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PROVINCE OF LEYTE
Palo, Leyte

Item No.: 11
Date: JUL 18 2023

PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN
JUL 11 2023
PROVINCE OF LEYTE

2nd INDORSEMENT
July 10, 2023

Province of Leyte
Legal Office
Date: 7-12-23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 09 S.2023 of the Sangguniang Bayan of Merida, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160, the same being to the opinion of the Provincial Legal Office in consonance with the mandate of Section 17(2)(ix) of the Code, to “establish public markets, slaughterhouses and other municipal enterprises”. Provided that pursuant to Section 186 thereof, fees or charges shall not be unjust, excessive, oppressive, confiscatory or contrary to declared national policy.

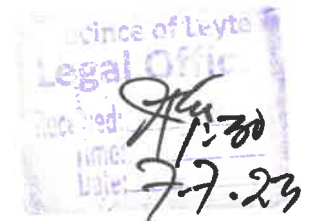
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte


OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT

06 July 2023
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The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 09, SERIES OF 2023 OF THE MUNICIPALITY OF MERIDA, LEYTE**, entitled: AN ORDINANCE RENAMING THE EXISTING BAGSAKAN CENTER INTO A COMMERCIAL BUILDING AND ESTABLISHING A NEW BAGSAKAN CENTER BESIDE THE FISH MARKET BUILDING AT MERIDA PUBLIC MARKET IN BARANGAY POBLACION OF THIS MUNICIPALITY AND IMPOSING FEES AND OTHER CHARGES ON THE USE OF ITS FACILITIES.


FLORINDA JILL S. UYVICO
Secretary to the Board



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

July 04, 2023

THE SANGGUNIANG PANLALAWIGAN OF LEYTE
NEW LEYTE PROVINCIAL CAPITOL
PALO, LEYTE



DEAR HONORABLE SP MEMBERS;

I HAVE THE HONOR TO SUBMIT TO THE SANGGUNIANG PANLALAWIGAN OF LEYTE COPIES OF **MUNICIPAL ORDINANCE NO. 09, SERIES OF 2023 – “AN ORDINANCE RENAMING THE EXISITING BAGSAKAN CENTER INTO A COMMERCIAL BUILDING AND ESTABLISHING A NEW BAGSAKAN CENTER BESIDE THE FISH MARKET BUILDING AT MERIDA PUBLIC MARKET IN BARANGAY POBLACION OF THIS MUNICIPALITY AND IMPOSING FEES AND OTHER CHARGES ON THE USE OF ITS FACILITIES”** ENACTED BY THE 18TH COUNCIL OF MERIDA, LEYTE FOR REVIEW AND CONSIDERATION.

HOPING EVERYTHING IS IN ORDER.

THANK YOU.

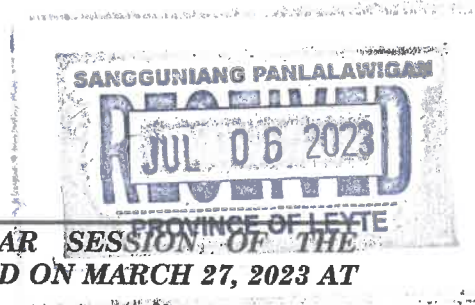
RESPECTFULLY,


JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE 37TH REGULAR SESSION OF THE SANGGUNIANG BAYAN (18TH COUNCIL), MERIDA, LEYTE HELD ON MARCH 27, 2023 AT THE LEGISLATIVE BUILDING SESSION HALL.

-RESOLUTION NO. 18-23-109-

A RESOLUTION ADOPTING MUNICIPAL ORDINANCE NO. 09 "AN ORDINANCE RENAMING THE EXISTING BAGSAKAN CENTER INTO A COMMERCIAL BUILDING AND ESTABLISHING A NEW BAGSAKAN CENTER BESIDE THE FISH MARKET BUILDING AT MERIDA PUBLIC MARKET IN BARANGAY POBLACION OF THIS MUNICIPALITY AND IMPOSING FEES AND OTHER CHARGES ON THE USE OF ITS FACILITIES."

NOW, WHEREFORE, ON MOTION OF Hon. Emarito A. Luzares, Chairman Committee on Rules, Regulations and Ordinances, duly seconded by Hon. Felipe H. Perez, Jr., Hon. Nenfa C. Oyao and Hon. Camilo L. Dejon, BE IT RESOLVED TO ENACT;

-MUNICIPAL ORDINANCE NO. 09- Series of 2023

Be it Ordained by the Sangguniang Bayan of Merida, Leyte in session duly assembled, that:

SECTION 1. TITLE – This Ordinance shall be known as an "Ordinance Renaming the Existing Bagsakan Center into a Commercial Building and Establishing a new Bagsakan Center beside the Fish Market Building at Merida Public Market in Barangay Poblacion of this Municipality and imposing fees and other charges on the use of its facilities."

SECTION 2. PURPOSE AND COVERGAE – The purpose of this Ordinance is to establish and operate a Municipal Bagsakan Center within the Merida Public Market premises in Barangay Poblacion, Merida, Leyte, as a separate building to serve as an entry point and as a service landing area for agro-fishery food products and other agricultural products/goods in bulk delivered by farmers/producers and suppliers intended for wholesale.

This Ordinance shall cover the establishment, administration, trading, supervision, and regulations in the operation of Bagsakan Center and the imposition and collection of fees and other charges as provided hereof.

SECTION 3. DEFINITION OF TERMS – When used in this Ordinance, the following terms shall mean:

- a. **Agricultural by-products – those materials which in the cultivation or processing of an article remain over, and which are still of value and marketable like copra cake (copra) and molasses (sugar care).**
- b. **Agricultural Products – include the yield of the soil, such as corn, rice, wheat, rye, hay, coconut, sugarcane, tobacco, root crops, vegetables, fruits, flowers, and their by-products, ordinary salts, all kinds of fish, poultry, and livestock and animal products, whether in their original form or not.**
- c. **Agri-fishery food products – products not limited to fish, chicken, meat, fruits, vegetables but also agricultural by products such as salt, sugar, rice, corn, etc.**
- d. **Bagsakan Center – an open building within the vicinity of the Merida Public Market where agricultural and fishery food products and other goods from producers and suppliers are unloaded and sold on wholesale basis.**
- e. **Bagsakan Center entrance fee – the regulatory fee imposed or collected from the producers/farmers and traders who bring their goods to the Bagsakan Center or in the market or wholesale basis.**

Bagsakan Center rented fee – a fee imposed or collected from the occupants for use of space or stalls in the Bagsakan Center on per square meter basis per use.

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(CONTINUATION OF MUNICIPAL ORDINANCE NO. 09, SERIES OF 2023, DATED MARCH 27, 2023.//PAGE 02)

- g. Bagsakan Center stalls/booths – a space assigned to producers/suppliers or wholesalers who sell their commodities in the Bagsakan Center.*
- h. Bagsakan personnel – the personnel under the Office of the Economic Enterprise / Municipal Treasurer’s Office employed by the Municipal Government to perform specific duties related to the Bagsakan Center operations.*
- i. Consumer – a person who buys goods or services intended for his own consumption. It also means the buying public.*
- j. Public Market – a place, building or structure owned and operated by the Municipality of Merida, designed for the purpose of providing space and/or stalls where some goods of any kind from the Bagsakan Center may be sold or offered.*
- k. Retail – sale where the purchaser buys the commodity for his own consumption usually in small quantities.*
- l. Retailer – a person who engages in selling goods or commodities in small quantities directly to the consumers.*
- m. Supplier – any person or business, usually producers/farmers and traders delivering goods in bulk or on wholesale and who pay a specified rental for the use of a space or stalls in the Bagsakan Center.*
- n. Trader – a person who engages in commerce or business transactions in the Bagsakan Center.*
- o. Wholesale – an act of sale or commerce where the purchaser buys or imports commodity for resale to person other than the end user usually made in bulk or large quantities.*
- p. Wholesaler – a person who engages in selling goods or commodities in bulk or large quantities usually for resale by retailers.*

SECTION 4. SUPERVISION AND CONTROL – *The Municipal Mayor shall exercise general supervision, administration and control over the entire operations of the Bagsakan Center and the personnel complement assigned therein.*

The Bagsakan Center shall operate under the immediate and direct supervision of a Market Supervisor as maybe designated by the Municipal Mayor who shall supervise and oversee the proper management and implementation of the rules and regulations pertaining to the operating of the Bagsakan Center.

SECTION 5. IMPOSITION OF FEES AND CHARGES – *There shall be collected the following fees and charges on the operation and use of the Bagsakan Center and its facilities by the producers/farmers, suppliers, traders, and wholesalers of agri-fishery food products and other agricultural products/goods as follows:*

1. Bagsakan Center entrance fees shall be collected on the following:

FISH AND OTHER MARINE PRODUCTS

- a. Fresh Fish and other Marine Products*
 - First Class* Php5.00 per kilo
 - Second Class* 3.00 per kilo
- b. Shellfish* 30.00 per sack
- c. Prawns, shrimps, crabs and similar species* 5.00 per kg.

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(CONTINUATION OF MUNICIPAL ORDINANCE NO. 09, SERIES OF 2023, DATED MARCH 27, 2023. //PAGE 03)

- | | | |
|----|--------------------------------------|-------------------------|
| d. | <i>Smoked Fish (Tinapa)</i> | 5.00 per Bilao/box |
| e. | <i>Dried Fish: Daing/Tuyo/Tinapa</i> | 5.00 per crate |
| f. | <i>Alamang/Bagoong (Isda)</i> | 5.00 per balde/bayong |
| g. | <i>Seaweeds</i> | 100.00 per basket (big) |

FRUITS

High Value/Imported Fruits

- | | | |
|----|-----------------------------------|---|
| a. | <i>Grapes (ubas)</i> | Php5.00 per box |
| b. | <i>Orange/Ponkan/Apple</i> | 5.00 per box |
| c. | <i>Lanzones</i> | 10.00 per tiklis/crate |
| d. | <i>Rambutan</i> | 10.00 per kaing (big)
5.00 per kaing (small) |
| e. | <i>Mango</i> | 10.00 per kaing |
| f. | <i>Pineapple/Watermelon/Melon</i> | 0.50 per piece |
| g. | <i>Citrus</i> | 5.00 per sack |

Other Fruits

- | | | |
|----|-----------------------|------------------------------------|
| a. | <i>Banana</i> | Php20.00 per sack/5.00 per hundred |
| b. | <i>Indian Mango</i> | 5.00 per kaing |
| c. | <i>Avocado/Santol</i> | 5.00 per box/bag/crate |
| d. | <i>Kalamansi</i> | 5.00 per buriki |
| e. | <i>Coconut/Buko</i> | 0.50 per piece |
| f. | <i>Other fruits</i> | 5.00 per crate |

VEGETABLES

- | | | |
|----|--|---|
| a. | <i>Kamoteng Baging/Kahoy/Corn (Fresh)</i> | Php10.00 per sack (small)
20.00 per sack (big) |
| b. | <i>Ube/Tugue/Ginger</i> | 10.00 per sack (small)
20.00 per sack (big) |
| c. | <i>Garlic/Peanut</i> | 20.00 per sack (big) |
| d. | <i>Mongo/Other Beans</i> | 20.00 per sack |
| e. | <i>Squash</i> | 0.25 per piece (small) |
| f. | <i>Kamatis/Pipino</i> | 10.00 per crate/kaing |
| g. | <i>Ampalaya/Eggplant/Baguio Beans/Beril Pepper/ Broccoli/Carrots/Cauliflower/Labanos/Lettuce Mustasa/Pechay/Okra/Patatas/Patola/Repolyo/ Sayote/Siling Panigang/Sitao/Upo and others</i> | 5.00 per bag
10.00 per sack |
| h. | <i>Coffee/Soybeans and the like</i> | |

MEAT AND POULTRY PRODUCTS

- | | | |
|----|---|-----------------------|
| a. | <i>Dressed Chicken and other Poultry Meat Product</i> | 1.00 per kg. |
| b. | <i>Live chicken/Duck/Goose/Turkey and others</i> | 5.00 per head |
| c. | <i>Eggs of chicken / duck</i> | 1.00 per tray |
| 2. | <i>Bagsakan Center Space Rental Fee:</i> | Php20.00/sq meter/day |

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(CONTINUATION OF MUNICIPAL ORDINANCE NO. 09, SERIES OF 2023, DATED MARCH 27, 2023.//PAGE 04)

SECTION 6. TIME AND MANNER OF PAYMENT – The duly bonded personnel from the Municipal Treasurer’s Office assigned in the Bagsakan Center shall take charge in the collection of fees and charges imposed in this Ordinance under the following regulations:

- a. The supplier shall pay the Bagsakan rental fee within the day of actual unloading of goods and commodities of producers/farmers and suppliers
- b. Cash ticket shall be issued to the suppliers corresponding to the amount of payment and shall be torn in half, one half to be given to the producers/farmers and suppliers and the other half to be retained by the collectors who shall remit the same to the Municipal Treasurer on daily basis.
- c. The payment for parking fee by the supplier shall be made immediately after the unloading of the goods and commodities.
- d. All transactions in the Bagsakan Center shall be issued an Official Receipt or cash tickets as evidence of payment of fees and other charges by the producers/farmers and market retailers.

SECTION 7. SURCHARGE FOR LATE PAYMENT – Failure to pay on time the total amounts due as imposed in this Ordinance shall be subject to a surcharge of twenty five percent (25%) of the original amount due and such surcharge shall be paid at the same time and in the same manner the obligation is to be settled.

SECTION 8. ADMINISTRATIVE PROVISIONS - The Local Chief Executive shall designate/appoint the Market Supervisor who shall be in charge of the operation of the Bagsakan Center and be responsible for the proper implementation of the guidelines, as well as the rules and regulations pertaining to the operations of the Bagsakan Center.

SECTION 9. REGULATORY PROVISIONS - These following rules and regulations presented in this Ordinance shall govern the operation of the Bagsakan Center.

1. The Bagsakan Center shall operate initially as food depot where the farmers and producers/wholesalers bring their agricultural products, fish and marine products, and other agricultural by-products and sell the commodities on wholesale basis to market vendors and retailers.

a. It shall be opened to all farmers, producers and licensed suppliers, traders, wholesalers and market retailers provided that local farmers shall be given the priority in occupying Bagsakan Center space at a rental fee specified herein.

b. It shall not be used by producers/traders and farmers as warehouse of their goods and other agricultural commodities.

c. Only market vendors and retailers are allowed to purchase goods and/ or commodities at the Bagsakan Center in order that the retail market shall not be jeopardized.

SECTION 10. SEGRAGATION AND DISPOSAL OF SOLID WASTE - All stallholders/space occupants, proprietors and or administrators shall be responsible for the cleanliness and orderliness of the immediate surroundings. Likewise, orderly and proper arrangements of stall/space are the principal responsibility of the administrators/stallholders/spaceoccupants.

1. **Mandatory segregation of solid waste** – the segregation of solid waste shall be mandatory in the Bagsakan Center, Segregation shall primarily be conducted by the concerned stallholders/space occupants/traders and suppliers.

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(CONTINUATION OF MUNICIPAL ORDINANCE NO. 09, SERIES OF 2023, DATED MARCH 27, 2023.//PAGE 05)

2. **Categories of solid waste – solid waste shall be segregated into the following categories:**

- a.) Compostable or Biodegradable
- b.) Recyclable
- c.) Residual waste
- d.) Special waste

3. **Requirements for segregation and storage of solid waste – the sources of solid waste as listed above shall have separate receptacles or containers (i.e. sacks, bins, boxes, cans, bags, etc.) for each type of solid waste and shall be properly marked or identified for on-site collection as compostable, recyclable, residual or special waste and properly sealed or tied for easy handling and collection. The receptacles shall be properly covered, secured or protected to prevent spillage or scattering of the waste and to ensure its containment.**

4. **Non-collection of unsegregated waste - only segregated waste and only the type of waste that are scheduled for collection on a particular day and time shall be collected.**

5. **The stallholders/administrators shall provide a designated area and containers in which to accumulate source separated recyclable materials for collection and shall notify his/her workers accordingly.**

6. **No scavenging or unauthorized collection in designated segregation containers or areas shall be allowed.**

SECTION 11. SECURITY

a.) **Losses of stallholders – The Municipality of Merida shall not be responsible for any loss or damage which all stallholders may incur in the Bagsakan Center, by the reasons of fire, theft or robbery, “force majeure”, or any other cause. Any merchandise, goods and commodities left in the Bagsakan Center during closure time shall be at risk of the stallholders. It shall, however be the duty of the Bagsakan Operations Manager and his/her subordinate who have the authority to apprehend to turn over to the police any person caught stealing or committing any offense in the Bagsakan Center.**

b.) **In addition to the security guard/watchman, the Philippine National Police (PNP) Officer on the duty shall provide assistance at entry point and routinely patrolling within the premises of the Bagsakan Center especially during night time. Proper coordination with the PNP Officer shall be made to augment the security force within the Bagsakan Center.**

SECTION 12. PENAL PROVISION - Any persons, traders, suppliers, wholesalers, retailers and consumers who willfully violate any provision of this Ordinance shall be penalized as follows:

- a.) 1st offense 1,000.00
- b.) 2nd offense 2,000.00
- c.) 3rd offense 2,500.00

SECTION 13. SEPARABILITY CLAUSE - If for any reason or reasons, any part or provision of this Ordinance is declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall remain to be in full force and effect.

SECTION 14. REPEALING CLAUSE - Any ordinance, executive orders, and other rules and regulations which are contrary or inconsistent, whole or in part, with this ordinance are hereby repealed, amended or modified accordingly.

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(CONTINUATION OF MUNICIPAL ORDINANCE NO. 09, SERIES OF 2023, DATED MARCH 27, 2023. .
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SECTION 15. EFFECTIVITY. - This ordinance shall take effect ten (10) days after approval and posting.

ENACTED BY THE SANGGUNIANG BAYAN (18TH COUNCIL) OF MERIDA, LEYTE AT ITS REGULAR SESSION HELD ON THE 27TH DAY OF MARCH 2023.

APPROVED UNANIMOUSLY.

SANGGUNIANG BAYAN MEMBERS


CHENIL C. CALDERON
Municipal Councilor
Assistant Floor Leader

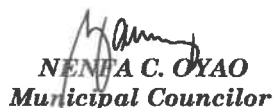

JOEL A. MARSON
Municipal Councilor


JESUS ANTONIO R. MARTINEZ
Municipal Councilor


EMAHITO B. LUZARES
Municipal Councilor
Majority Floor Leader


CAMILO L. DEJON
Municipal Councilor


FELIPE H. PEREZ, JR.
Municipal Councilor


NENFA C. OYAO
Municipal Councilor


STEPHANIE M. MIRALLES
Municipal Councilor


AMELITA R. GALAM
Ex Officio (LnB President)

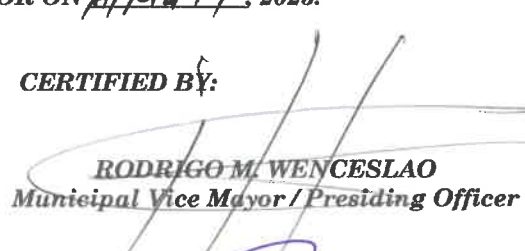

RALPH STEVEN M. MIRALLES
Ex-Officio (Mun. Sh. Federation President)

APPROVED BY HIS HONOR, THE MUNICIPAL MAYOR ON APRIL 19, 2023.

APPROVED BY:


ENGR. ROLANDO M. VILLASEÑOR
Municipal Mayor

CERTIFIED BY:


RODRIGO M. WENCESLAO
Municipal Vice Mayor / Presiding Officer

ATTESTED BY:


PHIALENE ROSARI C. BARONDA
Private Secretary II


JOSELITO T. DE LOS ANGELES
Secretary to the Sangguniang Bayan



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that **MUNICIPAL ORDINANCE NO. 09, SERIES OF 2023 – “AN ORDINANCE RENAMING THE EXISTING BAGSAKAN CENTER INTO A COMMERCIAL BUILDING AND ESTABLISHING A NEW BAGSAKAN CENTER BESIDE THE FISH MARKET BUILDING AT MERIDA PUBLIC MARKET IN BARANGAY POBLACION OF THIS MUNICIPALITY AND IMPOSING FEES AND OTHER CHARGES ON THE USE OF ITS FACILITIES”** had been posted in three (3) conspicuous places in the locality within three (3) consecutive weeks from APRIL 25, 2023 to MAY 16, 2023.

THIS CERTIFICATION has been issued in compliance to Section 511 (1), Title One, book IV of RA 7160, otherwise known as the Local Government Code of 1991.

DONE AND ISSUED this 04TH day of July 2023 at Merida, Leyte, Philippines.


JOSELITO T. DE LOS ANGELES
Secretary to the Sangguniang Bayan