

Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 723-2175

ORDINANCE NO. 10 S. 2015

AN ORDINANCE PRESCRIBING THE RULES AND REGULATIONS IN THE
OPERATION OF TIANGGES, BARATILLOS, FLEA MARKETS, NIGHT MARKETS
AND OTHER SEASONAL BUSINESSES AND IMPOSING PENALTIES
FOR VIOLATIONS THEREOF

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WHEREAS, during the period of celebrating Batangas City Day, Batangas City Fiesta and during the Christmas season, tiangges, baratillos, trade fairs are allowed by the local government and are a common place in Batangas City;

WHEREAS, the City Government of Batangas understands the concern of our society to answer issues on traffic and sanitation relative to these activities;

WHEREAS, it has been observed that the products being sold in previous trade fair activities are products similar to those being sold in our local markets thus, competing with the legitimate vendors of our city for customers;

NOW THEREFORE, be it ordained, as it hereby ordains by the Sangguniang Panlungsod of Batangas City, by virtue of the powers vested in it by law, in session duly assembled, that:

SECTION 1. TITLE. "Tiangge Ordinance of Batangas City".

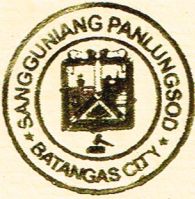
SECTION 2. DEFINITION OF TERMS

2.1 Baratillo/Tiangge or Flea Market - a type of bazaar or shopping market where inexpensive goods are sold.

2.2 Trade Fair - an event at which the local products and capabilities of the different barangays/local government units, local farmers, individuals and cooperatives are sold/showcased/exposed to present/promote the same to distributors, wholesalers, retailers and end-users.

2.3 Night Market - a baratillo/tiangge or flea market that operates at night.

2.4 Seasonal Businesses - businesses that operates



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SECTION 3. VENUE. Tiangges, baratillos, flea markets, night markets, trade fairs and like activities shall only be held in a place designated by the Sangguniang Panlungsod taking into consideration the traffic situation, accessibility to the public, the availability of public restrooms, water and electricity and such other matters as may be considered in the proper conduct of the activities. Public streets shall not be utilized and the flow of traffic in national and provincial roads shall not be obstructed.

SECTION 4. DURATION.

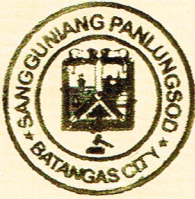
Such activities shall last only for a maximum period of fifteen (15) days unless sooner terminated for a cause. A new application shall be submitted for extension of the duration of the activity.

SECTION 5. DOCUMENTARY REQUIREMENTS. The organizers of these activities should secure the approval of the Sangguniang Panlungsod before conducting the same by submitting the following requirements at least 60 days before the event:

- 5.1 Letter of intent for trade fair participation
- 5.2 Certified true copy of certificate of registration/ accreditation/business permit
- 5.3 Brief project proposal detailing activities to be undertaken during the fair
- 5.4 List of participants and their home addresses
- 5.5 List of goods to be sold.
- 5.6 Clearance certificate from the Office of the Revenue District Officer, Bureau of Internal Revenue (BIR) that all registration requirements are furnished
- 5.7 Department of Trade & Industry Registration (DTI)

SECTION 6. AWARD. For the purpose of this ordinance, there shall be created a committee to review the application of any interested group or individuals for the establishment of tiangges, baratillos, flea markets, night markets and other seasonal businesses and to act on the application. The committee shall be composed of the following:

1. City Market Administrator
2. City Planning and Development Officer
3. City Treasurer



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5. Head of the Office of the City Veterinarian and Agricultural Services (OCVAS)
6. Sangguniang Panlungsod Chairman of the Committee on Trade, Commerce, Industry and Operation of Markets
7. Representative from the Office of the City Mayor
8. Authorized Representative of the Market Vendors Association

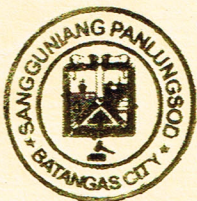
SECTION 7. PRODUCTS. Trade fairs should be open to all kinds of agricultural, industrial, indigenous and commercial products, crafts and other merchandise, regardless of their place and origin. Organizers shall be required to apportion at least 25% of the items for sale or exhibit during a trade fair to locally available products in order to patronize locally produced products and prevent undue competition. Thus, 25% of sellers must be residents of Batangas City.

SECTION 8. SAFETY. Safety regulations and existing national laws and city ordinances shall be complied with. Organizers and vendors shall secure special permits before operation. The Permits and License Section shall be responsible for the issuance of the special permit in coordination with the Building Official to ensure that the tents to be used during the event are fire resistant.

SECTION 9. SANITATION. Sanitation and environmental rules set forth in the Batangas City Environment Code as well as other ordinances shall be complied with.

SECTION 10. PROHIBITIONS. The following activities are prohibited in tiangges, baratillos, flea markets, night markets and other seasonal businesses.

- 10.1 The sale and drinking of liquor and bringing in of firearms and other deadly weapons within the premises.
- 10.2 Cooking within the baratillo site. Those whose products require cooking shall be segregated from the rest of the vendors.
- 10.3 Playing of loud music within the selling premises.
- 10.4 Selling of contraband and pirated goods, (imitation of branded items), obscene gadgets and



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SECTION 11. OBLIGATION OF THE ORGANIZERS

- 11.1. The organizers shall provide for portable toilets, electrical requirements and other amenities as may be required.
- 11.2. The organizers shall be required to pay the necessary permit fees and business taxes to the City Government of Batangas.
- 11.3. The organizers shall maintain cleanliness and proper waste disposal measures within the fair premises and its immediate vicinities and require the use of environment-friendly wrappers.
- 11.4. The organizers shall provide adequate protection to their participants from inclement weather and provide their own round-the-clock security for the trade fair and its premises.
- 11.5. The organizers shall coordinate with the Philippine National Police for random inspection of the area to ensure peace and order, and whenever the circumstances requires police assistance.

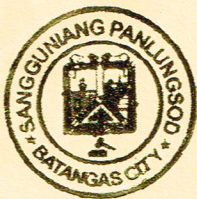
SECTION 12. FEES AND PENALTIES. The following fees shall be paid by the applicant-organizer: **(Based on The Batangas City Revenue Code of 2009.)**

12.1 Imposition of Fees.

12.1.1 Special Permit Fee for Exhibitor or Participant

a. There shall be a daily fee of One Hundred Fifty Pesos (Php 150.00) per day for each stall set up in an air-conditioned place/area or establishment regardless of dimension, located in Batangas City for the duration that the tiangge or privilege store is allowed to operate.

b. There shall be a daily fee of One Hundred Pesos (Php 100.00) per day for each stall set up in a non-air-conditioned place/area or establishment regardless of dimension located in Batangas City for the duration that the tiangge or privilege store is allowed to operate.



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c. Should the duration exceeds three (3) months in any taxable year, then it shall not be considered a tiangge or privilege store. It shall be subject to business taxes.

12.1.2 Sanitary Permit Fees. (based on floor area)

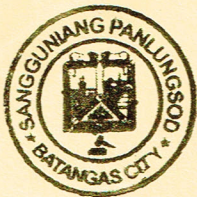
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|--|-----------|
| Less than 25 sq.m. | 125.00 |
| 25 or more but less than 50 sq.m. | 150.00 |
| 50 or more but less than 100 sq.m. | 200.00 |
| 100 or more but less than 200 sq.m. | 250.00 |
| 200 or more but less than 500 sq.m. | 300.00 |
| 500 or more but less than 700 sq.m. | 1,000.00 |
| 700 or more but less than 900 sq. m. | 1,500.00 |
| 900 or more but less that 1,100 sq. m. | 2,000.00 |
| 1,100 or more but less than 1,500 sq. m. | 3,000.00 |
| 1,500 or more but less than 1,700 sq. m. | 4,000.00 |
| 1,700 or more but less than 2,000 sq. m. | 5,000.00 |
| 2,000 or more but less than 3,000 sq. m. | 6,000.00 |
| 3,000 or more but less than 4,000 sq. m. | 7,000.00 |
| 4,000 or more but less than 5,000 sq. m. | 8,000.00 |
| 5,000 or more | 10,000.00 |

12.1.3. Sanitation Inspection Fees (based on floor area)

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|--|-----------|
| Less than 25 sq.m. | 125.00 |
| 50 or more but less than 100 sq. m. | 200.00 |
| 100 or more but less than 200 sq. m. | 250.00 |
| 200 or more but less than 500 sq. m. | 300.00 |
| 500 or more but less than 700 sq. m. | 1,000.00 |
| 700 or more but less than 900 sq. m. | 1,500.00 |
| 900 or more but less than 1,100 sq. m. | 2,000.00 |
| 1,100 or more but less than 1,500 sq. m. | 3,000.00 |
| 1,500 or more but less than 1,700 sq. m. | 4,000.00 |
| 1,700 or more but less than 2,000 sq. m. | 5,000.00 |
| 2,000 or more but less than 3,000 sq. m. | 6,000.00 |
| 3,000 or more but less than 4,000 sq. m. | 7,000.00 |
| 4,000 or more but less than 5,000 sq. m. | 8,000.00 |
| 5,000 sq. m. or more | 10,000.00 |

12.1.4 Garbage Fees

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| More than 200 square meters | 2,000.00 |
| 100 to 200 square meters | 1,000.00 |
| Below 100 square meters | 500.00 |



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12.2 **Exemption.** - The fees in this article shall not be collected from those under contract with exhibit organizers; provided, however, the exhibit organizer must have existing business permit fees and has paid the city taxes and fees for the current year.

12.3 **Manner of Payment.** - The fees imposed shall be paid to the City Treasurer.

12.4 **Penalty.** - The tiangge or privilege store who fails to pay the fee for five (5) consecutive days shall cause automatic closure of the tiangge or privilege store.

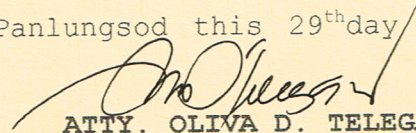
SECTION 13. PENALTY CLAUSE. Any violation committed shall be subject to a fine of five thousand pesos (P5, 000.00) for every offense and the revocation of the permit upon recommendation of the Business Permits and License Officer (BPLO).

SECTION 14. SEPARABILITY CLAUSE. If for any reason, any portion or provision of this ordinance is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected shall continue to be in full force and effect.

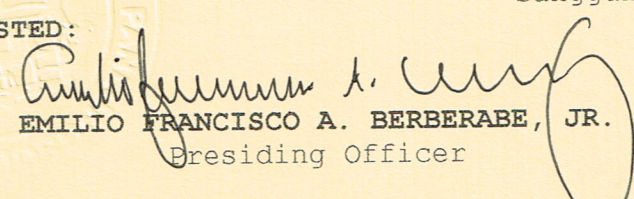
SECTION 15. REPEALING CLAUSE. All ordinances of the city or portion thereof which are inconsistent with the provisions of this ordinance are deemed repealed or modified accordingly.

SECTION 16. EFFECTIVITY. This ordinance shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation in the Cities and Province of Batangas.

ENACTED by the Sangguniang Panlungsod this 29th day of June 2015.


ATTY. OLIVA D. TELEGATOS
Secretary
Sangguniang Panlungsod

ATTESTED:


EMILIO FRANCISCO A. BERBERABE, JR.
Presiding Officer



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COMMITTEE REPORT

SUBMITTED BY : JOINT COMMITTEE ON LAWS, RULES AND REGULATIONS AND COMMITTEE ON TRADE, COMMERCE, INDUSTRY AND OPERATION OF MARKETS

SUBJECT : Proposed Ordinance entitled "An Ordinance Prescribing the Rules and Regulations in the Operation of Baratillos, Flea Markets, Night Markets or Tiangge in the City of Batangas".

COMMENTS:

Referred to the Joint Committee on Laws, Rules and Regulations and Committee on Trade, Commerce, Industry and Operation of Markets is the above entitled ordinance for study, comment and recommendation.

After the referral to the aforementioned Committee, the Committee conducted a series of committee hearings on June 13, 2014 and October 8, 2014.

Present during the first committee hearing were the Chairman of Committee on Laws, Rules and Regulations Councilor Alyssa Renee A. Cruz-Atienza, Councilor Ma. Claudette U. Ambida-Alday, Councilor Sergie Rex M. Atienza, as members and Councilor Aileen Grace A. Montalbo, author. Also present were Vice Mayor Emilio Francisco A. Berberabe Jr., Ms. Librada G. Baesa, Ms. Flor Serrano, Ms. Gloria S. Abaya, Mr. Nonato Caniete and Mr. Mario G. Manalo from BOD JPMMA, Ms. Carmela H. Atienza and Ms. Pheng De Chavez from City Market Office.

On the second committee hearing, the following were present: Ms. Ditas Aguado-Rivera from BPLO, Ms. Maria Teresa T. Geron from CTO, Ms. Annabel P. Montenegro, Ms. Nancy Jabat, the City Councilors and Vice Mayor.

During the committee hearings, the following points were raised:

1. There must be a body headed by the City Mayor to check the products that are to be sold in the tiangge.
2. BIR Receipts and pictures shall also be submitted by the exhibitors to be added to the required documents to be presented.
3. Fees to be collected shall be based on the Tax Code of Batangas City.
4. There is also a suggestion that the length of the tiangge / bazaar shall be reduced to seven (7) days only.


RECOMMENDATION:

In view thereof, the Committee recommends:


1. That the Proposed Ordinance be scheduled for Second and Final Reading in the next regular session.
2. The adoption of this Committee Report.

Respectfully submitted, October 20, 2014.

JOINT COMMITTEE ON LAWS, RULES AND REGULATIONS AND COMMITTEE ON TRADE, COMMERCE, INDUSTRY AND OPERATION OF MARKETS


COUN. ALYSSA RENEE A. CRUZ-ATIENZA
Chairman


COUN. AILEEN GRACE A. MONTALBO
Chairman


COUN. MA. CLAUDETTE U. AMBIDA-ALDAY
Member


COUN. ANGELITO A. DIMACUHA
Member