



Republic of the Philippines
PROVINCE OF SORSOGON
MUNICIPALITY OF GUBAT

Office of the Sangguniang Bayan

EXCERPTS FROM THE MINUTES OF THE 34th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF GUBAT, SORSOGON HELD ON MONDAY, SEPTEMBER 25, 2017 AT THE SANGGUNIANG BAYAN SESSION HALL.

PRESENT:

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| HON. SIXTO F. ESTAREJA | - Municipal Vice Mayor/P.O. |
| HON. JOHN PAUL E. ERLANO | - Member, Sanggunian Bayan |
| HON. CESAR D. ESPERIDA, JR. | - Member, Sanggunian Bayan |
| HON. DANILO E. ENAJE | - Member, Sanggunian Bayan |
| HON. KENNETH D. ESCANDOR | - Member, Sanggunian Bayan |
| HON. ANTHONY C. CALLOS | - Member, Sanggunian Bayan |
| HON. VALENTIN A. PURA IV | - Member, Sanggunian Bayan |
| HON. AIZA E. ENCINARES | - Member, Sanggunian Bayan |
| HON. RAMON E. ENTICO | - Member, Sanggunian Bayan |

ON LEAVE:

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| HON. NELSON E. QUINONES | - Liga ng mga Barangay President |
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MUNICIPAL ORDINANCE NO. 2017- 007

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Hon. Cesar D. Esperida, Jr.
Hon. Danilo E. Enaje
Hon. Anthony C. Callos,
Hon. Valentin A. Pura IV
Hon. Aiza E. Encinares,
Hon. Ramon E. Entico,*

AN ORDINANCE PROVIDING GUIDELINES AND POLICIES ON THE MANAGEMENT AND OPERATION OF THE NEW PUBLIC MARKET BUILDING, AND FOR OTHER PURPOSES,

BE IT ORDAINED BY THE SANGGUNIANG BAYAN IN SESSION THAT:

Section 1. TITLE - The title of this Ordinance shall be "An Ordinance Providing Guidelines and Policies on the Management and Operation of the New Public Market Building, and For Other Purposes".

Section 2. SCOPE - This Ordinance covers all market stalls of the newly constructed public market building appearing in the enclosed sketch plan with corresponding stall numbers prepared by the Municipal Engineering Office hereto

enclosed and forming part of this Ordinance whether it is already occupied or vacant and for occupancy to applicants. The new public market building is divided and composed of the following sections: fish sections; dried fish section; fruits and vegetables section; processed Meat/Dressed Chicken section; and Rice Retailer section. The guidelines and policy herein set forth applies only for the orderly operation and management of the new public market building.

Section 3. For the purpose of this ordinance, the following term shall mean:

(a) Market Stalls – shall refer to all apportioned areas of the new public market building as are allowed for vending various products of commerce and delimited in aggregate areas of floor measurement.

(b) Market Administrator- shall refer to the duly designated employee/official appointed by the Municipal Mayor to supervise and manage all activities at the said public market.

(c) Market Collector - shall refer to the personnel assigned by the Municipal Treasurer's Office under the supervision of the Market Supervisor and authorized to collect the rentals or fees from the occupants of the market stalls.

(d) Lessee - shall refer to occupants of the market stalls in the areas of the new public market building who has a valid Contract of Lease with the Local Government Unit of Gubat.

(e) Unauthorized Vendors - shall refer to any person who sells items of commerce at the vicinity of the New Public Market without necessary permit or award to sell at any portion of the said market area.

(f) Rate of Rentals - shall refer herein as the amount to be paid regularly by the duly awarded occupants of the market stalls at this building as prescribed monthly rates provided under this Ordinance and Revenue Code.

Section 4. - PROCEDURES IN AWARDING OCCUPANCY OF MARKET STALLS.

a. All market stalls of this New Public Market Building have been predetermined in a sketch plan prepared by the Municipal Engineering Office and only those spaces indicated therein are to be awarded under this ordinance;

b. Priority in the awarding of market stalls are those applicants who are former legitimate lessees of the old public market affected by fire in 2014, provided, he/she has paid all his/her arrears on their previous conduct of business and occupancy of the said old building.

c. Individual assignment of market stalls shall be based on drawing of lots per section with corresponding stall numbers indicated therein;

d. All applicants must be of legal age, Filipino citizen and preferably resident of the Municipality of Gubat;

e. Only those applicants whose business declared on their names and may only sell goods and commodities as authorized per established sectioning;

f. All applicants cannot occupy more than two (2) stalls;

g. All applicants shall accomplish the required Lease Contract Forms available at the Market Office and submit the same duly accomplished within the prescribed period. The location of the stall must clearly be identified by number/s appearing in the sketch plan;

h. As soon as the applications are approved, notice of this fact shall be issued by the Office of the Mayor and within a period of five (5) the awardee must pay the necessary mayor's permit, license, and other fees; and

i. Award of the given stall or stalls shall be perfected and occupancy thereof commence on the date the Contract of Lease is approved and signed by the Municipal Mayor.

j. In case of available vacant stall(s), awarding/adjudication thereof shall be through drawing of lots to be conducted by the Market Awarding Committee.

Section 5. RATE OF RENTALS AND MODE OF PAYMENT.

a. The awardee and occupant of the market stalls of the new public market building shall pay as rental for the use of the stall as provided under the Revenue Code:

b. The rental dues shall be assessed in a monthly basis regardless of the manner and term of payment. The rental due for the month is the rental fee for the previous month. Monthly rentals shall be paid on or before the twentieth (20th) day of the month following the month due failure to pay on such date a penalty of 25% surcharge of the rental fee plus 2% interest per month of non-payment shall be imposed. If the 20th of the month falls on a weekend or a holiday, payment of dues shall be made on the next working day.

c. Monthly Service and Maintenance Fee shall be paid by the Lessee in addition to the monthly rentals, the amount of which is provided under the Revenue Code.

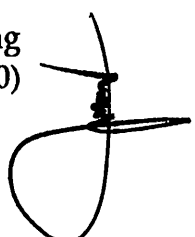
d. Mayor's Permit License and other fees shall be paid by the awardees of these market stalls in accordance with the existing rates and time and manner of payment prescribed under the Old Revenue Code except for sea shell vendors who are exempted from securing this permit.

Section 6. INCENTIVES AND DISCOUNTS. The following incentives and discounts will be granted for advance payments for rental:

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| One (1) year advance payment | - | 25% discount |
| Six (6) months advance payment | - | 12.5% discount |
| Prompt Payment | - | 2% x number of months in advance |

Section 7. LEASE PERIOD. The Lease Contract is valid for one (1) year and shall be renewable without the requirement of raffle, subject however, to the approval of the Market Board.

Section 8. NOTICE OF VACANCY. Any stalls in the new public market building declared vacant shall be open for applicants and notice of vacancy shall be made ten (10)

days immediately preceding the date fixed for its award to qualified applicant. Such notice shall be posted conspicuously on the unoccupied stall and at the bulletin board of the public market.

Section 9. MISCELLANEOUS PROVISIONS ON STALLS/SPACE.

(a.) Vacancy of the stall before expiration of the lease:

If for any reason, a stallholder or lease discontinues his business before his lease contract expires, such stall shall be considered vacant and its occupancy thereafter shall be disposed of and awarded in the manner provided herein prescribed.

(b) In case of the death or disability of Lessee:

In case of death or disability of Lessee, the surviving spouse and the direct heirs or immediate family members shall be given preference to continue occupying the stall concerned if he/she applies for it; provided, he/she is not disqualified to occupy the same.

(c) Lessee to personally administer his stall:

Any person who had been awarded the right to lease a market stall in accordance with the provisions hereof shall occupy and administer his stall. He may employ helpers, including but not limited to his/her spouse, parents and children who are actually living with him provided said helpers shall under no circumstances, and have any business relation or transaction with him.

(d) Collectors shall no longer make rounds to collect rental fees from the occupants of the stalls. It shall be the responsibility of the stallholder to pay his monthly obligations to the collectors stationed in the Office of the Market Administrator or at the Office of the Municipal Treasurer in the municipal hall.

Section 10. RULES AND REGULATIONS.

(a) Sale of rights, lease, sub-lease, transfer of rights, and any other mode of transfer of lease privilege to other persons are strictly prohibited and shall cause the automatic cancellation of lease contract and disqualification from availment of any available stalls in the public market.

(b) No stallholder shall use the leased stall or any part thereof for residential purposes.

(c) It shall be unlawful for any person to peddle, hawk, sell or offer for sale, or expose for sale, any article in the passageway or alley.

(d) No goods or article shall be sold, offered or exposed for sale in the public unless the same was legally acquired by the vendor or stallholder and the taxes thereon has been paid.

(e) The stallholder shall only sell goods and commodities as authorized per established sectioning.

(f) It shall be unlawful for the lessee to remove or construct water and electrical connection without prior permit from the market administrator duly approved by the municipal mayor.

(g) It shall be unlawful for any lessee to remove or construct improvements without prior permit from the market administrator and approved by the municipal mayor.

(h) There shall be no extension of stall spaces other than those already covered by the sketch plan previously approved by the Municipal Engineer. Extensions that obstruct the free passage of the buying public shall be removed summarily.

(i) It shall be the duty of every Lessee to provide in his establishment a receptacle or can for his garbage or refuse.

(j) It shall be unlawful for a lessee to use the stall other than what has been applied for.

(k) It shall be unlawful for a Lessee to use his stall as a bodega or warehouse.

(l) All weights and measure being used by the lessee shall be sealed or calibrated by the Office of the Municipal Treasurer and the fee thereof shall be paid to the Office of the Treasurer.

(m) The Municipality of Gubat shall not be responsible to the occupants of the stall for any loss or damage caused by fire, theft, robbery, force majeure, or any other cause.

(n) Every stallholder is required to have their own individual electrical connections from the SORECO II except, for the stallholder on the fish and processed meat and dressed chicken sections wherein they will be grouped according to its row. Each row consist of more or less eleven (11) member-stallholders and its group will be required to have electrical connection from the SORECO II. The group will have a mother meter and each stallholder will have a sub-meter. Expenses incurred for electrical connections and purchase of sub-meter shall be at the expense of every lessee/stallholder.

No stallholder shall be allowed to install electrical wiring connection to provide electricity to other stallholders.

(o) All articles or merchandize left outside their respective market stalls during closure shall be at the risk of the Lessee or owner thereof.

SECTION 11. ADMINISTRATIVE PROVISION.

(a) The Municipal Mayor shall exercise direct and immediate supervision, administration and control over the public market and its premises and the personnel thereof, including those whose duties concern the maintenance and upkeep thereof, in accordance with this Ordinance and other pertinent rules and regulations.

(b) The new public market building shall be adequately lighted and properly ventilated and the ground surface shall be properly drained and paved.

(c) The building shall be provided with the necessary tools and equipment for the cleaning and extinction of fire. The tools and equipment shall be under the custody of the market administrator who shall keep them always clean and ready for use.

(d) Each market stall or allotted space for the use of vendors shall be permanently numbered.

(e) With the supervision of the Municipal Mayor, the market administrator or in his absence, any employee who may be designated by the Mayor as such, shall have the control over the administration of the new public market building, and shall assign necessary persons who shall enforce all rules and regulations in all matter connected therewith.

Section 12. OCCUPANCY FEE. Occupants and legitimate lessees of the old building destroyed by fire last 2014 who qualifies and awarded new stall in the new public market building shall not pay occupancy fee. However, new occupants shall pay the corresponding occupancy fee, the amount of which stated in the revenue ordinance, except, for those new occupants classified under Section 9, par. (b) of this Ordinance.

Section 13. GROUNDS FOR CANCELLATION OF AWARDS. Any award of occupancy of any of the market stalls referred to in previous sections of this ordinance maybe revoked or cancelled by the Market Awards Committee after proper hearing if the same has been found to be in gross violation of the following rules, viz:

- (a) Non-payment of monthly rentals for a period of three (3) consecutive and/or cumulative months for every given year.
- (b) Sub-leasing the stall to another person;
- (c) Mortgaging or encumbering his rights on the award or contract to any other person;
- (d) Utilizing the stall or space therein other than the purpose for which it was granted;
- (e) Violation of the rules and regulations mentioned in Section 10 of this Ordinance;
- (f) Making substantial alterations or making additional structures on the stall without permission from the Market Supervisor and approval of the Municipal Mayor.

Section 14. APPLICABILITY OF OTHER PROVISIONS FROM THE EXISTING MARKET CODE. In the absence of any provisions dealing with a particular subject matter that are relevant hereto, the provisions of the Market Code shall be used in suppletory provided that it is not inconsistent and/or in conflict with the provisions of this Ordinance.

Section 15. IMPLEMENTING RULES AND REGULATIONS. Fifteen (15) days following the effectivity of this ordinance, the Local Chief Executive shall, through an Executive Order, issue an implementing rules and regulations for its proper implementation.

Section 16. AMENDATORY PROVISIONS. All ordinances, resolutions, executive orders and other issuances which are in conflict with the provisions of this ordinance are hereby repealed, amended and/or modified accordingly.

Section 17. REPEALING CLAUSE. If any provision or parts hereof be declared unconstitutional and/or null and void by competent authority, remaining provisions or portions thereof not affected thereby shall remain valid and effective.

Section 18. EFFECTIVITY. This ordinance shall take effect immediately after its posting for Three (3) consecutive weeks in at least Three (3) conspicuous places in the Municipality of Gubat, Sorsogon.

UNANIMOUSLY ORDAINED.

I HEREBY CERTIFY TO THE
CORRECTNESS OF THE FOREGOING:


JOEY P. ENAJE
Secretary to the Sangguniang Bayan

Attested by:


HON. SIXTO E. ESTAREJA
Municipal Vice Mayor, Presiding Officer

Approved by:


HON. SHARON ROSE G. ESCOTO
Municipal Mayor