



Republic of the Philippines
City of Cebu
BARANGAY ERMITA
OFFICE OF THE BARANGAY COUNCIL



PROPOSED BARANGAY RESOLUTION
Session June 23, 2001

On joint motion of Members L. Empedad, I. Rupinta, C. Francisco and R. Rosito, approving the Barangay Resolution No. 83;

To approve the following ordinance:

PROPOSED BARANGAY ORDINANCE NO. 05
Series of 2001

AN ORDINANCE REGULATING THE SIDEWALK/STREET VENDORS OF BARANGAY ERMITA, ALSO KNOWN AS, "VENDORS' REGULATING ORDINANCE" & IMPOSING FEES & PENALTIES THEREOF.

WHEREAS, the Philippine Constitution and the Local Government Code of 1991 mandates the local government units to promote the welfare and to protect the rights of their residents especially in matters pertaining to their source of livelihood. Street and sidewalk vendors are considered a vital sector of the economy, creating their own decent and lawful way of employment, vending cheaper merchandise thus helping the low-income families to sustain their daily needs and assisting in the expansion of local investment;

WHEREAS, sidewalk/street vending, as an ancient way of trade for survival, presently caused mainly by poverty, unemployment and illiteracy, is considerably a socio-economic phenomenon. The numerous sidewalk/street vendors, as the marginalized indigenous people who contributed an economic benefit to the society, together with their immediate dependents, should not be deprived of their freedom and right to live through their chosen lawful and decent field of endeavor.

WHEREAS, the Cebu City Government recently suspended the City Ordinance No. 1186, also known as, "ANTI-VENDING LAW", repealing the Cebu City Ordinance No. 1017, "AN ORDINANCE PERMITTING AND REGULATING THE BUSINESS OF SIDEWALK & AMBULANT VENDING IN CERTAIN DESIGNATED PLACES IN THE CITY OF CEBU".

WHEREAS, Executive Order No. 452 issued by the President Fidel V. Ramos on October 24, 1997 practically allow street and sidewalk vending and created the Inter-Agency Council on the Security of Registered Vendors chaired by the Secretary of Interior and Local Government.

WHEREAS, it is a fact that the concerned Barangay of Ermita, secondary to the affected vendors themselves, knows best for the good, welfare and progress of the sidewalk/street vendors in Barangay Ermita, Cebu City.

NOW, THEREFORE, be it resolved, as it is hereby resolved by the Sangguniang Barangay of Ermita, Cebu City, in Session, duly assembled do hereby ordain that;

SECTION 1.

TITLE

This Ordinance shall be known as AN ORDINANCE REGULATING THE SIDEWALK/STREET VENDORS OF BARANGAY ERMITA, ALSO KNOWN AS, "VENDORS' REGULATING ORDINANCE", & IMPOSING FEES & PENALTIES THEREOF.

SECTION 2. DEFINITION OF TERM

- a) Sidewalk/Street Vendor - any person who sell his/her goods, wares, merchandise or any article in designated sidewalks and streets, or open space owned by the City Government.
- b) Registered Vendor - any street trader/sidewalk vendor, who is registered directly to the City Government or member of local vendor organization or federation recognized by the LGU;

- c) Unregistered Vendor - any unorganized or organized vendor who is unregistered in the City Government, or not a member of local organization or federation of organized vendors recognized by the LGU with permanent vending place.
- d) Loose Vendor - any vendor who is unregistered, unorganized or not a member of a local organization or federation who sell in non-permanent vending area.
- e) Barangay Clearance for Business Permit - a clearance issued by the Brgy. Captain to any vendor upon compliance of the necessary requirements for Business Permit.

SECTION 3. SUPERVISION, DUTIES and RESPONSIBILITIES and DEPUTIZATION
a) SUPERVISION

A Committee shall be created to be known as the "BARANGAY ERMITA INTEGRATED VENDORS MANAGEMENT COUNCIL" to supervise and regulate the operation of the street traders and sidewalk vendors and ensure compliance and enforcement of the terms and conditions mentioned therein, as well as, to evaluate the same the impact of law.

The Committee shall be composed of the following:

- Ermita Barangay Captain - - - - - Chairman
- Chairman, Barangay Council's Committee on Business - - - - - Internal Vice-Chairman
- President, Cebu City United Vendors Ass. (CCUVA) - - - - - External Vice-Chairman
- Representative, from Cebu City Market Administrator - - - - -
- Representative, from CITOM - - - - -
- Representative, from Police Force - - - - - 2 Members
- Representatives, Chinese & Filipino Business Sector - - - - - 2 Members
- Representative, appointed from the Vendors Orgs. - - - - - Secretary
- Ermita Barangay Treasurer - - - - - Treasurer
- Ermita Barangay Councilors - - - - - 2 Members
- Presidents, from Vendors Orgs. Presidents - - - - - 2 Members
- Assigned Doctor of Barangay Ermita - - - - - (15 total participants)

b) DUTIES and RESPONSIBILITIES

The BARANGAY ERMITA INTEGRATED VENDORS MANAGEMENT COUNCIL shall have the following duties and responsibilities:

1. To identify appropriate site or area for vending, subject to the approval of the Barangay Council;
2. To supervise the clearing of City streets, sidewalks, alleys, government right of ways, open spaces and other vending areas of unauthorized vendors;
3. To supervise and control the activity of vendors in consonance with the provision of this ordinance and other pertinent laws;
4. To recommend prosecution of illegal vendors in gross violation of this ordinance;
5. To determine and recommend the issuance of Barangay Clearance;
6. To determine and recommend the revocation of Business Permit;
7. To supervise and control the seizure of any obstructational materials, such as pushcarts, trisikad and others, in violation of the road widening/clearing;
8. To supervise and control of the custody, release and forfeiture of the seized goods, items, merchandises and other products intended for sale or trisikad, pushcarts, frontcarts and other obstructational materials;
9. To supervise and control in imposing fees, storage charges and penalties; and
10. To perform other task and duties that the Barangay Council may assign and prescribe in accordance with the law.

c) DEPUTIZATION

The Committee shall deputize the created TASK FORCE which shall be composed of the following:

1. Ermita Barangay Tanods and Persons in Authority;
2. Representatives of the vendors organizations/federations within Barangay Ermita, duly recognized by the Barangay of Ermita;

3. Representatives from the appropriate government agency in the City likewise task to implement the ordinance.

The TASK FORCE shall have the following functions to wit:

1. To regulate the existing vendors and prevent possible emergence of new vendors;
 2. To apprehend within their respective area of jurisdiction, violators of cleanliness and policies of the concerned organization or federation of vendors;
 3. To coordinate with the law enforcers in the implementation of this ordinance, such as the widening/clearing of roads, passages, alleys, pathways, open spaces and other vending areas, and order in their areas of assignments;
 4. To instill discipline among the vendors in the area; and
 5. Perform other tasks deemed necessary for the implementation of this ordinance.
- a) All existing areas occupied by the vendors which have not caused obstruction to traffic, pedestrian and passage ways of any business;
 - b) No vendor is allowed to occupy two (2) or more areas nor a vendor is allowed to use a dummy for the same purpose;
 - c) On the designated vending site, no additional vendors is allowed;
 - d) No vending site shall be designated on the sidewalk portion leading to a pedestrian lane or walkway;
 - e) Loose vendors shall be given portion of the unoccupied areas for their permanent vending, subject to the availability of vending space; and
 - f) The Committee should consider looking for an open market for a specific period of time to sell within the area.

SECTION 5. ISSUANCE OF BARANGAY CLEARANCE FOR BUSINESS PERMIT

a) Barangay Clearance shall be issued to any applicant street traders/sidewalk vendors who satisfy the following requirements:

1. Filipino Citizen;
 2. Member, with a good standing, in a vendor organization/association registered or duly recognized by the Barangay.
- b) Any applicant for the Barangay Clearance shall submit to the Committee the following supporting documents:
1. A duly accomplish application form;
 2. Health/Sanitation Certificate to those engaged in food selling;
 3. Recommendation by the concerned vendors organization/association duly recognized/acknowledged by the Barangay or the Committee.
- c) The Barangay Clearance shall have a duration of one (1) year and subject for renewal.

SECTION 6. TERMS and CONDITIONS

- a) Permittee shall in no case be entitled together with the immediate or direct dependent member of his/her family to have more than one (1) vending space;
- b) Permittee shall personally sell or offer for sale to the public only those goods, commodities, items or merchandise specifically mentioned in the permit;
- c) Permittee may alter on the days and hours and even the sale of goods so long will not hamper the operation in the area and such shifting is approved by the concerned local org. or federation;
- d) Permittee shall at all times wear the ID issued by the concerned local organization/federation or Committee while conducting the business. In case of closure, suspension or revocation of permit, the permittee shall surrender the ID to the issuing organization;

- e) Permittee shall keep the street clean, sidewalk, road, alley, passage-way or space occupied by him/her, as an area of responsibility, equipping themselves with the necessary cleaning paraphernalias needed for the purpose; otherwise, penalize;
- f) Permittee shall dispose or deposit the refuse or rubbish accumulated in the course of business operation, in the plastic bags or in such other receptacles as may be prescribed and to be placed in designated areas; otherwise, penalize;
- g) Permittee shall not throw or dispose of any liquid or water and solid waste in the street or floor abutting his/her area of business or in other places; otherwise, penalize;
- h) Permittee shall not transfer, extend or lease the area allotted to him/her or portion thereof to any person. Using a dummy to conceal such undertaken is highly prohibited; and
- i) Permittee shall display the original copy of the Business Permit in a conspicuous place within the area to make available in case of the demand by the proper authority;

SECTION 7. FEES: refers to the "ARKABALA" or OCCUPYING FEE.

- a) On sidewalk vending areas, FIVE PESOS (₱ 5.00) per square meter per day;
- b) On flea market or "talipapa" vending areas/sites, stall holder shall pay FIVE PESOS (₱ 5.00), except the canderia/refreshment parlor the stall holder shall pay double, depending upon the size of the stall/space occupied; goods/items intended for sale: fish, meat, poultry products, services, dry goods, groceries, vegetables, fruits, flowers and others.

SECTION 8. STORAGE CHARGES: refer to the seized item storage fees.

Seized item unclaim within TWENTY FOUR (24) hours shall be subject to storage fee under the scheme stated below:

- 1. Perishable goods, together with its immediate container when seized, ₱ .50 per kilo per day, or a fraction thereof;
- 2. Fruits, together with its immediate container when seized, ₱ .75 per kilo per day, or a fraction thereof
- 3. Others, items intended for sale, ₱ 1.00 per kilo per day, or a fraction thereof, including its immediate container when seized;
- 4. Obstructional materials, ₱ 10.00 per day or a fraction thereof;
- 5. Selling paraphernalias, a) light items ₱ 5.00 per day, b) bulky items ₱ 10.00 per day or a fraction thereof.

SECTION 9. PENALTIES: refer to the fine/obligation ~~of~~ ^{to} impose to seized items/owner.

- a) Perishable items/goods not claim within ~~THIRTY~~ SIX (36) hours shall be subject to forfeiture in favor of the Barangay for proper disposition;
- b) Non-perishable items/goods not claim within SEVENTY TWO (72) hours shall be subject to forfeiture in favor of the Barangay for proper disposition;
- c) Obstructional materials and selling paraphernalias not claim within SEVENTY TWO (72) hours shall be subject to forfeiture in favor of the BARANGAY for proper disposition.

HENCE: To facilitate the immediate release of seized items and to avoid congestion, or spoilage of the perishable items, at the Barangay Hall or its storage.

- d.1) 1st Offense - vendor of the seized items shall attend a seminar;
- d.2) 2nd Offense - seminar and a fine of FIFTY PESOS (₱ 50.00);
- d.3) 3rd Offense - seminar and a fine of ONE HUNDRED PESOS (₱ 100.00);
- d.4) 4th Offense - revocation of the Business Permit;
- d.5) 5th Offense - expulsion of the Business Permit and a fine of ONE THOUSAND PESOS (₱ 1,000.00) or imprisonment of its equivalent, or both, upon the discretion of the court.

SECTION 10. UTILIZATION OF FEES, STORAGE CHARGES & FINES

Fees, storage charges and fines collected shall be reflected in Barangay Official Receipt and shall be used to finance Brgy. Programs on delivery of basic social services particularly to the vendors.

SECTION 11. REPEALING CLAUSE

All local laws inconsistent to this ordinance are hereby deemed repealed and revoked accordingly.

SECTION 12. EFFECTIVITY

The law shall take effect immediately upon its approval and shall be enforced in all areas within the jurisdiction of Barangay Ermita, Cebu City.

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SPONSORED:

HON. LEOPOLDO EMPEDAD
Barangay Councilor

HON. INOCENCIO RUPINTA
Barangay Councilor

HON. EDUARDO FRANCISCO
Barangay Councilor

HON. REMATO ROSITO
Barangay Councilor