



Lungsod ng Bacolod

CITY ORDINANCE NO. 394
October 27, 2005

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CITY ORDINANCE NO. 160, SERIES OF 1996, OTHERWISE KNOWN AS THE REVISED MARKET CODE OF BACOLOD CITY BY PROVIDING FOR A PERIOD UP TO THE YEAR 2005 ONLY FOR THE AUTOMATIC ANNUAL INCREASE OF MARKET RENTAL RATES BY 10% AND REPEALING ALL PROVISIONS ON SURCHARGES FOR LATE OR NON-PAYMENT OF RENTALS THEREOF, AND FOR OTHER PURPOSES.

WHEREAS the markets owned and managed by the City Government of Bacolod, as economic enterprises are envisioned to be self-sustaining, with better facilities and services for the consumer-public;

WHEREAS the Revised Market Code was enacted in 1996 to reflect the then current cost of operations, rationalize the market rental rates which have remained the same since 1979, as well as enable the City, thru the estimated annual revenues it will achieve by virtue of the revision, to cover up for the perennial deficits in the public market operations;

WHEREAS since then, realities have shown that there are certain provisions or Sections in the said Revised Market Code that instead of helping to achieve the purposes mentioned in the preceding paragraphs, have contributed to the ever ballooning market rental receivables or revenue deficits of the City of Bacolod which has hampered the City to likewise provide for better facilities and services therein. These are the following, to wit:

A. 3rd paragraph of Section 13 (Market Fees for Ambulant/Transient Vendors) of Chapter III of the Revised Market Code of Bacolod City provides "that effective the year 1996 onward, there shall be a gradual increase in the rental rates of stall/stalls or booth, booths and the rates of fees and other charges as above-mentioned. The annual increase is 10%."

B. Section 14, Chapter III (Time for Payment/Penalties for Delinquency) provides that the monthly rentals for market stall shall become due and payable within the first twenty (20) days of the month. Failure to pay the rental within the period required herein shall subject the Lessee/Occupant to a SURCHARGE OF TWENTY-FIVE (25%) PERCENT OF THE AMOUNT OF THE RENTAL FEE plus an interest of fourteen (14%) percent per annum upon the unpaid amount from the due date until the rental fee is fully paid."

C. Chapter VII, Section 44 (Surcharge) provides that "any person occupying or using a space in the public market without first paying the fines herein above provided, shall be subject to the payment of market fees in an amount equivalent to three times the regular rate fixed for the space occupied. Any person occupying more space than what is duly leased to him shall pay double the regular rate for such extra space and shall remove any unauthorized extension made if there be any and any person who fails to pay the monthly rent within the time fixed herein SHALL PAY A PENALTY OF TWENTY-FIVE (25%) PERCENT OF THE RENT DUE plus annual interest upon the unpaid rental fee at the rate of fourteen (14%) percent per annum from the date until fully paid."

D. Section 47, Chapter VII provides that "the monthly rentals shall be paid without penalty during the first twenty (20) days of the month. Upon failure to pay the rental within that period, the occupant shall be subject, aside from the unpaid amount, to a SURCHARGE OF 25%. He is given the option of paying the monthly rentals on a daily basis, computed by dividing the monthly rate by the number of days of the month. Failure to pay the daily rentals on any day, shall subject the occupant to a SURCHARGE OF 25%. Any occupant who is delinquent in the payment of his rentals for two consecutive months shall forfeit his right to the block or stall occupied by him and shall be expelled from the said block or stall without the necessity of court action to serve the best interest of the government, and without detriment to the collection of delinquent rentals due thru civil action. Goods, articles or merchandise found on hand inside the delinquent block or stall at the time of forfeiture shall be inventoried in the presence of the delinquent block or stallholder with their corresponding inventoried values and duly receipted for and impounded until the delinquent rentals are fully paid, or sold at public auction to satisfy the amount of the delinquency."

E. Chapter IX, Section 51 (Suspension of the Ten Percent (10%) Annual Increase of Market Rates) provides that "pending the full implementation of the 250% increase in market rates, the ten percent (10%) annual increase provided for in paragraph 3 of Section 13 shall be suspended. It shall take effect after the 250% increase shall have been fully implemented."

WHEREAS, said Revised Market Code provided for an automatic annual increase of 10% for rentals and other charges starting in the year 1999 hoping to free the city government from the hustle of conducting public hearings for every increase in rates, as well as narrowing the gap between revenue and expenditure, if not end up with a surplus.

WHEREAS, for the past three (3) administrations, the market awardees/lessees/occupants have beseeched the City Government to condone their arrearages in rentals, surcharges and interests for their market stall/booth/space leased, while their rental rates have since 1999 up to the present, been annually increased automatically by 10%.

WHEREAS, it is ironic for the City Government to keep on increasing the rental rates by 10% annually, and penalizing the delinquent market lessees/occupant with surcharges for their late payments or installments, and other schemes, which unfortunately did not result to lessen the ever ballooning market revenue receivables of the City.

WHEREAS the Sangguniang Panlungsod is cognizant of the fact that through the years the problems on the sustainability of the City's markets and the businesses therein have been compounded not only by the economic difficulties of the times, but likewise the proliferation of illegal vendors in the sidewalks, and the presence of competitors legitimately selling in private markets or facilities nearby, coupled with the apathy of the City Government and the market lessees/occupants for the strict implementation or compliance of the provisions of the Market Code.

NOW THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD IN SESSION:

Section 1. TITLE

This ordinance shall also be known as the Ordinance amending certain Sections of City Ordinance No. 160, series of 1996, otherwise known as the Revised Market Code of Bacolod City, by providing for a period up to the year 2005 for the automatic annual increase of market rental rates by 10% and repealing all provisions on surcharges for late or non-payment of rentals thereof, and for other purposes.

Section 2. AMENDING PROVISIONS

1. The 3rd paragraph of Section 13 (Market Fees for Ambulant/Transient Vendors) of Chapter III of the Revised Market Code of Bacolod City is hereby amended and shall now be read as follows:

"Provided that effective the year 1996 onward, and up to a period of nine (9) years or up to the year 2005, there shall be a gradual increase in the rental rates of stall/stalls or booth, booths and the rates of fees and other charges as above-mentioned. The annual increase is 10%. Any increase in market rates thereafter shall be done thru an Ordinance duly enacted for the purpose."

2. Chapter IX, Section 51 (Suspension of the Ten Percent (10%) Annual Increase of Market Rates) is hereby amended and shall now be read as follows:

"Pending the full implementation of the 250% increase in market rates, the ten percent (10%) annual increase provided for in paragraph 3 of Section 13 shall be suspended. It shall take effect after the 250% increase shall have been fully implemented and up to such period as likewise provided in said paragraph 3, Section 13, Chapter III of this Code."

Section 3. REPEALING PROVISIONS

Any or all Sections of the Revised Market Code providing for a penalty or surcharge of 25% to be imposed and collected for late or non-payment of rental fees, especially those mentioned in the Whereas Clauses of this Ordinance, are hereby repealed. Henceforth, any surcharge of 25% on the amount of the rental fee due and payable by the market lessee/occupant pursuant to the Market Code shall no longer be charged and collected immediately the day following the effectivity of this Ordinance.

Further, the preceding paragraph shall be applied prospectively and shall not cover market rental fees that have become due and payable prior to the effectivity of this Ordinance.

Section 4. ADDITIONAL PROVISIONS

1. Chapter X Final Provisions shall now be read to include the additional provisions, to wit:

Section 52. Automatic Review of Market Rental Rates

The Sangguniang Panlungsod shall review every three (3) years from the effectivity of this Ordinance the market rental rates prescribed in the 1996 Revised Market Code, and any increase thereof shall be subject to a public hearing of all the stakeholders and thru an enabling Ordinance.

2. Section 52 and 53 as appearing in Chapter X of the Revised Market Code shall now be read without any changes in the provisions therein, as Sections 53 and 54 respectively.

Section 5. EFFECTIVITY

This amending ordinance shall take effect fifteen (15) days after its approval.

CARRIED BY THE VOTE OF:

Affirmative
Councilors

Ana Marie V. Palermo, Lyndon P. Gafia, Jocelle Batapa-Sigue, Homer Q. Bais, Dindo C. Ramos, Jude Thaddeus A. Sayson, Catalino T. Alisbo, Reynold T. Iledan, Arturo V. Parreño.

Negative

None.

Absent

None

Official Leave

Vice Mayor Renecito S. Novero and Councilor Napoleon A. Cordova.

Author

Floor Leader Ana Marie V. Palermo.

Passed

October 27, 2005 (70th Regular Session)

Comments

Passed.
Councilors Al Victor A. Espino, Elmer T. Sy and Marx Louie S. de la Rosa were not around when this ordinance was passed.


City Ordinance No. 394
October 27, 2005

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGED NG SAKOLAN
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CITY ORDINANCE NO. 395
November 9, 2005


AN ORDINANCE EXEMPTING THE VICE MAYOR LEAGUE-NEGROS OCCIDENTAL CHAPTER FROM THE PAYMENT OF AMUSEMENT TAX AND SUCH OTHER RELATED TAXES, IN CONNECTION WITH THE CONDUCT OF THEIR 5-000K FUND RAISING DERBY ON NOVEMBER 28, 29 AND 30, 2005 AT THE NEGROS COLISEUM, RECLAMATION AREA, KABANKALAN CITY, PER REQUEST OF HON. RAUL RIVERA, VICE MAYOR, KABANKALAN CITY AND CHAIRMAN, DERBY COMMITTEE, DATED NOVEMBER 07, 2005 AND DOCKETED AS SP CORRESPONDENCE NO. 05-1008.


GREG C. GASATAYA
Acting Vice Mayor
Presiding Officer

ATTESTED

ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED: November 9, 2005


EVELIO R. LEONARDIA
City Mayor

NTAHPL/jem

Section 2. This ordinance shall take effect upon its approval.

COUNCILOR THE WIFE OF

Affirmation

Councilor

Greg C. Gasataya, Ana Marie V. Palomo, Leslie Sarapa-Sigua, Homer D. Bala, Dindo C. Ramos, June Theodora A. Seyson, Elmer T. Sy, Al Victor A. Espino, Casiano F. Aliso, Reynold I. Jadao, Arturo V. Parreno, Max Louis S. de la Rosa

Proponent

Councilor Al Victor A. Espino

Reporter

N/A

Attestation

Conchita Lyndon P. Caba

Official Name

Councilor Napoleón A. Cordova

Passed

November 9, 2005 (72nd Regular Special Session)

Conferred

Passed


RENETO S. NOVENO
Vice Mayor
Presiding Officer

ATTESTED

ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

BY


CONCHITA L. CASTILLO
Stenographic Reporter IV

APPROVED: November 17, 2005


EVELIO R. LEONARDIA
City Mayor