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**TRANSFER OF STALLS AT THE NAGA CITY PUBLIC MARKET;-**

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## EXPLANATORY NOTE

WHEREAS, based on the inventory conducted by the Office of the Market Superintendent, almost 247 stalls at the Naga City Public Market are being occupied by persons other than that of the registered and bonafide stallholders;

WHEREAS, reliable information shows that some legitimate stallholders have already sold their stalls to its present occupant for a hefty sum of money, and some for over a million pesos, to the detriment of the City Government;

WHEREAS, this "Modus Operandi" of some irresponsible stallholders has been going on for quite sometime already;

WHEREAS, there is a need to provide for a mechanism for the transfer of stall at the Public Market to its present occupant after compliance with all the qualifications/requirements under existing rules and regulations and as provided in this ordinance, with an end in view of collecting the taxes and fees to protect the interest of the city government.

Be it ordained by the 9<sup>th</sup> Sangguniang Panglunsod of the City of Naga, that:

**SECTION 1.- Authority to Transfer Market Stall.-** The transfer of stalls at the Naga City Public Market is hereby authorized, subject to the guidelines and requirements herein provided:

**SECTION 2.- Qualification of Transferee.-** In addition to existing requirements/qualifications of stallholders , all stalls at the Naga City Public Market shall be transferred only to bona fide residents of the City to be determined thru the submission of the following:

- a) Latest Proof of Billing on the residence of the applicant of any of the following:

1. Water Bill or receipt of payment from the MNWD
  2. Electric Bill or receipt of payment from CASURECO II
  3. Telephone Bill or Cellphone Bill
  4. Monthly Bill for Cable TV
- b) Certification of the City Election Registrar of the COMELEC that he/she is a registered voter of the city.
- c) Certification of the City Treasurer and Market Supervisor IV that all taxes and fees and market rental due the City Government are fully paid.

Provided, however, that no transferee shall be awarded of more than two (2) stalls the Naga City Public Market.

**SECTION 3.- Exception.-** The additional qualification provided under the preceeding Section shall not apply to transfer from bonafide stallholder of the Naga City Public Market to his/her father or mother, or from parent to their son or daughter within the period on which there is an existing contract with the city. For purposes of this Section, bonafide stallholder shall mean that he/she has an existing contract with the City Government for the occupancy of such stall, and that all current taxes and fees due the city are fully paid.

A Transfer Fee in the amount of Five Thousand (5,000.00) Pesos shall be paid to the City Treasurer's Officer prior to the awarding of stall covered under this Section.

**SECTION 4.-** Section 134 of Ordinance No. 2004-123 is hereby amended, now to read as follows:

**"SECTION 134. - Imposition of Goodwill Fee on Transfer of Right to Ownership of Market Stall. -** This Section shall govern the classification of all stalls and the prescribed fees for the Transfer of Right to Ownership of Stalls at the Naga City Public Market.

1. Definition of Terms as used in this ordinance: -
  - (a) Stall - this refers to each unit of the public market being occupied by a particular vendor or operator of business in said market;
  - (b) Section - this is the aggrupation of stalls belonging to a group of dealers of similar goods or enterprise such as dry goods section, fresh fish section, vegetable section, etc.;
  - (c) Corner stalls - all stalls located at the corner of a particular alley or row of stalls;

- (d) Front stalls, middle stalls, posterior stalls - all these items refer to their relative positions in a row of stalls which are self-explanatory;
- (e) Ground floor, Second floor, Third floor - these are the floor areas of the Naga City Public Market;
- (f) Post to Post - refers to the stalls located adjacent to the concrete posts at the ground floor of the Naga City Public Market occupying at least one meter on both sides of each post;
- (g) Goodwill - is referred to herein as the equivalent amount considered to be the cost of each of these stalls of the Naga City Public Market if and when such stalls are to be transferred for the last and only time to its present occupant or its final occupant.

2.- Classification of Stalls and the Corresponding Rates of Goodwill for the Transfer of Rights of Ownership of Each Stall in the Naga City Public Market. -

**A. GROUND FLOOR:** Classified into front stalls which are facing the main streets and interior stalls.

a.1 Front stalls are divided into the following classifications together with its color coding and corresponding rate of goodwill:

1<sup>st</sup> Class (Green) - All stalls located at the corner facing General Luna Street  
Two Hundred Fifty Thousand Pesos  
(P250,000.00)

2<sup>nd</sup> Class (Pink) - All stalls adjacent to the corner facing General Luna St., corner stalls facing Prieto St., J. Hernandez Avenue and Padian Underpass.  
Two Hundred Thousand Two Hundred Fifty Pesos (P200,250.00)

3<sup>rd</sup> Class (Blue) - All stalls adjacent to the corner facing Prieto St., J. Hernandez Avenue and Padian Underpass  
One Hundred Seventy Five Thousand Pesos (P175,000.00)

4<sup>th</sup> Class (Orange)- All stalls facing Zamora Underpass  
One Hundred Twenty Five Thousand Pesos  
(P125,000.00)

5<sup>th</sup> Class (Violet)- All stalls located along Short St. A&B and stalls facing Riverside, All Fresh Fruits Stalls including stalls beside and under Tabuco Bridge

One	Hundred	Thousand	Pesos
<u>(P100,000.00)</u>			

a.2 Interior Stalls are divided into several classifications depending on its section and location together with its color coding and corresponding rate of goodwill

1<sup>st</sup> Class (Green/Orange) - Stalls identified as Carenderia Section which is located at Ground floor, Open Patio No. 2

Seventy	Five	Thousand	Pesos
<u>(P75,000.00)</u>			

2<sup>nd</sup> and 3<sup>rd</sup> Class -All corner stalls at Nepa Goods Section adjacent to Open Patio No. 3-4

Fifty Thousand Pesos (P50,000.00)

4<sup>th</sup> and 5<sup>th</sup> Class -All corner stalls located at Rice Section - Thirty Five Thousand Pesos (P35,000.00)

a.3 Post to Post

1<sup>st</sup> Class (General Luna St.) - Thirty Five Thousand Pesos P35,000.00)

2<sup>nd</sup> and 3<sup>rd</sup> Class - Twety Five Thousand Pesos (P25,000.00)

## **B. SECOND FLOOR:**

### **a. 1. - Fresh Fish Section:**

Class A (Green) - From corner to corner tiled table bounded by the Sari-Sari Section under Zamora Underpass including front tiled table stalls located at the center pasillo of Fresh Fish Section including front tiled table stalls facing peripheral wall of Stair No. 7 (Second floor) - Seventy Five Thousand Pesos - (P75,000.00)

Class B (Pink) - From corner tiled table stalls facing General Luna St., Short St. A up to corner tiled table stall facing the Men's Comfort Room - Fifty Thousand Pesos (P50,000.00)

Class C (Orange) - All tiled table stalls facing each other bounded by the prime pasillo starting from the Men's Comfort Room going to Stair No. 8 (Riverside) - Thirty Five Thousand Pesos (P35,000.00)

Class D and E - All tiled table stalls facing General Luna St., starting at the foot of the bridge up to the tiled table stalls near Stair No. 8 facing the Riverside. - Twenty Five Thousand Pesos (P25,000.00)

**b.2 Sari-Sari Section:**

Class A (Green) - Ulterior stalls along pasillo near Stair No. 4, facing Open Patio No. 3 up to the front stalls facing the wall of Men's Comfort Room of the Meat Section including stalls near Stair No. 6 and all front stalls along the pasillo facing Zamora Underpass up to the first stall facing Fresh Fish Section - Seventy Five Thousand Five Hundred Pesos (P75,000.00)

Class B (Pink) - All stalls near Stair No. 5 including corner stall near Ramp No. 2, all stalls lining the wall over Short St. B including facing and posterior stalls facing General Luna Street - Fifty Thousand Pesos (P50,000.00)

Class C (Orange) - All posterior stalls near Ramp No. 2 . - Thirty Five Thousand Pesos (P35,000.00)

**b.3 Meat Section:**

Class A (Green) - Corner stall near Stair No. 5 up to stalls facing the pasillo (Men's Comfort Room) boundary of Sari-Sari Section including the corner stall facing J. Hernandez Avenue side bounding Sari-Sari Section. - Seventy Five Thousand Pesos (P75,000.00)

Class B (Pink) - From corner stall facing Dried Fish Section, posterior stalls facing J. Hernandez Avenue side. - Fifty Thousand Pesos (P50,000.00)

Class C (Orange) - All posterior stalls facing Dried Fish Section including stalls fronting J. Hernandez Avenue side up to the second to the last corner of the Meat Section bounding Sari-Sari Section. -Thirty Five Thousand Pesos (P35,000.00)

**b.4 Chicken Section:**

Class A (Green) - All posterior stalls facing the Pork Section of the Meat Section.. - Fifty Thousand Pesos (P50,000.00)

Class B (Pink) - All posterior stalls facing the Hog Section of the Meat Section . -Thirty Five Thousand Pesos (P35,000.00)

**b.5 Dried Fish Section:**

Class A (Green) - All stalls facing the Chapel and the Market Office including stalls along pasillo facing Open Patio No. 4 . - Seventy Five Thousand Pesos (P75,000.00)

Class B (Pink) - All stalls facing face to face situated at the pasillo bounded by the Meat Section and the Agr-product Section . - Fifty Thousand Pesos (P50,000.00)

Class C (Orange) - All interior stalls situated at the secondary pasillo of Dried Fish Section . - Thirty Five Thousand Pesos (P35,000.00)

**b.6 Dry Goods Section:**

Class A (Green) - From corner stall going to Market Office bounded by the Maritatas Section and Dried Fish Section . - Seventy Five Thousand Pesos (P75,000.00)

Class B (Pink) - All stalls facing face to face from the boundary of Agri-product Section extending up to the boundary of Maritatas Section . - Fifty Thousand Pesos (P50,000.00)

**b.7 Agri-Product Section:**

Class A (Green) - All middle stalls facing Prieto St. extending up to the stalls near Stair No. 2 up to the stall corner of J. Hernandez side. . - Fifty Thousand Pesos (P50,000.00)

Class B (Pink) - 5<sup>th</sup> stall from the corner of J. Hernandez side up to the boundary of Dried Fish Section extending to the surrounding stalls half portion of Open Patio No. 1 and stalls near the toilet of Agri-Product Section . - Thirty Five Thousand Pesos (P35,000.00)

Class C (Orange) - All stalls facing General Luna St. and all stalls behind the main pasillo of Agri-Product Section . - Twenty Five Thousand Pesos (P25,000.00)

**b.8 Agri-Product Transient:**

Class A (Green) - From corner stall at Stair No. 1 and all stalls facing Prieto St. side . - Twenty Five Thousand Pesos (P25,000.00)

Class B (pink) - All posterior stalls facing Prieto St. side. - Fifteen Thousand Pesos(P15,000.00)

**b.9 Maritatas Section:**

Class A (Green) - All corner stalls situated on the pasillos of the Maritatas Section . - Thirty Five Thousand Pesos (P35,000.00)

Class B (Pink) - All posterior stalls situated on the secondary pasillos of the Maritatas Section including those facing General Luna side. - Twenty Five Thousand Pesos (P25,000.00)

**A. THIRD FLOOR:**

**c.1 Pavenas Section:**

Class A (Green) - Corner stall facing General Luna St. extending up to the corner stall facing the riverside, corner to corner stall surrounding the peripheral wall (Stair No.7) facing the riverside, corner stalls fronting Pavenas Office extending up to the 2<sup>nd</sup> to the last corner stall. - Fifty Thousand Pesos (P50,000.00)

Class B (Pink) - From corner stall facing the riverside up to the half portion of the peripheral wall of Ramp No. 2, corner stall near Stair No. 6 facing J. Hernandez Avenue side, corner stall facing Stair No. 6 extended and lined surrounding the peripheral wall of Zamora Light Well, corner to corner stall facing Open Patio No. 5 extended up to the stall located at the peripheral wall surrounding Open Patio No. 5 and Stair No. 7, corner stall situated in the middle (lined stalls) of the Pavenas Section extended up to the surrounding peripheral wall of Open Patio No. 4 . - Thirty Five Thousand Pesos (P35,000.00)

Class C (Orange) - All middle stalls situated in the peripheral wall of Ramp No. 2 extended lined stalls attached to the peripheral wall J. Hernandez Avenue side, all stalls attached and lined in the peripheral wall of Zamora Light Well facing J. Hernandez Avenue side including all stalls at the peripheral wall of Stair No. 5 and all stalls near the New Vendors Association Section. - Twenty Five Thousand Pesos (P25,000.00)."

**SECTION 5.** - Section 135 of Ordinance No. 2004-123 is hereby amended, now to read as follows:

**"SECTION 135.** - All application for transfer of right/stall shall be submitted to the Office of the Market Supervisor, who shall submit his recommendation to the Market Awards Committee, copy furnished the Office of the City Treasurer and the SP Committee on Market Affairs.

For this purposes, the Market Awards Committee is hereby reconstituted and now to be composed of the following:

City Administrator - Chairman  
City Legal Officer - Member  
City Treasurer - Member  
Chairman, SP Com. On Market Affairs - Member  
The President, NAMASFED - Member

The proceedings of the committee as herein reconstituted shall be governed by existing ordinances, rules and regulations, except for the publication of vacant stalls. "

**SECTION 6. -** Section 137 of Ordinance No. 2004-123 is hereby repealed.

**SECTION 7. -** Section 138 of Ordinance No. 2004-123 is hereby amended and renumbered as Section 137, now to read as follows:

**"SECTION 137. - Penalty Clause. -** Violation of any provisions of this ordinance shall be punished by a fine of FIVE THOUSAND PESOS (P5,000.00) at any one time plus the termination of the Contract of Lease and an order to vacate the stall concerned, without prejudice to the payment of all taxes and fees due the City of Naga.

**SECTION 8.-** Section 139 of Ordinance No. 2004-123 is hereby amended and renumbered as Section 138, now to read as follows:

**"SECTION 138. - Manner and Time of Payment of Goodwill. -** The payment of goodwill herein provided shall be paid in cash at the Office of the City Treasurer prior to the processing of any document pertaining to the transfer of ownership of market stall at the Naga City Public Market."

No transfer of ownership or right to ownership of market stall shall be made to any applicant without first complying with the provisions of this ordinance. Any transfer of right or ownership of market stall effected in violation of this Section is hereby declared null and void, and any personnel of the City Government found guilty for violation thereof, shall be liable for administrative actions provided under the Civil Service Law and Rules, without prejudice to the filing of appropriate civil or criminal action against the erring personnel.



**SECTION 9. - Disposition of Abandoned/Vacated Stalls.**  
Abandoned or vacated stalls shall be awarded to qualified applicants upon payment of unpaid rental and the appropriate goodwill fee. No award shall be made by the Market Awards Committee to the applicant, unless all taxes, fees and charges due the city are fully paid. When there are two or more applicants, a bidding process shall be conducted for the purpose.

Provided, that stallholders who vacated or abandoned a stall at the public market without notice to the Market Office, shall be disqualified to apply for any stall at the public market.

**SECTION 10.- Separability Clause** - If any clause, sentence, paragraph, section or part of this Ordinance shall be declared by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy.

**SECTION 11. - Repealing Clause** - The provisions of Ordinance Nos. 2004-123, including its amendments, and all ordinances, executive orders, rules and regulations, part or parts thereof which are in conflict or inconsistent with the provisions of this Ordinance are hereby repealed, amended, or modified accordingly.

**SECTION 12. - Effectivity.** - This Ordinance shall take effect upon its approval and after publication in three (3) separate newspapers of local circulation.

ENACTED: July 14, 2009.

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**WE HEREBY CERTIFY** to the correctness of the foregoing ordinance.

**GIL A. DE LA TORRE**  
Secretary to the  
Sangguniang Panlungsod

**GABRIEL H. BORDADO, JR.**  
City Vice Mayor &  
Presiding Officer

**APPROVED:**

**JESSE M. ROBREDO**  
City Mayor