



Province of Cavite

CITY OF BACOOOR

Office of the Sangguniang Panlungsod

PRESENT:

HON. ROSETTE M. FERNANDO -----	Presiding Officer
HON. EDWIN G. GAWARAN -----	Councilor
HON. AVELINO B. SOLIS -----	Councilor
HON. REYNALDO M. FABIAN -----	Councilor
HON. VENUS D. DE CASTRO -----	Councilor
HON. REYNALDO D. PALABRICA -----	Councilor
HON. JAIME A. SAPANGHILA -----	Councilor
HON. BAYANI M. DE LEON -----	Councilor
HON. CATHERINE S. EVARISTO -----	Councilor
	(ABC-Pres.)
HON. MA. ELIZA H. BAUTISTA -----	Councilor
	(SKF-Pres.)

ABSENT:

HON. JANAIR C. SAN MIGUEL -----	Councilor
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By unanimous vote of the members present in regular session assembled acting with a quorum throughout, the following City Ordinance was enacted:

City Ordinance No. 24
Series of 2012

AN ORDINANCE PROHIBITING THE USE OF ROADS, SIDEWALKS AND OTHER PUBLIC PLACES FOR VENDING AND FOR OTHER UNAUTHORIZED PURPOSES AND PROVIDING THE PENALTIES FOR CORRESPONDING VIOLATIONS HEREOF.

Introduced by **Hon. Rosette M. Fernando** (City Vice Mayor/Presiding Officer)

Sponsored by **Hon. Edwin G. Gawaran, Hon. Avelino B. Solis, Hon. Reynaldo M. Fabian, Hon. Venus D. De Castro, Hon. Reynaldo D. Palabrica, Hon. Jaime A. Sapanghila, Hon. Bayani M. De Leon, Hon. Catherine S. Evaristo and Hon. Ma. Eliza H. Bautista.**

BAGONG BACOOOR!

Tapat sa Serbisyo, Nagkakaisa sa Pagbabago...

WHEREAS, the proliferation of ambulant vendors as well as the unauthorized installation of structures on the roads, alleys, bridges and sidewalks within the City of Bacoor, Cavite has contributed to traffic congestion, garbage accumulation, the clogging of the city's drainage system and led to an increase in the commission of petty crimes within the City;

WHEREAS, the City Government's efforts to prevent the occupation and use of public roads and sidewalks by ambulant vendors and stallholders have been futile in as much as there is no



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existing ordinance that penalizes the said acts;

WHEREAS, Section 458, par. 5, (vi) of Republic Act No. 7610 (also known as the *Local Government Code of 1991*) empowered the Sangguniang Panlungsod to approve ordinances which shall ensure the efficient and effective delivery of basic services and facilities by regulating traffic on all streets and bridges, prohibit the putting up of encroachments or obstacles thereon, and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places.

NOW, THEREFORE:

BE IT ORDAINED by the Sangguniang Panlungsod of Bacoor, Cavite, in regular session assembled upon motion of Councilor Reynaldo M. Fabian and unanimously seconded by all its members that:

Section 1. **Short Title.** This Ordinance shall be known as the "**Anti-Road and Sidewalk Vending Ordinance of Bacoor**".

Section 2. **Definition of Terms.** As used in this Ordinance, the following words and phrases shall be understood to mean as follows:

Alleys- narrow public roads inaccessible to motor vehicles intended for the exclusive use of pedestrians, bicycles, pedicabs, or tricycles.

Ambulant vendor/s – person/s who move about either offering their services to the public or selling their wares which may or may not be contained in baskets, carts or any transportable material;

Business activity/ies-any activity made in the pursuit of commerce and for the purpose of obtaining an income which may involve the sale of goods or the leasing or offering of services for a fee such as but not limited to the operation of vulcanizing shops, carwash shops, shoe repair shops, and the like.

Road/s– public thoroughfares used for the passage of vehicles and pedestrians;

Sidewalk/s – portions of the roadside which are exclusively intended for the passage of pedestrians;

Stallholder/s– persons who stay and sell their merchandise and/or offer their services, utilizing a particular space, which may or may not be enclosed by a fixed or semi-permanent structure;

Structure/s- any tent, building, tenement, stall, cart, wood, plastic or steel bar/rack, table or aggrupation of any objects which may or may not include *balde*, *bilao*, or *banyera* whether or not under a roof or enclosed within walls;

EDWIN G. GAWARAN
Councilor

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Councilor

ATTY. VENUS D. DE CASTRO
Councilor

Absent
JANAIRIO C. SAN MIGUEL
Councilor

REYNALDO D. PALABRICA
Councilor

JAIME A. SAPANGHILA
Councilor

BAYANI M. DE LEON
Councilor

CATHERINE S. EVARISTO
Councilor ABC President

MA. ELIZA H. BAUTISTA
Councilor - SK President

Attested by:
ATTY. KHALID A. ATEGA, JR.
Secretary to the Sanggunian

Certified by:
ROSETTE MIRANDA FERNANDO
Municipal Vice Mayor/Presiding Officer

Approved by:
STRIKE B. REVILLA
Municipal Mayor

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Wares and Merchandise- any object or service sold or leased to the public which shall not be limited to food or agricultural products but may also include digital video discs (DVD), cigarettes, newspapers, plastic commodities, and the like.

Section 3. **Prohibited Acts.** This Ordinance is deemed violated by anyone who commits any of the following acts within the territorial jurisdiction of the City of Bacoor, Cavite:

3.1. Engaging in any business activity on or along any public road, alley, or sidewalk, or other public places not intended for the conduct of any business or commercial activities;

3.2. Installing or constructing any structure on any portion of a public road, alley or sidewalk and utilizing the same to offer the rendition of services for a fee, the selling of wares and merchandise to the public, or for the promotion of any business activity by means of signboards, standees, or any similar devices that hinder the flow of pedestrian and/or vehicular traffic;

3.3. Leasing out any portion of a public road, alley, or sidewalk and/or the unauthorized or illegal collection of fees from vendors and/or stallholders; and

3.4. Engaging in any activity not included in the foregoing provisions that endangers the general public or impedes the free flow of traffic on all public roads, sidewalks, and other public places.

Section 4. **Penalties.** The following penalties shall be imposed against any person who violates this Ordinance, to wit:

(a) Engaging in any business activity on or along any public road, alley, or sidewalk, or other public places not intended for the conduct of any business or commercial activities;

First offense: Confiscation of wares and merchandise used in the prohibited business activity which may be redeemed by the offender or his duly authorized representative after payment of a fine of Three Hundred Pesos (Php300.00) at the City Treasurer's Office within twenty-four (24) hours after apprehension of the offender/s. Provided: a violation slip shall be issued by the apprehending officer under the name of the offender/s prior to, or during the act of confiscation. The offender shall present the said violation slip to the City Treasurer's Office before the confiscated wares and/or merchandise can be redeemed.

Second Offense:

(i) Confiscation of wares and merchandise used in the

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Municipal Mayor



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prohibited business activity;

(ii) Payment of a fine in the sum of Five Hundred Pesos (Php500.00) to be paid directly at the City Treasurer's Office within twenty-four (24) hours after apprehension of the offender/s. Provided: a violation slip shall be issued by the apprehending officer under the name of the offender prior to, or during the act of confiscation. The said violation slip shall be presented by the offender to the City Treasurer's Office before the confiscated wares and/or merchandise can be redeemed; and

(iii) Attendance by the offender in a livelihood training seminar for a period of not less than eight (8) hours to be conducted by the City Livelihood Operations Division. Provided: that a Certificate of Attendance shall be issued by the City Livelihood Operations Division to the offender after his attendance to the said livelihood training seminar to evidence his/her compliance to this Ordinance.

(b) Installing or constructing any structure on any portion of a public road, alley or sidewalk and utilizing the same to offer the rendition of services for a fee, the selling of wares and merchandise to the public, or for the promotion of any business activity by means of signboards, standees, or any similar devices that hinder the flow of pedestrian and/or vehicular traffic;

First Offense:

(i) Demolition of the offending structure/s; and

Confiscation of wares and merchandise used for the prohibited commercial or business activity, which may only be redeemed by the offender after payment of a fine amounting to Five Hundred Pesos (Php500.00) to be paid directly to the City Treasurer's Office, within twenty-four (24) hours after apprehension of the offender/s. Provided: a violation slip shall be issued by the apprehending officer under the name of the offender prior to, or during the act of confiscation. The offender shall present the said violation slip to the City Treasurer's Office before the confiscated wares and/or merchandise can be redeemed.

Second Offense:

(i) Demolition of the offending structure/s;

(i) Confiscation of wares and merchandise used for the prohibited commercial or business activity which may only be redeemed by the offender after payment of a fine in the sum of Eight Hundred Pesos (Php800.00) to be paid directly to the City Treasurer's Office, within twenty-four (24) hours after apprehension of the offender/s; and

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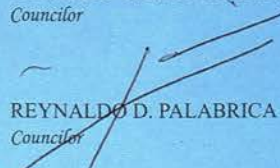

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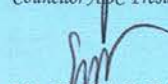
Absent
JANAIR C. SAN MIGUEL
Councilor

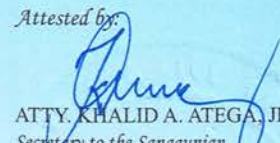

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Approved by:

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Municipal Mayor

(iii) Attendance by the offender in a livelihood training seminar for a period of not less than eight (8) hours to be conducted by the City Livelihood Operations Division. Provided: that a certificate of attendance shall be issued by the City Livelihood Operations Division to the offender after his/her attendance to the said livelihood training seminar to evidence his/her compliance to this Ordinance.

Third Offense:

- (i) Demolition of the offending structure/s;
- (ii) Confiscation of wares and merchandise used for the prohibited commercial or business activity which may only be redeemed by the offender after payment of a fine in the sum of One Thousand Pesos (Php1,000.00) to be paid directly to the City Treasurer's Office, within twenty-four (24) hours after apprehension of the offender/s; and
- (iii) Attendance by the offender in a livelihood training seminar for a period of not less than eight (8) hours to be conducted by the City Livelihood Operations Division. Provided: that a certificate of attendance shall be issued by the City Livelihood Operations Division to the offender after his/her attendance to the said livelihood training seminar to evidence his/her compliance to this Ordinance.

Under the preceding paragraphs, the confiscated food items that are not redeemed shall be immediately delivered to detention centers operated by the City Government and to the Bacoor Halfway House for the consumption of their respective inmates/residents. Non-food items shall be auctioned off on the next working day at a place designated by the City Treasurer, pursuant to the provisions of all pertinent laws.

Further, should the offender/s fail to pay the fine within the cited periods of time and/or to submit, within three (3) days from the demolition of the structure/s and/or confiscation of wares and merchandise, a Certificate of Attendance to the City Inspection and Compliance Unit (CICU) as proof for having attended the livelihood seminar, a criminal case for violation of this Ordinance shall be filed before the Municipal Trial Court of Bacoor, Cavite, which shall impose the fine of Five Thousand Pesos (Php5,000.00) payable to the City Treasury.

Under the preceding paragraphs, the confiscated food items that are not redeemed shall be immediately delivered to detention centers operated by the City Government and to the Bacoor Halfway House for the consumption of their respective inmates/residents. Non-food items shall be auctioned off on the next working day at a place designated by the City Treasurer, pursuant to the provisions of all pertinent laws.





Further, should the offender/s fail to pay the fine within the cited periods of time and/or to submit, within three (3) days from the



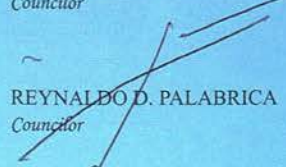
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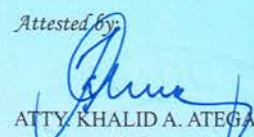

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Approved by:

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Municipal Mayor

demolition of the structure/s and/or confiscation of wares and merchandise, a Certificate of Attendance to the City Inspection and Compliance Unit (CICU) as proof for having attended the livelihood seminar, a criminal case for violation of this Ordinance shall be filed before the Municipal Trial Court of Bacoor, Cavite, which shall impose the fine of Five Thousand Pesos (Php5,000.00) payable to the City Treasury.

(c) For leasing out any portion of a public road, alley, or sidewalk and/or the unauthorized or illegal collection of fees from vendors and/or stallholders:

First Offense: Payment of a fine of Two Thousand Pesos (Php2,000.00) directly paid to the City Treasurer's Office within twenty-four (24) hours from receipt of the violation slip, and a three-month suspension of the Mayor's Permit if the offender, as owner and/or actual operator, leases out the portion of the road or sidewalk fronting his/her business premises.

Second Offense: Payment of fine of Three Thousand Pesos (Php3,000.00) directly paid to the City Treasurer's Office and a six-month suspension of the Mayor's Permit if the offender, as owner and/or actual operator, leases out the portion of the road or sidewalk fronting his/her business premises.

If the offender is a police enforcer, a barangay official or a government employee, he/she shall pay a fine of Five Thousand Pesos (Php5,000.00) to the City Treasurer's Office within twenty-four (24) hours from his/her receipt of the violation slip, without prejudice to the filing of administrative charges against the offender.

Should the offender fail to pay the aforecited fines within twenty-four (24) hours from receipt of the violation slip, a criminal case for violation of this Ordinance shall be immediately filed against the offender/s before the Municipal Trial Court which shall impose the penalty of imprisonment for not more than two (2) days.

d) For engaging in any activity not included in the foregoing provisions that impedes the free flow of traffic:

Imposition of a fine of One Thousand Pesos (Php1,000.00) to be paid directly to the City Treasurer's Office against the offender if the latter has been identified and a separate fine of Five Thousand Pesos (Php5,000.00) for the person/s or entity that gave the instructions to install any structure that endangers the general public or impedes the free flow of traffic. The said structure/s may be summarily removed by the City Government at the expense of such person/s or entity/ies.

Section 5. **Additional Penalties.** The imposition of the penalties cited in the preceding section shall likewise be without prejudice to other penalties which may be imposed for the same acts, such as, but not limited to, lack of the necessary permits and/or



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licenses, the selling of unlawful merchandise and the like.

Section 6. Disposition of Auction Proceeds/Fines.

The City Treasury shall retain seventy-five percent (75%) of the proceeds from the auction and/or fines to be collected while the City Inspection and Compliance Unit (CICU) shall be entitled to the remaining twenty-five percent (25%) for its operational expenses, subject to proper audit and accounting procedures.

Section 7. Separability. – If any section or provision of this

Ordinance is held unconstitutional or invalid, the other sections or provisions hereof not affected thereby shall remain valid and enforceable.

Section 8. Effectivity – This Ordinance shall take effect

fifteen (15) days from the date of its complete publication in at least two (2) newspapers of general circulation within the City of Bacoor, Cavite.

ENACTED by the Sangguniang Panlungsod of the City of Bacoor, Province of Cavite this 10th day of September 2012.

I hereby certify that the foregoing City Ordinance is true and correct and that the same was duly approved in accordance with law.

Certified by:


HON. ROSETTE M. FERNANDO
City Vice Mayor/Presiding Officer

Attested by:


ATTY. KHALID A. ATEGA JR.
Secretary to the Sangguniang Panlungsod

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Approved by:


HON. STRIKE B. REVILLA, PhD
City Mayor