



Republic of the Philippines
Province of Sorsogon
CITY OF SORSOGON



Office of the Sangguniang Panlungsod

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE EIGHTH CITY COUNCIL HELD AT THE SANGGUNIANG PANLUNGSOD SESSION HALL, CABIDAN, EAST DISTRICT, SORSOGON CITY ON DECEMBER 6, 2022.

PRESENT:

HON. MARK ERIC C. DIONEDA
City Vice Mayor/ Presiding Officer

WEST DISTRICT

Hon. Peter Joseph J. Ravanilla
Hon. Nestor J. Baldon
Hon. Bryan J. Pingul
Hon. Ma. Teresa D. Perdigon

EAST DISTRICT

Hon. Maria Theresa H. Gonzalez
Hon. Lester R. Lubiano
Hon. Mark Jayson D. Jamisola
Hon. Angelu Magda P. Ravanilla

BACON DISTRICT

Hon. Jo Abegail C. Dioneda
Hon. Reynaldo C. Taladtad
Hon. Glenn P. Olbes
Hon. Danilo A. Deladia

EX-OFFICIO MEMBERS

Hon. Bessie C. Diaz
Hon. Renalene Mae J. Duka

ABSENT:

NONE

Resolution No. 481, Series of 2022

(Authors: Hon. Ma. Teresa D. Perdigon & Hon. Nestor J. Baldon)

RESOLUTION ENACTING AN ORDINANCE ESTABLISHING AND REGULATING A NIGHT MARKET IN THE CITY OF SORSOGON

WHEREAS, per data of the Department of Trade and Industry (DTI), micro, small and medium enterprises (MSMEs) contributed almost 61% of the total jobs generated by all types of business establishments;

WHEREAS, said data translates to about 3,872,406 new employment opportunities created in 2011 as against the 2,473,336 new jobs offered by big corporations in the same year;

WHEREAS, MSMEs also accounted for about 99% of the registered businesses in the country, thus, an illustrative of the vital role of the MSMEs in the inclusive socio-economic development of our country;

WHEREAS, MSMEs provide livelihood to our constituents who are less skilled and who are usually members of the underprivileged sectors of society and they also provide added value to local products and offer a ground for training the public's entrepreneurial spirit and resourcefulness;

WHEREAS, given their importance in the improvement of our socio-economic status, the city government OF Sorsogon should provide ample attention in attending their needs and should offer them sufficient avenues where they can sell their wares and offer their services;

WHEREAS, MSMEs should be given considerable assistance to grow by establishing a night market as possible alternative in bestowing micro, small and medium entrepreneurs' substantial exposure to the market;

WHEREAS, MSMEs may opt to establish a small selling area in a night market and to sell their wares in an extended period and such expansion will also result to generation of more employment opportunities for the poor and for the needy.

WHEREAS, Chapter 1, Section 21, paragraph (d) of the Local Government Code of 1991 states that "any city, municipality, or barangay may, by a duly enacted ordinance, temporarily close and regulate the use of any local street, road, thoroughfare, or any other public place where shopping malls, Sunday, flea or NIGHT MARKETS, or shopping areas may be established and where goods, merchandise, foodstuffs, commodities, or articles of commerce may be sold and dispensed to the general public.";

WHEREAS, included in the Ten (10)-Point Agenda of the present administration is the full development of Public Markets in the city, dubbed as "Merkado ko – Urgulyo ko" to boost economic activities of the city government and its beloved people ;

NOW THEREFORE, on motion of **Hon. Ma. Teresa D. Perdigon**, duly seconded by **Hon. Renalene Mae J. Duka**, resolved as it is hereby resolve to enact an ordinance establishing and regulating a night market in the City of Sorsogon.

City Ordinance No. 020, Series of 2022

AN ORDINANCE ESTABLISHING AND REGULATING A NIGHT MARKET IN THE CITY OF SORSOGON

Be it ordained by the Sangguniang Panlungsod of Sorsogon City, that:

CHAPTER I PRELIMINARY ROVISIONS

SECTION 1 TITLE

This ordinance shall be known as the "**SORSOGON CITY'S NIGHT MARKET ORDINANCE OF 2022**".

SECTION2 DEFINITION OF TERMS

As used in this ordinance, the following terms shall be construed and understood as follows:

NIGHT MARKET—Refers to government regulated market conducted at specific time and duration at night and located in portions of designated places or streets in the city of Sorsogon and are legally and temporarily closed to vehicular traffic, for the purpose of accommodating people indulged in the business of selling goods or offering services to the public for profit.

OCCUPANTS – Refers to interested person or group of persons allowed to display and sell goods or offer services after an application has been approved and a definite space has been assigned on a temporary basis and has paid the nightly fee/s.

COLLECTORS – Refers to Revenue collection Clerks, who is properly bonded, officially representing the Office of the City Treasurer, to collect the fees or charges and issue the corresponding receipt or cash tickets to occupants of the night market.

CUSTOMER – Refers to any person buying the goods displayed or patronizing the services of the occupants in the night market of Sorsogon City.

SECURITY OFFICER – Refers to the policemen, public safety officers and barangay tanods assigned to maintain peace and order in the market area.

NIGHT MARKET SUPERVISORS—Refers to the personnel assigned by the Market Administrator who shall implement the distribution of the space to the occupant, ensure that fees are duly and promptly collected, and guarantee that sanitation and security in the areas are maintained and that regulations are strictly enforced and observed.

DESIGNATED NIGHT MARKET PLACE – These are officially declared locations which could be government properties and/or portions of roads or streets legally and temporarily closed to vehicular traffic, for the purpose of accommodating the night market project of the City Government of Sorsogon. Location can be expanded relocated or transferred by the Local Government as the need arises.

SECTION 3 DECLARATION OF POLICIES

It is hereby the declared policies of the City of Sorsogon to:

- a. Promote the welfare of the public by providing sufficient windows for economic gains;
- b. Attain inclusive socio-economic development through advancing the interests of micro, small and medium entrepreneurs and generation of employment opportunities; and,
- c. Maximize the utilization of government assets for sustainable and comprehensive economic growth and social progress.

CHAPTER II THE NIGHT MARKET

SECTION 4 LOCATION OF THE NIGHT MARKET

The designated sites of the night market in the city of Sorsogon is at the end portion of Rompeolas at Barangay Talisay, West District, Sorsogon City

Night markets may be established in such other places the city government may deemed it necessary, suitable and appropriate for the purpose.

SECTION 5 DESIGNATED DAYS OF NIGHT MARKET

The Night Market shall operate every Thursday, Friday and Saturday of the week, except when the city and/or provincial government, during any celebration or festivities, wherein the area occupied by the night market will be used as venue for activities thereof.

SECTION 6 DESIGNATED TIME AND DURATION OF THE NIGHT MARKET

Installing of the paraphernalia shall be at 6:00 PM, closing time shall be at 12:00 Midnight. No commercial structure, paraphernalia or goods can be displayed before 6PM, the opening time of the Night Market. Night market shall be for duration of six (6) hours.

SECTION 7 NIGHT MARKET OCCUPANTS

Preference must be given to any voting resident of the City of Sorsogon, duly certified as such by the Commission on Election. Applicant shall be qualified to sell his/her wares or offer his/her services in the night market, provided, however, that his/her application to become one has been duly approved first by the City Mayor through the Market Administrator.

Ambulant vendors presently located at Rompeolas and along the Magsaysay Street and Rizal Street shall be given priority status in the issuance of the Night Market Permits and stalls in the foods and snacks section in the night market.

SECTION 8 APPLICATION REQUIREMENTS

Individuals/entrepreneurs who wish to be occupants in the night market shall submit their application documents to the Market Awards Committee with the following requirements:

1. Community Tax Certificate
2. Barangay Business Clearance
3. Health Clearance
4. Voter's ID/Certificate coming from the COMELEC –Sorsogon City
5. Police Clearance

SECTION 9 ANNUAL NIGHT MARKET FEE

Upon approval of their applications, occupants in the night market shall be given a permit and shall be assigned to a location by the assigned Night Market Supervisor or by the Market Administrator. Occupants are committed to sell their wares/open for business during all Thursday, Fridays and Saturdays within the period specified in the contract. Failure to abide with this condition shall be sufficient cause for cancellation of their contract, hence, the Office of the Market Administrator is entitled to award his/her space to another applicant.

An Annual Night Market Permit Fee in the amount of One Thousand Five Hundred (P1,500.00) Pesos shall be collected and paid directly to the Office of the City Treasurer. The Night Market Permit shall be issued by the Business Permits and Licensing Office upon presentation of the receipt of payment.

Owners and stall staff shall be required to secure Health Card from the City Health Office.

SECTION 10 RENTAL FEES

Daily rental fee will be at PhP20.00 per square meter. Any fraction thereof shall be charged the same amount.

SECTION 11 COLLECTION OF RENTAL FEES

The rental fee must be paid nightly and before 12 Midnight. The City Treasurer's Office shall deputize assigned Night Market Supervisor(s) to collect the payment and issue corresponding cash tickets. No credit is allowed. Inability to pay the rental fee before said time is considered a violation of this ordinance and the sanctions provided in this ordinance shall be levied to the occupant.

SECTION 12 MAXIMUM AREA FOR OCCUPANCY

Each occupant is only allowed to rent a maximum of Five (5) square meter-stall (2.5 x 2).

SECTION 13 PROHIBITION ON SUBLEASING

Subleasing is not allowed. All occupants permitted by the city government to do business in the night market should be the legal and rightful owner of the enterprise that will use and occupy the appropriated space for him/her.

**ARTICLE III
CLOSURE OF ROADS**

SECTION 14 CLOSURE OF ROADS

Pursuant to the Local Government Code of 1991, Chapter I Section 21(d) states that, any city municipality or barangay may, by a duly enacted ordinance, temporarily close and regulate the use of any local street, road, thoroughfare, or any other public place where shopping malls, Sunday flea or night market or shopping areas may be established and where goods merchandise, foodstuffs, commodities or articles of commerce may be sold and dispensed to the general public.

For the effective implementation of this ordinance, the Philippine National Police and/or the Sorsogon City Civil Security Unit/Public Safety Office/SK3 shall, as need arises, have the authority by virtue of this ordinance and without need of further legislation, to temporarily close from traffic any portion of Rompeolas or any roads adjacent and/or connecting thereto.

**ARTICLE IV
INSTALLATION, DISPLAY AND REMOVAL OF GOODS AND OTHER PARAPHERNALIA**

SECTION 15 INSTALLATION AND DISPLAY OF GOODS

Occupants can only install and display their goods and other market paraphernalia within their designated area. No commercial structure, paraphernalia or goods can be displayed in the market site and/or along any streets, road-right of ways and any government sites. Failure to comply shall be grounds for the removal and confiscation of the goods by the City PNP and/or Civil Security Unit/Public Safety Office/SK3 in favor of the City Government of Sorsogon.

SECTION 16 KIND OF MATERIALS

Only light structures and materials which could be easily folded, lifted and removed should be installed since the stay of the occupants is limited and temporary. The city government

if deemed necessary shall provide the design of collapsible structure or reliable tents and shall regulate the same to observe safety and aesthetics.

SECTION 17 ALLOWABLE GOODS FOR DISPLAY AND VENDING

Only light materials or goods which could be easily lifted, folded and/or removed should be displayed and sold inside the night market; provided, however, that such items do not belong to the following categories:

- a. Pirated materials, such as DVDs and CDs
- b. Livestock and poultry, either butchered or alive
- c. Goods and services that emit loud noise and require heavy electrical load (more than 500 watts)
- d. Alcoholic drinks

SECTION 18 THE NIGHT MARKET SECTIONS

For purposes of order and aesthetics, the dry goods section of the night market shall be arranged in sections to wit:

- a. Clothes and Apparel
- b. Sari-sari (accessories)
- c. Footwear
- d. Kitchenware
- e. Groceries
- f. Gift Item Sections
- g. Plant and Flowers
- h. Furniture
- i. Foods and Snacks

SECTION 19 SELLING OF GOODS AND SERVICES

Occupants and their respective sales personnel and helpers must wear an identification card duly issued by the city government of Sorsogon when they are in the premises of the night market and are actively involved in the selling of their wares or services. The size of identification card shall be 4 x 5 inches with the picture and name of the bearer clearly legible. The Office of the Market Administrator shall determine the design and the other necessary information needed to be written on the ID.

SECTION 20 REMOVAL OF GOODS AND COMMERCIAL PARAPHERNALIA

All materials installed and/or displayed at the night market must be completely removed and cleared on or before the closing time. No structures, paraphernalia and goods of any part shall be left within the site of the night market site, along any streets, road-right-of-ways and/or in any publicly-owned sites.

ARTICLE V CLEANLINESS AND SANITATION

SECTION 21 RESPONSIBILITY OF THE OCCUPANTS

It is the duty and obligation of the occupants to maintain the cleanliness and sanitation of their premises.

SECTION 22 PROPER DISPOSAL OF SOLID WASTE

For convenient collection by garbage trucks, occupants are hereby obliged to observe proper segregation of solid waste and to place their garbage in separate disposable containers, properly labeled either 'biodegradable' or 'non-biodegradable' and orderly kept at the side of the gutter of the road with their top openings tied or sealed to avoid scattering or spillage. No solid waste shall be thrown in the drainage canals situated inside or in the surroundings of the night market.

SECTION 23 DRYNESS OF THE AREA

To avoid foul odor and unclean surroundings, occupants must maintain dryness of their respective areas.

SECTION 24 PROPER DISPOSAL OF LIQUID WASTE

Liquid waste must be placed in a separate container, which shall be properly labeled "liquid waste" and orderly kept at the side of the gutter of the road with its top opening tied or sealed to avoid spillage.

**ARTICLE VI
PEACE AND ORDER**

SECTION 25 ASSIGNMENT OF SECURITY OFFICERS

To avoid unruly behavior, the city government of Sorsogon, shall assign Public Safety Officers and tanods of Barangay Talisay to the night market for purpose of maintaining the security and peace and order of the place. Assistance of the members of the Philippine National Police shall be called whenever necessary.

SECTION 26 DUTY OF NIGHT MARKET SUPERVISORS IN CASE OF EMERGENCIES

In case of emergency or fire conflagration near the vicinity of the night market area, the night market supervisor(s) or the Market Administrator shall inform the occupants of such incidences and advise the latter to speedily remove or, if needed, abandon their structures and valuables and hastily clear the road for the passage of fire fighting units.

**ARTICLE VII
FINAL PROVISIONS**

SECTION 27 PENAL CLAUSE

The following prohibited acts shall be imposed with corresponding penalties to wit:

1. Occupants operating without an approved application or permit - Php 1,000.00.
2. Non-payment of fees before closing time –One (1) week suspension of Night Market Permit
3. Unreasonable non-operation of the occupant for Three (3) consecutive nights- Revocation of occupant's Night Market Permit.
4. Improper disposal of solid and liquid wastes:

- First Offense: Warning from the apprehending Officer

- Second Offense: Fine of P 1,000.00
- Third Offense: Fine of P3,000
- Fourth Offense: Revocation of occupant's Night Market Permit.
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5. A fine of P50.00 per day shall be imposed for non-wearing of identification card.

SECTION 28 REPEALING CLAUSE

All ordinances, resolutions and regulations, or any part(s) thereof which are inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 29 SEPARABILITY CLAUSE

If for any reason or reasons, any part or provision of this ordinance shall be held to be unconstitutional or invalid, other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 30 EFFECTIVITY


This ordinance shall take effect immediately upon its approval by the Sangguniang Panlungsod and after compliance with the law on public dissemination and of publication.

DATE APPROVED : **October 18, 2022**

I HEREBY CERTIFY to the correctness of the foregoing resolution and ordinance.


ROYAN E. DOMASIAN
 Secretary to the Sangguniang Panlungsod

ATTESTED:


MARK ERIC C. DIONEDA
 City Vice Mayor / Presiding Officer

APPROVED:


MA. ESTER E. HAMOR
 City Mayor