

Republic of the Philippines  
Province of Davao  
CITY OF TAGUM

**BEFORE THE `SANGGUNIANG PANLUNGSOD`**

**EXCERPT FROM THE MINUTES OF THE 135<sup>th</sup> REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF TAGUM HELD ON MARCH 05, 2001 AT THE SP SESSION HALL.**

**PRESENT:**

Hon. Gerardo R. Racho, Jr.,	Vice Mayor (Presiding Officer)
Hon. Fortunato A. Dayot,	Member
Hon. Alan L. Rellon,	Member
Hon. Alfredo D. de Veyra,	Member
Hon. Reynaldo P. Alba,	Member
Hon. Macario A. Bermudez, II	Member
Hon. Oscar M. Bermudez,	Member
Hon. Joedel T. Caasi,	Member
Hon. Agripino G. Coquilla, Jr.,	Member
Hon. Geterito T. Gementiza,	Member
Hon. Tristan Royce R. Adala,	Member
Hon. Francisco C. Remitar,	Member (ABC Representative)
Hon. Rey Cyril T. Alba,	Member (SK Representative)

**ABSENT:**

None

***CITY ORDINANCE NO. 46, s-2000***

***“AN ORDINANCE ENACTING THE CODE OF GENERAL ORDINANCES OF TAGUM CITY”.***

Be it enacted by the Sangguniang Panlungsod of Tagum in Session Assembled, that:

**CHAPTER I**

**GENERAL PROVISIONS**

***Article A. Short Title and Scope***

**Section 1A.01. Title.** This Ordinance shall be known as the “*Code of General Ordinances of Tagum City (2000)*”.

**Section 1A.02. Scope.** This Code covers all general ordinances and special ordinances of Tagum City.

***Article B. Rules of Construction***

**Section 1B.01. Words and Phrases.** Words and phrases embodied in this Code but not herein specifically defined shall have the same meaning as found in legal dictionaries as well as in existing laws.

**Section 1B.02. Construction of Codal Provisions.** In construing the provisions of this Code, the following rules of construction shall be observed unless otherwise inconsistent with the manifest intent of the provisions or when applied they would lead to absurd or highly improbable results.

**a) General Rule.** All words and phrases shall be construed and understood according to the

**b) Gender and Number.** Every word in this Code importing the masculine gender shall extend to both male and female. Every word importing the singular number shall extend and apply to several persons or things as well; and every word importing the plural number shall extend, and applied, also to one person or thing.

**c) Computation of Time.** The time within which an act is to be done as provided in this Code, or in any rule or regulation issued pursuant to the provisions thereof, when expressed in days shall be computed by excluding the first day and including the last day, except when the last day falls on Sunday or holiday, in which case, the same shall be excluded from the computations and the next business day shall be considered the last day.

**d) Tenses.** The use of any verb in the present tense shall include the future whenever applicable. The words “shall have been” shall include past and future cases. The use of the word “shall” in this Code means the act being required to be done is mandatory, whereas when the word “may” is used, it means permissive.

**e) References.** All references to the “Chapters”, “Articles”, or “Sections” are to chapters, articles or sections in this Code unless otherwise specified.

**f) Conflicting Provisions of Chapters.** If the provisions of different Chapters conflict with or contravene each other, the provisions of each chapter shall prevail as to all specific matter and questions involved therein.

**g) Conflicting Provisions of Sections.** If the provisions of different sections in the same chapter conflict with each other, the provisions of the Section which is last in point of sequence shall prevail.

**Section 1B.03. *Amendment and Integration of Additional Provisions.*** Any amendment on this Code may be introduced to the chapter, article or section concerned. All ordinances or provisions thereof enacted subsequent to the date of effectivity of this Code shall be compiled in such a way as to bear the corresponding chapter, article or section to which such ordinance or provision pertains. Such new provisions shall be integrated into the corresponding chapter, article or section whenever a new printing or reproduction of this Code is undertaken upon authorization of the Sanggunian.

**Section 1B.04. *Existing Rights.*** No right accrued, action or proceeding commenced before the effectivity of this Code shall be adversely affected by any provisions hereof. Thereafter, all procedures or actions to be taken shall conform to the provisions of this Code whenever possible.

**Section 1B.05. *Reference to Code.*** Whenever reference is made to any portion of this Code, such reference shall apply to all amendments and additions now or may hereafter be introduced.

**Section 1B.06. *Effect of Heading.*** The Chapter, Article and Section headings do not in any manner affect the scope, meaning or intent of the provisions contained in this Code.

**Section 1B.07. *Relation to Prior Ordinance.*** The provisions of this Code which are substantially the same as that of previous or existing ordinances particularly when dealing with the same subject-matter shall be construed as “restatement” and not as a new enactment.

## ***Article C. Definitions***

**Section 1C.01. *Meaning of Technical Terms.*** As used in this Code, the term:

*Amusement Places* - include theaters, cinemas, concert halls, circuses and other places of amusement where one seeks admission to entertain himself by seeing or viewing the show or performance. They include those places where one seeks admission to entertain himself by direct participation.

*Business* - means a commercial activity customarily engaged in as a means of livelihood and typically involving some independence of judgment and power of decision.

*Calling* - means one's regular business, trade, profession, vocation or employment which does not require the passing of an appropriate government board or bar examinations, such as professional actors and actresses, masseurs, commercial stewards and stewardesses and the like.

*Capital* - signifies the actual estate whether in money or property owned by an individual or corporation; it is a fund with which it transacts its business, which would be liable to each creditor, and which in case of insolvency passes on to a receiver.

*Capital Investment* - is the capital which a person puts in any undertaking or which he contributes to the common stock of a partnership, corporation, or any other juridical entity or association.

*Charges* - refers to pecuniary liability, as rents or fees against property, persons or organizations.

*Corporation* - includes a joint-stock company, partnership, association, insurance company, or any other juridical entity, no matter how created.

*Excessive* - means that which is characterized by whatever is notably greater than what is moderate, reasonable, proper, usual, necessary and just.

*Fee* - means a charge fixed by law or agency for the services of a public officer.

*Levy* - means an imposition or collection of an assessment, tax, tribute or fine.

*License or Permit* - is a right or permission granted in accordance with law by a competent authority to engage in some business or occupation or to engage in some transaction.

*Market Premises* - refers to any open space in the public market compound; part of the market lot consisting of bare ground not covered by market buildings usually occupied by transient vendors specially during market days.

*Market Stalls* - refers to any allotted space or booth in the public market buildings where merchandise of any kind is sold or offered for sale.

*Tax* - means an enforced contribution, usually monetary in form, levied by the law-making body on persons and property subject to its jurisdiction for the precise purpose of supporting government needs.

*Occupation* - means one's regular business or employment, or an activity which principally takes up one's time, thought and energies. It includes any calling, business, trade, profession or vocation.

*Operator* - includes the owner, manager, administrator, or any other person who operates or is responsible for the operation of business establishments or undertakings.

*Person* - means every physical or moral, real or juridical and legal being, susceptible of rights and obligations or of being the subject of legal relations.

*Privilege* - means a right or immunity granted as a peculiar benefit, advantage or favor.

*Profession* - means a calling which requires the passing of an appropriate government board or bar

**Residents** - refer to natural persons who have their habitual residence in the province, city or municipality where they exercise their civil rights and fulfill their civil obligations and to juridical persons for which the law or any other provisions creating or recognizing them fixes their residence in a particular province, city or municipality. In the absence of such law, juridical persons are residents of the province, city or municipality where their legal representation is established or where they exercise their principal functions.

**Revenue** - includes taxes, fees and charges that a state or its political subdivision collects and receives into the treasury for public purposes.

**Services** – refers to the duties, work or functions performed or discharged by a government officer, or by a private person contracted by the government, as the case may be.

**Night Club or Day Club** - includes places frequented at night or daytime, as the case may be, where foods, wines and drinks are served and music is furnished by the operator and the patrons are allowed to dance with their own partners or with hostesses furnished by the management.

**Cabaret or Dance Hall** - includes any place or establishments where dancing is permitted to the public in consideration of any admission, entrance or any other fee paid on, before or after the dancing, and where professional hostesses or dancers are employed.

**Bars** - include beer gardens or any place where intoxicating and fermented liquors or malts are sold, disposed of, or given away for compensation, even without foods, where the services of hostesses and/or waitresses are employed and where customers are entertained by occasional dancing to music not rendered by a regular dance orchestra or musicians hired for the purpose, otherwise the place shall be considered and classified as a dance hall or night club. A “cocktail lounge” is considered a “bar” even if there is no hostess or waitress to entertain customers.

## CHAPTER II

### LEGISLATIVE RULES AND PROCEDURES

#### *Article A. Session of the Sanggunian*

**Section 2A.01. Legislative Body.** The legislative body of this local government unit shall be known and called as “*Sangguniang Panlungsod*”.

**Section 2A.02. Inaugural Session.** In his capacity as the Presiding Officer of the Sangguniang Panlungsod, it shall be the duty of the newly elected Vice Mayor to call for an inaugural session of the said body within five (5) days after the election and assumption to office of its members.

**Section 2A.03. Adoption or Revision of Internal Rules of Procedure.** During the inaugural session of the *Sanggunian* it shall, by resolution, fix the day, place and time of its regular sessions. Within (90) days thereafter, it shall formulate, adopt or revise its internal rules of procedure.

The rules of procedure which is also known as “*Sanggunian Rules*” shall embody, among others, the following:

- 1] The organization of the Sanggunian and the election of its officers as well as the creation of standing committees which shall include, but shall not be limited to, the committee on appropriations, women and family, human rights, youth and sports development, environmental protection, and coope-ratives; the general jurisdiction of each committee; and the election of the chairman and members of each committee.

- 2] The order and calendar of business for each session.

4] The parliamentary procedures which include the conduct of members during sessions;

5] The discipline of members for disorderly behavior and absences without justifiable cause for four (4) consecutive sessions, for which they may be censured, reprimanded, or excluded from the session, suspended for not more than sixty (60) days or expelled: Provided, that the penalty of suspension or expulsion shall require the concurrence of at least two-thirds (2/3) vote of all the Sanggunian members: Provided, further, that a member convicted by final judgment to imprisonment of at least one (1) year from any crime involving moral turpitude shall be automatically expelled from the Sanggunian; and

6] Such other rules as this Sanggunian may adopt.

**Section 2A.04. Regular Session.** The minimum number of regular session of the “Sanggunian“ shall be once a week”.

**Section 2A.05. Special Session.** When public interest so demands, special sessions may be called by the Mayor or a majority of the members of the Sanggunian; provided, however, that a written notice to the members shall be served personally or left with a responsible person at the member’s usual place of residence at least twenty-four (24) hours before the Special Session is held. Unless otherwise concurred in by two-thirds (2/3) vote of the members present, there being a **quorum**, no other matter may be considered at a special session except those stated in the notice.

**Section 2A.06. Calling the Session to Order.** When the appointed time has come to start the regular session, the regular Presiding Officer, or in his absence the temporary Presiding Officer elected to temporarily preside therein, shall call the session to order, *with or without a quorum*.

Should there be no quorum after calling the session to order, the majority of the members present, or the Presiding Officer “**motu proprio**”, may perform any of the following:

- a) *adjourn the session from hour to hour;*
- b) *adjourn the session from day to day; or*
- c) *adjourn the session for lack of quorum.*

**Section 2A.07. Open-Door Policy.** The sessions of the **Sanggunian** shall be open to the public unless a closed-door session is decided or ordered by an affirmative vote of a majority of the members present therein, there being a **quorum**, in the public interest or for reasons of decency, morality, or security.

**Section 2A.08. Quorum.** “A majority of all the members of the Sanggunian who have been elected and qualified shall constitute a quorum to transact official business.” (Sec. 53, RA 7160 and Art. 106, IRR).

Should a question of *quorum* be raised during a session, the presiding officer may declare a recess until such time as a *quorum* is constituted, or a majority of the members present may adjourn from day to day and may compel the immediate attendance of any member absent without justifiable cause by designating a member of the Sanggunian, to be assisted by a member of the police force assigned in this place to arrest and present the absent member at the session.

If there is still no *quorum* despite the enforcement of the above-stated remedial action, no business shall be transacted by the Sanggunian. The Presiding Officer, *motu proprio*, or on his own volition or will; or the members; thru a proper motion duly approved, shall then declare the session adjourned for lack of *quorum*.

**Section 2A.09. One-session Per Day Policy.** No two (2) sessions, whether *regular* or *special*, may be held in a single day. (Sec. 52-c, RA 7160)

**Section 2A.10. Tie Vote.** The *regular* Presiding Officer shall vote only to break a tie. The *temporary* Presiding Officer taking the place of the *regular* Presiding Officer in the latter's absence, shall **not** vote even in case of a tie but he shall certify within ten (10) days from their passage all ordinances and resolutions enacted or adopted by the Sanggunian which he presided.

### **Article B. Ordinances and Resolutions**

**Section 2B.01. Enactment of Ordinances and Adoption of Resolutions.** In considering legislative measures, the Sanggunian shall observe the following rules:

1] Legislative actions of a general and permanent character shall be enacted in the form of ordinances while those which are of temporary in character shall be passed in the form of resolutions. Matters relating to proprietary functions and to private concerns shall also be acted upon by resolutions.

2] Proposed ordinances and resolutions shall be in writing and shall contain an assigned number, a title or caption, an enacting or ordaining clause, and the date of its proposed effectivity. In addition, every proposed ordinance shall be accompanied by a brief explanatory note containing the justification for its approval. It shall be signed by the author or authors and submitted to the Secretary who shall report the same to the Sanggunian at its next session.

3] A resolution shall be enacted in the same manner prescribed for an ordinance, except that it need not go through a third reading for its final consideration unless decided otherwise by the majority of all the members of the Sanggunian.

4] No ordinance or resolution shall be considered in second reading in any regular session unless it has been reported out by the proper committee to which it was referred to or it has been certified as urgent by the Mayor.

5] Any legislative matter duly certified by the Mayor as urgent whether or not it is included in the "calendar of business", may be presented and considered by the body at the same session or meeting without the need of suspending the rules.

6] The Secretary to the Sanggunian shall prepare copies of the proposed ordinance or resolution in the form it was passed on second reading, and shall distribute to each Sanggunian members a copy thereof, except that a measure certified by the Mayor as urgent may be submitted for final voting immediately after it has been subjected to the periods of debate and amendment during the second reading stage.

7] No ordinance or resolution passed by the Sanggunian in a regular session or special session duly called for the purpose, shall be valid unless approved by a majority of the members present there being a quorum. Any ordinance or resolution authorizing or directing the payment of money or creating liability, shall require the affirmative vote of a majority of all the Sanggunian members for its passage.

8] Upon the passage of all ordinances or resolutions directing the payment of money or creating liability, the Sanggunian shall record the "yes" and "nays". Each approved ordinance or resolution shall be stamped with the seal of the Sanggunian and recorded in a book kept for the purpose.

**Section 2B.02. Approval of Ordinances.** Every ordinance enacted by the Sanggunian shall be forwarded to the Mayor for approval. If the ordinance is approved by the Mayor, he shall affix his signature on every page thereof and on the last page thereof below the word "*Approved*".

Within ten (10) days after receipt by the Mayor of the ordinance, he shall return the same to the Sanggunian with either his approval or his veto. If he does not return it within that time, the ordinance shall be deemed approved.

**Section 2B.03. Approval of Resolutions.** Only those resolutions approving the local development plans; public investment programs formulated by the City Development Councils; resolutions affecting the interest of the city government; and resolutions which the Mayor will be the one to implement shall be forwarded to him for his approval or veto. All other kinds of resolutions containing only a mere expression of the Sanggunian's sentiments, desires, recommendations, will, position or stand on certain issues and such other resolutions which the Sanggunian itself can implement shall no longer be forwarded to the Mayor for his approval or veto.

#### *Article C. Veto Power*

**Section 2C.01. Veto Power.** The Mayor may veto any ordinance, or certain resolutions subject to his approval, on the ground that it is *ultra vires* or it would be prejudicial to the public welfare, particularly stating his reasons thereof in writing.

The Mayor has the power to veto any particular item or items of an appropriation ordinance, or of a ordinance or resolution directing the payment of money or creating liability. In such a case, the veto shall not affect the item or items which is or are not objected to. The vetoed item or items shall not take effect unless the Sanggunian overrides the veto in the manner provided in the succeeding

paragraph; otherwise, the item or items in the appropriation ordinance of the previous year corresponding to those vetoed shall be deemed re-enacted.

The Sanggunian may override the veto of the Mayor by two-thirds (2/3) vote of all its members, thereby, making the ordinance or resolution effective even without the approval of the Mayor.

The Mayor may veto an ordinance or resolution which is subject to his approval, only once. (Sec. 55-c, RA 7160).

#### *Article D. Effectivity and Posting of Ordinances and Resolutions*

**Section 2D.01. Effectivity.** Unless otherwise stated in the ordinance or resolution, the same shall take effect after the lapse of ten (10) days from the date of its posting.

**Section 2D.02. Posting.** A copy of the ordinance enacted or resolutions adopted by the Sanggunian shall be posted in a bulletin board at the city hall and in at least two (2) conspicuous places such as: public market, church or chapel. The Secretary to the Sanggunian shall cause the posting of an ordinance or resolution not later than five (5) days after its approval.

**Section 2D.03. Enforcement of Disapproved or Invalidated Ordinance, Resolution or Executive Order.** Any attempt to enforce, promulgate or execute any ordinance, resolution or executive order after the disapproval thereof by the Mayor or after it has been invalidated by other authorities concerned, shall be sufficient ground for the suspension or dismissal of the officer making such attempt.

#### *Article E. Adoption of Resolution Pertaining Temporary to Closures of Roads, Streets, Alleys, Park, Plaza or Public Square.*

**Section 2E.01. Temporary Closure of Roads.** Any national or local road; alley; park; or public square may be temporarily closed during actual emergency or fiesta celebrations, public rallies, agricultural or industrial fairs, or undertaking of public works and highways, telecommunications, and waterworks projects, the duration of which shall be specified by the Mayor in a written order, as follows:

**During fiesta celebrations** - for a period not exceeding nine (9) days;

**During agricultural, commercial or industrial fairs or expositions** - for a period

**When public works projects or activities are being undertaken** - for a period as may be determined by the Mayor to be necessary for the safety, security, health, or welfare of the public or when such closure is necessary to facilitate completion of the projects or activities.

The Mayor upon authorization by the Sanggunian, thru a resolution, may temporarily close and regulate the use of any local street, road, thoroughfare, or any other public place where shopping malls, Sunday markets, flea market, night markets, or shopping areas may be established and where goods, merchandise, foodstuffs, commodities, or articles of commerce may be sold and dispensed to the general public.

**Section 2E.02. Permanent Closure.** No permanent closure of any local road, street, alley, park, or public square shall be effected unless there is an Ordinance enacted by the Sanggunian for that purpose and there exists a compelling reason or sufficient justification thereof such as, but not limited to, change in land use, establishment of infrastructure facilities, projects, or such other justifiable reasons as public welfare may require and provided that such permanent closure shall be subject to the following rules and regulations:

1] The Ordinance authorizing the Mayor to order the permanent closure of such public properties must be approved by at least two-thirds (2/3) of all the members of the Sanggunian.

2] Public hearings shall first be conducted before any Ordinance authorizing permanent closure of any local roads, alley, park, public square is enacted. Notices of such hearings and copies of the proposed Ordinance shall be posted for a minimum period of three (3) consecutive weeks in conspicuous places in the provincial capitol, city hall, barangay halls in every barangay and within the vicinity of the street or park proposed to be closed.

3] A property permanently withdrawn from public use may be used or conveyed for any purpose for which other real property belonging to the city government may be lawfully used or conveyed.

4] No such way or place or any part thereof shall be permanently closed without making provisions for the maintenance of public safety therein.

5] As may be necessary, an adequate substitute for the public facility that is subject to closure shall be provided.

6] No freedom park or plaza shall be closed permanently without provisions for its transfer or relocation to a new site.

**Section 2E. 03. Procedure for Indemnification.**

1] The Mayor shall cause to be served, together with the closure order, a personal notice to all persons adversely affected thereby, to file within thirty (30) days from service, a claim for indemnification. Such claim shall be filed with the Committee on Claims created for the purpose.

2] A claim shall be in the form of affidavit stating the amount of damage, the kind of loss or damage suffered and the reasons in support thereof. All pertinent receipts, papers and documents shall be attached to the claim.

3] Claims not filed within thirty (30) days period stated in the notice shall be barred. However, for justifiable cause shown, the Committee on Claims may allow a late claim to be filed within such further period not exceeding thirty (30) days as it may set.

4] To ensure iudicious determination of claims for indemnification and fair valuation of loss. damage

5] The Committee on Claims shall determine and award the fair amount due the claimant as indemnity for loss, damage or injury suffered by reason of the closure, based on the proof submitted by the claimant and on standards formulated by the Committee, taking into consideration pertinent economic, social and other conditions in the locality.

**Section 2E.04 *Alternative Way or Route.*** No local road, street, alley, park or public square shall be closed, whether temporarily or permanent, without first providing an alternative way or route for the use of vehicles and pedestrian as access to and from their residence or establishment to the main road, which shall in so far as practicable be wide enough for use by fire trucks, ambulances and similar transport vehicles.

#### ***Article F. Applicability Clause***

**Section 2F.01. *Applicability of Other Issuances.*** The existing rules and regulations implementing the Local Government Code of 1991 (RA 7160) and other issuances of national government agencies pertaining to local legislation are hereby adopted and made an integral part of this Chapter.

#### ***Article G. Penalty Clause***

**Section 2G.01. *Penalty.*** Any person who violates any provision under this Chapter shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

### **CHAPTER III**

#### **CODE OF CONDUCT AND ETHICAL STANDARDS FOR LOCAL OFFICIALS AND EMPLOYEES**

##### ***Article A. Declaration of Policy***

**Section 3A.01. *Policy.*** It is the policy of this city government to promote a high standard of ethics in public service. All local officials and employees shall at all times be accountable to the people and shall discharge their duties with the utmost responsibility, integrity, competence and loyalty; act with patriotism and justice; lead modest lives and uphold public interest over personal interest.

**Section 3A.02. *Definitions of Terms.*** As used in this Chapter, the term:

***Public Officials*** - include elective and appointive officials and employees, permanent or temporary, whether in the career or non-career service, including military and police personnel, whether or not they receive compensation, regardless of amount.

***Gift*** - refers to a thing or a right disposed of gratuitously, or any act of liberality, in favor of another who accepts it, and shall include a simulated sale or an ostensibly onerous disposition thereof. It shall not include an unsolicited gift of normal or insignificant value not given in anticipation of, or in exchange for, a favor from a public official or employee.

***Receiving Any Gift*** - includes the act of accepting, directly or indirectly, a gift from a person other than a member of his family or relative as defined in this Chapter, even on the occasion of a family celebration or national festivity like Christmas, if the value of the gift is neither nominal nor significant, or the gift is given in anticipation of, or in exchange for, a favor.

***Loan*** - covers both simple loan and "commodatum" as well as guarantees, financing arrangements or

**Substantial Stockholders** - means any person who owns, directly or indirectly, shares of stock sufficient to elect a director of a corporation.

**Family of Local Officials or Employees** - means their spouses and unmarried children under eighteen (18) years of age.

**Person** - includes natural and juridical persons unless the context indicates otherwise.

**Conflict of Interest** - arises when a local official or employee is a member of a board, an officer, or a substantial stockholder of a private corporation or owner or has a substantial interest in a business, and the interest of such corporation or business, or his rights or duties therein, may be opposed to or affected by the faithful performance of official duty.

**Divestment** - is the transfer of title or disposal of interest in property by voluntarily, completely and actually depriving or dispossessing oneself of his right or title to it in favor of a person or persons other than his spouse and relatives as defined herein.

**Relatives** - refer to any and all persons related to a public official or employee within the fourth civil degree of consanguinity or affinity, including “*bilas*”, “*inso*”, and “*balae*”.

## **Article B. Norms of Conduct of Local Officials and Employees.**

**Section 3B.01. Standard of Personal Conduct.** Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties.

**1] Commitment to Public Interest.** Local officials and employees shall always uphold the public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in public funds and revenues.

**2] Professionalism.** Local officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They shall endeavor to discourage wrong perception of their roles as dispensers or peddlers of undue patronage.

**3] Justness and Sincerity.** Local officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, specially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their offices to their relatives whether by consanguinity or affinity, except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are co-terminus with theirs.

**4] Political Neutrality.** Local officials and employees shall provide service to everyone without discrimination and regardless of party affiliation or preference.

**5] Responsive to the Public.** Local officials and employees shall extend prompt, courteous, and adequate service to the public. Unless otherwise provided by law or when required by the public interest, public officials and employees shall provide information on their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearing whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed rural and urban areas.

**6] Nationalism and Patriotism.** Local officials and employees shall at all times be loyal to the

7] Commitment to Democracy. Local officials and employees shall commit themselves to the democratic way of life and values, maintain the principle of public accountability, and manifest by deeds the supremacy of civilian authority over the military. They shall at all times uphold the Constitution and put loyalty to country above loyalty to persons or party.

8] Simple Living. Local officials and employees and their families shall lead modest lives appropriate to their positions and income. They shall not indulge in extravagant or ostentatious display of wealth in any form.

#### Article C. Duties and Responsibilities of Local Officials and Employees

**Section 3C.01. Duties, Responsibilities and Obligations.** In the performance of their duties, all public officials and employees are under obligation to:

1] Act Promptly on Letters and Request. All local officials and employees shall within fifteen (15) working days from receipt thereof, respond to letters telegrams or other means of communications sent by the request.

2] Submit Annual Performance Reports. All heads or other responsible officers of local offices shall, within forty-five (45) working days from the end of the year, render a performance report of their respective offices to the Mayor. Such report shall be open and available to the public within regular office hours.

3] Process Documents and Papers Expeditiously. All official papers and documents must be processed and completed within a reasonable time from the preparation thereof and must contain, as far as practicable, not more than three (3) signatories, therein. In the absence of duly authorized signatories, the official next-in-rank or officer-in-charge shall sign for and in their behalf.

4] Act Immediately on Public's Personal Transactions. All Local officials and employees must attend to anyone who want to avail himself of the services of their offices and must, at all times, act promptly and expeditiously.

5] Make Documents Accessible to the Public. All public documents must be made accessible to, and readily available for inspection by, the public within reasonable working hours.

#### Article D. Ethical Standards

**Section 3D.01. Prohibited Acts and Transactions.** In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any local official and employees and are hereby declared to be unlawful:

1] Financial and Material Interest. Local public officials and employees shall not, directly or indirectly, have any financial or material interest in any transaction requiring the approval of their office.

2] Outside Employment and other Activities Related Thereto. Local officials and employees during their incumbency shall not:

a] Own, control, manage or accept employment as officer, employee, consultant, counsel, broker, agent, trustee or nominee in any private enterprise regulated, supervised or licensed by their office unless expressly allowed by law.

b] Engage in the practice of their profession unless authorized by the Constitution or law, provided that such practice will not conflict or tend to conflict with their official functions; or

These prohibitions shall continue to apply for a period of one (1) year after resignation, retirement, or separation from public office, except in the case of subparagraph (2) (b) above, but the professional concerned can not practice his profession in connection with any matter before the office he used to be with, in which case the one-year prohibition shall likewise apply.

**3] Disclosure and/or Misuse of Confidential Information.** Local officials and employees shall not use or divulge confidential or classified information officially known to them by reason of their office and not made available to the public either:

- a] To further their private interests,
- b] To give undue advantage to anyone; or
- b] To prejudice the public interest.

**4] Solicitation or Acceptance of Gifts.** Local officials and employees shall not solicit, or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office.

As to gifts or grants from foreign government, the following are allowed:

- a] The acceptance by a local official or employee of a gift of nominal value tendered and received as a souvenir or mark of courtesy;
- b] The acceptance by a local official or employee of a gift in the nature of a scholarship or fellowship grant or medical treatment; or
- c] The acceptance by a local official or employee of travel grants or expenses for travel taking place entirely outside the Philippines (such as allowances, transportation, food and lodging) or more than nominal value if such acceptance is appropriate or consistent with the interest of the Philippines, and permitted by the head of office to which he belongs.

### ***Article E. Transparency in Public Service***

**Section 3E.01. Statement of Assets, Liabilities and Net Worth; Disclosure of Business Interests and Financial Connections.** All Local officials and employees, except those who serve in an honorary capacity, laborers and casuals or temporary workers, shall file under oath their statement of “Assets, Liabilities and Net Worth” and a “Disclosure of Business Interests and Financial Connections” and those of their spouses and unmarried children under eighteen (18) years of age living in their households. The two documents shall contain information on the following:

- a] Real property, its improvements, acquisition costs, assessed value and current fair market value;
- b] Personal property and acquisition cost;
- c] All other assets such as investments, cash on hand or in banks, stocks, bonds, and the like;
- d] Liabilities; and
- e] All business interests and financial connections.

#### **The documents must be filed:**

- a] Within thirty (30) days after assumption of office;
- b] On or before April 30 of every year thereafter, and

All public officials and employees required under this Article to file the aforesaid documents shall also execute, within thirty (30) days from the date of assumption of office, the necessary authority in favor of the Ombudsman to obtain from all appropriate government agencies, including the Bureau of Internal Revenue, such documents as may show their assets, liabilities, net worth and also their business interest and financial connections in previous years, including, if possible, the year when they first assumed any office in the Government.

Husband and wife who are both local officials or employees may file the required statements jointly or separately.

The statements of "Assets, Liabilities and Net Worth" and the "Disclosure of Business Interests and Financial Connections" shall be filed;

- a] With the Deputy Ombudsman in Region XI, if local officials and employees; and
- b] With the Civil Service Commission, if all other officials and employees, as defined in Republic Act No. 3019, as amended.

**Section 3E.02. *Identification and Disclosure of Relatives.*** It shall be the duty of every local official or employee to identify and disclose, to the best of his knowledge and information, his relatives in the Government in the form, manner and frequency prescribed by the Civil Service Commission.

**Section 3E.03. *Accessibility of Documents.***

1. Any and all statements filed under this Chapter shall be made available for inspection at reasonable hours.

2. Such statements shall be made available for copying or reproduction after ten (10) working days from the time they are filed as required by existing laws;

3. Any person requesting a copy of a statement shall be required to pay a reasonable fee to cover the cost of reproduction and mailing of such statement, as well as the cost of certification.

4. Any statement filed under this Chapter shall be available to the public for a period of ten (10) years after receipt of the statement. After such period, the statement may be destroyed unless needed in an ongoing investigation.

**Section 3E.04. *Other prohibited Acts.*** It shall be unlawful for any person to obtain or use any statement filed under this Chapter for:

- a] any purpose contrary to morals or public policy; or
- b] any commercial purpose other than by news and
- c] communications media for dissemination to the general public.

**Article F. Conflict of Interest and Divestment**

**Section 3F.01. *Resignation or Divestment.*** A local official or employee shall avoid conflict of interest at all times. When a conflict of interest arises, he shall resign from his position in any private business enterprise within thirty (30) days from his assumption of office and/or divest himself of his shareholdings or interest within sixty (60) days from such assumption.

The same rule shall apply where the local official or employee is a partner in partnership.

This requirement of divestment shall not apply to those who serve the government in a honorary capacity nor to laborers and casual or temporary workers.

### **Article G. Penalties**

**Section 3G.01. Fines; Suspension or Removal; or Imprisonment.** In prescribing penalties for offenders, the following rules and regulations shall be observed:

a] Any local official or employee regardless of whether or not he holds office or employment in a casual, temporary hold-over, permanent or regular capacity, committing any violation of this Chapter shall be punished with a fine not exceeding the equivalent of six (6) months salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a heavier penalty under existing law, he shall be prosecuted under that law.

b] Violation of Article D, E, and F, of this Chapter shall be prosecuted and penalized under the provisions of Republic Act 6713.

c] Any violation hereof proven in a proper administrative proceedings shall be sufficient cause for removal or dismissal of a local official or employee, even if no criminal prosecution is instituted against him.

d] Private individuals who participate in conspiracy as co-principals, accomplices or accessories, with officials or employees, in violation of this Chapter, shall be subjected to the same penal liabilities as the public officials or employees and shall be tried jointly with them.

## **CHAPTER IV**

### **PUBLIC SAFETY; PEACE AND ORDER**

#### **Article A. Possession of Firecrackers**

**Section 4A.01 Regulated Acts.** No person shall possess any destructive firecrackers irrespective of quantities within the jurisdiction of this city.

**Section 4A.02. Exemption.** During special occasions where the need to use firecrackers becomes necessary, the Mayor may issue a Special Permit for possession and use of such materials, provided that the permittee or user thereof is more than eighteen (18) years of age.

**Section 4A.03. Definition.** As used in this Article : -

“**Firecracker**” - refers to a paper cylinder, triangle or whatever form enclosing an explosive material used to make noise including what is locally known as “*bawang*”, “atomic bomb jr”, “*triangulo*” or similar explosives which are destructive and dangerous to lives and properties.

**Section 4A.04. Penalty.** Violation of the provisions of this Article shall be punished by a fine of not more than Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of not more than Six (6) months, or both fine and imprisonment, at the discretion of the Court.

*Article B.*                    **Wholesaling or Retailing of Liquors,  
Wines, and other Distilled Spirits**

**Section 4B.01. *Regulated Acts.*** No person shall sell, either in wholesale or retail, any kind of liquors, wines and other distilled spirit (other than denatured alcohol) without first securing a permit therefor from the Mayor.

**Section 4B.02. *Administrative Provisions.*** Any person desiring to engage in the business of wholesaling or retailing any kind of liquors, wines and/or other distilled spirits (except denatured alcohol) shall file a written application for that purpose with the Office of the Mayor.

A permit issued by the Mayor to a permittee or licensee to engage in the business of wholesaling or retailing liquors, wines or other distilled spirits does not carry with it the right or privilege to serve also, or cause to be serve also, to the customers the aforesaid drinks.

**Section 4B.03. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

*Article C.*                    **Business Establishment Allowed  
To Serve Intoxicating Beverages**

**Section 4C.01. *Regulated Acts.*** No person shall serve or allow the serving of any intoxicating drinks or beverages, other than fermented liquors or beers, to customers in any business establishment unless the said establishment or place is duly licensed as a “Bar” or “Cocktail Lounge”.

**Section 4C.02. *Administrative Provisions.*** Any person desiring to establish a place of business where customers could be served with intoxicating drinks or beverages shall first secure a permit therefor from the Mayor to operate a “Bar” or Cocktail Lounge”.

**Section 4C.03. Rules and Regulations.**

1] No “bar” or “cocktail lounge” as defined in this Article shall be established, operated or maintained within a radius of two hundred (200) meters from any religious, educational or public institutions.

2] No operator of a duly licensed “Bar” or “Cocktail” Lounge” shall serve or allow to be served inside his establishment, or parts thereof, any intoxicating drinks or beverages to persons who are below eighteen (18) years old.

3] Violation of this provision shall be a sufficient ground for the revocation of the Mayor’s Permit already issued, if any; or refusal for the renewal of the Mayor’s Permit being applied for, without prejudice to the filing of the appropriate charge before a competent Court.

**Section 4C.04. *Definition.*** As used in this Article: -

***Intoxicating Drinks or Beverages*** - refer to liquors, wines and other distilled spirits, other than fermented liquors, such as “Beer”, “Tuba” and similar domestic fermented beverages.

***Bar*** - includes beer gardens or place where intoxicating and fermented liquors or malt are sold, disposed of, given away, or served to customers for compensation, even without foods, where the services of hostesses or waitresses are employed and where customers are entertained by occasional dancing to music

**Section 4C.05. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

**Article D. Holding of Rallies, Demonstrations  
and Other Assemblies**

**Section 4D.01. *Regulated Acts.*** No person shall hold, conduct or stage a rally, demonstration, or other similar assemblies for whatever legal purposes without first obtaining a permit from the Mayor and paying the corresponding fee imposed under existing tax ordinances.

**Section 4D.02. *Administrative Provisions.***

Any person or group of persons desiring to hold a rally, demonstration or other similar assemblies shall first obtain a permit from the Mayor before undertaking the activity. For the purpose, a written application in a prescribed form shall be submitted to the office of the Mayor. The application shall set forth the name and address of the applicant, organizer or sponsor of the activity, description of the activity, the place where the same will be conducted and such other pertinent information or data as may be required.

Action by the Mayor on the application shall be considered as a ministerial duty and he can only deny the granting of the permit sought if the Station Commander of the local police or his authorized deputy will certify that the holding of such activity will pose a clear danger, or there is imminent danger, to public order and safety, or probable destruction to public and private properties. This is without prejudice to the right of the applicant or aggrieved party to seek redress before the proper Court.

The police officers assigned to such kind of assemblies shall always observe the principle of maximum tolerance. Before any dispersal operations are conducted, there should first be held a dialogue between the law enforcers and the leader or spokesman of the other side. Should the leader or spokesman of the rallyists or demonstrators refuses to hold a dialogue and his group continues to act in defiance of law and public order, the law enforcers may then assert their authority and perform the necessary legitimate action as warranted by the circumstances.

The Mayor, thru the local police chief, shall issue the necessary rules and regulations for the proper implementation of this Article.

**Section 4D.03. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

**Article E. Regulations on the Storing of Flammable,  
Explosive or Highly Combustible Materials**

**Section 4E.01. *Regulated Acts.*** No Person shall keep or store in his place of business or elsewhere in this city any flammable or highly combustible, materials without first securing a permit therefor from the Mayor thru the Chief of the Fire Department and paying the corresponding permit fees imposed under existing tax ordinances.

**Section 4E.02. *Administrative Provisions.***

1] The Chief of the Fire Department or any official designated as such or his duly authorized representative shall have supervision over the location and manner of storing flammable or highly combustible materials in accordance with promulgated rules and regulations on fire prevention and protection. If in his judgment, the location and manner of storing such materials constitute a fire hazard, he

2] No permit shall be issued for the storage of gun powder, dynamite, explosive, blasting supplies or ingredients therefor, unless there is a prior clearance or authorization, issued by the Chief of the Fire Department or his authorized representative.

**Section 4E.03. *Applicability Clause.*** All other matters relating to fire inspection and issuance of permit thereof shall be governed by the pertinent provisions of PD 1185 (Fire Code of the Philippines) and other existing laws, rules and regulations.

**Section 4E.04. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

#### ***Article F. Holding of Parades***

**Section 4F.01. *Regulated Acts.*** No person, natural or juridical, shall hold any kind of parades including circus, menagerie or torch parade using banners, floats or musical instruments in this city without first securing a permit therefor from the Mayor and paying the corresponding permit fee imposed under existing tax ordinances.

**Section 4F.02. *Exemption.*** Civic and military parades, funeral or religious processions are exempted from the provisions of this Article.

**Section 4F.03. *Administrative Provisions.*** Any person desiring to hold a parade not exempted under Section 4F.02 hereof shall submit a written application in a prescribed form to the Office of the Mayor at least two (2) days before the scheduled date of the activity. Only after the corresponding permit has been issued by the Mayor can the aforesaid activity be undertaken.

**Section 4F.04. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

#### ***Article G. Possession or Carrying of Deadly Weapons***

**Section 4G.01. *Regulated Act.*** No person shall possess or carry any kind of deadly weapons in any part of this city except within his residential home, privately-owned real estate, office or place of work.

**Section 4G.02. *Definition.*** As used in this Article :-

“**Deadly Weapons**” - include firearms of whatever kind, knives of whatever kind, swords of whatever kind, bolos, spears, and other kinds of bladed, pointed, round or blunt instruments that can cause physical injuries or death when used against another person including “chako”, brass knuckles, and other similar devices.

**Section 4G.03. *Exemption.*** Exempted from the provisions of this Article are the following:

1] Military and police personnel who, under existing laws, are allowed to possess and carry firearms provided that they can produce the necessary papers or documents containing such authorization upon demand of the law enforcement officer concerned.

2] Private individuals who were granted a license to possess firearms, provided that they can show or have in their person the proper authorization to also carry firearms outside of their residence.

**Section 4G.04. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

#### **Article H. Curfew Hour for Minors**

**Section 4H.01. Curfew Hours.** The period of time from *eleven o'clock in the evening (11:00 PM) to Four o'clock in the morning (4:00 a.m.)* is hereby declared as "curfew hour" for minors.

**Section 4H.02. Regulated Acts.** No person below fifteen (15) years of age shall stay outside of his residential compound or premises and roam, wander, saunter around or loiter in any public roads, parks, plazas, or any public place in this city during the period of curfew hours mentioned in the preceding section, unless otherwise exempted under the provisions of this Article.

**Section 4H.03. Definitions.** As used in this Article, the term:-

**Curfew Hour** - refers to the period of time between eleven o'clock in the evening (11:00 PM) and four o'clock in the morning (4:00 a.m.) when certain individuals who are below fifteen (15) years of age are not allowed to stay outside of their residential compound or premises.

**Minors** - for purposes of this Article, the term "minors" refer to persons who are below fifteen (15) years of age.

**Public Roads** - refer to national, provincial, city or barangay roads or street, including alleys or *callejons*.

**Public Place** - refers to any place to which the public has access including parking lots; vacant private property not owned by the minors parents or guardians; vacant property owned by the government; and such other places open to the public.

**Section 4H.04. Exemptions.** This Article shall not apply in the following circumstances:

1] When the minor is being accompanied by his parent, guardian or adult person in charge of his custody.

2] When the minor is engaged in a lawful pursuit of livelihood or providing assistance in any lawful activity.

3] When the minor is going to, or coming from, scholastic functions like attending evening classes, commencement exercises, convocations, educational programs and similar activities.

4] When the minor is on an errand to save life or property like calling for the services of a physician, midwife, priest, police officers, fireman and other similar circumstances.

5] When the minor is going to, or coming from, any religious, social, civic or sports programs and similar activities.

6] When the minor is responding to emergency situations during the occurrence of natural or man-made calamities.

7] When the minor can show proof, or explain to the satisfaction of the apprehending officer, that he has just arrived from travel and is on his way home and similar circumstances.

8] One (1) day before and after Christmas Day; New Year's Day; Election Day; and other similar events of public interest.

9] Two (2) days before and after the day of the city "Fiesta or the "fiesta" of the barangay where the minor resides.

10] When the minor has a "curfew pass" issued by the authorities concerned.

11] On such other dates or occasions when the Sangguniang Panlungsod decided, thru a resolution, to suspend the implementation of this Article.

#### Section 4H.05. Rules and Regulations

1] Whenever a minor is apprehended for alleged violation of this Article, he shall be placed under temporary protective custody of the police officer on duty at the Police Headquarters but only for the remaining period of curfew hours and shall be released immediately thereafter or sooner thereof upon request of their parents, guardian, or any immediate members of their family. He shall not be placed behind bar or imprisoned unlike a convicted felon.

2] No person, natural or juridical, who has been granted a Mayor's Permit to operate a business or trade activity shall admit, or allow to stay, in his establishment any minor during the period of curfew except when the minor is employed as helper or working therein, or a member of the family of the operator, manager or person in-charge of such establishment.

3] Additional rules and regulations shall be issued by the Chief, Philippine National Police in this city, for the proper implementation of this Article.

4] The Mayor or his authorized representative; the Chief of the local PNP in this city or his authorized representative; and the Punong Barangay concerned are hereby authorized to issue the necessary "curfew pass". Provided, that in the case of the Punong Barangay, the "curfew pass" he issued shall be valid only within his barangay.

**Section 4H.06. Penalty.** This Article, being intended only for "minors", carries no penalty clause. However, "minors" who are caught violating the "curfew hour" shall be apprehended and brought to the police headquarters or station *not for purposes of detention but only for protective custody* until four o'clock in the morning (4 a.m. ).

*No fine or penalty of whatever kind* shall be imposed against the apprehended minors.

#### **Article I. Declaring the branches of trees or other kinds of Vegetation that touches or about to touch an electric power lines as public hazard.**

**Section 4I.01. Declaration of Policy.** As a matter of public policy, the branches of trees or other kinds of vegetation which touches, or about to touch, an electric power lines in this city are hereby declared as a public hazard.

**Section 4I.02. Authority to Cut Branches of Trees.** The owner of the trees or other kinds of vegetation mentioned in the preceding Section or the lineman concerned of the electric power company is hereby authorized to cut at least two (2) meters but not more than three (3) meters of its branches measured from the power line.

**Article J. Storing of Flammable, Combustible  
or Explosive Substances**

**Section 4J.01. Regulated Acts.** No person shall store or keep at his place of business or elsewhere in this city any flammable, combustible or explosive substances without first securing a permit therefor from the Mayor thru the Chief of the Fire Station, Bureau of Fire Protection and paying the corresponding fee imposed under existing tax ordinances of this city.

**Section 4J.02. Exemption.** Storing of gasoline, diesel fuel or naphtha not exceeding the quantity of *One Hundred* (100) liters in the tank of motor vehicles or other mechanical engines is exempted from the provisions of this Article.

**Section 4J.03. Rules and Regulations.** The local Chief of the Fire Station, BFP, shall promulgate the necessary rules and regulations for the proper implementation of this Article taking into consideration the provisions of PD 1185 (Fire Code of the Philippines) and its implementing rules and regulations.

**Section 4J.04. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

**CHAPTER V**

**REGULATIONS ON BUSINESS OR TRADE ACTIVITIES**

**Article A. Mayor's Permit to Operate or Engage  
in Business or Trade Activities**

**Section 5A.01. Regulated Acts.** No person shall operate, or engage in any kind of business or trade activities, without first securing a permit therefor from the Mayor and paying the corresponding permit fee imposed under existing tax ordinances including, but not limited to, the following;

- [1] On the Business of Printing and Publication
- [2] On any Business Enjoying a Franchise  
Except Operation of Tricycle-For-Hire
- [3] On Operators of Delivery Trucks, Vans, AUVs, Jeepneys,  
or similar Delivery Vehicles
- [4] On the Establishment or Operation of a Business engaged In "Quarrying" or Extraction of Quarry Resources, Excluding the Permit to Extract Quarry Resources which is being issued by the Provincial Governor.
- [5] Manufacturers, importers, producers of any article of commerce of whatever nature or kind, including brewers, distillers, rectifiers, repackers, compounders of liquor, distilled spirits and/or wines.
- [6] Retailers, independent wholesalers and distributors;
- [7] Exporters;
- [8] Manufacturing, producing, importing, wholesaling or retailing of essential commodities;
- [9] Cafes, cafeterias, ice cream and other refreshment parlors, soda fountain, bars, carinderias, restaurants or food caterers; other similar establishments.

[10] Hotels and motels; apartelles or pension houses;

[11] Lodging houses or boarding houses;

[12] Privately owned public markets;

[13] Real estate dealers (subdivision operators or lessors of real estate);

[14] Private cemeteries and memorial parks;

[15] Operators of rice and corn mills engaged in the milling of rice and corn belonging to others;

[16] Cockpits;

[17] Private Detective or Security Agency;

[18] Fishpond, fishpens, or fish breeding grounds;

[19] Pawnshops;

[20] Travel Agency

[21] Poultry or Piggery Farms; and other similar establishments.

[22] Money shops, lending investors, finance and investment companies, insurance companies, and banks;

[23] Dealers in fermented liquors, distilled spirits and/or wines, such as:

Wholesale dealers in foreign liquors

Wholesale dealers in domestic liquors

Retail dealers in foreign liquors

Retail dealers in domestic liquors

Retail dealers in fermented liquors

Wholesale dealers in fermented liquors

Retail dealers in tuba, basi and/or tapuy

[24] Tobacco dealers, such as:

Retail leaf tobacco dealers

Wholesale leaf tobacco dealers

Retail tobacco dealers; retail of cigars/cigarettes

Wholesale tobacco dealers;

Wholesale of cigars/cigarettes.

[25] Amusement places including those wherein the customer thereof participates without making bets or wagers such as the following:

Day club or night club  
Cocktail lounge  
Cabaret or dance hall  
Bath house, swimming pool, resort and  
other similar places

Skating rink  
Steam bath, sauna and other similar establishment  
Billiard or pool hall  
Bowling alley  
Circus, carnival or the like  
Merry-go round, roller coaster, ferris wheel,  
swing, shooting gallery, and other  
similar contrivance.  
Boxing stadium  
Race track  
Theater and cinema houses  
Amusement devices such as, jukebox or  
apparatus for visual entertainment or  
for weighing persons  
Golf links, polo field, or pelota court;  
Other similar establishments, or business activities.

***Article B.* Mayor's Permit on the Operation of Business Principally Rendering or Offering to Render Services For-a-Fee.**

**Section 5B.01. Regulated Acts.** No person shall operate or establish any business principally rendering or offering to render services for-a-fee without first securing a permit therefor from the Mayor and paying the corresponding permit fee imposed under existing tax ordinances including, but not limited to, the following:

**Group I**

Advertising agencies  
Assaying laboratories  
Barbershops  
Battery charging shops  
Beauty Parlor  
Blacksmith  
Business agents and other independent contractors

Collecting agencies  
Commercial or immigration brokers  
Construction and/or repair shops of motor  
vehicles, bicycles or tricycles  
Dyeing establishments  
Funeral parlors  
Furniture repair shops  
Garage for a fee  
General engineering, general building and  
specialty contractors, filling, demolition  
and salvage work contractors.  
Goldsmith or silversmith  
House and/or sign painters.  
Lathe machine shops  
Laundry shops  
Massage or therapeutic clinics  
Painting shops  
Parking lots (for a fee)  
Plastic lamination, photostatic, white/blue  
printing, recopying or duplicating services;  
typing and mimeographing services.  
Proprietors or operators of bulldozers and  
other heavy equipment made available to others  
for consideration.  
Proprietors or operators of smelting plants,  
engraving plants and printing establishments.  
Public warehouses or bodegas  
Repair or welding shops  
Sawmills under contract to saw or cut logs  
belonging to others.  
Services stations  
Services establishment for the installation of  
water system, gas or electric light, biogas  
digester and other similar services.  
Shops for planing surfacing or recutting of lumber.  
Shops for shearing animals

Tailor or dress shops

Upholstery shops

Vaciador shops

Vulcanizing shops

## **Group II**

Accounting services

Belt and buckle shops

Booking offices or local exchange

Breeding of gamecocks and other sporting  
animals belonging to others

Brokerages

Business management services

Consultancy services

Carpentry

Drafting and architectural services

Employment agencies

Escort services

Ice and cold storage

Indentors or indent services

Janitorial services

Judo-karate schools

Keysmith

Legal and notarial services

Lumberyards

Meteorology services

Messengerial services

Medical, dental, optical or EENT clinics

Perma press establishments

Private hospitals

Promotional services

Public ferries

Purchasing agencies

Rental of equipment , furniture, bicycle,  
skates of equipment (light or heavy)  
for construction works.

Rental or sale of video cassettes or discs

Repair shops for households appliances  
Repair shops for office or school equipment,  
such as typewriter, calculators, adding  
machine, computer and the like.  
Repair shops for electrical or electronic equipment  
Roasting of calf, pig or fowls not sold for retail.  
Sculpture shops  
Tinsmith  
Transportation terminals not owned by bus operators  
Vocational schools including dancing, driving and  
computer programming schools.  
Watch repair centers or shops  
Warehousing or forwarding services  
Other kinds of contracting establishments rendering services for a fee.

#### *Article C. Technical Terms*

**Section 5C.01. Definition of Technical Terms.** When used in this Code, the term:

**Advertising Agency** - includes all person who are engaged in the business of advertising for others by means of billboards, posters, placards, notices, signs, directories, pamphlets, leaflets handbills, electric or neon lights, airplanes, balloons or other media, whether in pictorial or reading form.

**Brewer** - includes all persons who manufacture fermented liquors of any description for sale or delivery to others, but does not include manufacturers of *tuba*, *basi*, *tapuy* or similar domestic fermented liquors, whose daily produce does not exceed two hundred (200) gauge liters.

**Carinderia** - refers to any public eating place where foods already cooked are served at a price.

**Cockpit** - includes any place, compound, building or portion thereof, where cockfighting or cockfights are held, whether or not money bets are made on the results of such cockfights.

**Collecting Agency** - includes any person other than a practicing "attorney-at-law" engaged in the business of collecting or suing debts or liabilities placed in his hands, for said collection or suit, by subscribers or customers applying and paying therefor; while a "mercantile agency" is any person engaged in the business of gathering information as to the financial standing ability, or credit of persons engaged in business and reporting the same to subscribers or to customers applying and paying therefor.

**Compounder** - comprises every person who without rectifying, purifying, or refining distilled spirits, shall by mixing such spirits, wine or other liquor with any materials except water, manufacture any intoxicating beverage whatever.

**Contractor** - includes persons, natural or juridical, not subject to professional tax under Article 228 of Rule XXX, of the Implementing Rules and Regulations, whose activity consist essentially of the sale of all kinds of services for a fee, regardless of whether or not the performance of the service calls for the exercise or use of the physical or mental, faculties of such contractor or his employees. As used in this code,

General engineering, general building, and specialty contractor as defined under applicable laws;

Filling, demolition and salvage works contractor;

Proprietor or operator of mine drilling apparatus;

Proprietor or operator of dockyards;

Person engaged in the installation of water and gas or electric lights, heat or power;

Proprietor or operator of smelting plants;

Engraving, plating and plastic lamination establishments;

Proprietor or operator of establishments for repairing, repainting, upholstering, washing or greasing of vehicles, heavy equipment, vulcanizing, recapping and battery charging;

Proprietor or operator of furniture shops and establishments for surfacing and recutting of lumber and sawmill under contract to saw or cut logs belonging to others;

Proprietor or operator of dry-cleaning or dyeing establishments, steam laundries and laundries using washing machines;

Proprietor or owner shops for repair of any kind of mechanical and electrical devices, instruments, apparatus or furniture or shoe repairing by machine or any mechanical contrivance;

Proprietor or operator of establishments or lots for parking purposes;

Proprietor or operator of tailor shops, dress shops, milliners and hatters, beauty parlors, barbershops, massage clinics, sauna, Turkish and Swedish baths, slendering and body building saloons and similar establishments;

Photographic studios;

Funeral parlors;

Proprietor or operator of hotels, motels and lodging houses;

Proprietor or operator of warehousing or forwarding establishment; Master plumbers;

Smiths (goldsmiths; silversmith; etc.)

House or sign painters;

Printers, bookbinders, lithographers;

Publisher except those engaged in the publication or printing of newspaper, magazine, review of bulletin which appears at regular intervals with fixed prices for subscription and sale and which is not devoted principally to the publication of advertisements;

Business agent, private detective or watchman agencies, commercial and immigration brokers and cinematographic film owners, lessors and distributors;

**Corporation** - includes partnerships, no matter how created or organized, joint-stock companies,

under a service contract with the government. General professional partnerships are partnerships formed by persons for the sole purpose of exercising their common profession, no part of the income of which is derived from engaging in any trade or business.

The term “*foreign resident*” when applied to a corporation means a foreign corporation not otherwise organized under the laws of the Philippines but engaged in trade or business within the Philippines.

**General Engineering Contractor** - is a person whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including the following divisions or subjects; irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, decks and wharves, shipyards and ports, dams, hydroelectric projects, levees, river control and reclamation works, railroads, highways, streets and roads, tunnels, airports and airways, waste reduction plants, bridges, overpass, underpass, and other similar works, pipelines and other system for the transmission of petroleum and other liquid or gaseous substances, land leveling and surfacing work.

**General Building Contractor** - is a person whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in its construction the use of more than two unrelated building trades or crafts, or to do or superintend the whole or any or any part thereof. Such structure includes sewers and sewerage disposal plants and systems, parks, playground and other recreational works, refineries, chemical plants and similar industrial plants requiring specialized engineering knowledge and skill, power plants and other utility plants and installations, mines and metallurgical plants, cement and concrete works in connection with the above-mentioned fixed works. A person who merely furnishes materials or supplies without fabricating them into, or consuming them in the performance of the work of the general building contractor does not necessarily fall within this definition.

**Specialty Contractor** - is a person whose operations pertain to the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

**Dealer** - means one whose business is to buy and sell merchandise, goods and chattels, as a merchant. He stands immediately between the producer or manufacturer and the consumer and depends for his profit not upon the labor he bestows upon his commodities but upon the skill and foresight with which he watches the market.

**Distillers of Spirits** - comprise all who distill spirituous liquors by original and continuous distillation from mash, sap or syrup through continuous closed vessels and pipes until the manufacture thereof is complete.

**Hotel** - includes any house or building or portion thereof on which any person or persons may be regularly harbored or received as transients or guests. A hotel shall be considered as living quarters and shall have privilege to accept any number of guests and to serve food to the guests herein.

**Importer** - means any person who brings articles, goods, wares or merchandise of any kind or class into the Philippines from abroad for unloading therein, or which after such entry are consumed herein or incorporated into the general mass of property in the Philippines. In case of tax free articles, brought or imported into the Philippines by persons, entities, or exchange in the Philippines to non-exempt private persons or entities, the purchaser or recipient shall be considered as the importer thereof.

**Lending Investor** - includes all person who make a practice of lending money for themselves or others at interests.

**Lodging House** - includes any house or building or portion thereof, in which any person or persons may be regularly harbored or received as transients for compensation. *Taverns* or *Inns* shall be considered as lodging houses.

**Manufacturer** - includes every person who, by physical or chemical process, alters the exterior texture or form or inner substance of any raw material or manufactured or partially manufactured product in such manner as to prepare it for special use or uses to which it could not have been put in its original condition; or who by any such process alters the quality of any such raw material or manufactured or partially manufactured products so as to reduce it to marketable shape or prepare it for use of any industry; or who by any such process combines any such raw material or manufactured or partially manufactured products with other materials or products of the same or of different kinds and in such manner that the finished products of such process or manufacture can be put to a special use or uses to which such raw materials or manufactured or partially manufactured products in their original condition could not have been put, and who in addition alters such raw material or manufactured or partially manufactured products, or combines the same to produce such finished products for the purpose of their sale or distribution to others and not for his own use or consumption.

**Money Shop** - is an extension service unit of a banking institution usually operating in public markets with authority to accept money for deposit and extend short-term loans for specific purposes.

**Motel** - includes any house or building or portion thereof in which any person or persons may be regularly harbored or received as transients or guests and which is provided with a common enclosed garage or individually enclosed garages where such transients or guests may park their motor vehicles.

**Pawnbroker** - includes every person engaged in granting loans on deposits or pledges or personal property on the condition of returning the same at stipulated prices; displaying at his place of business their gilt or yellow balls exhibiting a sign or money to loan on personal property or deposit or pledge.

**Real Estate Dealer** - includes any person engaged in the business of buying, selling, exchanging, or renting property as principal and holding himself out as full or part-time dealer in real estate or as an owner of rental property or properties rented or offered to rent for an aggregate amount of One Thousand Pesos (P1,000.00) or more a year. Any person shall be considered as engaged in business as real estate dealer by the mere fact that he is the owner or sub-lessor or property rented or offered to rent for an aggregate amount of One Thousand Pesos (P1,000.00) or more a year, except owner of sugarlands subject to tax under Commonwealth Act. No. 567.

**Rectifier** - comprises every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, wash, sap or syrup through continuous closed vessels and pipes until the manufacture thereof is complete. Every wholesale or retail liquor dealer who has in his possession any still or mash tub, or who keeps any other manner refining distilled spirits, shall also be regarded as a rectifier and as being engaged in the business of rectifying.

**Rebottling of Wines or Distilled Spirits** - includes all persons who remove wines or distilled spirits from the original containers for rebottling and selling the same at wholesale.

**Restaurant** - refers to any place which provides food to the public and accepts orders from them at a price. This term includes "caterers".

**Retail Dealer in Fermented Liquor** - includes every person, except retail dealers in *tuba*, *basi*, and *tapuy*, who for himself or on commission sells or offers for sale fermented liquors in quantities of five (5) liters or less and not for resale.

**Retail Dealer in Liquors** - includes every person, except a retail *vino* dealer, who for himself or on commission sells or offers for sale wine or distilled spirits (other than denatured alcohol) in quantities of five (5) liters or less at any one time and not for resale.

**Retail Leaf Tobacco Dealer** - includes every person, who for himself or on commission, sells leaf tobacco or offers the same for sale to any person except a registered dealer in leaf tobacco or a manufacturer of cigars, cigarettes or manufactured tobacco; but the term does not include a planter or producer in so far as it concerns the sale of leaf tobacco from his own production.

**Retail Tobacco Dealer** - includes every person, who for himself or on commission, sells or offers for sale not more than two hundred (200) cigars, not more than eight hundred (800) cigarettes, or not more than five (5) kilograms of manufactured tobacco at any one time and not for resale.

**Retail *Vino* Dealer** - includes every person, who for himself or on commission, sells or offers for sale only domestic distilled spirits in quantities of five (5) liters or less at any one time and not for resale.

#### ***Article D. Administrative Provisions***

**Section 5D.01. *Filing of Application for a Mayor's Permit.*** A written application for a permit to operate, or engage in, a business shall be filed with the Office of the Mayor in four (4) copies. The application form shall set forth the name and address of the applicant, the description or style of business, the place where the business shall be conducted and such other pertinent information or data as may hereafter be required.

Upon submission of the application, it shall be the duty of the proper authorities to verify if the other requirements regarding the operation of the business or activity are complied with. The permit to operate shall be issued only upon such compliance and after the payment of the corresponding taxes and fees as required under existing tax ordinances.

Any false statement deliberately made by the applicant shall constitute sufficient ground for denying or revoking the permit issued by the Mayor, and the applicant or licensee may, further, be prosecuted in accordance with the provisions in this Code.

A Mayor's Permit shall be refused to any applicant on the following grounds:

- (1) The business establishment or undertaking does not conform with zoning regulations, safety or health regulations and other requirements;
- (2) The applicant concerned is disqualified under the provision of law or ordinance to establish or operate the business for which a permit is being applied.
- (3) The applicant did not secure the corresponding "barangay clearance" from the Punong Barangay concerned;
- (4) Other requirements that may hereafter be imposed.

**Section 5D.03. Issuance of Permit.** Upon approval of the application for a Mayor's Permit, two copies of the application duly signed by the Mayor shall be returned to the applicant. One copy shall be presented to the Office of the Treasurer as basis for the collection of permit fee and the corresponding business tax.

The Mayor's Permit shall be issued by the Mayor or his duly authorized representative upon presentation of the receipts for the payment of the Mayor's Permit fee and the business tax and upon compliance of such other requirements for its issuance.

Every permit issued by the Mayor shall show the name and residence of the applicant; his nationality and civil status; nature of the organization, i.e., whether the business is a sole proprietorship, corporation or partnership; location of the business; date of issue and expiration of permit; and such other information as may be necessary.

**Section 5D.04. Posting of Permit.** Every permittee or licensee shall keep the permit conspicuously posted at all times in the place of business or office, or if the individual has no place of business, shall keep the permit in his person. The permit shall be immediately produced upon demand by the Mayor or his duly authorized representatives.

**Section 5D.05. Duration and Renewal of Permit.** The Mayor's permit shall be granted for a period of not more than one (1) year and shall expire on the thirty-first (31st) of December following the date of issuance unless revoked or surrendered earlier. It shall have continuing validity only upon renewal thereof and payment of the corresponding fee.

**Section 5D.06. Revocation of Permit.** When a person doing business under the provisions of this Code violates any provision thereof; refuses to pay the tax or fee imposed by existing tax ordinances; abuses his privilege to do business to the injury of public morals or peace; when a place where such business is established is being conducted in disorderly or unlawful manner; is nuisance or is permitted to be used as a resort for disorderly conduct, criminals or women of ill-repute, the Mayor, after investigation and upon the recommendation of the local department head concerned, may revoke the permit that he issued. Such revocation shall operate to forfeit all sums which may have been paid in respect of said privilege, in addition to the fine and imprisonment that may be imposed by the Court for violation of any provision of this Code or ordinance governing the establishment and maintenance of business and to prohibit the exercise thereof by the person whose privilege is revoked, until restored by the Sanggunian Panlungsod.

**Section 5D.07. Compliance With Other Requirements.** The issuance of Mayor's Permit shall not exempt the licensee or permittee from the fulfillment of other requirements in connection with the operation of the business or in the conduct of an activity prescribed under this Code, other ordinances or national laws of local application.

**Section 5D.08. Penalty.** Any person who violates any provision under this Chapter shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

### **Article E. Regulation on the Practice of Occupation or Calling**

**Section 5E.01. Regulated Acts.** No person shall practice any kind of "occupation or calling" without first paying the corresponding "occupation or calling fee" imposed under existing tax ordinances of this city.

**Section 5E.02. Definition.** As used in this Article, the term:-

**Calling** – refers to one’s regular business, trade, vocation or employment which does not require the passing of an appropriate government board or bar examination, such as professional actors, actresses, hostesses, masseurs, commercial stewards, stewardesses and the like.

**Occupation** - means one’s regular business or employment, or an activity which principally takes up one’s time, thought and energies. It includes any calling, business, trade profession or vocation.

**Section 5E.03. Rules and Regulations.**

1] Every person who has paid the corresponding “occupation or calling fee” shall be entitled to practice his “occupation or calling” without being subjected to any other tax, license, or fee for the practice of such occupation or calling except certain regulatory fees. Otherwise stated, upon payment of the corresponding “occupation or calling” fee, the taxpayer shall no longer be required to secure a Mayor’s Permit for the practice of his occupation or calling since his payment of such fee is already equivalent to his license or permit to practice his occupation or calling. However, if he would establish a “shop”, “boutique”, “parlor”, and the like, where he would practice his occupation or calling such establishment particularly its location shall be subject to “regulatory fees” including a Mayor’s Permit fee.

2] Every individual or corporation employing a person subject to the “occupation or calling fee” imposed herein shall require payment by that person of such fee before employment and annually thereafter.

3] Every person subject to the “occupation or calling fee” imposed herein shall write in receipts, tax returns, reports or similar documents the number of the official receipt issued to him.

4] One line of occupation or calling does not become exempt from the payment of the required occupation or calling fee by being conducted with another line of occupation or calling.

5] The Mayor thru his department heads concerned shall issue additional rules and regulations or implementing guidelines for the proper enforcement of this Article.

**Section 5E.04. Exemption.** Persons who are employed in the government service are exempted from the provisions of this Article.

**Section 5E.05. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

#### **Article F. Regulation on the Practice of Professions.**

**Section 5F.01. Regulated Acts.** No person shall practice any kind of profession without first paying the professional tax imposed under existing tax ordinance of this city.

**Section 5F.02. Definition.** As used in this article, the term:-

**Profession** - means a calling which required the passing of an appropriate government board or bar examination, such as the practice of law, medicine, public accountancy, engineering, and the like.

**Section 5F.03. Rules and Regulations.**

1] Every person who has paid the corresponding professional tax shall be entitled to practice his profession without being subjected to any other national or local tax, license, or fee for the practice of such

2] Any individual or corporation employing a person subject to professional tax shall require payment by that person of the tax on his profession before employment and annually thereafter.

3] Any person subject to the professional tax shall write in deeds, receipts, prescriptions, reports, book of accounts, plans and designs, survey and maps, as the case may be, the number of the official receipt issued to him.

4] The “professionals” referred to in this Article are only those who have passed the bar examinations, or any board or other examinations conducted by the Professional Regulatory Commission (PRC). One line of profession does not become exempt from the payment of the professional tax by being conducted with another line of profession. Thus, a lawyer who is also a Certified Public Accountant must pay the professional tax imposed for lawyers and that fixed for CPAs, if he is to practice both professions.

5] Before accepting payment of the professional tax the City Treasurer or his duly authorized representative shall require from such professionals their current annual registration cards issued by competent authorities. The Professional Regulatory Commission (PRC) shall likewise require the professional, the presentation of proof of payment of the professional tax before registration of professionals or renewal of their licenses.

6] Additional rules and regulations or implementing guidelines for the proper enforcement of this Article may hereafter be issued by the Mayor thru his Department Heads concerned.

**Section 5F.04. Exemption.** Persons who are employed in the government service are exempted from the provisions of this Article.

**Section 5F.05. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

#### **Article G. Franchise on the Operation of Motorized Tricycle-for-hire.**

**Section 5G.01. Regulated Acts.** No person, natural or juridical, shall operate any motorized tricycle-for-hire in this city without first securing a “franchise” therefor from the Sangguniang Panlungsod and paying the corresponding fee imposed under existing tax ordinances.

**Section 5G.02. Definitions.** As used in this Article, the term:

**Franchise** - refers to a special privilege conferred by the city government or an individual or corporation which does not belong to the citizens by common right. It is in the nature of a private contract between the city government and an individual or corporation which cannot be amended by implication.

**Motorized Tricycle** - is a kind of a transport vehicle composed of a motorcycle fitted with a single-wheel side car or a motorcycle with a two-wheel cab operated to render transport service to the general public for-a-fee.

**Motorized Tricycle Operator’s Permit (MTOPT)** - is a document granting franchise or license to a person, natural or juridical, allowing such person to operate motorized tricycle for-hire over specified zones.

**Zones** - is a contiguous land area or block, say a subdivision or a barangay, where tricycle for hire may operate without a fixed origin or destination.

**Section 5G.03. Creation of a City Tricycle Franchising and Regulatory Board (CTFRB).** There

**City Legal Officer**  
**Sangguniang Panlungsod Member**  
**Additional 2 SP Members**  
**Chief of Police (PNP)**  
**NGO Representative from the Transport Sector**  
**Secretary to the Sanggunian**

**Chairman**  
**Vice Chairman**  
**Member**  
**Member**  
**Member**  
**Member**

**Section 5G.04. Powers, Duties and Functions of the City Tricycle Franchising and Regulatory Board.** The City Tricycle Franchising and Regulatory Board (CTFRB) shall perform the following powers, duties and functions:

- a] Accept and process application for tricycle franchising;
- b] To recommend to the Sangguniang Panlungsod for approval all applications and the issuance of the franchise.
- c] Recommend to the Sanggunian the amount of fares or adjusted fare increases, periodically, to be imposed in a particular zones or fixed route;
- d] Recommend to the Sangguniang other reasonable fees and related charges in the regulation of tricycle-for-hire, after conducting a public hearing for that purpose;
- e] Promulgate rules and regulations for the proper enforcement of this Article which shall continue to be in full force and effect until revoked or modified by the Sanggunian;
- f] Recommend to the Chief Executive the conduct of road courtesy and defensive driving seminars and other related seminars actually in close coordination with the Land Transportation Office (LTO), City Tourism Council and other agencies/NGO concerned.

**Section 5G.05. Quorum.** Majority of the members of the City Tricycle Franchising and Regulatory Board shall constitute a “quorum” to transact business.

**Section 5G.06. Internal Rules of Procedures.** The City Tricycle Franchising and Regulatory Board shall formulate and adopt its own internal rules of procedure including its regular meetings and necessary standing committees.

**Section 5G.07. Rules and Regulations.**

- 1] Only Filipino citizens and partnership or corporation and cooperatives with sixty percent (60%) Filipino equity shall be granted the MTOP.
- 2] No MTOP shall be granted unless the applicant is in possession of units with valid registration papers from the Land Transportation Office (LTO);
- 3] The grantee of the MTOP shall carry a common carrier insurance sufficient to answer for any liability it may incur to passengers and third parties in case of accidents;
- 4] Operators of tricycle-for-hire shall allow only drivers duly licensed by the Land Transportation Office (LTO);
- 5] Operators who intend to stop service completely, or suspend device for more than one (1) month, shall report in writing such termination or suspension to the Sanggunian;

7] Until such time that necessary zones are fixed, tricycle-for-hire shall be allowed to operate like a taxi service, i.e., service is rendered upon demand and without a fixed route;

8] Each tricycle unit granted an MTOP shall be assigned and bear an identification number, aside from its LTO license plate number;

9] In addition to the Driver's License issued by the LTO all tricycle-for-hire are hereby required to register and secure an Identification Number from the Office of the Chief, Philippine National Police;

10] All drivers of tricycle-for-hire are hereby required to wear shoes, polo shirt or T-shirt with collar, and long pants.

11] Pending the formulation of a prescribed fare structure for each zone or fixed route by the Sanggunian, the official fare to be initially adopted shall be a minimum of Four (4) Pesos per kilometer in excess of four (4) kilometers distance.

12] Tricycle-for-hire shall have a 5-passenger capacity only, including the driver.

13] Operators of tricycle-for-hire are hereby required to post in a conspicuous but appropriate part of the tricycle the schedule of fares.

14] Additional rules and regulations shall be issued by the City Tricycle Franchising and Regulatory Board for the proper enforcement of this Article.

**Section 5G.08. Reservations.** Nothing in this Article shall be construed to diminish the authority of the Sanggunian to issue, amend, revise, renew, suspend, or cancel any MTOP and prescribed the appropriate terms and conditions therefor; determine, fix, prescribe or periodically adjust fares or rates for the service provided in a zone or fixed route after public hearing; prescribe and regulate zones of service in coordination with the barangay; fix, impose and collect, and periodically review and adjust but not oftener than once every three (3) years, reasonable fees and other related charges in the regulation of tricycle-for-hire; establish and prescribe the conditions and qualities of service to the public.

**Section 5G.09. Penalty.** Any person who violates any provision under this Article shall be punished by the following, to wit:

- |                       |   |                                                                                  |
|-----------------------|---|----------------------------------------------------------------------------------|
| <b>First Offense</b>  | - | <b>Reprimand/Warning</b>                                                         |
| <b>Second Offense</b> | - | <b>P500.00 fine or an imprisonment equivalent to arresto minor</b>               |
| <b>Third Offense</b>  | - | <b>P1,000.00 fine or an imprisonment or both at the discretion of the Court.</b> |

#### ***Article H. Operation of Transport Services For-a-Fee.***

**Section 5H.01. Regulated Acts.** No person, private, or juridical, shall engage in the business of rendering or offering to render "transport services for-a-fee" in this city without first securing a permit therefor from the Mayor and paying the corresponding fee imposed under existing tax ordinances.

**Section 5H.02. Definition.** As used in this Article:-

***Transport Services For-a-Fee*** - refers to the operation of a business rendering or offering to render transport services utilizing motor vehicles, including motorized tricycle, and charging a fee thereof except those operators of "passenger buses" and "passenger jeepney or AUVs" which have been granted a "certificate of public convenience" or franchise to operate in this city or whose vehicles merely pass thru this city.

**Section 5H.03. Administrative Provisions.**

1] No permit to operate a business of rendering or offering to render transport services for-a-fee shall be issued unless the motor vehicle being used or to be used has been duly registered with the Land Transportation Office (LTO).

2] A numbered plate, metal or otherwise, or sticker shall be provided by the Office of the City Treasurer to be paid at cost by the applicant.

3] The City Treasurer shall keep a registry of all the transport vehicles being issued a numbered plate or sticker such as its make and brand, the name and address of the operator and such other pertinent information as may be required.

4] The Mayor thru his department head concerned, in coordination with the Land Transportation Franchising and Regulatory Board (LTFRB), and other concerned agencies shall issue the necessary rules and regulations for the proper implementation of this Article.

**Section 5H.04. Penalty.** Any person who violates any provision under this Chapter shall be punished by the following, to wit:

<b>First Offense</b>	-	<b>Reprimand/Warning</b>
<b>Second Offense</b>	-	<b>P500.00 fine or an imprisonment equivalent to arresto minor</b>
<b>Third Offense</b>	-	<b>P1,000.00 fine or an imprisonment or both at the discretion of the Court.</b>

**Article I. Operation of Moviehouses, Cinema Theaters and Other Showhouses**

**Section 5I.01. Regulated Acts.** No person shall operate any moviehouses, cinema theaters and other kinds of showhouses in this city without first securing a permit therefor from the Mayor and paying the corresponding tax or fee imposed under existing tax ordinances.

**Section 5I.02. Rules and Regulations.**

1] No person below seven (7) years old shall be admitted inside any moviehouse or cinema theater during screening hours.

2] No operator or manager of any moviehouse or cinema theater shall admit or allow the admission of patrons or moviegoers beyond the number of the theater's seating capacity.

3] No person shall be allowed to stand on any portion of the theater's side and center aisles.

4] Exhibition of commercial slides or film trailers shall not be more than fifteen (15) minutes before or after every film showing.

5] Additional rules and regulations not inconsistent with the above provisions may be issued by the Mayor or his duly authorized department head for the proper implementation of this Article.

**Section 5I.03. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

**Article J. Showing of Video-Movies For-a-Fee**

**Section 5J.01. Regulated Acts.** No person shall operate any business of showing video-movies for-a-fee without first securing a permit therefor from the Mayor and paying the corresponding tax or fee imposed

**Section 5J.02. Definitions.** As used in this Article, the term:

**Video-movies** - refer to the movies recorded in video tapes and being shown thru the use of video players including, but not limited to, "Betamax", "Betacord", "VHS", "JVC" and other brand or trade marks.

**Showing of Video-Movies for-a-fee** - refers to the showing of video movies in a suitable place where the public is admitted after paying the corresponding admission fee.

**Section 5J.03. Rules and Regulations.**

1. Children below seven (7) years old shall not be admitted inside the screening room during the video-movie showing.

2. Admission of patrons or moviegoers shall not be beyond the hall's seating capacity.

3. Standing on any portion of the hall's side or center aisles shall not be allowed.

4. Commercial or public advertisement recorded in video tapes shall not be shown without securing a permit therefor and paying the corresponding tax on advertisement.

5. Pornographic movies particularly those rated as "X" double X ("XX"), or triple X ("XXX") shall not be allowed to be shown.

6. Persons below fifteen (15) years old shall not be admitted to view any movie rated as "For Adults Only".

7. Additional rules and regulations not inconsistent with the intents or purposes of this Article shall be issued by the Mayor or his authorized department heads for the proper implementation of this Article.

**Section 5J.04. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

#### **Article K. Operation of Resorts and Rental of Cottages.**

**Section 5K.01. Regulated Acts.** No person, private or juridical, shall establish or operate any kind of resort nor engage in the business of renting cottages without first securing a permit therefor from the Mayor and paying the corresponding tax and fee prescribed under existing tax ordinances of this city.

**Section 5K.02. Definitions.** As used in this Article, the term:

**Resorts** - refer to a place which is open to the public near at, or having a body of water, including swimming pool where patrons or guests are allowed to swim for-a-fee and usually having cottages as a temporary place of abode for patrons, guest or customers.

**Cottages** - refer to a building usually constructed of light materials inside a resort compound being rented for-a-fee to patrons, guests or customers.

**Section 5K.03. Rules and Regulations.**

1. Operator of resorts shall keep a registry or record of its guests, patrons or customers renting its cottages for at least one (1) day, or fraction thereof, which shall be open for inspection by the

Certificate or Alien Certificate of registration, if an alien; date and place of issue; number of ID card and such other data as may be required later by the authorities concerned.

2. Operator of said establishment shall furnish the Office of the Mayor a list of all the persons, under his employ, whether they are on salary, wages or commission basis, including a copy of their bio-data.

3. Operator or managers of said establishments shall not allow anybody to be inside the cottage other than those listed in the registry as the companions, guests or visitors of the person renting the cottage.

4. Operators of said establishment shall also keep a separate registry or record of the names, residence, nationality and other relevant data of all the visitors or guests of the person renting the cottage. Waiters/waitresses and other employees of the operators are excluded from this requirements.

5. Operators of said establishment shall not use his privilege to conduct business in unlawful manner nor allow his establishment or portion thereof to be used as haven for criminals, or women of ill-repute as front for prostitution, or venue for other illegal activities.

6. Other necessary rules and regulations may be issued by the Mayor or the department head duly authorized to implement the provisions of this Article.

**Section 5K.04. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

## CHAPTER VI

### HEALTH AND SANITATION

#### *Article A. Health Examination of Food Handlers*

**Section 6A.01. Regulated Acts.** No person shall engage in an occupation or work in any establishment the nature of which has something to do with the preparation of food, or foodstuffs, whether cooked or in raw form, that are intended for public consumption without first securing a Medical Certificate from the City Health Officer or his duly authorized representative and paying the corresponding fees imposed under existing tax ordinances, including but not limited to the following:

1. Food handlers and processors,
2. Chefs, or cooks;
3. Other individuals handling raw or cooked foodstuffs for sale to the public

#### **Section 6A.02. Rules and Regulations.**

1. Individuals mentioned in the preceding section are hereby required to undergo a physical health examination annually to be conducted by the City Health Officer or his duly authorized representative.

2. Operators of business establishments shall see to it that their employees who are required to undergo the aforementioned physical health examination have been issued the necessary Medical Certificate.

3. The City Health Officer shall keep a record of the physical health examination conducted and the copies of the medical certificates issued, indicating therein the names of the applicants, the date and the purpose for which the examination was made, and other relevant information.

**Section 6A.03. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

**Article B. Health Examination of Persons Working in  
Close Contact with his Customer or Patron**

**Section 6B.01. Regulated Acts.** No person shall engage in an occupation, or work in any establishment, the nature of which is having a close or direct contact with his customer or patron without first securing a Medical Certificate from the City Health Officer or his duly authorized representative and paying the corresponding fees imposed under existing tax ordinances, including but not limited to the following:

1. Barbers;
2. Beauticians;
3. Hairstylists;
4. Masseur;
5. Masseurs;
6. Entertainers/Attendants (Guest Relations Officer; Hospitality Girls; and the like)
7. Other similar kinds of occupation

**Section 6B.02. Rules and Regulations**

1] Individuals mentioned in the preceding section are hereby required to undergo a physical health examination annually to be conducted by the City Health Officer or his duly authorized representative.

2] Operators of business establishments shall see to it that their employees who are required to undergo the aforementioned physical health examination have been issued the necessary Medical Certificate. Failure to comply with this requirement shall be a sufficient ground for the revocation of the corresponding Mayor's Permit, if it has already been issued, or refusal to grant the Mayor's Permit being applied for in case the operator concerned is applying for renewal thereof, without prejudice to the filing of the appropriate charges in the proper Court.

3] The City Health Officer shall keep a record of the physical health examination conducted and the copies of the medical certificates issued, indicating therein the names of the applicants, the date and the purpose for which the examination was made, and other relevant information.

4] The City Health Officer shall issue the necessary additional rules and regulations or implementing guidelines for the proper enforcement of this Article.

**Section 6B.03. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

**Article C. Disposal of Garbage, Filth  
and Other Waste Matters.**

**Section 6C.01. Regulated Acts.** No person shall dispose of any kind of garbage, filth, or other waste matters, in any place in this city except in places duly designated by the Sanggunian as a garbage disposal area.

**Section 6C.02. Definitions.** As used in this Article:-

**Public Disposal Area** - any place designated by the Sanggunian for the disposal of garbage, filth, or other waste matters.

### **Section 6C.03. Rules and Regulations.**

1] All educational and other similar institutions, whether public or private; all commercial and industrial establishments such as hotels, restaurants, hospitals, cinema houses, public markets, department stores, groceries and the like; all public conveyances; all residential houses; and all other similar establishments shall undertake the cleaning of their own estate, yards and immediate premises.

2] Garbage, filth and other waste matters shall be placed in a proper receptacle for the collection and disposal thereof by garbage collectors.

3] The City Health Officer shall issue the necessary additional rules and regulations for the proper and effective implementation of this Article.

**Section 6C.04. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court without prejudiced to the imposition of a higher penalty under the provisions of PD 825 and other laws. If the violator is a corporation, firm or other corporate entities, the penalty shall be imposed upon the president, manager, director or persons responsible for its operation.

### **Article D. Ban on Smoking at Certain Public Places and Business Establishments**

**Section 6D.01. Regulated Acts.** No person shall smoke any cigar or cigarette in the following places:

a] Inside the screening room of theaters or cinema houses or in other portions of the theater designated by the person in-charge thereof as a “no smoking” area;

b] Inside the room of hospitals, clinics and similar places or in other places therein designated by the person in-charge of those institutions as a “no smoking” area;

c] Inside the classrooms of schools, colleges or other similar educational institutions and other places therein designated by the person in-charge of such institutions as a “no smoking” area;

d] Rooms or portions of other public places and government offices that has been designated as a “no smoking” area by its operator, manager, administrator or any person in-charge thereof.

e] Inside public utility vehicles including bus, jeepney, AUVs or Taxi plying within the jurisdiction of this city.

**Section 6D.02. Rules and Regulations.** It shall be the responsibility of the person in-charge of the operation or administration of a moviehouse or cinema theater, hospital, clinic, school, college or other educational institutions, and other public places or government offices to put a sign that would inform the public the particular place that has been designated as a “no smoking” area.

**Section 6D.03. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

## CHAPTER VII

### ENVIRONMENTAL MANAGEMENT

#### **Article A. Vandalism of Public and Private Properties.**

**Section 7A.01. Prohibited Acts.** No person shall wantonly or deliberately deface or destroy any public or private property, or portion thereof, through any kind or form of vandalism including writing or painting unnecessary letters, words, signs or symbols on any portion of edifices or structures.

**Section 7A.02. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

#### **Article B. Protection of the Environment from Astray Animals.**

**Section 7B.01. Regulated Acts.** No person shall, wittingly or unwittingly, set loose or let go astray any “dog”, “swine”, “cattle” and other members of the bovine family in any public or private places, whether fettered or not.

**Section 7B.02. Definitions.** As used in this Article:-

**Cattle** - includes horse, mule, ass, carabao, cow and other domesticated members of the bovine family.

**Swine** - includes hogs or pigs.

**Astray Animal** - means an animal which is set loose or not under the complete control of its owner, or the one in charge, or in the possession thereof, or found roaming around, in public or private places whether fettered or not.

**Public Place** - includes national, provincial, city or barangay roads, parks, plazas, and such other places open to the public.

**Private Place** - includes privately-owned streets, yards, ricefields, farmlands and lots owned by an individual other than the owner of the animal.

**Section 7B.03. Impounding of Astray Animals.** Animals caught astray shall be impounded in a corral or place duly designated for such purpose. Impounded animals shall be released to its owner only upon payment of the corresponding poundage fees imposed under existing tax ordinances of this city.

**Section 7B.04. Administrative Provisions.**

1] Not later than the following day after the animal is impounded, a notice of such impounding shall be posted in at least three (3) conspicuous places including the public market for a period of five (5) days within which the owner of the animal is required to claim and establish ownership thereof.

2] If no person shall claim ownership of the animal after the expiration of five (5) days from date of its impounding, it shall be sold to public auction under the following procedures:

3] The City Treasurer shall post a notice for the public auction in at least three (3) conspicuous places including the public market for a period of three (3) days. During the auction sale, the animal shall be sold to the highest bidder. Within two (2) days after the auction sale, the Treasurer shall submit a written

4] The owner of the animal may stop the said sale by paying at any time, before or during the auction sale, the poundage fee due and the cost of the advertisement and conduct of sale, to the City Treasurer. The proceeds of the sale shall be applied to satisfy the cost of impounding, advertisement and conduct of sale. The residue over these costs shall accrue to the General Fund.

5] In case impounded animal is not disposed of during the public auction sale, the same shall be considered sold to the city government for the amount equivalent to the poundage fees due, cost of impounding, advertisement and auction sale.

**Section 7B.05. *Applicability.*** This Article shall apply only in barangays where there is no existing barangay ordinance dealing on the same subject matter. In case a barangay has an existing barangay ordinance duly reviewed by the Sangguniang Panlungsod which also pertains to the impounding of astray animals and collection of poundage fees thereof the said barangay ordinance shall prevail over this Article in the spirit of decentralization and in order to enhance the role of the barangay governments in nation building.

**Section 7B.06. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

#### ***Article C. Pissing Ban in Public Places.***

**Section 7C.01. *Regulated Acts.*** It is hereby declared unlawful for any person to piss, pee or urinate, in any public place in this city, except in appropriate places such as rest room, toilet or lavatory.

**Section 7C.02. *Definitions.*** As used in this Article, the term:

***Piss or Pee*** - refers to the act of discharging urine from the bladder.

***Public Place*** - includes roads, streets, alleys, lanes, pathways, parks, plazas, sidewalks and parts or portion of buildings, walls, or fences, and such other places which are open to the public.

**Section 7C.03. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

#### ***Article D. Regulations on the Construction of Pens or Corrals***

**Section 7D.01. *Regulated Acts.*** No person shall construct any kind of pen or corral for cattle, swine, chicken, duck and other domestic animals or fowls within this city without securing a permit therefor from the Mayor and paying the corresponding fee imposed under existing tax ordinances.

**Section 7D.02. *Administrative Provisions.*** Before an application for a permit is acted upon, the Mayor or his duly authorized representative shall inspect the premises where the pen or corral shall be constructed to determine whether the site and the construction of the pen or corral conforms to existing laws, ordinances, rules and regulations on health, sanitation and zoning.

**Section 7D.03. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

#### ***Article E. Anti-Littering.***

**Section 7E.02. Definition.** As used in this Article, the term:

**Public Place** - includes roads, alleys, lanes, pathways, sidewalks of streets, parks, plazas, and other places open to public.

**Section 7E.03. Rules and Regulations.** The driver (chauffeur) of any kind of public utility vehicles including motorized tricycles-for-a fee is hereby required to place a waste basket, waste can, or any appropriate receptacle inside his vehicle for the proper disposition by his passengers of any trash, rubbish, scum or other kinds of waste matters.

**Section 7E.03. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

**Article F. Regulations on the Installation or Display  
of Signs, Signboards and Billboards**

**Section 7F.01. Regulated Acts.** No person shall install or display any sign, signboard or billboard or similar kind of outdoor advertisement in this city without first securing a permit therefor from the Mayor, thru the City Engineer, and paying the corresponding fees as required under existing tax ordinances.

**Section 7F.02. Authority to Regulate.** This Article is enacted pursuant to Section 458, par-3-iv of RA 7160 and should be distinguished from the taxing power of the barangay in imposing charges or fees on billboards, signboards, neon signs, and other outdoor advertisement under Art. 240 (d) of the IRR.

**Section 7F.03. Administrative Provisions.** Any person desiring to install any signboard or billboard shall file a written application on the required form and submit the necessary plans and descriptions of the sign, signboard, billboard or other kind of outdoor advertisement to the Office of the City Engineer.

The City Engineer shall issue the necessary rules and regulations for the proper enforcement of this Article.

**Section 7F.04. Applicability Clause.** The provisions of PD 1096 (National Building Code) and its implementing rules and regulations pertaining to the installation of signs, signboards or billboards are hereby adopted and made an integral part of this Article.

**Section 7F.05. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

**Article G. Advertisement by Means of Posters, Placards, Painting on  
Walls, Slides in Movies, Handbills and Leaflets.**

**Section 7G.01. Regulated Acts.** No person shall advertise thru posting; displaying by means of placards or slides in movies, painting on walls of buildings or other structure; and by means of handbills or leaflets without first securing a permit therefor from the Mayor and paying the corresponding fees being required under existing tax ordinances of this city or existing tax ordinances of the barangay concerned.

**Section 7G.02. Administrative Provisions.** Any person desiring to advertise by means of posters, placards, slides in movies, painting on walls or other structure, handbills and leaflets shall file a written application together with the description of the things to be advertised or the text of the advertisement itself

**Section 7G.03. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

***Article H. Conservation of Natural Resources Products.***

**Section 7H.01. *Prohibited Acts.*** No person, natural or juridical, shall smuggle any kind of natural resources products, including but not limited to, the following:

- a] logs, timber and other forest products;
- b] endangered species of flora and fauna, as classified to be such by the DENR;
- c] endangered species of fishes and other aquatic resources as classified to be such by the DENR.

**Section 7H.02. *Administrative Provisions.*** The Mayor, or his duly authorized representative, in coordination with the Department of Environment and Natural Resources (DENR) shall issue the necessary implementing guidelines or rules and regulations for the proper enforcement of this Article.

**Section 7H.03. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

***Article I. Ban on the Hunting of Birds and Animals***

**Section 7I.01. *Prohibited Acts.*** It is hereby declared unlawful for any person to hunt or catch any kind of birds or animals by whatever means within the jurisdiction of this city.

**Section 7I.02. *Administrative Provisions.*** No agency or office of the government, whether national or local, shall issue any permit to hunt, catch, or capture any kind of birds or animals more particularly those which are endemic in locality.

The Mayor, or his duly authorized representative, in coordination with the Department of Environment and Natural Resources (DENR) shall issue the necessary implementing guidelines or rules and regulations for the proper enforcement of this Article.

**Section 7I.03. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

***Article J. Ban on the Catching of Endangered Species of Fish, Shell, Mollusk and other Aquatic Resources.***

**Section 7J.01. *Prohibited Acts.*** It is hereby declared unlawful for any person to catch any kind of endangered species of fish, shell, mollusk and other aquatic resources in the city water of this city.

**Section 7J.02. *Administrative Provisions.*** The Mayor, or his duly authorized representative, in coordination with the Department of Environment and Natural Resources (DENR) shall issue the necessary implementing guidelines or rules and regulations for the proper enforcement of this Article including therein the list of endangered species of fish, shell, mollusk and other aquatic resources..

**Section 7J.03. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year,

## **Article K. Ban on Slash and Burn Farming Method**

**Section 7K.01. Prohibited Acts.** It is hereby declared unlawful for any person to utilize the “slash and burn” farming method in his agricultural activities and such other activities that would result in pollution, acceleration of eutrophication of rivers or lakes or of ecological imbalance.

**Section 7K.02. Administrative Provisions.** The Mayor, or his duly authorized representative, in coordination with the local offices of the Department of Environment and Natural Resources (DENR) and the Department of Agriculture shall issue the necessary implementing guidelines or rules and regulations for the proper enforcement of this Article.

**Section 7K.03. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

## **Article L. Ban on the Cutting of Trees**

**Section 7L.01. Regulated Acts.** No person shall cut any kind of tree within the public domain unless a prior clearance to cut a particular tree has been obtained from the concerned office or agency under the Department of Environment and Natural Resources.

**Section 7L.02.. Administrative Provisions.** The Mayor, or his duly authorized representative, in coordination with the local offices of the Department of Environment and Natural Resources (DENR) shall issue the necessary implementing guidelines or rules and regulations for the proper enforcement of this Article.

**Section 7L.03. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

## **Article M. Miscellaneous Environmental Management Standards**

**Section 7M.01. Regulated Acts.** No person, natural or juridical, shall construct any building, or install any kind of equipment, or pursue any kind of activity in this city without complying to the following environmental management standards, to wit:

**1. Noise and vibrations.** All noise and vibration-producing machinery shall be enclosed by a building and shall be provided with effective noise-absorbing materials, noise silencers and mufflers, and open yard of a distance of not less than twenty (20) meters from the street or adjoining property planted to dense trees as buffers. To minimize vibration, a machinery should be mounted on shock absorbing mountings, such as cork set on reinforced concrete foundations or a floating isolated foundation set on piles, as needed by the machinery concerned to reduce all noise and vibration to a reasonable minimum. Noise which is objectionable due to intermittence beat frequency or high pitch shall not be allowed unless enclosed in a soundproof building as tested and approved by the Sanggunian upon consultation with the national agencies concerned.

**2. Smoke.** Any smoke emitting from any source for a period aggregating seven (7) minutes in any thirty minutes particularly when starting a new fire, shall have a density not greater than Number 2 (No.2) of the Ringleman Chart.

**3. Dust, dirt and fly ash.** The emission of dust, dirt or fly ash from any source of activity which shall pollute the air and render it unclean, destructive, unhealthful, hazardous, or cause visibility to be impaired shall not be permitted. In no case whatsoever shall dust, dirt or fly ash be allowed to exceed 0.68

**4. Odors and gases.** The emission of foul odors and gases deleterious to public health, safety and other general welfare shall not be permitted. Building and activity emitting foul odors and obnoxious gases shall be enclosed by air tight buildings provided with air conditioning systems, filters, deodorizing and other air cleansing equipment.

**5. Glare and heat.** Glare and heat from any operation or activity shall not be allowed to be radiated, seen or felt from any point beyond the limits of the property.

**6. Industrial Waste.** Industrial plant wastes shall be disposed of only in a manner which will not create any nuisance or danger to adjoining properties or to the community in general.

**7. Sewerage Disposal.** No sewerage dangerous to the public health, safety and general welfare shall be discharged into any public sewer system, natural waterway or drainage channel. In addition to the following requirements, all sewerage disposal shall comply with the pertinent rules and regulations promulgated by the National Pollution Control Commission.

**8. Acidity or alkalinity.** Acidity or alkalinity shall be neutralized to a PH of between 6.5 and 8.5 as a daily average to a volumetric basis with a temporary variation of 5.0 to PH 10.0.

**9. Waste water.** Waste water shall not contain grease and oil in excess of 300 PPM or exceed a daily average of 10 PPM. (*Excerpts from the Model Zoning Ordinance prepared by the HLURB*).

**Section 7M.02. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

## CHAPTER VIII

### PUBLIC MORALITY

#### *Article A. Illegal Gambling*

**Section 8A.01. Prohibited Acts.** No person shall operate, maintain, or conduct any game of chance including “*jueteng*”, “*monte*”, “*baklay*”, (or *sakla*), “*tupada*” (illegal cockfight), “*masiao*”, “*cara y cruz*” and other games of chance, scheme or hazard wherein bets or wagers consisting of money, articles or representatives of value are made, or in exploitation or use of any other mechanical devices or contrivances to determine by chance the loser or winner thereof.

#### **Section 8A.02. Rules and Regulations.**

1. No person shall allow any form of gambling mentioned and embraced in the preceding Section to be conducted or carried on in any real property that he owns or under his administration and control.

2. No person shall participate, directly or indirectly, in any gambling referred to in Section 8A. 01 hereof.

3. No person shall possess any ticket, paper or matter containing letters, figures, signs or symbols which pertain to or are connected with the game of “*jueteng*”, “*masiao*”, or similar games prohibited herein; nor possess cards, chips and other gambling paraphernalia which have been used, or about to be used, in any illegal gambling mentioned herein. Mere possession of those things before, during and immediately after the conduct of such illegal gambling shall be considered as a “prima facie” evidence for purposes of this Article.

**Section 8A.03. Exemptions.** Conduct or holding of “bingo socials”, “popularity contest”, or

or the Department of Social Welfare and Development when said activities shall be undertaken within the territorial jurisdiction of that barangay.

**Section 8A.04. *Applicability Clause.*** All other matters pertaining to illegal gambling not herein specified shall be governed by the provisions of existing laws, ordinances, rules and regulations.

**Section 8A.05. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court, without prejudice to the imposition of a higher penalty under the provision of existing laws.

### ***Article B. Betting on Sports Contest.***

**Section 8B.01. *Regulated Acts.*** No person shall bet or wager money or any object, article or representative of value upon the result of any boxing contest, basketball game, or other kinds of sports competition.

**Section 8B.02. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

### ***Article C. Loitering***

**Section 8C.01. *Regulated Acts.*** No person shall loiter in any public place in this city in such a manner as to:

- a) create or cause to be created a danger of a breach of the peace;
- b) create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- c) obstruct the free passage of pedestrian or vehicles; or,
- d) molest, or interfere with the lawful activity of any other person in such public place.

**Section 8C.02. *Definitions.*** As used in this Article:-

***Public Place*** - means any place to which the public has access including streets, highways, parks, plazas, alley or sidewalk and such other places open to the public. It also includes parking lots or other vacant property not owned by the individual found loitering therein, or in the case of the minor, not owned or under the control of his parent or guardian.

***Loiter*** - means to remain idle in essentially one location and spending the time idly, loafing or walking about aimlessly.

**Section 8C.03. *Rules and Regulations.*** Any police officer may, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in Section 8C.01 hereof and he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave that public place after being ordered to do so by a police officer shall be apprehended and prosecuted for violation of this Article.

**Section 8C.04. *Penalty.*** Any person who violates any provision under this Article shall be

#### **Article D. Nudism in Public Places.**

**Section 8D.01. Regulated Acts.** It is unlawful for any person to appear nude in any place open to the public within this city.

**Section 8D.02. Rules and Regulations.** No operator of any showhouses, day or night clubs, bars or cocktail lounges shall allow or permit any person to perform nude in any kind of stage play, stage show, or stage exhibition in his establishment.

**Section 8D.03. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

#### **Article E. Wearing of Bathing Dress or Swimsuits.**

**Section 8E.01. Regulated Acts.** No person shall bathe or swim in any body of water or swimming pool in this city unless clothed in appropriate bathing dress or swimsuits.

**Section 8E.02. Rules and Regulations.** No operator of public resorts shall allow anybody to bathe or swim in the swimming pool of his establishment not clothed in appropriate bathing dress or swimsuits reasonably covering the said person.

**Section 8E.03. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

#### **Article F. Possession of Obscene or Pornographic Materials.**

**Section 8F.01. Regulated Acts.** No person shall possess any obscene or pornographic materials including books, magazines, pamphlets, pictures or other representations, however made, within this city.

#### **Section 8F.02. Rules and Regulations.**

1] No operator of movie or cinema houses shall allow the exhibition in the movie screen of his establishment any pornographic film or movie not approved for public showing by competent authorities.

2] No operator of business establishments shall sell or rent to the public any kind of pornographic video films.

3] Additional rules and regulations shall be issued by the Mayor for the proper implementation of this Article.

**Section 8F.03. Exemptions.** Paintings, engravings, sculptures, pictures, sketches, drawings, or other objects which merely represent nude figures but not represent a lascivious act and exhibited exclusively for scientific, educational or artistic purposes without immoral or malicious intent shall not be considered as obscene or pornographic and are, thus, exempt from the provisions of this Article.

**Section 8F.04. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

## CHAPTER IX

### PUBLIC UTILITIES AND FACILITIES

#### *Article A. Public Markets*

**Section 9A.01. Definitions.** As used in this Article:-

**Public Markets** - are public services or utilities as much as the public supply and sale of electricity, water and public transportation are (G.R. No. L-1440). A market is a public market when it is dedicated to the service of the general public and is operated under government control and supervision as a public utility, whether it be owned by the government or by any instrumentality thereof, or by any private individual (G.R. No. L-2127). Public markets refer also to any place, building or structure of any kind designated as such by the local legislative body (*Sanggunian*) except public streets, plazas, and the like.

**Market Premises** - refers to an open space in the market compound; part of the market lot consisting of bare ground, not covered by market buildings, usually occupied by transient vendors specially during market days.

**Market Stall** - refers to any allotted space or booth in the public market where merchandise of any kind is sold or offered for sale.

**Market Section** - refers to a subdivision of the market housing one class or group of allied goods, commodities or merchandise.

**Section 9A.02. Market Charges or Fees.** There shall be collected from lessees of market stall, occupants of market premises or transient vendors a market rental fee or entrance fee, at such rates as may be prescribed by the Sanggunian in a tax ordinance duly enacted for that purpose.

**Section 9A.03. Adjudication of Vacant Market Stalls.** The adjudication of vacant or newly constructed market stalls shall be in accordance with the provisions of a duly enacted ordinance and the rules and regulations on this matter promulgated by the Sanggunian.

**Section 9A.04. Lease Period.** The contract of lease for a market stall shall not be less than one (1) year, but not more than five (5) years, renewable upon its expiration, unless a more reasonable and appropriate lease period is prescribed by the Sanggunian in a new ordinance amending this Section.

**Section 9A.05. Application for Lease.** The application for lease of market stalls shall be accomplished under oath in a prescribed form and submitted to the Chairman, Market Committee, by the applicant, either in person or thru his attorney.

**Section 9A.06. Creation of a Market Committee.** There shall be created by the Sanggunian a permanent Market Committee which shall conduct the drawing of lots and opening of bids in connection with the adjudication of vacant or newly constructed stalls in the public market.

**Section 9A.07. Preference of Filipino Citizens Over Alien Applicants.** Applicants who are Filipino citizens shall have preference in the lease of public market stalls. If on the last day set for filing the applications, there is no application from a Filipino citizen, the posting of the notice of vacancy prescribed in this Chapter shall be repeated for another ten (10) days. If after the expiration of that period, there is still no Filipino applicant, then the stall affected may be leased to any alien applicant who filed his application first. If there are several alien applicants the adjudication of the stall shall be made thru drawing of lots to be conducted by the Market Committee.

In case there is only one Filipino applicant, the stall applied for shall be adjudicated to him. If there are several Filipino applicants for the same stall, the adjudication of the stall shall be made thru drawing of lots to be conducted by the Market Committee on the date and hour specified in the notice. The result of the drawing of lots shall be reported immediately by the committee to the Mayor for appropriate action.

**Section 9A.08. *Vacancy of Stalls.*** If for any reason a stall holder or lessee discontinues or is required to discontinue his business before his lease contract expires, such stall shall be considered vacant and its occupancy thereafter shall be disposed of in the manner herein prescribed.

**Section 9A.09. *Partnership with Stall Holder.*** Any market stall holder who enters into a business partnership with any party after he acquired the right to lease such stall has no authority to transfer to his partner the right to occupy the stall. In case of death or any legal disability of such stall holder to continue in his business, the surviving partner may be authorized to continue occupying the stall for a period of not exceeding sixty (60) days within which to wind up the business of the partnership. If the survivor is qualified to occupy a stall under the provisions hereof, and the spouse, parent, son, daughter or relative within the third degree by consanguinity or affinity of the deceased is not applying for the stall, he shall be given the preference to continue occupying the stall concerned if he applies for it.

**Section 9A.10. *Lessee to Personally Administer His Stall.*** Any person who has been awarded the right to lease a market stall in accordance with the provision hereof, shall occupy, administer and be present personally at his stall or stalls. He may employ helpers who must be citizens of the Philippines, including but not limited to his spouse, parents and children who are actually living with him and who are not disqualified under the provisions hereof. The person to be employed as helpers shall, under no circumstances, be person with whom the stall holder has any commercial relation or transaction.

**Section 9A.11. *Dummies: Sub-Lease of Stalls.*** In any case where the person registered to be the holder or lessee of a stall or stalls, booth or booths, in the public market, is found to be in reality not the person who is actually occupying said stall or stalls, booth or booths, the lease of such stall or stalls, booth or booths, shall be canceled, if upon investigation such stall holder shall be found to have sub-leased his stall or stalls, booth or booths, to another person or to have connived with such person so that the latter may, for any reason, be able to occupy the said stall or stalls, booth or booths.

**Section 9A.12. *Rules and Regulations.***

1] The peddling or sale outside the public market site or premises of foodstuffs, which easily deteriorate like fish and meat, is hereby prohibited.

2] No person shall utilize the public market or any part thereof for residential purpose.

3] No person shall peddle, hawk, sell or offer for sale, or expose for sale, any article in the passageway (*pasillo*) of the public market.

4] No person shall resist, obstruct, annoy or impede any market employee or personnel in the performance of his duties; nor shall parents allow their children to play in or around their stalls or booths in the market premises.

5] No person shall drink, serve or dispense liquor, or any intoxicating drinks or beverages, within the premises of the public market at any time of the day.

6] No merchandise or article shall be sold, offered for sale or exposed for sale in the public market unless the same was legally acquired by the vendor or stall holder and that taxes of any kind due thereon had been paid.

7] Lessees of market stalls or premises shall not remove, construct or alter the original structure of any stall, electrical wiring, or water connection without prior permit from the market administrator or

8] The city government shall not be responsible to the occupants of stall for any loss or damage cause by fire, theft, robbery, “*force majeure*” or any other unavoidable cause. All articles or merchandise left in the public market during closure time shall be at the risk of the stall holder or owner thereof.

9] All articles abandoned in any public market building in violation of any provision of this Article or any regulation or rule on the management of the market, shall be deemed a nuisance. It shall be the duty of the Market Administrator or his representative to take custody thereof. In case the articles are claimed within twenty-four hours thereafter, they shall be returned to their original owners upon payment of actual expenses incurred in their safe-keeping, unless they have so deteriorated as to constitute a menace to public health, in which case they shall be disposed of in the manner directed by the Market Administrator who may also in his discretion, cause the criminal prosecution of the guilty party, or merely warn him against future violation. In case where the articles have not deteriorated and are not claimed within the time herein fixed, the said articles shall be sold at public auction, and the proceed thereof shall be disposed in accordance with law.

**Section 9A.13. *Applicability Clause.*** Pertinent provisions of existing laws, ordinances, rules and regulations pertaining to the administration of the public market are hereby adopted as part of this Article.

**Section 9A.14. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

### ***Article B. Slaughterhouse Administration***

**Section 9B.01. *Permit to Slaughter.*** Before any animal is slaughtered for public consumption, a permit therefor shall be secured from the City Health Officer or his duly authorized representative, preferably the City Veterinarian or the Meat Inspector, if any, who shall determine whether the animal or fowl is fit for human consumption, upon payment to the City Treasurer of the corresponding permit fee prescribed under existing tax ordinances. The permit shall bear the date and month of issue and the stamp of the City Health Officer, as well as the page of the book in which the said permit number is entered and wherein the name of the permittee, the kind and sex of the animal to be slaughtered appears.

**Section 9B.02. *Prohibition.*** Permit to slaughter shall not be granted nor the corresponding fee collected on animals condemned by the City Health Officer or his duly authorized representative.

#### **Section 9B.03. *Administrative Provisions***

1] The slaughter of any kind of animal intended for sale shall be done only in the city slaughterhouse designated as such by the Sanggunian. The slaughter of animals intended for home consumption may be done elsewhere, except large cattle which shall be slaughtered only in the city slaughterhouse. The animal slaughtered for home consumption shall not be sold or offered for sale.

2] Before the animal is slaughtered in the slaughterhouse the Slaughterhouse Administrator or the person in-charge thereof shall require for branded cattle, the production of the certificates of ownership if the owner is the applicant, or the original certificate of ownership and certificate of transfer showing the title in the name of the person having custody of the animal. If he is not the original owner, and there is no certificate of transfer made in his favor, one such certificate shall be secured from the City Treasurer and the corresponding fee shall be collected therefor. For unbranded cattle that has not yet reached the age of branding, the City Treasurer or his representative shall require such evidence as may be satisfactory to him regarding the ownership of the animals for which permit to slaughter has been requested. For unbranded cattle of the required age, the necessary certificate of ownership and/or transfer shall be issued, and the corresponding fees collected therefor before the slaughter permit is granted.

## **Article C. Public Cemetery Administration**

**Section 9C.01. Lease of Burial Lot.** There shall be collected a rental fee for every burial lot consisting of five (5) square meters (2x2.5 sq. m.) in the amount prescribed by the Sanggunian in a tax ordinance enacted for that purpose. The lease period for every burial lot shall be five (5) years, renewable upon its expiration at the option of the lessee.

**Section 9C.02. Sale of Burial Lot.** Should the Sanggunian decide to set aside portions of the public cemetery for sale, the conditions of the sale and the amount thereof shall be stipulated in another ordinance.

### **Section 9C.03. Administrative Provisions.**

**Permit to Construct.** Any construction of whatever kind or nature in the public cemetery, whether for permanent or temporary use, shall only be allowed after the approval of a permit issued by the Mayor upon the recommendation of the Cemetery Administrator, if any, or the Officer-In-Charge thereof.

**Renewal of Lease.** In cases a lessee intends to renew the lease after its termination, he must inform the Cemetery Administrator, if any, or whoever is the Officer-in-Charge thereof, within thirty (30) days before the expiration date of the lease, and shall pay the corresponding rental fees therefor. It shall also be the duty of the Officer-In-Charge of cemetery administration to prepare and submit to the Mayor a list of the leases that are to expire five (5) days prior to the expiration date. He shall send a reminder to the lessee of the expiration of such lease, two (2) weeks prior to the expiration date of the lease.

**Registry of Account.** The Officer-In-Charge of cemetery administration, in coordination with the City Treasurer, shall keep a registry of account of the public cemetery, together with such additional information as may be required by the Sanggunian.

**Section 9C.04. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

## **Article D. Regulations on the Use of Public Roads, Sidewalks, Alleys, or Lanes.**

**Section 9D.01. Regulated Acts.** No person shall use any public roads, sidewalks, alleys, lanes or parts thereof, for purposes of bathing or laundering or other similar purposes.

**Section 9D.02. Definitions.** As used in this Article, the term:-

**Public Roads** - includes national, provincial, city and barangay roads.

**Sidewalks** - refer to narrow pathway at the sides of a road intended for the use of pedestrians.

**Alleys** - refer to a narrow street, passageway or byway.

**Lanes** - refer to a narrow pathway or byway.

**Section 9D.03. Penalty.** Any person who violates any provision under this Article shall be

## **Article E. Requirements in the Construction of School Buildings**

**Section 9E.01. Regulated Acts.** No person shall construct or cause the construction of any private or public school buildings without first securing a building permit therefor from the Mayor thru the City Engineer.

**Section 9E.02. Rules and Regulations.**

Any person, natural or juridical, shall first secure the corresponding building permit before he undertakes the construction of any private or public school building in this city.

Private or public school buildings to be constructed shall meet the following minimum standards, among others, to wit:

**a) School building with one classroom:**

⇒ one (1) toilet cubicle for male users having at least one (1) urinal and at least one (1) toilet bowl.

⇒ one (1) toilet cubicle for female users with at least one (1) toilet bowl.

**b) School building with two (2) or more classrooms:**

⇒ at least one (1) toilet facility for every two (2) classrooms. Each toilet facility shall have a separate cubicle for male and female users.

⇒ For male users - one (1) urinal and one (1) toilet bowl.

⇒ For female users - at least one (1) toilet bowl.

The City Engineer shall issue the necessary additional rules and regulations for the proper implementation of this Article which shall be deemed valid and enforceable until revoked, amended, or modified either by the Mayor or the Sanggunian.

**Section 9E.03. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court..

## **Article F. Temporary Use of Sidewalks and Alleys**

**Section 9F.01. Regulated Acts.** No person shall use and/or occupy any sidewalk or alley or portion thereof, which is owned by this city, in connection with any construction works or other allowable purposes, without securing a permit therefor from the Mayor and paying the corresponding permit fee imposed under existing tax ordinances.

**Section 9F.02. Administrative Provisions.** The period of use and/or occupancy of sidewalk or alley or portion thereof shall commence from the time the permit is issued and shall terminate upon the completion of the construction work, other allowed activities, or upon cancellation of the permit thereof.

**Section 9F.03. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One

## **Article G. Regulations on the Use of Public Roads, Parks and Plaza.**

**Section 9G.01. Regulated Acts.** No person shall use any portion of any public roads, parks or plaza for the drying of whatever kind of cereals, *buri* palms or other agricultural products or for other similar purposes.

**Section 9G.02. Definitions.** As used in this Article:-

**Public Roads** - include national, provincial, city or barangay roads.

**Park** - means an expanse of public land use for recreation.

**Plaza** - means an open public square owned by the government.

**Section 9G.03. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

## **Article H. Regulations on the Construction of Humps or Placing Protuberance on Public Roads**

**Section 9H.01. Regulated Acts.** No person, natural or juridical, shall construct or cause the construction of any kind of hump, or place any kind of protuberance, on any public road, without first securing a permit therefor from the Mayor thru the City Engineer.

**Section 9H.02. Administrative Provisions.**

1. Any person, natural or juridical, desiring to construct humps or place any kind of protuberance on any public road shall file an application for that purpose with the Office of the City Engineer.

2. Upon receipt of the said application, the City Engineer or his duly authorized representative shall coordinate with the Officer in Charge of Traffic Management to discuss the merits of the application. Thereafter, their joint or individual recommendation shall be submitted to the Mayor.

3. No permit by the Mayor on this matter shall be issued without the written recommendation of both the City Engineer and the Officer in Charge of Traffic Management.

**Section 9H.03. Rules and Regulations.**

1] The City Engineer shall determine the appropriate specification as to the thickness, width and length of the hump or protuberance to be placed or constructed.

2] The City Engineer is hereby authorized to alter or modify the existing humps or protuberance on any city or barangay roads to conform to the necessary specification prescribed by his Office.

3] The City Engineer and the Officer in Charge of Traffic Management shall issue the necessary additional rules and regulations or implementing guidelines for the effective enforcement of this Article.

**Article I. Banning the Installation of Basketball Boards;  
Placement of Gaming Tables or Nets on Public  
Roads and use of Public Roads as playing field  
for any kind of games.**

**Section 9I.01. Prohibited Acts.** It is hereby declared unlawful for any person to install, or cause the installation of any kind of basketball board, or place any kind of gaming tables or nets and similar kinds of gaming equipment or device on any public road; or use the public road as a playing field for any kind of games.

**Section 9I.02. Definitions.** As used in this Article, the term:

**Public Road** – refers to national, provincial, city or barangay roads.

**Section 9I.03. Exemption.** This Article shall not be applied during the occasion of a town fiesta, barangay fiesta or wake for a deceased person where a temporary permit to use a portion of a city or barangay road has been secured from the Mayor, provided that in the case of gaming tables; gaming equipment or contrivance, it shall be used only for games of skill and subject to the provisions of existing laws, ordinances, or rules and regulations on that matter.

**Section 9I.04. Rules and Regulations.**

The City Engineer and the Officer in Charge of the Traffic Management shall issue the necessary additional rules and regulations or implementing guidelines for the effective enforcement of this Article.

**Section 9I.05. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

**Article J. Hawking and Peddling Ban on Public Roads, Alleys and  
Lanes.**

**Section 9J.01. Regulated Acts.** No person shall hawk or peddle any goods, wares of any article of commerce in any public road or alley, or portion thereof, without securing a permit therefor from the Mayor.

**Section 9J.02. Definition.** As used in this Article, the term:-

**Public Road** - includes national, provincial, city and barangay roads.

**Alleys** - refer to a narrow street, passageway, byway.

**Lanes** - refer to a narrow pathway or byway.

**Section 9J.03. Exemption.** During the Yuletide Season, town fiesta, or on the occasion of a trade fair, the Mayor may grant a permit for the temporary use of public roads, alleys, and lanes for hawkers and peddlers provided that such permit shall not exceed fifteen (15) days.

**Section 9J.04. Rules and Regulations.**

1. No permit shall be granted by the Mayor for hawkers and peddlers to sell any article of commerce

3. The hawking or peddling activity shall not impair or damage any private or public property, cause injury to or adversely affect the rights of other persons;

4. The hawking or peddling activity shall not obstruct, or cause obstruction to the ordinary flow of traffic;

5. The rules and regulations on public safety, peace and order, zoning, health and sanitation, environmental management and other requirements under existing ordinances shall be complied with;

6. Such other requisites as may hereafter be prescribed by the authorities concerned.

**Section 9J.05. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

## CHAPTER X

### GAMES AND AMUSEMENTS

#### **Article A. Regulations on the Establishment of Cockpits and Cockfights Conducted Therein.**

**Section 10A.01. *Regulated Acts.*** No person shall establish, operate or maintain any cockpit in this city without first securing a license therefor from the Sanggunian and no person shall officiate or take part in any kind of duly authorized cockfights being conducted therein either as “promoter”, “pit manager”, “gaffers”, “referee”, “bet manager”, or “bettaker” without a permit therefor from the Mayor. (**Note:** see Sec. 458, 3-v of RA 7160).

**Section 10A.02. *Definitions of Terms.*** As used in this Code, the term:

**Cockpit (*Sabungan*)** - refers to a place, structure or area for the cockfighting game, strongly built and spacious enough to accommodate appropriate number of spectator who watch the game.

**Cockfighting (*Sabong*)** - refers to the commonly known game or term “*Cockfighting Derby*”, “*Pintakasi*”, or “*Concerto*” or its equivalent term in different Philippine localities.

**Cockfight (*Sultada*)** - refers to the actual fight or physical combat of two (2) fitted or evenly matched gamecocks, with bets on either side are laid.

**Promoter** - refers to a person licensed as such, who is engaged in the convening, meeting, holding and celebration of specially programmed and arranged cockfighting like local and international derbies or competitions, special mains or matched sets or encounters, *pintakasi*, and ordinary cockfights inside a duly licensed cockpit.

**Pit Manager** - refers to a person who professionally, regularly and habitually manages a cockpit and cockfights therein. He may or may not be the owner of the cockpit himself.

**Gaffer - (*Mananari*)** refers to a person who is knowledgeable in the technique of arming fighting

**Bet Manager** - (*Kasador*) refers to a person who calls and takes care of bets from owner of both gamecocks and those of other bettors before he orders commencement of the cockfight and thereafter distribute winning bets after deducting a certain commission.

**Bettaker** - (*Kristo*) refers to a person who participates in cockfights with the use of money or other things of value, bets with other bettors or through other bet-takers and wins or loses his bets depending upon the result of the cockfight as announced by the referee or “sentenciador”.

**Handler** - (*Soltador*) refers to a person who personally takes physical custody and control inside the arena of a pitted gamecock and who actually releases the same for actual fight and combat in cockfight.

### **Section 10A.03. Rules and Regulations.**

No operator of a cockpit shall employ or allow to participate in a cockfight any gaffer, referee, bettaker, promoter, bet manager, or pit manager who has not secured a Mayor’s permit.

No person shall bet in a duly authorized cockfights without the corresponding money at his disposal and no person below eighteen (18) years of age shall be allowed to participate in the betting therein.

No person shall talk to, interfere with, or in any way obstruct the act of the handler (*soltador*) while the latter is releasing his fighting cock; neither shall any person talk to, interfere with, or in any way hamper the referee while the latter is overseeing the cockfight in progress, especially when he is in the act of rendering, or about to render, his decision in consummated cockfighting match.

No person shall be allowed to stay inside the ring during any cockfight, except the duly licensed referee or “*sentenciador*”, the cock handlers or “*soltadores*”; and the police officer assigned to maintain peace and order therein.

No intoxicating liquor or wines of any kind shall be sold within the premises of any cockpit; neither shall any firearm or any kind of deadly weapon shall be carried within the premises thereof, except by police officers assigned to maintain peace and order therein.

### **Cockfighting Days**

Cockfighting shall take place only in a duly licensed cockpit during Sundays and duly proclaimed legal holidays except on Holy Thursday, Good Friday, election or referendum day and during registration days for such election or referendum.

During the celebration of the town fiesta, agricultural, commercial or industrial fair, or carnival exposition it shall be held for a period not exceeding three (3) days upon authorization of the Sanggunian thru a resolution adopted for that purpose.

Special cockfighting such as “derby”, “pintakasi” or “concierto” granted by the Sanggunian during these occasions shall be subject to the payment of the fees prescribed in existing tax ordinances of this city.

**Location** - The site of the proposed cockpit shall be located outside the city proper (poblacion area) and shall be subject to the following requirements:

1. No cockpit shall be constructed, established or permitted to operate within a radius of two hundred (200) lineal meters:
  - from any educational, religious or public institutions such as, school, colleges, universities,

- from any existing real estate subdivision, cluster of residential dwelling units with at least five (5) houses.

2. The lot on which a cockpit is proposed to be constructed shall have a minimum distance of two hundred (200) lineal meters away from any national, provincial or city road and fifty (50) meters from a barangay road;

3. The lot on which the cockpit is to be constructed shall have sufficient space for parking of motor vehicles including motorized tricycles.

**Section 10A.04. General Guidelines in the Establishment of Cockpits.** Only one (1) cockpit shall be allowed in this city until such time that its population exceeded one hundred thousand (100,000).

The minimum setback of the building from property lot lines shall be in accordance with the provisions of the National Building Code.

An easement or right-of-way prescribed by the Forestry Code and Water Code must be maintained, if a cockpit is traversed by a water course, drainage way, channel or stream.

Parallel plant strips or green way shall be provided.

A planting screen or buffer three (3) to five (5) meters wide along the perimeter of the site shall be provided to protect adjacent land uses from nuisance.

Parking space shall be one (1) slot per fifty (50) square meters of gross floor area.

The arena shall be at least seventy (70) to one hundred (100) square meters, either circular or square. (*Excerpts from the guidelines issued by the HLURB*).

**Section 10A.05. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

### **Article B. Operation of Slot Machines**

**Section 10B.01. Regulated Acts.** No person shall establish or operate any business or place of amusement utilizing “slot machines” including what is commonly known as “jackpot machine” and other similar devices or contrivances within the jurisdiction of this city except those being operated by the Philippine Gaming Corporation (PAGCOR).

**Section 10B.02. Definitions.** As used in this Article:-

**Slot Machine** - includes any machine, device or contrivance whereby the customer, player or user has to drop a coin, *token* or slug representing money of any denomination in order to have a chance of winning money, or its equivalent, as a prize.

**Section 10B.03. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

maintain a billiard or pool hall without first securing a permit therefor from the Mayor and paying the corresponding tax or fee imposed under existing tax ordinance.

**Section 10C.02. Rules and Regulations.**

1] No permit shall be issued to any person to operate a billiard or pool hall with more than three (3) billiard tables.

2] No permit shall be issued to any person to operate a pool hall with more than three (3) pool tables.

3] No wager or bet shall be allowed by the operator of billiard or pool halls to be conducted therein by the players or other persons inside that establishment.

4] Other necessary rules and regulations that are not inconsistent herewith may be issued by the Mayor for the proper implementation of this Article.

**Section 10C.03. Penalty.** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

## CHAPTER XI

### TRAFFIC RULES AND REGULATIONS

**Article A. Restrictions on the Manner of Driving and Speed of Motor Vehicles.**

**Section 11A.01. Definitions.** As used in this Chapter, the term:

**Motor Vehicle** – refers to any vehicle propelled by any power other than muscular power using the public highways, but excepting road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, forklifts, amphibian trucks, and cranes if not used on public highways, vehicles which run only on rails or tracks and tractors, trailers and traction engines of all kinds use exclusively for agricultural purposes.

**Driver** - means a person duly licensed to drive a motor vehicle. This term is synonymous to that term “chauffeur”.

**Highways** – refers to any public thoroughfare, public boulevard, driveway, avenue, park, alley and *callejon*, but shall not include roadway on grounds owned by private persons, colleges, universities or other similar institutions.

**Parking or Parked** - means that a motor vehicle has been brought to a stop on the shoulder or proper edge of a highway, and remains inactive in that place or close thereto for an appreciable period of time. A motor vehicle which properly stops merely to discharge a passenger or to take-in waiting passenger, or to load or unload a small quantity of freight with reasonable dispatch shall not be considered as “parked”, if the motor vehicle again moves away without delay.

**Section 11A.02. Right-side Driving.** Unless a different course of action is required in the interest of safety and the security of life, person or property, or because of unreasonable difficulty of operation in compliance herewith, every person operating a motor vehicle or an animal-drawn vehicle on a highway shall pass to the right when meeting persons or vehicles coming toward him, and to the left when overtaking persons or vehicles going the same direction, and when turning to the left in going from one highway to

**Section 11A.03. Speed Restrictions.**

1] Any person driving a motor vehicle on a highway shall drive the same at a careful and prudent speed, not greater nor less than is reasonable and proper, having due regard for the traffic, and width of the highway, and of any other condition then and there existing; and no person shall drive any motor vehicle upon a highway at such a speed as to endanger the life, limb and property of any person, not a speed greater than will permit him to bring the vehicle to a stop within the assured clear distance ahead.

2] Subject to the provisions of the preceding paragraph, the rate of speed of any motor vehicle shall not exceed the following:

<b>MOTORCYCLES, MAXIMUM ALLOWABLE SPEED THE LIKE</b>	<b>CARS, JEEPNEYS &amp; BUSES</b>	<b>TRUCKS</b>	<b>AND</b>
1. On open highways or country roads, with no "blind corners", and not closely bordered by habitation . . . . .	80 KPH	50 KPH	
2. On "through streets" or boulevards, clear of traffic, with no "blind corners".	40 KPH	30 KPH	
3. On other streets with light traffic, when NOT designated as "through streets" . . . . .	30 KPH	30 KPH	
4. Through crowded streets, approaching intersections at "blind corners", passing "school zones", passing other vehicles which are stationary, or for similar dangerous circumstances . . . . .	20 KPH	20 KPH	

**Section 11A.04. Exemptions.** The rates of speed prescribed above shall not apply to the following:

- 1] A physician or his driver when the former responds to emergency calls;
- 2] The driver of a hospital ambulance on the way to and from the place of accident or other emergency;
- 3] Any driver bringing a wounded or sick person for emergency treatment to a hospital, clinic or any other similar place;
- 4] The driver of a motor vehicle belonging to the Armed Forces while in use for official purposes in times of riot, insurrection or invasion.
- 5] The driver of a vehicle, when he or his passenger is in pursuit of a criminal;
- 6] A law-enforcement officer who is trying to overtake a violator of traffic laws; and
- 7] The driver officially operating a motor vehicles of any fire department, provided that these exemptions shall not be construed to allow useless or unnecessary fast driving of drivers aforementioned.

**Section 11B.01. *Overtaking a Vehicle.*** The driver of any motor vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the highway until safety clear of such overtaken vehicle, except that, on a highway, within a business or residential district, having two or more lanes for the movement of traffic in one direction, the driver of a vehicle may overtake and pass another vehicle on the right. Nothing in this Article shall be construed to prohibit a driver overtaking and passing upon the right of other vehicle which is making or about to make a left turn.

**Section 11B.02. *Giving way to Overtaking Vehicle.*** The driver of a vehicle about to be overtaken by another vehicle approaching from the rear shall give way to the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

**Section 11B.03. *Restrictions on Overtaking and Passing.***

a. The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking or passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking or passing to be made in safety.

b. The driver of a vehicle shall not overtake or pass another vehicle proceeding in the same direction, when approaching the crest of a grade, nor upon a curve in the highway, where the driver's view along the highway is obstructed within a distance of five hundred (500) feet ahead, except on a highway having two or more lanes for movement of traffic in one direction where the driver of a vehicle may overtake or pass another vehicle: Provided, that on a highway, within a business or residential district, having two or more lanes for movement of traffic in one direction, the driver of a vehicle may overtake or pass another vehicle on the right.

c. The driver of a vehicle shall not overtake or pass any other vehicle proceeding in the same direction, at any railway grade crossing, nor at any intersection of highways, unless such intersection or crossing is controlled by traffic signal, or unless permitted to do so by a watchman or a peace officer, except on a highway having two or more lanes for movement of traffic in one direction where the driver of a vehicle may overtake or pass another vehicle on the right.

d. The driver of a vehicle shall not overtake or pass, or attempt to pass, any other vehicle, proceeding in the same direction, between any points indicated by placing of official temporary warning or caution signs indicating that men are working on the highway.

e. The driver of a vehicle shall not overtake or pass, or attempt to overtake or pass, any other vehicle proceeding in the same direction in any "no-passing or over-taking zone".

***Article C. Right of Way and Signals***

**Section 11C.01. *Right of Way.*** The following rules shall be observed in yielding the right of way:

a] When two vehicles approach or enter an intersection at the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right, except as otherwise provided herein. The driver of any vehicle traveling at an unlawful speed shall forfeit any right of way which he might otherwise have under the provisions hereof.

b] The driver of a vehicle approaching but not having entered an intersection, shall yield the right of way to a vehicle within such intersection of turning therein to the left across the line of travel of such first mentioned vehicle, provided the driver of the vehicle turning left has given a plainly visible signal of intention to turn as required herein.

c] The driver of a vehicle on a highway within a business or residential district shall yield the

d] The driver of a vehicle upon a highway shall bring to full stop such vehicle before traversing any “through street” or railroad crossing: Provided, that when it is apparent that no hazard exists, the vehicle may be slowed down to ten (10) kilometers per hour instead of bringing it to a full stop.

**Section 11C.02. *Exemption to the Right of Way Rules.***

a] The driver of a vehicle entering a highway from a private road or driveway shall yield the right of way to all vehicles approaching on such highway.

b] The driver of a vehicle upon a highway shall yield the right of way to a police or fire department vehicle or ambulance when such vehicle is being operated on official business and the driver thereof sounds audible signal of his approach.

c] The driver of a vehicle entering a “through street” or “stop intersection” shall yield the right of way to all vehicles approaching in either direction on such “through street”. Provided, that nothing in this Section shall be construed as relieving the driver of any vehicle being operated on a “through street or highway” from the duty of driving with due regard to safety of vehicles entering such highway or street nor as protecting the said driver from the consequences of an arbitrary exercise of such right of way.

**Section 11C.03. *Signal on Starting, Stopping or Turning.***

The following rules shall be observed before starting, stopping, or turning a vehicle:

1. The driver of any vehicle upon a highway, before starting, stopping or turning from a direct line, shall, first see that such movement can be made in safety, and if any pedestrian may be affected by such movement, shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle approaching or following may be affected by such movement, shall give a signal plainly visible to the driver of such other vehicles of the intention to make such movement.

2. The signal herein required shall be given by means of extending the hand and arm beyond the left side of the vehicle, or by any approved mechanical or electrical signal device.

***Article D. Turning and Parking***

**Section 11D.01. *Turning at Intersections.*** The following rules shall be observed when turning at intersections:

1. The driver of a vehicle intending to run to the right at an intersection shall approach such intersection in the lane for traffic nearest to the right-hand side of the highway and, in turning, shall keep as close as possible to the right-hand curb or edge of the highway.

2. The driver of a vehicle intending to turn to the left shall approach such intersection in the lane for the traffic to the right of and nearest to the center of line of the highway, and in turning, shall pass to the left of the center of the intersection, except that, upon highways lanes for traffic and upon one-way streets, a left turn shall be made from the left lane of traffic in the direction in which the vehicle is proceeding.

3. For the purpose of this Section, the center of the intersection shall mean the meeting of the medial lines of the highways intersecting one another, except when it is occupied by a monument, grass plot or any permanent structure, other than a traffic control device.

**Section 11D.02. *Prohibited Parking.*** No driver shall park a vehicle or permit it to stand, whether attended or unattended, upon a highway in any of the following places:

- a. Within an intersection
- b. On a crosswalk

- d. Within four (4) meters of the driveway entrance to any fire station.
- e. Within four (4) meters of a fire hydrant.
- f. In front of a private driveway
- g. On the roadway side of any vehicle stopped or parked at the curb or edge of the highway.
- h. At any place where official signs have been erected or installed prohibiting parking.
- i. Within four (4) meters of the driveway to any hospital.
- j. Other places which are officially designated by the Sanggunian as a “No-parking” area.

**Section 11D.04. “No Loading and Unloading” Areas.** Upon the recommendation of the Officer in Charge of the Traffic Management Division (or Bureau) the Sangguniang Panlungsod shall designate, thru a resolution, the “No Loading and Unloading” areas for all kinds of motor vehicles including motorized tricycles.

**Section 11D.05. Adoption of a Traffic Management Plan.** Within two (2) months from the date of the approval of this Code, the Chief of the Philippine National Police (PNP) thru the Officer in Charge of Traffic Management in this city shall formulate and recommend to this Sanggunian the necessary “traffic management plan” which shall include the proper traffic flow or routing of traffic for consideration and adoption of this august body.

**Section 11D.06. Authority to Re-route Traffic Flow.** The Officer In-Charge of Traffic Management is hereby authorized to re-route the flow of traffic in cases of emergencies including the following occasions:

- Fiesta celebration
- Carnival fair, agro-industrial fair, and similar activities;
- Religious, civic, sports parade, and similar occasions;
- Rallies, demonstrations and similar occasions;
- On-going road construction or repair; construction of other kinds of infrastructure projects necessitating the re-routing of traffic;
- Temporary closure of a road or bridge;
- Other justifiable occasions.

### **Article E. Miscellaneous Traffic Rules**

**Section 11E.01. Reckless Driving.** No person shall operate a motor vehicle on any highway recklessly or without reasonable caution considering the width, traffic, grades, crossing, curvatures, visibility and other conditions of the highway and the conditions of the atmosphere and weather, or so as to endanger the property or the safety or rights of any person or so as to cause excessive or unreasonable damage to the highway.

**Section 11E.02. Right of Way for police and Other Emergency Vehicles.** Upon the approach of

**Section 11E.03. Hitching to a Vehicle.** No person shall hand on to, or ride on, the outside rear of any vehicle, and no person on a bicycle, roller skate or other similar device, shall hold fast to or hitch on to any moving vehicle, and no driver shall knowingly permit any person to hang on, to ride on, the outside or rear end of his vehicle or allow any person on a bicycle, roller skate or other similar device to hold fast or hitch to his vehicle.

**Section 11E.04. Driving or Parking on Sidewalk.** No person shall drive or park a motor vehicle upon or along any sidewalk, path or alley not intended for vehicular traffic or parking.

**Section 11E.05. Driving While Under the Influence of Liquor or Narcotic Drugs.** No person shall drive a motor vehicle while under the influence of liquor or narcotic drug.

**Section 11E.06. Obstruction of Traffic.** No person shall drive his motor vehicle in such a manner as to obstruct or impede the passage of any vehicle, nor while discharging or taking on passengers or loading or unloading freight, obstruct the free passage of other vehicles on the highway.

**Section 11E.07. Duty of Driver in Case of Accident.** In the event that any accident should occur as a result of the operation of a motor vehicle upon a highway, the driver of that vehicle shall stop immediately, and, if requested by any person present, shall show his driver's license, give his true name and address and also the true name and address of the owner of the motor vehicle.

No driver of a motor vehicle concerned in a vehicular accident shall leave the scene of the accident without aiding the victim, except under any of the following circumstances:

- 1] If he is in imminent danger of being seriously harmed by any person or persons by reason of the accident;
- 2] If he reports the accident to the nearest officer of the law; or
- 3] If he has to summon a physician or nurse to aid the victim.

**Section 11E.08. Applicability Clause.** The provisions of existing ordinances which are not inconsistent herewith are hereby adopted and made an integral part of this Article.

#### **Article F. Penal Provisions**

**Section 11F.01. Penalties.** Any person who violates any provision under this Chapter shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

Any person who commits an offense which is punishable under the provisions of this Article but not punishable under RA 4136 shall be penalized only under the provisions hereof. If the offense committed is punishable both under the provisions of this Article and that of R.A. 4136 it shall be prosecuted only under either but not in both, otherwise the offender will be twice put in jeopardy of punishment for the same offense which is prohibited under Section 21, Article III of the Philippine Constitution.

**Section 11F.02. Penalty for Other Offenses.** The conviction of any person for any offense under this Article shall not bar his prosecution for any other offenses which may have been committed by such person concurrently with the commission of the offense for which he was convicted or in doing the act or series of acts which constituted the offense for which he was convicted.

## **Article G . Anti-Jaywalking**

**Section 11G.01. *Regulated Acts.*** No person shall jay-walk or commit any jaywalking act in any thoroughfares or portions of any roads or streets in this city.

**Section 11G.02. *Definitions.*** As used in this Article, the term:

**Jaywalking** - refers to the act of crossing the street, thoroughfares or highways outside the designated cross-walk or marked pedestrian lane; or walking inside the designated cross-walk or marked pedestrian lane but in disregard of traffic rules and regulations including hand signal of the traffic enforcer or traffic signal from electronic devices. It also includes walking along or outside the sidewalks of streets, thoroughfares or highways which hinders or obstruct the free flow of traffic causing inconvenience to the motorists or the other pedestrians.

**Section 11G.03.. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

## **Article H. Traffic Route of Public Utility Vehicles**

**Section 11H.01. *Regulated Acts.*** No driver of public utility vehicles such as passenger buses, mini-buses, jeepneys, AUVs, shall pass this city for any destination without entering the town proper through the duly designated route.

**Section 11H.02.. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

## **CHAPTER XII**

### **MISCELLANEOUS PROVISIONS**

#### **Article A. Registration and Transfer of Large Cattle.**

**Section 12A.01. *Regulated Acts.*** Owners of large cattle are hereby required to register his ownership or transfer or ownership thereof with the Office of the City Treasurer and pay the corresponding fees being imposed under existing tax ordinances.

**Section 12A.02. *Definition.*** As used in this Article, the term:

**Large Cattle** - includes a two year old horse, mule, ass, carabao, cow or other domesticated members of the bovine family.

**Section 12A. 03. *Administrative Provisions.***

1] The owner of a two-year old large cattle is hereby required to register the said cattle with the Office of the Treasurer. All branded and counterbranded animals presented to the City Treasurer shall be registered in a book showing among others, the name and residence of the owner, and the class, color, sex, brand and other identifying marks of the cattle.

transfer; and the class, color, age, sex, brand and other identifying marks of the large cattle. These data shall also be stated in the Certificate of Ownership issued to the owner thereof.

3] If the large cattle is sold or the ownership is transferred to another person, the names and residences of the vendor or transferor and the vendee or transferee, and or reference by number to the original certificate of ownership with the name of the local unit that issued it shall likewise be indicated in the transfer certificate of ownership. No entries of transfer shall be made or certificate of transfer shall be issued by the City Treasurer except upon the production of the original certificate of ownership and certificate of transfer and such other documents that show title to the owner.

**Section 12A.04. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

### ***Article B. Registration of Clubs, Associations or Fraternities.***

**Section 12B.01. *Required Acts.*** All heads of religious, civic, social, or sports organizations, including clubs, associations or fraternities are hereby required to register the name of their organization or association with the Office of the Mayor and pay the corresponding fee being imposed under existing tax ordinances.

For purposes of this Article, the term "***religious organization***" refers only to associations of persons promoting a religious belief but it does not include "*churches*", "*religious sects*" or any kind of religion under the principle of separation of church and state.

#### **Section 12B.02. *Administrative Provisions.***

a] It shall be the duty of the officer of the organizations covered under this Article, thru their President or Chairman, to register the name of their organization with the Office of the Mayor.

b] The application for registration shall be accompanied by a copy of the organization's Constitution and By-Laws or in the absence of which a joint affidavit to be executed by two officers of the said organization stating therein the purpose or purposes for which the organization is established or formed, together with a copy of the list of all its members including their respective addresses.

**Section 12B.03. *Exemption.*** Political organizations including the *Sangguniang Kabataan (SK)*, *Panlungsod na Pederasyon ng mga Sangguniang Kabataan (PPSK)*, *Liga ng mga Barangay*, and Barangay Brigades are exempted from the provisions of this Article.

**Section 12B.04. *Privileges of Registered Organizations.*** Religious, civic, social and/or sports organizations including clubs, federations or fraternities desiring to hold benefit shows, balls, programs, exhibitions, contests, bingo socials, and other kinds of fund raising activities may be issued a Special Mayor's Permit **free of charge**. Provided, that the said organization is duly registered with the Office of the Mayor; that the proceeds of which shall enure or benefit any welfare organization or intended for the purpose that will redound to the welfare of the public; that it shall not in any manner violate existing ordinances, rules and regulations.

**Section 12B.05. *Penalty.*** Any person who violates any provision under this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than One (1) year, or both such fine and imprisonment, at the discretion of the Court.

### ***Article C. General Rules and Regulations***

**Section 12C.01. *On the Operation of Cafes, Restaurants, Refreshment Parlors, Concessions, or***

1. No operators of the above-mentioned establishments or trade activities shall employ any cook or food dispenser without a Food Handler's Certificate or appropriate Health Certificate from the City Health Officer, renewable every year, preferably on the birth month of the permittee.

2. Operators of establishments selling cooked and readily edible foods (Fastfoods) shall have them adequately covered and protected from dust, flies and other insects and shall strictly follow the existing laws or ordinances and the rules and regulations on sanitation promulgated by the City Health Officer.

**Section 12C.02. On the Operation of Sauna Bath, Massage Clinics, Barbers Shops, Beauty Parlors and Similar Establishments.**

1. No operators of the above-mentioned establishments shall employ any masseurs, masseuse, barbers and beauticians without the corresponding medical certificate issued by the City Health Officer.

2. No massage parlor, sauna bath, and other similar establishments shall be located within a distance of fifty (50) lineal meters from any public building, school, hospital or church.

3. All massage parlors, sauna baths and other similar establishments shall be well-lighted leaving no dark corners and shall be maintained under good sanitary condition at all times. There shall be no private room nor separate compartments, except for lavatories, dressing rooms for ladies and the kitchen.

**Section 12C.03. On the Operation of Funeral Parlors, Memorial Chapels and Mortuaries**

Funeral parlors, rendering embalming services shall not be allowed to operate without an embalmer duly licensed or authorized by the Department of Health.

**Definition of Terms.** As used in this Section, the term:

**Mortuary** - refers to a funeral establishment with chapels, embalming facilities and offering funeral services.

**Memorial Chapel** - refers to a funeral establishment with chapels and funeral services without services without embalming facilities.

**Funeral Parlors** - refers to a funeral establishment offering funeral services only without embalming facilities.

**Chapel** - is a place where the deceased is temporarily laid to rest for viewing by the mourners. It is also called "*Reposing*" or "Slumber Rooms".

**General Guidelines.**

- a) Funeral parlors/memorial chapels/mortuaries shall not be allowed within residential areas. Compatible uses are commercial, institutional and industrial zones.
- b) No funeral establishment/s shall be allowed in flood prone areas.
- c) Funeral establishment/s shall be at a minimum radial distance of five hundred (500) meters from existing hospitals.
- d) Funeral establishment/s shall be at a minimum radial distance of fifty (50) meters from existing

**Section 12C.04. On the Operation of Hotels, Motels, Taverns, Inns, Apartels, Lodging Houses, Pensionne House and other similar establishments.**

1] No permit shall be issued to operators of Hotels, Motels, Taverns, Inns, Lodging Houses, Pension House and other similar establishments without the same being inspected by the City Health Officer, Fire Safety Inspector and Building Inspector or their duly authorized representative. The said officials shall include in their recommendations a statement that they have inspected the place and found it to have complied with the rules and regulations being implemented by their respective offices.

2] The said establishments shall keep a registry or record of its guests, patrons, lodgers, customers, or boarders, as the case may be, which shall be open to inspection by the Mayor or his authorized representative. The registry or record shall contain the following: name and permanent residence of the guests, Community Tax Certificate's number, date and place of issue, or number of ID Card and such other data as may be required.

**Section 12C.05. On the Operation of Night or Day Clubs, Bars, Cocktail Lounges, Beer Houses, Beer Gardens, Disco Pubs, Pub Houses and similar establishments.**

a] **Location** - No nightclubs, cabarets, bars, cocktail lounges, beer houses, beer gardens, disco pubs, or pub house shall be established within a radius of two hundred (200) lineal meters from any educational, religious or public institutions such as, school, colleges, universities, hospitals or clinics, churches, or chapels, or government offices..

b] **Days and hours of operation** - No nightclubs, day clubs, cabarets or dancing establishments shall be opened to the public, except from 5:00 o'clock in the afternoon to 12:00 o'clock midnight everyday. However, during Saturdays, days preceding official holidays and during town fiestas, they may be opened until 2:00 o'clock in the morning of the following day. In case any of these establishments is also duly licensed to operate a regular restaurant, café or refreshment parlor, it may remained open before or after said hours to serve only meals or refreshments, without permitting dancing to take place therein.

c] **Prohibition.** No operator or person in charge of the above mentioned establishments shall:

serve, or caused to be served, to persons who are below eighteen years of age, any kind of intoxicating beverages, such as liquor, wine or other distilled spirits, inside their establishments.

admit, or cause to be admitted, any person carrying firearm or other kinds of deadly weapon inside the said establishments except police officers who are performing their official duties.

employ any person who is below eighteen (18) years of age, as bartender, waiter, waitress, guest relations officer or entertainer, and the like. In the case of bartender, professional dancer, guest relations officer or entertainer, and those having similar occupation or calling, they shall pay the "occupation fee" prescribed in this Code before they can practice their respective occupation or calling. The official receipt issued therefor shall serve as their permit or license to practice their occupation or calling.

**Section 12C.06. On the Operation of Dancing Schools or establishments offering ballroom dancing and similar activities.**

a] **Location** - No dancing schools or establishments offering ballroom dancing and similar activities shall be established within a distance of One Hundred (100) lineal meters from any educational, religious or public institutions such as, school, colleges, universities, hospital or clinics, churches, or chanel, or government offices



premises. For this purpose, the game of “mahjong”, “poker” and similar card games of skill shall be construed as a pastime activity or entertainment if the bet or stake does not exceed One Hundred Pesos (P100.00) per game, otherwise it shall be considered as illegal gambling and thus, are not allowed in this Code.

4) The number of tables where the game is being played shall not exceed four (4) in each establishment.

### **Section 12C.09. On the Operation of Billiard or Pool Halls and Bowling Alleys**

**a) Location** - No billiard or pool hall or bowling alley shall be established or operated within a radius of One Hundred (100) lineal meters from any government offices, school, hospital, clinic, chapel or church and similar buildings.

**b) Time of operation** - Billiard or pool halls and bowling alleys shall be opened to the public only from 8:00 o'clock in the morning to 12:00 o'clock midnight daily. However, on Saturdays, days preceding official holidays and town fiestas, billiard or pool hall and bowling alleys maybe opened until 2:00 o'clock in the morning of the following day.

**c) Prohibition** - No operator, maintainer or person in charge of the billiard or pool hall shall

- admit persons who are below fifteen (15) years of age to participate in any games therein.
- serve or cause to be served within the premises of any billiard or pool room, or bowling alley any kind of intoxicating beverages whether liquor or wine except fermented liquor (beer).
- allow the carrying inside the said establishment any firearm or other kinds of deadly weapon except by police officers who are present there in the performance of their official duties.

### **Section 12C.10. On the Operation or Establishment of Cottage Industries**

**Definitions.** As used in this Section, the term:

**Cottage Industry** - refers to a modest economic activity of a person, firm, corporation or cooperative for profit using primarily indigenous raw materials in the production of various articles that generally involve craftsmanship, artistic skills and tradition of the country. Also, the total assets of the industry shall not exceed two hundred fifty thousand pesos (P250,000.00) at the time of registration. This may be classified as follows.

**a) Handicraft Industry** – refers to that sector requiring manual dexterity and artistic skills in the production of utility products, decorative articles and items of personal use that generally highlight traditional and artistic features typical of a country;

**b) Metalcraft Industry** - refers to that sector using metal and/or its alloys as principal raw material component in producing articles such as brasswares, cutlery items, fabricated tools, implements and equipment and other requiring a certain degree of craftsmanship in the making thereof including the making of jewelry items involving the use of metals and/or its alloys in combination with semi-precious or artificial stones;

**d] *Garment Industry*** - refers to that sector consisting of ready made apparel or ready to wear garments including such related production activities like knitting, crocheting , embroidery, beadwork and the weaving of native clothing materials or fabrics;

**e] *Ceramic Industry*** – refers to that sector consisting of such products or articles such as potteries, hollow blocks, tiles, firebricks, clay stove and other products using clay, cement and/or plaster of Paris as raw materials component;

**f] *Food Processing Industry*** – refers to that sector consisting of products and/or food items arising from processing activities requiring knowledge or expertise on food technology and food preservations;

**g] *Complementation Industry*** – refers to that sector responding for the production or manufacture of articles which complement, supplement or form part of a separate or incomplete articles of sub-assembly to make it whole or complete and/or replace missing or defective parts of tools, implement, equipment or assembles including the manufacture or fabrication of component parts, machine parts, electronics and radio parts, watch component and others;

**h] *Other related crafts or industries*** - refers to that sector whose product lines or items of manufacture are not classified elsewhere or defined under P.D. 1788.

### **Location of Cottage Industry**

Cottage Industries may be located within a residential area subject to the following conditions:

1. Workers shall be limited at a maximum number of ten (10) otherwise it shall be located outside the residential area;
2. Amount of capitalization shall not exceed two hundred fifty thousand pesos (P250,000.00) at the time of application for a locational clearance otherwise the industry shall be required to locate outside residential area;
3. Type of equipment to be used shall consist only of hand drive tools and simple electrical/mechanical devices.
4. That the equipment or devices to be used shall not cause any noise or sound exceeding fifty-five (55) decibels during daytime and fifty (50) decibels during the evening.
5. That no neighbor of the operator thereof shall be adversely affected by the operation of such cottage industry.

### **Floor Area**

Cottage Industries located within a residential area shall occupy not more than thirty (30%) percent of the area of the dwelling unit. On the other hand, for cottage industries proposed to be located outside of the residential area, no minimum area requirement is prescribed.

### **Facility Requirements.**

***Parking*** - Space for parking and loading/unloading shall be provided within the premises. No on-street parking shall be allowed.

***Storage*** - Storage shall be provided for industries located outside residential areas.

***Fire Protection*** - Protective measures shall be provided pursuant to the provisions of P.D. 1195

***Waste Disposal/Trash Removal*** - The collection and disposal of industry wastes shall be the responsibility of the operators and shall be in accordance with P.D. 856 (Sanitation Code of the Philippines).

**Utility Requirements.**

***Water Supply*** - Water supply shall be provided and/or connected to a public or community water supply system

***Electric/Power Supply*** - Power supply shall be provided and/or connected to a public or community power system

**Expansion**

For all cottage industries within and outside residential areas, there shall be no expansion of structure nor addition of equipment without prior notice/permit from the Zoning Administrator.

**Section 12C.11. *On the Establishment and Operation of Poultry and Piggery Farms***

***Definitions.*** As used in this Section, the term:

***Piggery Farm*** – refers to any parcel of land devoted to the raising or breeding of pigs/swine, generally under the management of a tenant or owner.

***Poultry Farm*** - refers to a plot of land devoted to the raising of domesticated fowls and which serve as sources of eggs and meat for human consumption. It includes chickens, ducks, geese, quails, pigeons and other birds.

***Fowl*** - refers to a bird kept for eggs or meat.

***Brooding*** – refers to the process of keeping the young pigs warm without necessarily separating them from the dam (female parent) or for chicks, it is the process of supplying heat from the time they are taken down from the incubator up to the time they can self-control their heat requirement through thermo-regulating process

***Heads*** - for piggery, it shall refer to the number of sows/pigs for fattening. For poultry, it refers to the number of fowls.

***Fattening*** – refers to the process whereby the hogs are fattened up to 200 pounds primarily for slaughter.

***Sow*** - refers to female swine

**Location of Piggery or Poultry Farm**

A piggery or poultry farm site shall preferably be located in rural areas or in duly designated agri-business areas. The piggery and poultry farm shall be at least five hundred (500) to one thousand (1,000) meters away from the built-up areas (residential, commercial, institutional and industrial). The site shall be away from the path of immediate five (5) to ten (10) years urban expansion.

The piggery shall be five hundred (500) meters away from the major roads and /or highways. For the poultry farms, it shall be two hundred (200) meters away from major roads and/or highways.

Major roads refer to any City, provincial and national roads that link regional/provincial and town centers and serving as the main transportation arteries.

## Drainage and Sewerage System

Drainage and sewerage system shall be constructed or provided pursuant to the provisions of P.D. 856 (Sanitation Code) and pertinent rules and regulation of the National Pollution Control Commission.

### **Section 12C.12. On the Establishment or Operation of Ricemills and Cornmills**

**Definitions.** As used in this Code the term:

**Ricemill** - refers to the machine comprised of several components, the purpose of which is to remove and separate the hull, bran and germ of the palay with polished rice as the main product. This may be classified as follows:

**a) Single-Pass Ricemill** - refers to the class of mills whereby the rice hull, bran and germ are removed in one passing. Ricemills under this class are compact units consisting only of huller and polisher. Hulling and polishing are, therefore, done simultaneously in a single operation. The capacity ranges from 200 - 2,000 kilograms per hour with sixty percent (60%) to sixty-three percent (63%) milling recovery. The following type of ricemills fall under this classification:

**b) "Kiskisan" Ricemills** - refers to the steel huller ricemill which hulls and polishes the rice simultaneously in one compartment and in one passing, with a capacity of 250 to 400 kilograms per hour with sixty percent (65%) milling recovery. This includes the following:

Small and portable Rubber Rolls

Small Centrifugal/Impact type ricemills

**c) Multi-Pass Ricemill** – refers to that class of ricemills whereby the rice hull, the bran and germ are removed in more than one passing. Ricemills under this class consist of the huller/s, paddy separator/s and polisher/s. The product of hulling is fed to the paddy separator which separates the unhulled palay and brown rice. The unhulled palay then return back to the huller for rehulling while the brown rice is fed to the polisher. This has the capacity of 2,500 to 10,000 kilograms per hour with sixty-three percent (63 %) to sixty-seven percent (67%) milling recovery.

This is further classified as follows:

**Under-Runner Disc Ricemill or Cone Type Ricemill** –This refers to a ricemill whose huller consist of two stone discs, one of which is placed on top of the other, with the upper disc fixed, while the bottom disc which can be adjusted upward and downward is rotating, having a sixty-three (63%) to sixty-five (65%) milling recovery.

**Rubber Roll Ricemill** – refers to that type of ricemill whose huller consists of two identical rubber rolls set side by side inwardly rotating in opposite direction at different speed. The faster roll is fixed while the other roll is adjustable sideways. The capacity is high as compared to the types; 2,500 to 10,000 kilogram per hour with sixty-five percent (65%) to sixty-seven percent (67%) milling recovery.

**d) Centrifugal/Impact Type Ricemill** - refers to that ricemill whose huller consists of a high-speed rotating impeller which throws the palay against the stationary rubber ring at a great force causing the opening of the hull. The milling recovery is sixty-three (63%) and has lower capacity.

**e) Cornmill** - refers to the machine consisting of several components the purpose of which is to remove and separate corn bran, germ and cap (degermination) and grind the endosperm to

**1. Single Pass Cornmill** - refers to that cornmill which removes and separates the bran, germ and cap and produces corn grits in one passing. Cornmills under this class are compact units which produce limited grit sizes with a capacity of 125 to 1,500 kilograms per hour and sixty-two percent (62%) milling recovery. The following types of cornmills fall under this classification:

***Roller Cornmill** - with only one set of steel roller with separate (hallow notched) surfaces and which rotate in opposite directions. The number of separations per inch on these rollers determines the degree of fineness of corn grits to be produced.*

***Grinder Cornmill** - with only one set of grinding plates where crushing action takes place. One plate is stationary while the other is rotating. The gap between grinding plats determines the sizes of the corn grits to be produced.*

**2. Multi-Pass Cornmill** - refers to that cornmill which removes and separates the bran, germ and cap and which produces corn grits in more than one passing. Cornmills under this class employ more then one set of steel rollers or grinding plates. This has a capacity of 2,000 to 6,000 kilograms per hour with sixty-three percent (63%) milling recovery. This includes the following:

*Roller Cornmill with two or more sets of steel rollers*

*Grinder Cornmill with two or more sets of grinding plates*

**f. Huller** – refers to the machine assembly consisting of several components, the only purpose of which is to remove and separate the hull from the pallet with minimum damage to the bran layer and with minimum breakage to the brown rice.

**g. Polisher** - refers to the machine assembly consisting of several components, the only purpose of which is to remove and separate the bran and the germ from the rice to produce polished rice as its main product.

**h. Total Milling Recovery** – refers to the weight of rice obtained in a milling operation expressed as a percentage of the original paddy weight.

### **General Guidelines.**

1] Space for parking, loading/unloading and maneuver shall be provided.

2] If the mill is to be constructed along major thoroughfares, a twenty (20) meter setback shall be observed.

3] All new ricemills and cornmills shall be constructed in areas designated as sites for agricultural or agro-industrial purposes only.

4] Construction of ricemill and cornmill shall be in conformity with the National Building Code and the rules and regulations promulgated by the National Pollution Control Commission.

5] The provisions of P.D.1185 (Fire Code of the Philippines) shall also be observed for fire protection and prevention. (Excerpts from the guidelines issued by the HLURB).

## CHAPTER XIII

### SPECIAL ORDINANCES

#### *Article A. Renaming a Public Road*

**Section 13A.01. *Restatement of Existing Ordinances Renaming a Public Road.*** The following existing special ordinances renaming a city road are hereby restated, viz:

1. Ordinance No. 04, series of 1982, enacted on April 16, 1982 renaming the existing road originally known as “DALISAY St.” into “DOÑA REGINA DALISAY AVENUE”.
2. Ordinance No. 05, series of 1982, enacted on April 16, 1982 renaming “Osmeña Ext. St.” into “DON JOAQUIN PEREYRAS ST.”.

#### *Article B. Naming a Public Road*

**Section 13B.01. *Restatement of Existing Ordinances Naming a Public Road.*** The following existing special ordinances naming a public road are hereby re-stated, to wit:

1. Ordinance No. 06, series of 1988, enacted on June 9, 1988, naming the public road leading to the Queen of Apostles Seminary as “MANUEL BAURA SUAYBAGUIO ST.”
2. Ordinance No.37, series of 1989, enacted on March 2, 1989 naming the public road going to TMHS as “MACARIO P. BERMUDEZ ST.”
3. Ordinance No. 07, series of 1988, enacted on June 9, 1988, naming the road starting from Apokon to Briz Elementary School as “CESAR SOTTO Street”.
4. Ordinance No. 42, series of 1989, enacted on May 5, 1989, naming the public road starting from the national highway towards Briz District as “MAYOR GAUDENCIO MELENDRES ST.’
5. Ordinance No. 41, series of 1989, enacted on May 4, 1989, naming the road starting from the national highway, Mirafuentes Subdivision, leading towards Suaybaguio District as “MAYOR H. BALOYO ST.”
6. Ordinance No. 79, series of 1989, enacted on September 28, 1989, naming the road parallel to and in-between Sobrecarey and Bonifacio Sts. which started from Roxas to Pioneer Avenue as “SGT. ROLAND SUELLO ST.”
7. Ordinance No. 04, series of 1990, enacted on February 15, 1990, naming the road starting from Agusan-Davao national highway leading towards Briz District as “DON RICARDO BRIZ STREET”
8. Ordinance No. 29, series of 1993, enacted on June 28, 1993, naming the road leading towards Purok Doctolero Avenue as “CAMILO DOCTOLERO AVENUE”.
9. Ordinance No. 44, series of 1994, enacted on October 24, naming the circumferential road starting from La Fortuna to La Filipina Cemetery as “CAPITOL ROAD”.

11. Ordinance No. 26, series of 2000, enacted on August 14, 2000, naming the road from the junction of Sobrecarey Street leading to Purok Orange Valley, Magugpo South, Tagum City with a width of 15 meters as “DR. JUAN M. GONZALES ROAD”.
12. Ordinance No. 27, series of 2000, enacted on August 14, 2000 naming the road from the junction of Mabini Street leading to Garcia Ville which has a length of 400 meters road-right-of-way as “ERNESTO PUNZALAN ROAD”.

***Article C. Creation of Offices/Positions***

**Section 13C.01. Restatement of Existing Ordinances Creating Offices or Positions.** The existing special ordinances creating several offices or positions are hereby restated, to wit:

1. Ordinance No. 11, series of 1975, enacted on January 16, 1975, creating the “Medical Laboratory”.
2. Ordinance No. 08, series of 1981, enacted on November 5, 1981, creating the Office of Business Permits and License Inspection”.
3. Ordinance No. 31, series of 1988, enacted on April 6, 1989, creating the “Office of Park and Plaza Administrator”.
4. Ordinance No. 16, series of 1990, enacted on May 14, 1990, creating the “Tagum Traffic Commission”.
5. Ordinance No. 22, series of 1990, enacted on September 20, 1990, creating the “Task Force on Tree Protection”.
6. Ordinance No. 33, series of 1991, enacted on December 27, 1991, creating the “Office and position of “Municipal Accountant”.
7. Ordinance No. 34, series of 1991, enacted on December 27, 1991, creating the “Office and position of Municipal Civil Registrar”.
8. Ordinance No. 13, series of 1992, enacted on August 27, 1992, creating the “Office and position of Municipal Administrator”.
9. Ordinance No. 14, series of 1993, enacted on April 12, 1993, creating the “Office of the Senior Citizens Affairs (OSCA)”.
10. Ordinance No. 21, series of 1993, enacted on June 28, 1993, creating the position of “Messenger” under the Office of the Secretary to the Sangguniang Panlungsod.
11. Ordinance No. 59, series of 1993, enacted on November 8, 1993, creating the “Municipal Council for the Welfare of the Disabled Persons”.
12. Ordinance No. 70, series of 1993, enacted on November 29, 1993, creating the position of “Budget Officer III”.
13. Ordinance No. 73, series of 1993, enacted on November 29, 1993, creating the position of “Dentist II”.
14. Ordinance No. 01, series of 1994, enacted on February 14, 1994, creating the position of “Messenger” under the Office of the Municipal Administrator”.

16. Ordinance No. 04, series of 1994, enacted on February 14, 1994, creating the position of "Clerk II" under the Office of the Vice Mayor.
17. Ordinance No. 82, series of 1993, enacted on May 23, 1993, creating the "Office and position of "Human Resource Management Officer".
18. Ordinance No. 83, series of 1993, enacted on May 23, 1993, creating the "Office and position of Municipal Social Welfare and Development Officer".
19. Ordinance No.07, series of 1994, enacted on May 23, 1994, creating the "Office and position of Municipal Agriculturist".
20. Ordinance No. 38, series of 1994, enacted on December 22, 1994, creating the "Food and Drug Council".
21. Ordinance No. 56, series of 1994, enacted on December 22, 1994, creating the "Municipal Cooperative Development Council". (Amended by Ord. No. 08, series of 1996, enacted on May 27, 1996).
22. Ordinance No. 26, series of 1996, enacted on January 5, 1996, creating the "Office and position of Municipal General Services Officer"
23. Ordinance No. 17, series of 1996, enacted on August 26, 1996, creating the "Tagum Provincial Agri-Industrial Center Development Board (TPDB)".
24. Ordinance No. 20, series of 1996, enacted on December 27, 1996, creating the "Tagum Provincial Agri-Industrial Center"
25. Ordinance No. 25, series of 1998, enacted on October 26, 1998, creating the "City Historical and Cultural Commission".
26. Ordinance No. 36, series of 1998, enacted on November 16, 1998, creating the "Local Price Coordinating Council" under the Office of the Mayor.
27. Ordinance No. 05, series of 1999, enacted on February 15, 1999, creating the position of "Community Affairs Assistant II". (Amended by CO No. 16, series of 1999, enacted on May 31, 1999 changing the nomenclature of position from "Community Affairs Assistant II" into "Community Development Assistant I")
28. Ordinance No. 09, series of 1999, enacted on February 23, 1999, creating the "Gender and Development Council".
29. Ordinance No. 03, series of 1999, enacted on March 1, 1999, creating the "Office of Economic Enterprise".
30. Ordinance No. 10, series of 1999, enacted on March 1, 1999, creating the following positions, namely: One (1) Records Officer III;. One (1) Legislative Staff Officer II; Two (2) Clerk III; and One (1) Bookbinder II at the Office of the Secretary to the Sanggunian.
31. Ordinance No. 35, series of 1998, enacted on March 1, 1999, creating the "City Tourism Council".
32. Ordinance No. 07, series of 1999, enacted on March 8, 1999, creating the position of "Administrative Officer III" under the Office of the Vice Mayor.

33. Ordinance No. 15, series of 1999, enacted on April 26, 1999 creating the “City Tourism Operations Office”. (Amended by Ordinance No. 53, series of 1999, enacted on October 11, 1999).
34. Ordinance No. 21, series of 1999, enacted on May 17, 1999 creating the “City Prosecution Office Support Staff”.
35. Ordinance No.24, series of 1999, enacted on May 24 1999, creating the position of “City Veterinarian and providing for its duties and functions”.
36. Ordinance No. 30, series of 1999, enacted on June 14, 1999 creating thirteen (13) positions of “Private Secretary I” under the Office of the Sangguniang Panlungsod. (Amended by City Ordinance No. 46, series of 1999, enacted on August 2, 1999, by creating the additional position of “Legislative Staff Assistant II”).
37. Ordinance No. 31, series of 1999, enacted on July 5, 1999, creating the “Office of the Human Resource Management Officer IV”.
38. Ordinance No. 64, series of 1999, enacted on December 31, 1999 creating the position of “Driver I” under the Office of the Sangguniang Panlungsod. (Amended by City Ordinance No. 01, series of CY 2000, enacted on February 14, 2000).
39. Ordinance No. 03, series of 2000, enacted on February 7, 2000, creating the positions of ”Legislative Assistants”as an amendment to City Ordinance No. 46, series of 1999.

#### ***Article D. Renaming a Public Elementary School***

**Section 13D.01. *Restatement of Ordinances Renaming a Public Elementary School.*** The following existing special ordinances renaming a public elementary school are hereby restated, viz:

- 1.Ordinance No.22, series of 1993, enacted on July 12,1993, renaming a public elementary school originally known as “MAGDUM ELEMENTARY SCHOOL” into “COL. ROSALIO SALUDARES ELEMENTARY SCHOOL”.

#### ***Article E. Changing the Nomenclature of Positions***

**Section 13E.01. *Restatement of Ordinances Changing the Nomenclature of Positions.*** The following ordinances changing the nomenclature of positions are hereby re-stated, viz:

1. Ordinance No. 92, series of 1989, enacted on December 13, 1989, changing the nomenclature of the position of “Supervising Accounting Clerk” under the Office of the Municipal Treasurer into “Accountant I, SG-11”.
2. Ordinance No. 09, series of 1992, enacted on June 25, 1992, changing the nomenclature of the position of “Municipal Secretary” into “Secretary to the Sangguniang Bayan”.
3. Ordinance No. 26, series of 1993, enacted on June 7, 1993, changing the nomenclature of the position of “Municipal Attorney” to “Municipal Legal Officer”
4. Ordinance No. 06, series of 1996, enacted on July 8, 1996, changing the nomenclature of the positions of “Traffic Aides” in the plantilla positions into “Traffic Enforcers”.

## *Article F. Granting of Franchise*

**Section 13F.01. Restatement of Ordinance Granting a Franchise.** The existing special ordinance granting a franchise to MR. ROGELIO T. UY to install, operate and maintain a CATV service is hereby re-stated.

## *Article G. Reclassification of Lands*

**Section 13G.01. Restatement of Ordinance Reclassifying Certain Kind of Land.** The following Ordinances re-classifying certain private land are hereby re-stated, viz:

1. Ordinance No. 23, series of 1995, enacted on January 29, 1995, re-classifying a portion of land located at Bgys. Apokon and with an area of 82,637 sq. m. from “Agricultural Zone” to “Residential Zone”.
2. Ordinance No. 02, series of 1996, enacted on February 26, 1996, re-classifying a portion of a parcel of land with an area of 6,399 sq.m. located at Bgy. Magdum as “open space”.
3. Ordinance No. 10, series of 1996, enacted on September 16, 1996, re-classifying Lot No. 7166-B, with an area of 11,555 sq. m. located at Bgy. Cuambogan from agricultural to “Agri-Industrial Zone”.
4. Ordinance No. 12, enacted on September 16, 1996, reclassifying Lot No.: Lot 7166 under TCT – 117993 located at Bgy. Magdum as “minor Industrial District”.
5. Ordinance No. 14, enacted on September 16, 1996, reclassifying Lot No.: Lot 1-A, PSD 1112319-039869 located at Bgy. Mankilam from “Industrial Zone” to “minor Industrial zone”.
6. Ordinance No. 13, enacted on September 23, 1996, reclassifying a portion of land under Lot No. 6259-A, PSD 11-029412 with TCT No. C-358 located at La Fortuna from “institutional” to “residential zone”
7. Ordinance No. 19, enacted on October 21, 1996, reclassifying a portion of Lot No. 1025-D3=A from “residential” to “minor industrial zone”
8. Ordinance No. 21, enacted on November 11, 1996, reclassifying a portion of land from “agricultural” to “residential zone”.
9. Ordinance No. 22, enacted on November 11, 1996, reclassifying a portion of “Visayan Village” from “agricultural zone” to “industrial zone”.
10. Ordinance No. 05, enacted on March 17, 1997, reclassifying a portion of Macalanga property with an area of 86,413 sq.m. located at Bgy. Magdum from “Agricultural Zone to “Minor Industrial Zone”.
11. Ordinance No. 13, enacted on August 11, 1997, reclassifying Lot 1025-D-3-A, PSD-11-009520 owned by Mr. Isidoro T. Uy located at Bgy. Magdum from “Agricultural Zone” to “Minor Industrial Zone”.
12. Ordinance No. 15, enacted on August 25, 1997, reclassifying Lot No. 4422, CAD 276 under TCT No. T-71380 located at Libertad, Canocotan owned by Mrs. Sabina Bordios from “agricultural zone” to “Commercial Zone”.

14. Ordinance No. 04, enacted on January 26, 1998, reclassifying Lot No. 443, CAD 276 under Title No. P-449 with an area of 206,307 square meters owned by Mr. Geronimo de la Cema from “Agricultural Zone” to “Residential Zone”.
15. Ordinance No. 06, enacted on March 23, 1998, reclassifying Lot No. 2076-A, under Title No. P-11391 with an area of 99,999 sq. m. owned by Mr. Cordello H. Estabillo from “Agricultural Zone” to “Residential Zone”.
16. Ordinance No. 08, enacted on April 13, 1998, reclassifying a parcel of land owned by Mr. Consorcio Mirafuentes (represented by Mr. Rolando Mirafuentes) and Mr. Rodolfo Alonsagay located at Bgy. Nueva Fuerza from “agricultural zone” to “Parks and Playgrounds, Open Space and Buffer Districts”.
17. Ordinance No. 05, enacted on September 7, 1998, reclassifying Lot No. 2009-A (LRC) PDS-83149 under Title No. 3382 with an area of 60,000 sq. m. located at La Filipina, Tagum owned by Mrs. Ma. Clara R. Ruales from “Agricultural Zone” “to Buffer District”.
18. Ordinance No. 13, enacted on September 21, 1998, reclassifying a parcel of land located at Bgy. Apokon, Tagum City from “agricultural zone” to “Industrial Zone”.
19. Ordinance No. 39, enacted on December 21, 1998, reclassifying Lot No. 2704 with an area of 60,182 sq. m. owned by Atty. Jesus V. Ayala located at Bgy. Apokon from “Agricultural Zone ” to “Residential Zone”.
20. Ordinance No. 40, enacted on December 21, 1998, reclassifying Lot No. 693, CAD 276 owned by JFM Dev. Corp. with an area of 41,676 sq. m. located at Bgy. Madaum from “agricultural zone” to “residential zone”.
21. Ordinance No. 38, enacted on February 15, 1999, reclassifying a portion of a parcel of land covered by Title No. T-26275 with Lot No. 4342 L:RC, PSD-2248580 located at Bgy. Canocotan from “Agricultural Zone” to “Light Industrial Zone”.

### **Article H. Miscellaneous Special Ordinances**

**Section 13H.01. Restatement of Certain Special Ordinances.** The following special ordinances dealing on various subject matter are hereby re-stated, viz:

1. Ordinance No. 54, series of 1989, enacted on May 18, 1989, declaring June 23-July 1 as “Tourism Week”.

2. Ordinance No. 61, series of 1989, enacted on July 13, 1989, “*declaring the lands at the foot of Hijo River as a highly industrial zone*”.

3. Ordinance No. 77, series of 1989, enacted on October 12, 1989, “*declaring portions of J. Rizal St., closed to traffic on Sunday, Good Friday, Town Fiesta, Christmas Day and New Year Day*”

4. Ordinance No. 81, series of 1989, enacted on October 26, 1989, declaring “Baret Island” as “Tourist Resort”.

5. Ordinance No.11, series of 1991, enacted on December 31, 1991, declaring the Sto. Niño site along Dalisay-Gante Road as the final site of the proposed new public market.

7. Ordinance No. 19, series of 1993, enacted on April 19, 1993, granting medical and death benefits to Barangay Captains.

8. Ordinance No.43, series of 1993, enacted on August 8, 1993, subdividing Magugpo Poblacion into five (5) barangays.

9. Ordinance No.80, series of 1993, enacted on January 31, 1993, transferring the plantilla position of “Administrative Officer II” from the Office of the Municipal Treasurer to the Office of the Mayor.

10. Ordinance No. 84, series of 1993, enacted on January 31, 1994, transferring the ICU Section from the Office of the Municipal Accountant to the Office of the Mayor.

11. Ordinance No. 28, series of 1994, enacted on August 10, 1994, transferring the positions of Medical Technologist, Midwife II and Utility Worker II to RHU I & II.

12. Ordinance No. 29, series of 1994, enacted on August 10, 1994, transferring the Day Care Worker positions from the Support Services Section to the Office of the Municipal Social Welfare and Development Officer.

13. Ordinance No. 27, series of 1998, enacted on October 26, 1998, adopting the Revised City Educational Amendment Financial Assistance Program (CEFAP).

14. Ordinance No. 08, series of 1999, enacted on February 15, 1999, approving and adopting the New Schedule of Market Values of Real Properties.

15. Ordinance No. 12, series of 1999, enacted on April 19, 1999, adopting and integrating the Cultural Community Education under the Non-Formal Education Program of the City of Tagum.

16. Ordinance No. 17, series of 1999, enacted on May 10, 1999, establishing the CESPRO to finance the poor but deserving students.

17. Ordinance No. 20, series of 1999, enacted on May 24, 1999, granting burial and financial assistance to appointive and elective barangay officials.

18. Ordinance No. 48, series of 1999, enacted on October 4, 1999, requiring the use of iodine in the manufacture or production of salt and the use iodize salt in the preparation of foods or foodstuffs.

19. Ordinance No. 01, series of 1996, enacted on February 26, 1996, adopting “Tagum Mabuhay Ka” as the “official Tagum March.

20. Ordinance No. 26, enacted on October 5, 1998 declaring March 7 as “Araw ng Tagum”.

21. Ordinance No. 13, series of 1995, enacted on August 23, 1995 declaring as a policy the limitation of MCH (Motorized Tricycle for-hire) to a maximum of 2,000 only.

## **CHAPTER XIV**

### **FINAL PROVISION**

#### ***Article A. General Penal Provision***

**Section 14A.01. Penalty.** Any violation of the provisions of this Code, or of the rules and regulations promulgated under the authority of this Code but not covered by a specific penalty hereof shall

If the violation is committed by any juridical entity, the President, General Manager, or any person entrusted with the administration thereof at the time of the commission of the offense shall be held responsible or liable thereof.

**Section 14A.02. *Compromise Settlement Fee.*** The Mayor is hereby authorized to enter into an out-of-court or extrajudicial settlement of any offense committed in violation of any provisions of this Code. subject, however, to the following conditions, viz:

1. *The offense committed does not involve fraud;*
2. *The offender shall pay to the City Treasurer a “compromise settlement fee” of not less than Three Hundred Pesos (P300.00) but not more than Five Thousand Pesos (P5,000.00), as may be agreed upon by both parties.*
3. *The payment of the “compromise settlement fee” above mentioned shall not relieve the offender from the payment of the corresponding tax, fee or charge due from him as provided under existing tax ordinances, if he is liable therefor.*
4. *No other third party shall be adversely affected by the compromise settlement.*

**Article B. Separability, Applicability, Repealing  
and Effectivity Clauses.**

**Section 14B.01. *Separability Clause.*** If, for any reason, any provision, section or part of this Code is declared not valid by a Court of competent jurisdiction or suspended or revoked by the authorities concerned, such judgment shall not affect or impair the remaining provisions, sections or parts which shall continue to be in force and effect.

**s Section 14B.02. *Applicability Clause.*** All other related matters not specifically provided in this Code shall be governed by the pertinent provisions of existing applicable laws or ordinances.

**Section 14B.03. *Repealing Clause.*** All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any provisions of this Code are hereby repealed or modified accordingly. Should there be existing general or special ordinances which were inadvertently excluded in the codification process during the formulation of this Code, they shall continue to be in full force and effect provided that they are not in conflict with, or contrary to, the provisions of this Code.

**Section 14B.04. *Effectivity.*** This Code shall take effect immediately upon approval.

CARRIED AND APPROVED. ENACTED AND PASSED this 5<sup>th</sup> day of March, 2001.

I hereby certify to the correctness of the foregoing .

**(Sgd) CARMEN B. APURA**  
**Secretary to the Sanggunian**

**ATTESTED:**

**(Sgd) GERARDO R. RACHO, JR.**  
**Vice Mayor**  
**(Presiding Officer)**

**APPROVED:**

**(Sgd) REY T. UY**

