



Republic of the Philippines
 PROVINCE OF CAGAYAN
 Tuguegarao City
NINTH CITY COUNCIL



EXCERPTS FROM THE MINUTES OF THE 78th REGULAR SESSION OF THE NINTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN HELD ON FEBRUARY 13, 2024, (TUESDAY), 09:00 A.M., AT THE SANGGUNIAN PANLUNGSOD SESSION HALL

PRESENT:

Hon. Bienvenido C. De Guzman II	City Vice Mayor/Presiding Officer
Hon. Mark Angelo B. Dayag	Sangguniang Panlungsod Member
Hon. Maria Rosario B. Soriano	-do-
Hon. Ronaldo S. Ortiz	-do-
Hon. Mary Marjorie P. Martin-Chan	-do-
Hon. Imogen Claire M. Callangan	-do-
Hon. Gilbert S. Labang	-do-
Hon. Jude T. Bayona	-do-
Hon. Karina S. Gauani-Viernes	-do-
Hon. Arnel T. Arugay	-do-
Hon. Grace B. Arago	-do-
Hon. Tirso V. Mangada	-do-
Hon. Marc Aldous C. Baccay	-do-
Hon. Restituto C. Ramirez	Ex Officio Member
Hon. Cerene Pearl T. Quilang	-do-

CITY ORDINANCE NO. 06-09-2024

AN ORDINANCE ESTABLISHING AND REGULATING THE TUGUEGARAO CITY NIGHT MARKET, PRESCRIBING FEES FOR ITS USE AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF

Sponsors:

- Hon. Bienvenido C. De Guzman II**
- Hon. Mark Angelo B. Dayag**
- Hon. Jude T. Bayona**
- Hon. Ronaldo S. Ortiz**
- Hon. Maria Rosario B. Soriano**
- Hon. Mary Marjorie P. Martin-Chan**
- Hon. Imogen Claire M. Callangan**
- Hon. Gilbert S. Labang**
- Hon. Karina S. Gauani-Viernes**
- Hon. Arnel T. Arugay**
- Hon. Grace B. Arago**
- Hon. Tirso V. Mangada**
- Hon. Marc Aldous C. Baccay**
- Hon. Restituto C. Ramirez**
- Hon. Cerene Pearl T. Quilang**

WHEREAS, Article 10, Section 5 of the Philippine Constitution states that “Each local government unit shall have the power to create its own sources of revenues and to levy taxes, fees and charges subject to such guidelines and limitations as the Congress may provide, consistent with the basic policy of local autonomy. Such taxes, fees, and charges shall accrue exclusively to the local governments.”

WHEREAS, Section 21 (d) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that “any city, municipality or Barangay may, by a duly enacted local ordinance, temporarily close and regulate the use of any 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, the establishment of a night market is a possible alternative in bestowing micro and small entrepreneurs' substantial exposure to the market, and the entrepreneurs are given more opportunities to sell their products and goods as the night market will be an extension of business operations of vendors;

WHEREAS, the establishment of a night market in the city is a tool for economic advancement for businesspersons and ambulant vendors to be given an additional avenue to sell their goods for them to earn more amidst economic crisis;

WHEREAS, the night market will enable local residents and visitors to buy their necessities after working hours up to the late evenings for their convenience as it is being done in urban cities;

NOW, THEREFORE, be it **ORDAINED** by the Sangguniang Panlungsod of Tuguegarao City, in session duly assembled, that:

CHAPTER I - GENERAL PROVISIONS

SECTION 1. TITLE. This Ordinance shall be called the “**THE TUGUEGARAO CITY NIGHT MARKET ORDINANCE.**”

SECTION 2. STATEMENT OF PURPOSE. The purpose of this ordinance is to establish and regulate the Tuguegarao City Night Market, specifically for the following purposes:

- a. To promote the general welfare of its constituents by offering alternatives for their economic gains;
- b. To attain inclusive socioeconomic development through patronizing and promoting the interests of micro, small and medium entrepreneurs;
- c. To increase the influx of people visiting the city since a night market is considered a tourist attraction;
- d. To provide employment opportunities to its constituent.

SECTION 3. SCOPE AND APPLICATION. This ordinance shall apply to the use, management, administration and payment of fees and charges during the operation of the night market by ambulant, market vendors and stall holders/stall owners within the territorial jurisdiction of Tuguegarao City.

SECTION 4. DEFINITION OF TERMS. As used in this ordinance, the following terms shall be construed and understood, and shall mean as follows:

- a. **AMBULANT VENDORS** refer to vendors who do not occupy a definite or permanent place or stall in the market who come to sell goods either daily or occasionally by sitting or moving place within the market premises.
- b. **BONAFIDE RESIDENTS** refer to those who are domiciled in Tuguegarao City.
- c. **CENRO** refers to City Environment and Natural Resources Office.
- d. **COLLECTOR** refers to a city government employee from the City Treasurer's Office authorized to collect tax, fees and charges and to issue corresponding receipts to authorized occupants.
- e. **CUSTOMER** refers to any person buying the goods or the products sold at the night market.
- f. **MARKET** refers to a place, building or structure for the general public where basic commodities are displayed, offered for sale and for profit.
- g. **NIGHT MARKET** refers to a government regulated street market conducted at a specific time and duration outside the city public market/designated place or streets within the city and temporary closed to vehicular traffic to accommodate people indulged in the business of selling goods or offering services.
- h. **NIGHT MARKET OCCUPANTS** refer to interested person or 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.
- i. **NIGHT MARKET PREMISES** refer to any open space in the night market where sellers are permitted to display their goods and commodities for sale.



- j. **NIGHT MARKET STALLHOLDER** refers to any person who has been granted the right to occupy and use a stall/s where he/she can display or sell goods, commodities or foodstuffs in compliance with the requirements as provided by this ordinance.
- k. **NIGHT MARKET VENDOR** refers to a person or persons who are allowed to sell goods or offer services within the market premises upon compliance with all the requirements provided by the city.
- l. **TCCC** refers to Tuguegarao City Commercial Center.

CHAPTER II - THE ADMINISTRATIVE PROVISIONS

SECTION 5. GUIDELINES AND PROCEDURES. The establishment and regulation of the Night Market shall be subjected to the following:

- a. The Market Administrator shall be in charge of the registration of vendors and shall control and supervise the activities in the area.
- b. Only bonafide residents of Tuguegarao City operating their businesses at night time shall be allowed to sell in the area.
- c. The stalls to be put up in the area shall measure 2 meters x 3 meters.
- d. Awarding of stalls shall be done by lottery which will be done every quarter of each year and the TCCC stall holders shall be the first to draw lots.
- e. Each TCCC stall holder will only be given or assigned one (1) space at the night market.
- f. All vendors must wear the identification cards issued by the City Government.
- g. No vendor shall be allowed to transfer or lease any stall assigned to him/her for the purpose of gain.
- h. There should be no installation of permanent structures in order that, before and after the operation, the place can be made very clean and free from garbage and other obstructions to traffic and pedestrians.
- i. One-meter distance between stalls shall be strictly implemented.

SECTION 6. LOCATION AND TIME OF THE NIGHT MARKET. The Tuguegarao City Night Market shall be allowed to operate along Gomez Street corner Bonifacio Street to corner Magallanes Street from 6:00 P.M. to 12:00 M.N.

SECTION 7. DESIGNATED DAYS. The City Night Market shall temporarily cease to operate every time the city government will conduct a similar activity, not necessarily in the same streets, which is authorized and approved by the Sangguniang Panlungsod and shall resume immediately upon ceasing of the latter activity.

SECTION 8. INSTALLATION OF STRUCTURES, DISPLAY OF GOODS AND THEIR REMOVAL. Occupants shall occupy and install their structures and paraphernalia in the designated area.

- a. The City Government shall provide a uniform design for the installation of the structures and shall regulate the same for safety purposes.
- b. Only light structures and materials shall be installed since the duration of the activity is limited and temporary.
- c. The structures, equipment and goods for sale shall be removed on or before closing time.
- d. Night Market Vendors/stall owners shall display their goods and commence the selling activity on the time frame approved by this ordinance.

SECTION 9. REQUIREMENTS AND ELIGIBILITY. The following shall be the requirements to be submitted with compliance to the eligibilities hereof:

Applicants shall submit their application forms to the Office of the City Mayor and copy furnish the Office of the City Administrator with the following documents:

- 1. Community Tax Certificate
- 2. Health Clearance from the City Health Office
- 3. Certificate of Barangay Residency
- 4. Business Clearance to be secured from the barangay where the stall is situated.

Applicants must be:



- a. Bonafide residents of Tuguegarao City;
- b. Of legal age.

SECTION 10. RENTAL FEES. The following shall be the space rental fee per night per vending space to be paid before the start of the activity:

- a. P50.00 for TCCC stall holders
- b. P120.00 for TCCC non-stall holders

SECTION 11. COLLECTION OF RENTAL FEES. The rental fees must be paid nightly and before 12 midnight/closing time of the night market. The City Treasurer/Market Administrator shall deputize/assign a night market supervisor to collect the payment and issue corresponding cash ticket. No credit is allowed. Inability to pay the rental fee before the prescribed time is considered a violation of this ordinance and the sanctions provided in this ordinance shall be levied to the occupant.

CHAPTER III - CLEANLINESS AND SANITATION

SECTION 12. OBLIGATION OF THE OCCUPANTS. It is the duty and obligation of the occupants to maintain the cleanliness and sanitation of their own space/place.

SECTION 13. PROPER DISPOSAL OF SOLID WASTE. For convenient of 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 labelled either as biodegradable or non-biodegradable and orderly kept at the designated pick-up point.

SECTION 14. CLEANLINESS OF THE AREA. To avoid foul odor and unclean surroundings, occupants must maintain the cleanliness of their respective areas.

SECTION 15. PROPER DISPOSAL OF LIQUID WASTE. Liquid waste must be placed in a separate container which shall be properly labelled as "liquid waste" and orderly kept at the designated pick-up point.

The City Government through the CENRO will assign street cleaners and such other personnel to maintain the cleanliness and sanitation of the place.

CHAPTER IV - PEACE AND ORDER

SECTION 16. The Public Order and Security Unit (POSU), Tuguegarao Component City Police Station, Bureau of Fire Protection (BFP) Tuguegarao Station and the Barangay Tanods concerned are hereby tasked to maintain peace and order during the entire duration of the Nigh Market.

CHAPTER V – CLOSURE OF ROADS

SECTION 17. Pursuant to the Local Government Code of 1991, Chapter I, Section 21 (d) which provides 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 dispense in the general public,"* Gomez Street corner Bonifacio Street to corner Magallanes Street shall be temporarily closed from 6:00 P.M. to 2:00 A.M. for the conduct of the night market by virtue of an ordinance to be enacted upon the approval of this ordinance.

CHAPTER VI- PROHIBITION OF SUBLEASING

SECTION 18. Subleasing is not allowed. All occupants permitted by the Market Awards Committee to do business in the market should be legal and rightful owner of the enterprise that will use and occupy the appropriated space for him/her.

CHAPTER VII- FINAL PROVISIONS

SECTION 19. PENALTIES. The following prohibited acts shall be imposed with the herein penalties:



- a. Subleasing the area awarded
- b. Non-payment of fees and other charges
- c. Displaying of goods before 6:00 PM
- d. Violation of the provisions of the environment, sanitary laws and this ordinance
 - First Offense - Warning
 - Second Offense - Fine of P500.00
 - Third Offense - Fine of P1,000.00
 - Fourth Offense - Revocation of the occupant's Night Market Permit
- e. Non-wearing of identification card - Fine of P50.00 per day

SECTION 18. The Office of the City Mayor shall designate/assign the Market Administrator or the Market Supervisor to implement the distribution or awarding of the space to the qualified occupant, and ensure that fees are collected, sanitation, security, peace and order are maintained, and the opening and closing time of the night market are properly observed.

SECTION 19. NO CONTEST CLAUSE. Any occupant who is charged with violating this ordinance may at once voluntarily choose to be penalized as prescribed under Section 19 of this Ordinance, thus forfeiting his/her right to be heard in a court of law, or chance to be heard and contest the charges against him/her.

SECTION 20. IMPLEMENTING RULES AND REGULATIONS. The Office of the City Mayor shall formulate the implementing rules and regulations of this Ordinance.


SECTION 21. REPEALING CLAUSE. All other ordinances or parts thereof which are inconsistent with the provision of this Ordinance are hereby repealed, amended and/or modified accordingly.

SECTION 22. SEPARABILITY CLAUSE. Should any provision of this Ordinance be subsequently declared unconstitutional or invalid, other provisions not affected by such declaration shall remain in full force and effect.


SECTION 23. EFFECTIVITY. This Ordinance shall take effect upon its approval.

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I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPITO, Ph.D.
 Secretary to the Sanggunian

ATTESTED:


HON. BIENVENIDO C. DE GUZMAN II
 City Vice Mayor/Presiding Officer
 Date: 02 - 14 - 2024

APPROVED:


HON. MAILA ROSARIO S. TING-QUE
 City Mayor
 Date: 2/15/24

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