

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BACOLOD
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CITY ORDINANCE NO. 407
July 6, 2006

AN ORDINANCE GRANTING CERTAIN RELIEF TO MARKET VENDORS ON SURCHARGES, INTERESTS, PENALTIES AND ARREARAGES ON THEIR RENTAL OBLIGATIONS, AS WELL AS GRANTING INCENTIVES TO FAITHFUL PAYORS OF THEIR DUES, AND LAYING DOWN RULES, CONDITIONS AND PROCEDURES FOR THE AVAILMENT THEREOF, AS WELL AS FOR OTHER PURPOSES.

Be it ordained by the Sangguniang Panlungsod of the City of Bacolod in regular session assembled that:

WHEREAS, the City of Bacolod as of this date has a total collectible of accumulated arrearages representing principal, surcharge and penalties for unpaid market rentals from all stall lessees amounting to several millions of pesos in Libertad, Central and Burgos public markets of the City;

WHEREAS, the peculiar circumstance of the market vendors in the City is such that its arrearages on market rentals have ballooned to such unmanageable proportions due to a confluence of factors, such as but not limited to legal and illegal competition, changing times, escalation of increase in rentals as imposed by C.O. No. 160, series of 1996 and other factors;

WHEREAS, in order to end the stalemate, improve collections, solve the problem and reposition market vendors, there is a need for an ordinance granting relief to arrearages in the obligations of the market vendors to the City;

WHEREAS, it is the declared policy position of the Sangguniang Panlungsod of Bacolod City, pursuant to Section 17 of RA 7160, in subsection (b) (ix) thereof, that markets are part of the basic services provided for by a local government unit, and not primarily a revenue-raising activity or an economic enterprise, although revenues are raised incident to the regulations;

WHEREAS, Section 168 of the Local Government Code empowers the Sanggunian to impose surcharges and penalties on unpaid taxes, fees, and charges, which impliedly gives it the power to condone the same;

WHEREAS, mindful of the plight of our market vendors, the City exerted efforts in the past, such as in the time of Mayor Oscar Verdeflor and Mayor Luzviminda Valdez, to somewhat lighten the load of our market vendors;

WHEREAS, the present Sangguniang Panlungsod believes that the peculiarity of the times attending the passage of this ordinance demands extraordinary measures;

WHEREAS, finally, with this liberality of the City, it is hoped that there will be improved collections on market rentals compared to the recent years;

NOW THEREFORE, let it be ordained by the Sangguniang Panlungsod, in session assembled, that:

[Signature]

ARTICLE 1. PERSONS QUALIFIED TO AVAIL OF THE RELIEF GRANTED IN THIS ORDINANCE.

Section 1. Those who can avail of the relief in this ordinance shall be the awardees of the stalls who are also actual occupants of the stalls awarded to them.

Section 2. Awardees who sold their rights in violation of existing ordinance/s shall not be allowed to avail of the benefits of this particular ordinance.

ARTICLE 2. DUTY OF CITY TREASURER'S OFFICE AND THE LOCAL MARKET COMMITTEE UNDER THE CITY ADMINISTRATOR'S OFFICE TO INVENTORY AND UPDATE MARKET STALL AWARDS, ACTUAL OCCUPANCY, AND TOTAL OBLIGATIONS DUE.

Section 1. Upon passage of this ordinance, it shall be the duty of the City Treasurer's Office in coordination with the Local Market Committee under the City Administrator's Office to inventory and update the rental obligations due of market vendors in all the public markets of the City of Bacolod, with record and data on stall awards, actual occupancy, and standing of the market vendors concerned.

Section 2. In performing this duty, the City Treasurer's Office shall be guided by the pertinent provisions of the Local Government Code and other applicable national and local laws on determination and enforcement of obligations, subject to this Ordinance.

Section 3. Upon such inventory and recomputation, the City Treasurer's Office with the assistance of the Local Market Committee under the City Administrator's Office shall serve proper notices of the recomputed accounts of each market vendor for purposes of tolling or counting the period in this ordinance.

ARTICLE 3. RELIEF ON SURCHARGES, PENALTIES AND INTERESTS ON RENTALS.

Surcharges, penalties and interests on market rentals due from 2002 up to 2006, are hereby condoned. Only the arrearages on the principal rentals due shall remain as provided for in the proceeding article.

ARTICLE 4. PAYMENT OF ARREARAGES ON PRINCIPALS ON RENTALS.

Section 1. Arrearages on principal on market rentals shall be settled by the stall awardee within THREE (3) years from receipt of this updated and recomputed arrearages due as provided for in Section 3 hereof, by way of a MEMORANDUM OF AGREEMENT (MOA) or Promissory Note to be executed for the purpose.

Section 2. The City Mayor or the City Administrator is hereby authorized to enter into and sign said MOA or promissory note subject to the final ratification of the Sangguniang Panlungsod.

ARTICLE 5. PERIOD TO MAKE ARRANGEMENT FOR PAYMENT BY MOA OR PROMISSORY NOTE.

Section 1. The market vendor concerned, after service upon him or his agent of the recomputed arrearages as provided for in Section 3, Article 2, hereof, shall have thirty (30) days from receipt of the recomputed amount due within which to arrange and sign a prepared MOA or promissory note at the City Administrator's Office.

ARTICLE 6. CURRENT RENTAL OBLIGATIONS

The awardee shall, notwithstanding the relief granted in the previous article, pay his current market rental obligations beginning with the year 2006 and onwards.

ARTICLE 7. POSTING OF APPLICATION FOR AVAILMENT OF PRIVILEGE UNDER THIS ORDINANCE; CHALLENGE OR CONTEST; PERIOD TO CONTEST.

Section 1. In order to prevent confusion as to identity of stall, space, block or table awardees or whether there have been valid or lawful substitution of said awardees or occupants thereof, the City Treasurer's Office in coordination with the City Administrator's Office shall cause the POSTING of the names of those who applied for availment of the relief and remedies granted in this ordinance, making specific mention of the stall, table, space or block concerned and the name of the applicant for relief under this ordinance. This notice shall be posted in conspicuous places in the City Treasurer's Office, the City Administrator's Office, and the public markets concerned.

Section 2. Any interested party who wishes to contest the identity of the applicant for relief with respect to a particular stall, space, table or block in any of the public markets of the City may file the necessary protest or challenge in writing with the Local Market Committee through the City Administrator's Office. The Local Market Committee, following generally accepted principles of due process, shall resolve the contest or challenge through its own rules which shall be published for this purpose.

ARTICLE 8. DETERMINATION OF OCCUPANCY

Section 1. If, in the process of determining eligibility to the reliefs made available in this ordinance, the Local Market Committee has to pass upon the issue or question of legitimacy of occupation of a market stall, space, table or block by a certain individual, the Local Market Committee shall include as among its reference points Executive Order No. 8, Series of 2002, then issued by the former Mayor Luzviminda S. Valdez amending her previous Executive Order No. 5, except the provisions thereof that relate to business permits, insofar as the same may assist the Local Market Committee in resolving said issue of occupancy.

Section 2. Nothing in this ordinance shall be interpreted to mean as intending to ratify or legitimize illegal occupancy of market stalls, blocks, spaces, tables, or booths under existing laws.

ARTICLE 9. EFFECT OF NON-AVAILMENT

Those who do not avail of the relief granted in this ordinance within the prescribed period provided in Art. 5 hereof shall be subject to the original computation of arrearages with penalties and surcharges as certified to by the City Treasurer's Office, which shall be dealt with accordingly, pursuant to law or ordinance, including but not limited to the remedy of cancellation of stall award, or ejection.

ARTICLE 10. EFFECT OF NON-COMPLIANCE

Those who do not avail of the reliefs granted in this ordinance by signing the MOA or Promissory Note as provided for in this ordinance shall faithfully comply with the same. Failure to comply with the same shall be ground for cancellation of the MOA and/or enforcement of the regular applicable provisions of the Market Code and/or other laws on the market vendor concerned.

ARTICLE 11. INCENTIVES TO FAITHFUL PAYORS

Market stall awardees or lessees who have somehow managed to faithfully pay all their dues at current levels upon the passage of this ordinance shall be entitled to a twenty percent (20%) discount on their current rental obligations for the year 2006 up to 2011, or 5 years beginning with year 2006, for as long as they pay their dues on time in those years.

ARTICLE 12. REPORTORIAL REQUIREMENT

Section 1. The City Administrator's Office, in coordination with the City Treasurer's Office, shall render an initial report after six (6) months after the passage of this Ordinance as to who or how many have availed of the reliefs granted in this ordinance, including such other data and information as may be helpful to the Sanggunian for its information and appropriate action

Section 2. The City Treasurer's Office shall likewise render a report on collections made, with comparative data on previous years' collection, and such other relevant data and information, for the information and appropriate action of the Sanggunian.

ARTICLE 13. DUTY OF MARKET VENDORS ASSOCIATION OFFICERS

It shall be the duty of the market vendors associations officers to assist the City in disseminating information relative to this ordinance to all members, and to likewise assist the City in terms of data and information gathering, application and execution of MOAs or promissory notes for those who want to avail of the benefits under this ordinance, ensure faithful compliance, improve collection, and to perform such other actions as would help the City achieve the purpose of this ordinance.

ARTICLE 14. AMENDMENT OR REPEAL.

This ordinance or pertinent provisions hereof shall have the effect of amendment on pertinent provisions of the Market Code or other codes or ordinances of the city insofar as the latter are affected by the provisions hereof.

ARTICLE 15. SEPARABILITY CLAUSE

If for any reason, any portion of this ordinance is declared invalid by competent authority, the portions not so affected shall remain in full force and effect.

ARTICLE 16. EFFECTIVITY

This ordinance shall take effect immediately upon approval according to law.

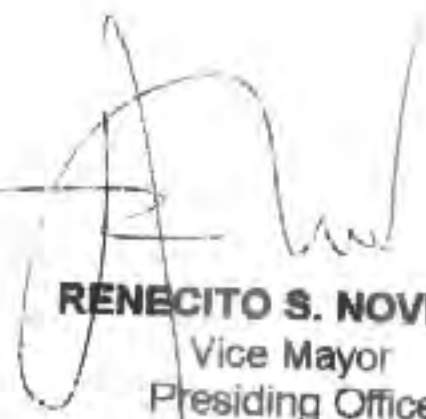
CARRIED BY THE VOTE OF:

Affirmative:

Councilors: Greg G. Gasataya, Ana Marie V. Palermo, Lyndon P. Caña, Jocelle Batapa-Sigue, Homer Q. Bais, Dindo C. Ramos, Jude Thaddeus A. Sayson, Napoleon A. Cordova, Elmer T. Sy, Al Victor A. Espino, Catalino T. Alisbo, Reynold I. Iledan, Arturo V. Parreño, Marx Louie S. de la Rosa.

Negative : None

Author : Councilor Lyndon P. Caña
Co-Authors : Councilor Jude Thaddeus A. Sayson
Councilor Napoleon A. Cordova
Councilor Homer Q. Bais
Absent : None
Passed : July 6, 2006 (106th Regular Session)
Comments: Passed


RENECITO S. NOVERO
Vice Mayor
Presiding Officer

ATTESTED:

ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED: July 28, 2006


EVELIO R. LEONARDIA
City Mayor

NTA/CLC/ingl





Republika ng Pilipinas
Tanggapan ng Sangguniang Panlungsod
Lungsod ng Bacolod

CERTIFICATION

This is to certify that City Ordinance No. 407, dated July 6, 2006, entitled:

“AN ORDINANCE GRANTING CERTAIN RELIEF TO MARKET VENDORS ON SURCHARGES, INTERESTS, PENALTIES AND ARREARAGES ON THEIR RENTAL OBLIGATIONS, AS WELL AS GRANTING INCENTIVES TO FAITHFUL PAYORS OF THEIR DUES AND LAYING DOWN RULES, CONDITIONS AND PROCEDURES FOR THE AVAILMENT THEREOF, AS WELL AS FOR OTHER PURPOSES.”

was published in the July 24-30, 2006 issue of the Western Visayas Journal, as required under Article 16 of the above mentioned City Ordinance and is therefore in effect.

Bacolod City, Philippines, August 10, 2006

ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

NTA/rgf

WHEREAS, finally, with this liberality of the City, it is hoped that there will be improved collections on market rentals compared to the recent years;

NOW THEREFORE, let it be ordained by the Sangguniang Panlungsod, in