

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD

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CITY ORDINANCE NO. 541

June 15, 2011

**AN ORDINANCE ALLOWING FOR THE TRANSFER OF AWARDS TO THE
PRESENT MARKET/BLOCK/STALL/TABLE OCCUPANTS.**

WHEREAS, the provisions of the "CONTRACT OF LEASE" under City Ordinance # 160, series of 1996 or the Market Code of Bacolod City prohibit the transfer of awards or sub-leasing of blocks/stalls/tables, except in the case of death or legal incapacity of the awardee, in which case, the award maybe transferred to the surviving spouse, son or daughter or a business partner;

WHEREAS, approval by the Local Market Committee on application for transfers which were actually done in previous years have served as precedents to give the interested persons an impression that despite of clear provisions in the Market Code, transfer maybe made to an alleged business partners for causes other than death or legal disability;

WHEREAS, having taken cognizance on the actual conditions of the public markets, including Manokan Country, also revealed that a number of blocks/stalls/tables therein have been since then operated by illegal transferees of subleases, and not by (original) awardees;

WHEREAS, the procedure prescribed by the Market Code of 1996 for these violations is an outright revocation of award, and re-raffle of the same for the vacant block/stall/table. However, this procedure will displace not only the awardees who violated the Market Code, but will also cause eviction of the present occupants, who, being disadvantaged by their not being awardees paid or are paying sizable amounts to be able to earn a living from business conducted in our public markets;

WHEREAS, based on the stated information and circumstances, there is a need to rectify the present situation in our public markets, straighten out the record or market lessees, and put a stop to the illegal transferring and sub-leasing or market block/stall or table.

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

see

Section 1. Title of the Ordinance. The title of this ordinance shall be known as, "An Ordinance allowing for the transfer of awards to the present market block/stall/table occupants."

Section 2. Application for Cancellation of Original Award and Subsequent Issuance of New Award.

Within Ninety (90) days from the passage of this ordinance, all non-awardees who are presently doing business in the blocks/stalls/tables/booths or kiosks in the City's North Burgos, South Libertad and Central Markets, including Manokan Country may apply for cancellation of the original award, and the issuance of new award to them, without need for a declaration of block/stall/table/booth or kiosks vacancy, and the raffle mandated under Section 18 of the Market Code of 1996. The issuance of new awards to the present market occupants, however shall be subject to the following terms and conditions:

1. Cancellation of the original awards and issuance of new awards under this ordinance shall be made in accordance with the procedure as prescribed by the Local Market Committee.
2. Within Sixty (60) days after receipt of notice of approval by the Local Market Committee, the prospective awardee shall pay the following fees:

Transfer Fee:

- a. EXTERIOR BLOCK/STALL - Twenty Thousand Pesos (Php 20,000.00)
- b. INTERIOR BLOCK/STALL - Fifteen Thousand Pesos (Php 15,000.00)
- c. MEAT TABLE - Ten Thousand Pesos (Php 10,000.00)
- d. FISH TABLE - Seven Thousand Pesos (Php 7,000.00)
- e. VEGETABLE TABLE - Four Thousand Pesos (Php 4,000.00)

Furthermore, the present occupants shall also pay all delinquencies for rental and business permits pertaining to the said block/stall/table/booth or kiosk. However, the Local Market Committee may also allow payment of rental arrearages thru installment in meritorious cases only, and not to exceed One (1)-Year period of payment. The new award shall be issued, and, a lease contract executed only after all fees and arrearages have been paid.

Failure to update the rentals and business permit fees by the end of One (1) Year period after approval of the application shall be a ground for cancellation of the award, and declaration of the vacancy of the block/stall/table/booth or kiosk.

Section 3. The applicant to whom the award is issued **must** be the exclusive owner of the business, and he/she **must occupy**, administer, and be present personally at his/her block/stall/table/booth or kiosk to conduct the business thereof, in accordance with Section 19 of the Market Code of 1996.

An applicant, however, may seek an exemption from the prohibition in the Market Code of 1996, by duly designating his/her caretakers or hired personnel.

Section 4. Pending approval of new rates for market rentals, the new awardees shall pay rentals at the current rate. The lease contracts to be executed by the new awardees and the City block/stall/table/booth/kiosk, however, include a proviso that they (new awardees) shall be subject to such rate increase as the Sanggunian may enact for the market blocks/stalls/tables, booths or kiosks.

Section 5. Awards that are revoked by virtue of this Ordinance are deemed revoked for causes provided under the Market Code of 1996, particularly, the provisions against transfers and sub-leasing of awards. As such, holders of the revoked award shall, thereafter, be disqualified from applying for any other block, stall/table/booth or kiosk in any public market (including Manokan Country) of the City.

Section 6. The suspension of Section 18 of the Market Code of 1996 shall be valid only for applications which are duly received by the Market Committee within Ninety (90) days from the effectivity of this ordinance.

For transferees:

- All transferees who have not applied for transfer of the award to them shall file an application under Oath in a form to be prescribed by the Local Market Committee, stating therein their names and legal circumstances, the name of the original awardee, the Number and Section of the block/stall and the market where it is found, the date the applicant began doing business in said block/stall, the nature of his/her business, the amount paid to the awardee for the transfer or the waive of rights.

Also, attached to the application shall be the Articles of Partnership, Waiver or Transfer of Rights, and such other documents as may prove that the awardee had relinquished his/her right to the block/stall or table.

all

Section 7. Effectivity Clause – This Ordinance shall take effect Fifteen (15) days after its publication in a newspaper of general circulation in the City of Bacolod.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : El Cid M. Familiaran, Homer Q. Bais, Archie S. Baribar, Roberto M. Rojas, Catalino T. Alisbo, Em L. Ang, Dindo C. Ramos, Elmer T. Sy, Sonya M. Verdeflor, Al Victor A. Espino, Caesar Z. Distrito, Carlos Jose V. Lopez, Mona Dia G. Jardin, Keith Emmanuel L. Ramos.

Negative : None.

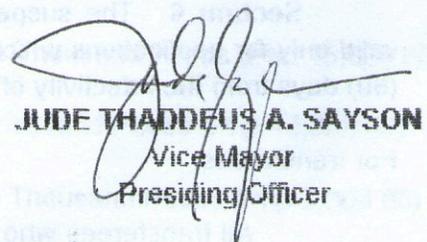
Absent : None.

Main Author : Councilor El Cid M. Familiaran.

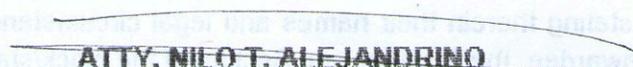
Co-Authors : Councilors Archie S. Baribar and Catalino T. Alisbo.

Passed : June 15, 2011 (50th Regular/Special Session).

Comments: Passed.


JUDE THADDEUS A. SAYSON
Vice Mayor
Presiding Officer

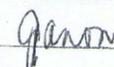
ATTESTED:


ATTY. NIROT T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED: June 7, 2011


EVELIO R. LEONARDIA
City Mayor

NTA/CLC/jbz

S.P.
LEGISLATIVE SERVICES SECTION
DATE 7/20/11 TIME 2:05PM
BY: 



Republika ng Pilipinas
Tanggapan ng Sangguniang Panlungsod
Lungsod ng Bacolod

CERTIFICATION

This is to certify that **City Ordinance No. 541**, Series of 2011, passed by the Sangguniang Panlungsod on June 15, 2011, entitled:

**“AN ORDINANCE ALLOWING FOR THE
TRANSFER OF AWARDS TO THE PRESENT
MARKET/BLOCKS/STALL/TABLE OCCUPANTS”.**

was published in the July 22, 2011 issue of Sun-Star Bacolod, and was likewise posted in the bulletin board of the Sangguniang Panlungsod at the New Government Center as required in the said City Ordinance and is now therefore legally in effect.

Bacolod City, Philippines, August 5, 2011.

ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

NTA/rg/✱

A CERTIFIED PHOTOSTAT COPY