

CITY ORDINANCE NO. 471

October 29, 2008

AN ORDINANCE AUTHORIZING THE CITY OF BACOLOD TO LEASE FOR THOSE INTERESTED BUSINESS ESTABLISHMENTS, COMPANIES, ADVERTISING AGENCIES, ORGANIZATIONS, INDIVIDUALS AND OTHER ENTITIES PLACING POSTERS, SIGN, ADVERTISEMENT AND OTHER SIMILAR NOTICES ON TOURISM POST OWNED BY THE CITY IN ITS PROPRIETARY CAPACITY, PROVIDING PENALTIES AND FOR OTHER PURPOSES.

WHEREAS, under Section 458 (3) (i) of the 1991 Local Government Code, otherwise known as Republic Act 7160, the legislative authority through an ordinance can "fix and impose reasonable fees and charges for all services rendered by the City Government to private persons or entities"

WHEREAS, under Section 458 (2) (c) of the 1991 Local Government Code, otherwise known as Republic Act No. 7160, the Sangguniang Panlungsod xxx authorizes the City Mayor to lease to private party such as public building held on a proprietary capacity, subject to existing laws, rules and regulation.

WHEREAS, Section 132 of the 1991 Local Government Code, otherwise known as Republic Act No. 7160, states "the power to impose a tax fee or charge or to generate revenue under this code shall be exercised by the Sanggunian of the Local Government Unit concerned through an appropriate ordinance,

WHEREAS, the advertisement posters that will be placed on the tourism post must conformed to the Code of Ethics for advertising promulgated by the Advertising Board of the Philippines, Inc. (ADBOARD) and outdoor advertising, association of the Philippines (OAAP);

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

Section I. Short Title.- This Ordinance shall be known as the "Tourism Post Advertisement"

Section II. - Definition of Terms - As used in this Ordinance, the following terms shall mean

- a. **Advertisement Sign** - shall mean sign that directs attention to a business, profession, commodity, service or entertainment were conducted, sold or offered at a place other than where the business, profession, etc. is located.
- b. **Advertiser** - shall mean the person or entity on whose account or for whom the advertisement is prepared and disseminate.
- c. **Advertising** - shall mean dissemination of information or message for a purpose or to enhance a business, general standing in the market place.

- d. **Advertising Agency** - shall mean a service, organization or association including those in the term of single proprietorship, partnership, or corporation which is established and operated for the purpose of counseling or creating, producing and/or implementing advertisement program for and in behalf of advertisers in various form of media mileage.
- e. **Charges** - shall mean to pecuniary liability as rents or fees against persons or property.
- f. **Downtown** - shall mean as in or to the center of the City especially its business center.
- g. **Fee** - shall mean a charge fixed by law or ordinance.
- h. **Temporary Sign** - shall mean a sign or cloth or other light and/or combustive material without frame such as streamers, bills, posters and the like installed for a limited period of time.

Section III. - Rationale - Section 5, Article X of the 1987 Philippine Constitution states "each Local Government Unit shall have the power to create its own services of revenues and to levy taxes, fees and charges subject to such guideline and limitation as the congress may provide consistent with the basic policy of local autonomy, such as taxes, fees and charges shall accrue exclusively to the Local Government.

Section IV. - Policy - It is hereby declared to be the policy of the City to maintain its Hall of Famed category for National Clean and Green contest nationwide, and it is the vision to make our City regulate all kinds of advertisement posters on the tourism and lamp post by imposing regulatory fees for the City's beautification.

Section V. - Permits Requirements - All commercial, advertising agencies, organizations and other entities who wish to place their advertisement on the tourism post shall get a permit to the Permits and License Division of the City and to bring sample or facsimile of their advertising sign in order to determine whether such advertising sign or display will conform to the Code of Ethics for advertising promulgated by the Advertising Board of the Philippines, Inc. (ADBOARD).

Section VI. - Availability of Tourism and Lamp Post - The availability of the tourism post shall be on first come first serve basis, depending on the number of post available, as predetermined by the City Engineer's Office/Electrical Division. Reservation will be entertained with corresponding 20% deposits in advance with the Permit and License Division.

Section VII. - Schedule and Corresponding Fees - The schedule for placing the advertisement shall be regulated by the City Engineer's Office - Electrical Division that has the authority to assign the location of the tourism post lease after the corresponding fee had been paid evidence of a receipt from the City in accordance with the following rates.

A. (Downtown Area). Around Public Plaza/ except fronting the San Sebastian Cathedral -

(1) For 2 months rents per tourism post

P 250.00

(2) For 6 months rents per tourism post ----- P 600.00

(3) For 10 months, except October of each year
(reserved for Masskara Celebration) ----- P1,200.00

I. From Bata Circumferential Road – Lacson Street up to B S. Aquino Drive.

a. For 2 months rents per tourism post ----- P 150.00

b. For 6 months rents per tourism post ----- P 500.00

c. For 10 months rents per tourism post ----- P1,000.00

II. From BS Aquino Drive to Lacson – Burgos Sts – Lacson:

a. For 2 months rents per tourism post ----- P 150.00

b. For 6 months rents per tourism post ----- P 500.00

c. For 10 months rents per tourism post ----- P1,000.00

III. From Lacson-Burgos to Magsaysay Drive.

a. For 2 months rents per tourism post ----- P 150.00

b. For 6 months rents per tourism post ----- P 500.00

c. For 10 months rents per tourism post ----- P1,000.00

IV. From South Capitol Road-Gatuslao Hernaez.

a. For 2 months rents per tourism post ----- P 150.00

b. For 6 months rents per tourism post ----- P 500.00

c. For 10 months rents per tourism post ----- P1,000.00

V. From Banago-Circumferential-San Juan to Rosario.

a. For 2 months rents per tourism post ----- P 150.00

b. For 6 months rents per tourism post ----- P 500.00

c. For 10 months rents per tourism post ----- P1,000.00

VI. From (Plaza) Gonzaga-Araneta (Old Airport) Guanzon Avenue

a. For 2 months rents per tourism post ----- P 150.00

b. For 6 months rents per tourism post ----- P 500.00

c. For 10 months rents per tourism post ----- P1,000.00

B. Outside Downtown Area --

(1) For 2 months rents per tourism post ----- P 100.00

(2) For 6 months rents per tourism post ----- P 400.00

(3) For 10 months except October of each year
(reserved for Masskara Celebration) ----- P 800.00



The corresponding payments to be collected during the said period of lease will be distributed:

1. Thirty percent (30%) will be allocated to the Beautification, Clean and Green Project of the City.
2. Five percent (5%) will be allocated to the City Engineer's Office- Electrical Division for supervision and monitoring.
3. Five percent (5%) will be allocated to the Tourism Department.
4. While the remaining sixty percent (60%) will go to the General Fund of the City.

The corresponding shares will be released to the concerned agency, pursuant to government auditing and government practice every quarter.

Section VIII. - Sizes and Materials - Only out door advertisement posters made of Tarpaulin plastic and cloth with the maximum size of 90 cm. width and 240 cm. lengths will be allowed and securely fastened with either plastic rope or wire. The height of the advertising sign must be seven (7) feet from the pavement of the sidewalk where the tourism post is constructed or located and approved by the City Engineer's Office - Electrical Division.

Section IX. - Removal of Ads - All advertising signs, posters placed on tourism post shall be removed by the advertiser. Upon the lapse of scheduled time and failure to remove the same, the City Engineer's Office-Electrical Division monitoring team will be tasked to remove the said signs or posters at the expense of the advertiser.

Section X. - Time of lease and condition or requirements - Only business establishment, companies, advertising agencies, organizations, individual and other entities duly licensed or located in the City of Bacolod shall have the preference in leasing the tourism post. If there is no application from the local advertiser, it may be given to those who are interested to lease subject to the following conditions:

- (a) No awardee of a tourism post will be allowed to sub-lease to any advertising sign establishment, companies, occupation, or any calling without the express consent of the City.
- (b) The lessor is primarily accountable to the City, to maintain the peaceful and adequate enjoyment of the lease for the entire duration of the lease.
- (c) No awardee of tourism post will be allowed to display any political advertisement or any election propaganda materials during the duration of the lease.
- (d) If the tourism post is totally destroyed by a fortuitous event, the lease is extinguished but if the destruction is partial the lessor has two (2) options, a proportionate reimbursement of the rent and rescission of the lease.
- (e) The duration or term of lease shall be for a period of two (2) months, six (6) months and ten (10) months. The renewal of the same location will be subject to a first come first serve basis to be determined by the Permit and License Division of the City and City Engineer's Office-Electrical Division.

Section XI. - Prohibition of Display of any Advertising of Election Propaganda Materials or Gadgets on the Tourism Post before and during Election time. The awardee of the tourism post in any part of the City of Bacolod is prohibited to display any form of advertising of election propaganda materials or gadgets, such as the picture of any would be candidate and a candidate before and during election campaign or partisan political activity, and those election propaganda gadgets and materials expressly prohibited by the Commission on Election (COMELEC) on the use of campaign and election propaganda materials

Section XII. - Penalty. - All advertising posters signs streamers or other devises placed on the tourism post without a permit from the City Permit and License Division shall be considered illegal and the violator shall be fined in the amount of One Thousand Pesos (P1,000.00) per post occupied with the option to ban the advertiser.

- 1 Any individual or persons that will remove the advertising signs, streamers, and posters attached to the tourism post without the authority from the advertisers and City Engineer's Office Office-Electrical Division shall be penalized by a fine of Two Thousand Pesos (P2,000.00) or an imprisonment of seven (7) to ten (10) days at the discretion of the court.
- 2 Any individual or persons caught vandalizing the advertising signs, streamers and posters shall be penalized by a fine of One Thousand Pesos (P1,000.00) or pay the actual cost of the posters to the advertisers at the option of the advertising owners.

Section XIII. - Separability Clause. - If, for any reason or reasons, any part or provisions of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect

Section XIV. - Effectivity. - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of local circulation.

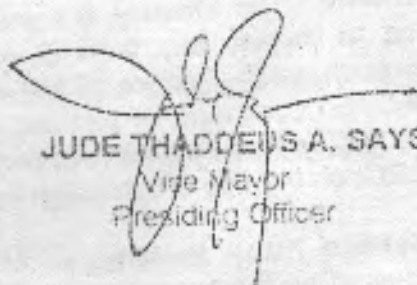
CARRIED BY THE VOTE OF:

Affirmative:	
Councilors :	Greg G. Gasataya, Dindo C. Ramos, Wilson C. Gamboa, Jr., Al Victor A. Espino, Napoleon A. Cordova, Catalino T. Alisbo, Roberto M. Rojas, Alex A. Paglumotan, Reynold I. Iledan, Diosdado A. Valenzuela, Kevin Daniel L. Ramos

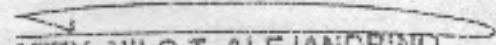
OF THE ORIGINAL

Author	Councilor Catalino T. Alisbo
Negative :	None
Absent	Councilor Jocelle Batapa-Sigue

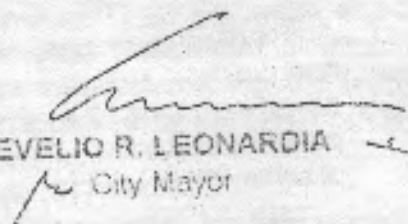
Passed October 29, 2008 (70th Regular Session)
Comments Passed
Councilors Homer Q. Bais and Celia Matea R. Flor were not yet around when this Ordinance was passed


JUDE THADDEUS A. SAYSON
Vice Mayor
Presiding Officer

ATTESTED:


ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED: November 20, 2008


EVELIO R. LEONARDIA
City Mayor

NTA/HPLJ



PHOTOSTAT COPY OF THE ORIGINAL



Republika ng Pilipinas
Tanggapan ng Sangguniang Panlungsod
Lungsod ng Bacolod

CERTIFICATION

This is to certify that City Ordinance No. 471, Series of 2008, passed on October 29, 2008, entitled:

"AN ORDINANCE AUTHORIZING THE CITY OF BACOLOD TO LEASE FOR THOSE INTERESTED BUSINESS ESTABLISHMENTS, COMPANIES, ADVERTISING AGENCIES, ORGANIZATIONS, INDIVIDUALS AND OTHER ENTITIES PLACING POSTERS, SIGN, ADVERTISEMENT AND OTHER SIMILAR NOTICES ON TOURISM POST OWNED BY THE CITY IN ITS PROPRIETARY CAPACITY, PROVIDING PENALTIES AND FOR OTHER PURPOSES."

was published in the November 27, 2008 issue of Sun Star Bacolod, as required under the above mentioned City Ordinance and is now therefore in effect.

Bacolod City, Philippines, December 12, 2008.

ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

NTA/rgl

A PHOTOSTAT COPY OF THE ORIGINAL