

**REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD
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**CITY ORDINANCE NO. 908
September 4, 2019**

AN ORDINANCE REPEALING ORDINANCE NO. 183, SERIES OF 1980.

WHEREAS, City Ordinance No. 183, Series of 1980 entitled "An ordinance providing for the disposition of Kiosk and Stalls constructed around the Central Public Market, Bacolod City, and imposing rentals on the same", was passed by the Sangguniang Panlungsod of the City of Bacolod on 09 September 1980, or Thirty Nine (39) years ago in order to address the prevailing concerns of the Central Market at that time relative to the Kiosks and Stalls constructed around the said Market;

WHEREAS, after Thirty Nine (39) long years, progress and development of and in the City of Bacolod had reached an exponential pace;

WHEREAS, the intent and purpose of City Ordinance No. 183, Series of 1980 had become outdated and obsolete;

WHEREAS, on 29 July 2019, Secretary Eduardo M. Año of the Department of the Interior and Local Government had issued Memorandum Circular No. 2019-121 addressed to all Provincial Governors, City and Municipal Mayors, Punong Barangays, Head of Local Sanggunians, DILG Regional Directors, BARMM Regional Governor, and all other concerned, directing to clear all roads, thoroughfares, alleys including sidewalks of illegal structures, obstructions and any similar nuisance relative to the Presidential directive during the 4th State of the Nation Address (SONA) of the President;

WHEREAS, it has been long settled that the police power legislation adopted by the State to promote health, morals, peace, education, good order, safety and general welfare of the people prevail not only over future contracts but even over those already in existence such as, contracts entered into because of City Ordinance No. 183, Series of 1980 or all private contracts must yield to the superior and legitimate measures taken by the City to promote public welfare as enunciated in the case of Surigao del Norte Electric Cooperative, Inc., (SURNECO) versus Energy Regulatory Commission in G.R. No. 183626, dated October 4, 2010, thus giving the conclusion that the Rule on Non-Impairment of Contracts may be set aside if the objective is to promote the general welfare of the people;

WHEREAS, as the Supreme Court states in G.R. No. 93654, dated May 6, 1992, "As the stallholders pay fees to the City Government for the right to occupy portions of the public streets, the City Government, contrary to law, has been leasing portions of the streets to them. Such leases or licenses are null and void for being contrary to law. The right of the public to use the city streets may not be bargained away through contract. The interests of a few should not prevail over the good of the greater number in the community whose health, peace, safety, good order and general welfare, the respondent city officials are under legal obligation to protect", as enunciated in the case of Francisco U. Dacanay versus Mayor Macario Asistio, Jr., et. al.

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WHEREAS, Section 21 of the Local Government Code, Closure and Opening of Roads, provides that, (a) A Local Government Unit may, pursuant to an ordinance, permanently or temporarily close or open any local road, alley, park, or square falling within its jurisdiction: provided, however, that in case of permanent closure, such ordinance must be approved by at least two-thirds (2/3) of all the Members of the Sanggunian, and when necessary, an adequate substitute for the public facility that is subject to closure is provided" and Article 420 of the Civil Code of the Philippines likewise states that, "public street is a property for public use".

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of Bacolod City, that:

Section 1. City Ordinance No. 183, Series of 1980 entitled "An Ordinance Providing for the Disposition of Kiosks and Stall Constructed around the Central Public Market, Bacolod City, and Imposing Rentals on the same" is hereby **REPEALED**.

Section 2. EFFECTIVITY CLAUSE: This Ordinance shall take effect upon its passage and approval thereof.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : Renecito S. Novero, Simplicia Z. Distrito, Al Victor A. Espino, Archie S. Baribar, Israel P. Salanga, Dindo C. Ramos, Bartolome N. Orola, Sr., Ana Marie V. Palermo, Elmer T. Sy, Wilson C. Gamboa, Jr.

Negative : N o n e .

Official Leave : Councilor Cindy T. Rojas.

Official Travel : Councilor Lady Gles Gonzales-Pallen.

Absent : N o n e .

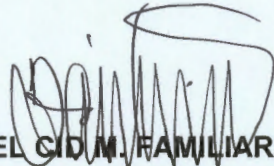
Author : Councilor Bartolome N. Orola, Sr.

Passed : September 4, 2019 (10th Regular Session of the 10th Council).

Comments : P a s s e d .

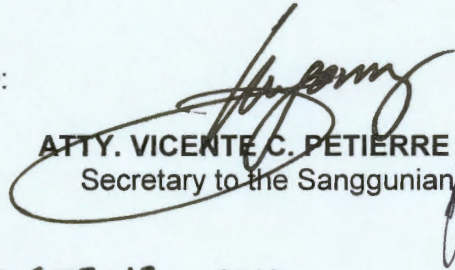
Councilors Carlos Jose V. Lopez and Ayesha Joy Y. Villaflor were not around when this ordinance was passed.

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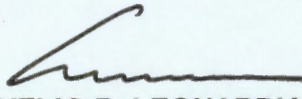
EL CID M. FAMILIARAN
Vice Mayor
Presiding Officer

ATTESTED:



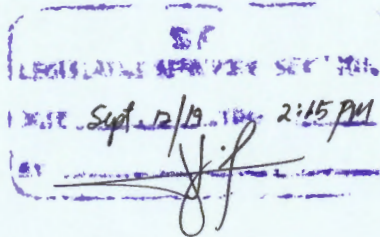
ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

APPROVED: SEPT. 12, 2019.



EVELIO R. LEONARDIA
City Mayor

VCP/CGT/jbz



LEGISLATIVE SERVICE SECTION
SEP 12/19 2:15 PM
[Signature]



Republika Ng Pilipinas
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
Lungsod ng Bacolod

CERTIFICATION

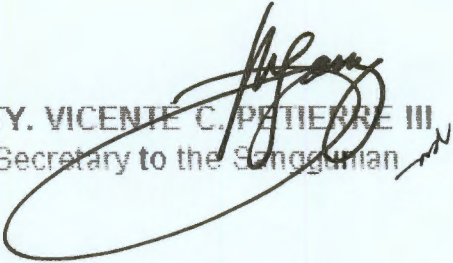
This is to certify that City Ordinance No. 908, Series of 2019 passed by the Sangguniang Panlungsod of the City of Bacolod on September 4, 2019 entitled:

AN ORDINANCE REPEALING ORDINANCE NO. 183, SERIES OF 1980.

was published in Sun.Star Bacolod dated September 17, 2019 and posted for three (3) consecutive weeks in the following conspicuous places in the City of Bacolod, to wit:

1. Bulletin Board of the Sangguniang Panlungsod
2nd Floor Bacolod City Government Center
2. Old City Hall (Araneta-Luzuriaga Streets)
3. Bacolod Public Plaza
4. Hall of Justice
5. City Health Office
6. North (Burgos) Public Market
7. South (Libertad) Public Market
8. Central Public Market

Bacolod City, Philippines, October 4, 2019.


ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian