

MUNICIPAL ORDINANCE 6-06-2010

AN ORDINANCE SUPPLEMENTING THE 2004 MARKET CODE OF JAGNA, BOHOL.

Be it ordained by the 6th Sangguniang Bayan of Jagna, Bohol, that:

ARTICLE 1.

1. GENERAL PROVISIONS

SECTION 1- TITLE. This Ordinance shall be known as **“THE SUPPLEMENTARY MARKET ORDINANCE OF 2010”** of Jagna, Bohol.

SECTION 2. COVERAGE. This Ordinance shall govern the application for the occupancy of market spaces, stall utilization, and business operation at the 2nd floor and Rooftop of the town’s new Market Building and to supplement the existing Market Code of 2004 (Municipal Ordinance No. 13-11-2004) and modifying certain provisions thereof.

SECTION 3. TYPES OF OCCUPANTS:

- a) Occupants who were identified as victims of the fire that gutted down the Jagna Public Market in May 1999;
- b) Regular Occupants; and
- c) Occupants under the negotiated contract

ARTICLE 2. RULES, REGULATIONS, POLICIES and FEES

TITLE 2- RULES AND REGULATIONS GOVERNING THE USE OF THE SECOND FLOOR OF THE MARKET BUILDING

SECTION 4. Opening and Closing time. Opening time is 4:00AM and closing time is 9:00 PM of the ground and second floors.

SECTION 5. Occupancy Priority. Stall occupants numbering to thirty-four (34) of the burnt Jagna public market, shall be afforded first priority to occupy stall in the 2nd floor of the market, without need of participating in the bidding process provided that he/she has no delinquency in his/her monthly rental prior to the market conflagration and at present. Their individual occupancy shall be determined through drawing of lots and only at the designated area of the 2nd floor of the Jagna public market, to be determined by the Market Board. Stalls shall be so arranged/sectioned on the basis of the goods sold or services offered.

If a stall occupant wishes to acquire another stall other than the privilege granted to him/her, he/she shall be required to participate in the bidding process.

These occupants shall not be entitled to the Incentive provided in Title 7 of Municipal Ordinance No. 13-11-2004 otherwise known as the Jagna Market Code. Occupants must also surrender their stall once they cease to operate business. Otherwise penalty provided in the Code shall be imposed upon them.

SECTION 6. Fixed Occupancy Fee and Rental. Occupancy fee for stallholders granted under Section 3a shall be PhP20,000.00 and the rental is at PhP3.00/sq.m./day.

SECTION 7. Stalls for Bidding. Vacant stalls of the second floor shall be submitted to an open “viva voce” bidding, in full cash basis and the starting bid price for stall containing 70 sq. m. shall be P100,000.00. However, those who opt to occupy 35 sq. m., the starting bid price shall be P60,000.00.

SECTION 8. Deposit of 10%. A deposit of 10% of the bid offered shall be required to each of the interested applicants prior to bidding which shall be refundable for non-winning bidders.

The 10% deposit of the winning bidder shall be credited to his/her winning bid.

If the winning bidder will not push through with the operation of his/her business, his/her deposit shall be forfeited in favor of the LGU.

SECTION 9. Occupancy of an area of 300 sq. m. or more. If a business establishment needs to occupy an area of 300 sq.m. or more the applicant may not be required to participate in the bidding process if there is no other interested bidder. Only a negotiated contract shall be entered into by and between the establishment owner and the LGU.

Occupancy Fee and Rental for Negotiated Contract. There shall be an occupancy fee and a rental fee for occupants under negotiated contracts, the amount of which shall be determined by the Market Board. Subject however to the review and concurrence by the Sangguniang Bayan.

If the applicant wants to develop or make improvements in the area to suit to the business he/she is engaged in, any expenses to be incurred shall be borne by the said stall occupant without reimbursement or application to his/her rental.

Such improvements shall be with prior notice to and approval by the Market Board.

Should stall occupants cease to operate their business, all fixed and immovable improvements introduced or made in the area shall automatically become the property of the LGU without reimbursement.

ARTICLE 3. USE OF THE ROOFTOP AND ATRIUM.

TITLE 3 – RULES AND REGULATIONS GOVERNING THE USE OF THE ROOFTOP AND ATRIUM

SECTION 10. Space at the Rooftop. The space at the rooftop is for rent.

SECTION 11. Types of Business Allowed at the Rooftop. Guidelines for the use of the rooftop is in separate sheet but to form part of this Ordinance as Annex A.

SECTION 12. Other Types of Business Allowed. Other types of businesses not specified herein may be accommodated at the rooftop at the discretion of the Market Board.

SECTION 13. Use of the Atrium. Atrium (center) will be used for shows, concerts, promotion of goods and services.

The rate of rental for the use of the ATRIUM shall be as follows:

- a) For product display/promotion - - - - - PhP100.00/sq. meter/day or less, excluding electric power consumption
- b) For programs and similar activities /special events - - - - - PhP2,000.00/day excluding electric power consumption

ARTICLE 4. COMMON RULES AND REGULATIONS

TITLE 4 – COMMON RULES AND REGULATIONS GOVERNING THE USE OF THE GROUND FLOOR, SECOND FLOOR AND ROOFTOP

Section 16. Effect of Death of Lessee/Stallholder. The public market, being an entity of government, is a government property. As such, the Lessee/Stallholder is construed only as a temporary possessor/owner. Being a temporary holder/owner, its possession/ownership is only for a definite period or term of one year.

Therefore, when such period/term arrives, the connection as temporary possessor/owner between the lessee, on one (1) hand and the local government on the other hand is already severed. Hence, each - the lessee and the lessor (the LGU) are back on its original position.

Moreover, since the lessee is holding the premises for a definite period, although subject however, to extension through renewal of the contract, the same does not prescribe title to the former. There being no title conveyed, it follows that the premises leased to all lessees cannot therefore be inherited.

In case of death or permanent incapacity of the Lessee, he can only be subrogated by one of the representatives of the family. However, such is only for the unexpired period of the contract. If such representative is willing to continue the business he is given the chance to occupy the space provided that he has to pay the occupancy fee which is the amount representing the starting bid of said stall or space plus additional imposition of 12% per annum of the above or fraction thereof from the time the original lessee has occupied until his death or permanent incapacity.

SECTION 17. Vacancy of Stall Before Expiration of Lease – Should for any reason, stallholder or lessee discontinue his business before his lease of the stall expires, such shall be considered vacant and its occupancy thereafter shall be adjudicated in the manner herein prescribed. (See sections 9, 10, 11)

SECTION 18. Lease Contract Agreement – For every stall awarded, the successful applicant must sign a Contract of Lease and observe the terms and conditions set forth therein. Prior to contract signing, the successful applicant must be properly notified/explained of the terms and conditions stipulated in the contract. Documentation shall be at the expense of the lessee. The Contract shall be in the prescribed form as attached.

SECTION 19. Sanctions and Penalties for Violation. Violations committed on any of these market rules and regulations not otherwise covered by the existing law, ordinance, rules and regulations shall be dealt with in accordance with the following:

- a) First Violation - Fine of PhP2,000.00 and first warning
- b) Second Violation - Fine of PhP2,500.00 and final and last warning
- c) Third Violation - Fine of PhP2,500.00 plus revocation of permit, termination of lease contract and the stallholder be barred in market operations.

MUNICIPAL ORDINANCE NO. 6-06-2010
6th Sangguniang Bayan
Jagna, Bohol

June 15, 2010
Rescheduled Regular Session

ARTICLE 5. FINAL PROVISIONS

SECTION 20. Separability Clause – If, for any reason, any provision, section or part of this ORDINANCE is declared invalid by a court of competent jurisdiction, such judgment shall not affect nor impair the remaining provisions, sections, or parts which shall continue to be in force and effect.

Section 21. Repealing Clause – All ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

Section 18, 20, 23, 24, 25, 28, 43, 46, 47, 48 of Municipal Ordinance No. 13-11-2004 otherwise known as the Jagna Market Code which are inconsistent with the provisions of this ordinance are hereby repealed accordingly.

Section 22. Effectivity – This ORDINANCE shall take effect upon approval.

Enacted: June 15, 2010

AFFIRMATIVE:

BONIFACIO GO VIRTUDES, SR.
Municipal Councilor

GODOFREDO P. OKIT, SR.
Municipal Councilor

JESUS B. ACEDILLO
Municipal Councilor

SENEN C. LLOREN
Municipal Councilor

CESARIO M. CAGULADA
Municipal Councilor

PACHECO LL. RANCES
Municipal Councilor

ALBERTO A. CABRESTANTE, JR.
Municipal Councilor

ALBERTO Y. CAFE
Municipal Councilor

ANDREW G. TADENA
Municipal Councilor (ABC Pres.)

LALAIN H. TAN
Municipal Councilor (SKMF Pres.)

NEGATIVE: None

ABSTAIN: None

ABSENT: None

CERTIFIED CORRECT:

RENATO R. ACERA
SB Secretary

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:

ENGR. TEOFISTO C. PAGAR, SR.
Presiding

APPROVED: _____
Date Signed

HON. EXUPERIO C. LLOREN
Municipal Mayor

