every public market shall be provided with a bulletin board to be placed conspicuously in or near the office of the Market Superintendent and at the gates and ingress or egress thereof.

SECTION 57. Market Hours. - The public markets shall be open for the sale of articles or merchandise permitted for sale therein from 3:00 o'clock in the morning until nine o'clock in the evening every day.

#### Article 4. - Security, Order and Discipline

SECTION 58. Security in and around the market premises. - The Sangguniang Panlungsod shall provide market guards, and watchmen in such number as may be necessary to cope with the security of buildings, equipment and fixtures, merchandise, goods and articles in and around the premises of the city market during the day time and at the night time by contracting of

services of security agency to provide the aforementioned. For the security premises during night time the employment of security guards through a security agency should be contracted, the number of guards will be determined by the Sanggunian. These market guards and watchmen shall be under the direct supervision and control of the City Mayor through the City Administrator. Whereas, the security guards shall under direct supervision of the security agency.

For the maintenance of order and discipline in the market as well as to assist the City Administrator, market collectors, market guards, city health department and livestock and meat inspection personnel in the enforcement of market rules and regulations as herein elsewhere provided, the Chief of Police shall detail policemen to the public market every day.

Market guards and security guards are hereby empowered to conduct investigation as well as to exercise police authority insofar as the market regulations are concerned, as prescribed in this Article: Provided, however, That the police department shall be notified thereof immediately after an arrest is made, and in all cases in collaboration with the police department, which shall take the proper action if circumstances warrant the same.

**SECTION 59. Duties of security guards.** - All security guards shall be at their posts during their period of duty and should not leave the area assigned to them without due notice to the Market Administrator or until properly relieved. It shall be their concern to see to it that their zones are not disturbed by delinquents, pickpockets and those who merely roam the area which causes obstruction. They should also be on the alert to help other zones in the market for the same purpose and to report any untoward act or happening immediately to the attention of the Market Superintendent or his assistant when the former is not in the area. They should at all times be ready for any call which the market authority or City Administrator/Market Superintendent may have from time to time to insure safety and protection of the market premises, personnel and patrons.

**SECTION 60. Duties of market guards.** - All market guards should be on the watch that all incoming articles subject to market fees are brought to the attention of market personnel before they are allowed entry. It shall be their duty to see to it that all market gates, passageways and alleys are not obstructed by either wrong storage or placement of goods for sale.

They should also move around from time to time and be on the watch to see that vendors and vendees are not unduly disturbed. They should likewise check every now and then the electrical wirings water pipes and drainage and report to the Market Superintendent any findings which may jeopardize the market.

**SECTION 61. Duties of detailed policemen.** - All police officers assigned in the market should help the Market Superintendent and other personnel assigned to the market in the maintenance of peace, order and discipline inside and in the environs of the public market. In the absence of security and market guards and meanwhile that said positions have not yet been created, the policemen detailed to the market as required in this Article shall perform the duties or work assist in every possible way the Market Superintendent and market collectors in the checking of payment of market fees, in the unobstructed flow of goods and people in the market, and in checking and not allowing vendors to ply their trade in the market unless they are provided with Mayor's Permits and have paid the corresponding city licenses, entrance, inspection and market fees, and also in checking and not allowing peddlers or hawkers roaming or loitering around the premises as well as persons who appear to have no business in the market area. It shall also be their duty to report their findings to the Market Superintendent and to help the latter in the execution of all market regulations.

Article 5. Miscellaneous Provisions

SECTION 62. Carrier in public market. - No person shall engage in the occupation of carrier in any public market unless he is first registered as such in the office of the Market Administrator. Each carrier shall be provided with a registration certificate and a numbered metal badge of approved design which he shall wear conspicuously while working as a carrier. For the expense of such certificate and a metal badge, the City Treasurer shall collect such amount as may be necessary to cover the actual cost thereof. The Market Superintendent shall have power to fix such number of carriers in each public market as he shall deem sufficient to handle the needs of the market. No person convicted of any crime against property shall be registered as carrier. Any person convicted of any such crimes after he has been registered as carrier shall be automatically disqualified to further act as carrier and his name shall be dropped from the list of carriers kept in the office of the Market Superintendent. Provided, however, That the occupation of carrier in the public market is for citizens of the Philippines only.

SECTION 63. - Courtesy of Customers. - Helpers and vendors or sellers in public markets shall at all times treat customers or purchasers with courtesy. Violation of this requirement shall be dealt with by competent authorities as the facts and circumstances of each case may warrant.

SECTION 64. - Abandoned Articles. - Articles abandoned in any public market in violation of any provision of this Code or of any rule and regulation relating to the arrangement of the city markets shall be deemed a nuisance and it shall be the duty of the Market Superintendent and his subordinates to take custody of the same. In case the articles are claimed within twenty-four hours thereafter, they shall be returned to their owners upon payment of the actual expenses incurred in their safekeeping unless they have so deteriorated as to constitute a menace to public health in which case they shall be disposed of in the manner directed by the City Health Officer who may also in his discretion cause the criminal prosecution of the guilty party or warn him merely against future violation. In the case of abandoned non-perishable goods or articles the owners is given thirty days within which to claim such goods or articles and the Market Superintendent shall cause the publication of the same through any media that may be available in the city; but in the case of perishable goods or articles the owner thereof is given only twenty-four hours within which to claim the same. If the articles have deteriorated and are not claimed within the period of time herein fixed, said articles shall be sold at public auction and the proceeds thereof disposed of in accordance with law.

SECTION 65. - City not responsible for stallholder's losses. - The city and the officials thereof shall not be responsible to stallholders for any losses or damaged which said stallholders may incur in public markets by reason of fire, theft or other causes, and any merchandise or property left in the public markets during the hours the public markets are lost shall be at the risk of the stallholders; Provided, however, That it shall be the duty of the market guards and watchmen to exercise reasonable diligence and care to prevent loss of private and public property therein and may, for this purpose, apprehend and turn over to the police any person committing any offense in the public markets.

SECTION 66. - Appeal. - Any stallholder, person or entity directly affected or aggrieved by or not satisfied with the decision or action handed down or taken by the City Treasurer, the City Health Officer, City Administrator, and Market Superintendent may appeal the same to the City Mayor whose decision or action in the premises shall be final, except as may otherwise be deemed by competent legal authority: Provided, however, That

nothing in this code shall be construed as preventing any market authority, employee, person or entity from seeking the intervention of the Mayor in any market case or question which may be forwarded to the said Mayor for instruction, consultation or advice according as the case or nature of the case may call for.

**SECTION 67. - Placing of Tags on Goods.** - All owners of retail stores and establishments and vendors in the public markets of the City are required to place tags on products, articles, goods, and commodities they sell, fixing the prices of each one of the said articles or products whether by the kilo, ganta, hundred, piece or unit which words shall be plainly marked on the tags below the prices fixed for each article.

It shall be unlawful for any retail storeowners and vendors to charge a price greater than that which is marked in the price tag: Provided, however, That nothing herein contained shall authorize the placing on the tags and the collection of prices in excess of those fixed by existing laws, executive orders or decrees of the President of the Philippines.

**Article 6. - Prohibition**

**SECTION 68. - Loafing, loitering and begging not permitted.** - No person not having lawful business in or about any public market shall idly sit, lounge, walk or lie in or about the premises of the same nor shall any person beg, solicit alms or contributions thereof.

**SECTION 69. - Obstructing, annoying, etc.** - No person shall obstruct or annoy market employees in the discharge of their duties nor shall any person sit or lie on any market stall or table nor shall parents allow their children in or around their stalls or play in the market premises.

**SECTION 70. - Peddlers on courts, sidewalks, etc.** - Peddlers or hawkers shall not be permitted in the public markets of the city or in the surrounding within the confines of the Public Market to offer for sale articles or merchandise which are sold or exposed for sale in the stalls, booths or tiendas of said markets in order to avoid unjust competition. Neither shall they be permitted to expose merchandise on sidewalks, courts (patios) or place for the passage of the public in the public markets. Market officials and employees and policemen detailed in the vicinity of public markets shall exercise vigilance on this matter and enjoin strict compliance with these provisions. Neither shall any person be permitted to peddle, hawk, sell, offer for sale or expose for sale any article in the passageways or aisles of any public market.

Any violation of the foregoing prohibited acts be punishable by a fine of fifty pesos (P50.00) or an imprisonment of not exceeding five days, or both such fine and imprisonment at the discretion of the court.

**SECTION 71. - Loose animals not allowed.** - No dog or other animals shall be left astray in any public market. The Market Superintendent and his subordinates are hereby empowered to catch such astray animals and to impound them in the city pound for disposition as in the case of other animals caught and impounded therein.

**SECTION 72. - Other prohibitions.** - Besides acts and transactions elsewhere in this Article prohibited, it shall be considered unlawful and punishable for any person:

1. To do any cooking inside the market premises except only in the case of carenderias and restaurants specifically granted permits by the City Mayor to cook therein and only in the opinion of the City Mayor the same will not and cannot constitute a fire hazard in the market.
2. To sleep in, or make any tienda, stall or booth the sleeping quarters of himself or family for any reason whatsoever;
3. To urinate or defecated inside the market premises or to throw urine or excreta therein;

4. To use, drive, push or pull inside the market premises any cart, carreton or carretilla for any purpose whatsoever except when they are provided with rubber wheels.

5. To use or make any stall, booth or tienda, or to construct any other structure, as a store room or bodega;

6. To make, effect or bring about wholesale transaction or distribution of fresh fish to a retail market dealer of fresh fish at any place other than those designated as the unloading and distributing centers of wholesale fresh fish vendors for fresh fish entering the city.

Any violation of the foregoing prohibited acts be punishable by a fine of fifty pesos (P50.00) or an imprisonment of not exceeding five days, or both such fine and imprisonment at the discretion of the court.

Article 7. - Special Provisions

SECTION 73. On Stalls, Booths, or Spaces. - Any duly executed contract of lease for the occupancy of a stall, booth or space shall not ipso facto entitle the lessee to occupy or enter said stall, booth or space unless he is provided with the required Mayor's Permit to engage in business and has paid the Mayor's Permit Fee and all internal revenue and city license taxes and fees.

SECTION 74. On Carenderia, etc. - No carenderia or restaurant owner or operator shall be allowed to lease a space unless he provides himself with fire extinguisher, and to cook therein using stoves other than electric or kerosene stoves.

SECTION 75. On meat or fish dealer. - No meat or fish dealer shall be allowed to sell meat or fish unless he has provided himself with an adequate scale duly tested, sealed and licensed.

SECTION 76. Demolition of shanty or barong-barong. - Any shanty or barong-barong now existing in the market areas shall be torn down and demolished and thereafter no such makeshift structure shall be allowed to be constructed or put up except when the Sangguniang Panlungsod upon recommendation of the Mayor shall order otherwise, but under such circumstances that will warrant the same.

Article 8. - Slaughter Fees

SECTION 78. Scope of this Article. - The provisions of this Article shall govern the administration of the public slaughterhouses and the imposition and collection of rentals and/or fees for the occupancy or use thereof.

SECTION 79. Prohibition against the slaughter of animals for public consumption outside the city abbatoir. - The slaughter of any kind of animal for sale, or for consumption of the public, shall be done only in the city slaughterhouse or other place designated by the Sangguniang Panlungsod. The slaughter of animals intended for home consumption may be done elsewhere, except large cattle, but shall not however, be sold or offered for sale.

SECTION 80. Permit Fee to Slaughter. - Before any animal is slaughtered for public consumption, a permit therefor shall be secured from the City Health Officer or his duly authorized representative through the City Treasurer and the corresponding fee collected at the rate of twenty pesos (P20.00) per head of large cattle and five peso (P5.00) per head of hogs and other animals, except fowls.

SECTION 81. Slaughter Fee. - There is hereby imposed and collected by the City Treasurer the following fees for the slaughter of animals in accordance with the following schedule:

a) For public consumption:

1. Large cattle, per kilo of dressed meat .....	P0.25
2. Chickens, per kilo of dressed meat .....	0.10
3. Goats, sheep and others, per head .....	5.00
4. Hogs, per kilo.....	0.20

b) For home consumption:

1. Large cattle, per head .....	30.00
2. Hogs, per head .....	20.00
3. Goats, sheep and others, per head .....	10.00

Provided, however, that if fees are to be charged per kilo, all dressed meat including the liver, heart, tongue and other parts utilized for consumption shall be weighed. The weighing shall be under the supervision of the City Treasurer or his duly authorized representative.

SECTION 82. Requirements for the issuance of a permit for the slaughter of Large Cattle. - Upon issuance of the permit required in

Section 80 hereof, large cattle shall be slaughtered at the City Slaughterhouse or in any other place as may be designated by the Sangguniang Panlungsod. Before the issuance of the permit for the slaughter of large cattle, the City Treasurer shall require for branded cattle the production of the certificate of ownership if the owner is the applicant, or the original certificate of ownership and the certificate of transfer showing title in the name of the person applying for the permit if he is not the original owner.

SECTION 83. Storage Fee. - Should the City of Ormoc own and operate an abattoir which shall include a chilling room, there be charged and collected by the City Treasurer the following fees for meat stored therein for each day or fraction thereof, to wit:

(a) For each quarter size of dressed large animal or each entrail of large cattle (carabao, cattle, horse, buffalo, etc.) .....	P 0.45
(b) For each carcass or entrail of small animals (pig, sheep, goat, etc.) .....	0.35
(c) For each head of chicken, goose, pigeon, squab and duck .....	0.015
(d) For each head of chicken, squab, quail or game bird .....	0.0075
(e) For each head of turkey .....	0.05
(f) For each kilo of fat, scrap meat or boneless meat, etc. ....	0.01

A service fee of P0.05 per kilo shall be collected for every imported frozen meat or chilled meat and meat food products, and frozen meat and meat products from local sources and locally manufactured meat products, such as sausages, frankfurters, bologna, ham, bacon, and similar products coming from sources outside the City of Ormoc and sold or offered for sale, stored or otherwise available or found in the channels of trade in Ormoc City.

SECTION 84. Corral Fee. - Where the market has a corral for animals to be slaughtered, corral fees per day or fraction thereof shall be imposed for the animals deposited and kept therein at the rates fixed as follows:

Large cattle, per head .....	P 5.00
Hogs, per head .....	3.00
Goats, sheep and others, per head .....	2.00

SECTION 85. Penalty. - Any person violating the provisions of this Article shall, upon conviction thereof, be punished by a fine of not less than five hundred pesos (P500.00) nor more than one thousand pesos (P1,000.00) or by imprisonment of not less than fifteen days nor more than two months, or both such fine and imprisonment at the discretion of the court. In case of juridical persons, the president or person in charge of the operation thereof shall be liable for the violation hereunder.

Article 9 - Fees for Sealing and Licensing of Weights and Measures

SECTION 86. Imposition of Fees. - There is hereby imposed the following fees on sealing of weights and measures, on every persons, partnership, or corporation before using instrument of weights and measures within the City in accordance with the following schedule, to wit:

- a) The City hereby levies a fee of twenty pesos (P20.00) for the sealing and licensing of weights and measures.

SECTION 87. Exemption. - All measures and instruments for determining weight used in government work or maintained for public use by the National Government, in any province, city or municipality, shall be tested and sealed free of charge.

SECTION 88. Time of Payment; Surcharge for Late Payment. The fee provided for in Section 86, hereof shall be paid when the weights or measures are sealed and the receipt for payment shall serve as a license to use the instrument for one (1) year from the date of sealing. The license shall be renewed once every year on or before the anniversary date upon payment of the fee therefor. Failure to have the instruments tested or re-tested within the prescribed period and non-payment of the corresponding fee therefor, shall subject the owner or user to a surcharge of twenty per centum (20%) thereof.

SECTION 89. Rules and Regulations Governing this Article. - All instruments of weight or measure shall be tested against the secondary standards in the Office of the City Treasurer.

SECTION 90. Penalties -

A. Fraudulent Practices Relative to Weights and Measures. - Any persons, other than the official sealer of weight and measures;

(1) who places an official tax or seal upon any instrument of weight and measure, or attaches it thereto; or

(2) who fraudulently imitates any mark, stamp, brand, tag, or other characteristic sign used to indicate that weights and measures have been officially sealed; or

(3) who alters in any way the certificate given by the official sealer as an acknowledgement that the weights and measures mentioned therein have been duly sealed; or

(4) who makes or knowingly sells or uses any false or counterfeit stamp, tag, certificate, or license, or any lie for printing or making stamps, tags, certificates of licenses which is an imitation of, or purports to be, a lawful stamp, tag, certificate, or license of the kind required by the provisions of this Article; or

(5) who alters the written or printed figures or letters on any stamp, tag, certificate, or license used or issued; or

(6) who has in his possession any such false, counterfeit, restored or altered stamp, tag, certificate, or license for the purpose of using or re-using the same in the payment of fees or charges imposed in this Article.

Any person who violates any of the above fraudulent practices suffer the penalty of imprisonment which shall not be less than one (1) month nor more than six (6) months or such fine be less than One Thousand (P1,000.00) nor more than Five Thousand (P5,000.00) or both such imprisonment or fines at the discretion of the court.

B. Unlawful possession or Use of Instrument not sealed before using or with 12 months from last sealing:

Any person making a practice of buying or selling goods by weight or measure or of furnishing services the value of which is estimated by weight or measure, who has in his possession, without permit, any unsealed scale, balance, weight or measure, and any person who uses, in any purchase or sale or in estimating the value of any service furnished, any instrument of weight or measure that has not been officially sealed, or if previously sealed, the license therefor has expired and has not been renewed in due time, shall suffer the same penalty as provided for in Article 9, Sec. 90 last paragraph thereof.

If, however, such scale, balance weight, or measure has been officially sealed at some previous time and the seal and tag officially sealed or affixed thereto remain intact and in the same position and condition in which they were placed by the official sealer, and the instrument is found not have been altered or rendered inaccurate but still to be sufficiently accurate to warrant its being sealed without repairs or alterations, such instrument shall, if presented for sealing promptly on demand of any authorized dealer or inspector of weights and measures, be sealed, and the owner, possessor, or user of the same shall be subject to no penalty, except to a surcharge of 25% of the regular fee as fixed herein. This surcharge is to be collected and accounted for by the City Treasurer in the same manner as the regular fees for sealing such instruments.

C. Alteration of Fraudulent Use of Instrument of Weight or Measure. -

Any person who, with fraudulent intent, alters any scale or balance, weight or measure after it is officially sealed or who knowingly uses any false scale or balance, weight or measure, whether sealed or not, shall be punished by a fine of not less than two hundred pesos (P200.00) nor more than six hundred pesos (P600.00) or by imprisonment of not less than two (2) months nor more than six (6) months or both such fine and imprisonment at the discretion of the Court.

Any person who fraudulently gives short weight or measure in the making of a sale, or who fraudulently takes excessive weight or measure in the making of a purchase, or who, assuming to determine truly the weight or measure of article bought or sold by weight or measure, fraudulently misrepresents the weight or measure thereof shall be punished by a fine of not less than two hundred pesos (P200.00) nor more than two thousand pesos (P2,000.00), or by imprisonment of not less than three (3) months nor more than six (6) months or both such fine and imprisonment at the discretion of the Court.

SECTION 91. Compromise Penalty. - If an offense committed under this Article does not involve the commission of a fraud, and a case has not yet been filed with the proper court, the City Treasurer, may settle said offense by requiring the offender to pay a compromise penalty of not less than two hundred pesos (P200.00) nor more than six hundred pesos (P600.00).

SECTION 92. Applicability Clause. - All laws, rules, and regulations of the National Government pertaining to the use and possession of instruments of weights and measures are hereby made part thereof.

Article 10 - Rental Fee for Use of Municipal Waters, Rivers and the Like, as Log Pond

SECTION 93. Imposition of Fee. - There is hereby imposed a fee of fifty centavos (P0.50) per square meter of water space occupied as log pond within the territorial jurisdiction of the City, as annual rental for the use of its waters, rivers, including any other body of water that belongs to the city.

SECTION 94. Rules and Regulations Governing this Article. -

(1) No logs may be allowed within the area in the waters around a pier, wharf, bulkhead-wharf, river, or channel marginal wharf at the Port of the City, nor shall any logs be allowed to moor or make fast to any vessel berthed in the areas mentioned above.

(2) No logs may be allowed to come into or moor within any slip, channel, basin, river or canal within the jurisdiction of the Port of the City nor may such logs be allowed to block the flow of river navigation.

(3) The owner or lessor of the pond shall be required to make fast and secure all the logs within the pond area.

SECTION 95. Penalties. - Any lessor of the log pond who violates the rules above-mentioned shall suffer the penalty of imprisonment not less than one month or more than six months or a fine not exceeding One Thousand Pesos (P1,000.00) or both such fine and imprisonment at the discretion of the Court.

If the owner violates paragraph 3 of the preceeding section, and the logs shall float downriver or upriver, as the case may be and cause damage to third parties, he shall pay for said damages, plus other expenses which may be incurred.

In cases of force majeure, however, where the logs may break free from the bonds and twine that bind them together the owner-lessor shall not be liable for damages. Nevertheless, whatever expenses are incurred by third parties in protecting their property from the onrushing logs, or in towing the logs back to the pond, shall be reimbursed by the owner-lessor.

Article 11. CREATION AND ESTABLISHMENT OF CENTRAL LIVESTOCK MARKET AT BARANGAY ALEGRIA, CITY OF ORMOC.

SECTION 96. The Central Livestock Market. - There is hereby created and established the Central Livestock Market at Barangay Alegria, City of Ormoc, to be operated in accordance with the rules and regulations embodied in Letter of Instruction No. 16, Presidential Decree No. 7 dated September 30, 1972, as amended by Presidential Decree No. 45 dated November 30, 1972, as well as the provisions of the Market Code of the City of Ormoc.

SECTION 97. Purchase and sale, prohibition and exception. - No purchase and/or sale of any large cattle, hogs, sheep, goats, rabbits and poultry fowls for slaughter purposes shall be transacted anywhere in the City of Ormoc, except within the premises of the Central Livestock Market in Barangay Alegria.

SECTION 98. Definition of terms. - For purposes of this Ordinance, the following terms are hereby defined:

- a. Livestock - any animal or fowl used or raised in the farm; useful domestic animals, especially cattle.

- b. Cattle - any bovine or ox-like animal.
- c. Stockyard - the yard or compound used in keeping livestock about to be slaughtered.
- d. Compound - the enclosure for keeping cattle, hogs, goats, sheep and/or poultry animals.
- e. Yardage Fee - the amount paid by the owner of the animals for their display and safekeeping within the area of the livestock market compound.
- f. Transfer Fee - the amount paid by the buyer when the livestock is taken out of the compound.
- g. Commission of the total value of the animal - the fee paid by the buyer to the City Government on a certain percentage of the value of the total weight of animal or fowl.

SECTION 99. Market Fees. - For the livestock market operation, repair and maintenance and for improvement of the market facilities as well as putting up programs to build up its animal production, there shall be paid to the City Treasurer the following market fees:

a. <u>Stockyard fee</u>	<u>Per Head Per Day</u>
1) For large cattle .....	P10.00
2) For hogs .....	5.00
3) For sheep, goats .....	1.50
4) For poultry fowls and others .....	0.50
b. <u>Yardage Fee</u>	<u>Per Kilo</u>
1) For animals sold:	
a) Large cattle .....	P 0.15
b) Hogs, sheeps, goats and others .....	0.01
c. <u>Commission of total value of animals</u>	<u>Per Kilo liveweight per head</u>
1) For large cattle .....	P 0.015
2) For hogs, goats, sheep and others ..	0.01

SECTION 100. System of Recording. - For purposes of recording any and all transactions undertaken in the livestock market, there shall be kept a log book which shall contain the following:

- a. Kind of Livestock
- b. Its weight
- c. Its value
- d. Date of Transaction
- e. The name of the owner or buyer; and
- f. Such other pertinent facts.

SECTION 101. Record Keeper. - The log book provided for in the preceding section shall be kept by the personnel assigned by the City Treasurer for the purpose, who shall make daily report to him or to his office all the transaction made or undertaken in the livestock market.

SECTION 102. Repeal - Any existing ordinance, or part thereof, which is inconsistent with this Ordinance is hereby repealed or modified accordingly.

SECTION 103. Effectivity - This Ordinance shall take effect on the first day of April, 1993.

Res. No. 44, Tax Ord. No. 93-01

SECTION 104. 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 publicly accessible places.

ENACTED, February 26, 1993.

RESOLVED, FURTHER, to furnish one copy each, to His Honor, the City Mayor Eufrocino M. Codilla, Sr., to the City Treasurer, all of Ormoc City, and to all concerned.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution-tax ordinance.

BENJAMIN M. TUKUNON  
Vice-Mayor & Presiding Officer

ATTESTED:

OSCAR M. LASAM  
City Secretary

APPROVED:

EUFROCINO M. CODILLA, SR.  
City Mayor

3/15/93  
(Date)

/magch'93  
/dsk:TaxOrd.'93