

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CARDONA, RIZAL, HELD ON 18 AUGUST 2005 HELD AT THE SESSION HALL ON THE THIRD FLOOR OF THE MUNICIPAL BUILDING.

PRESENT:

HON. MA. FE SJ. PASTORAL	-	Municipal Vice-Mayor/ Presiding Officer
HON. RAUL C. HIMBING	-	Municipal Councilor
HON. VIRGILIO ARR. RIVERA	-	Municipal Councilor
HON. OPHER F. STA. MARIA	-	Municipal Councilor
HON. FELIX A. ARRIOLA	-	Municipal Councilor
HON. ARMANDO F. FRANCISCO	-	Municipal Councilor
HON. GARRY R. SALAMAT	-	Municipal Councilor
HON. RUBEN P. OCAMPO	-	Municipal Councilor
HON. CRISPO F. JULIAN	-	Municipal Councilor
HON. EDGARDO P. GONDRANEOS	-	Officio (ABC President)
HON. JESUS R. FRANCISCO, JR.	-	Ex-Officio (PPSK President)

ABSENT

NONE

MUNICIPAL ORDINANCE NO. 05-22

AN ORDINANCE FOR THE COMPREHENSIVE SYSTEM OF MANAGEMENT AND OPERATION OF THE CARDONA MUNICIPAL FISHPORT AND PROVIDING GUIDELINES, RULES AND REGULATION FOR ITS OPERATIONS;

Sponsor: Hon. Raul C. Himbing
Co-Sponsor: Hon. Virgilio Arr. Rivera

Be it ordained by the Sangguniang Bayan of Cardona, Rizal, that:

ARTICLE I – TITLE

Section I - Title - This Ordinance shall be known as and referred to as “Cardona Municipal Fishport Comprehensive System of Management and Operation.”

Section 2 - Declaration of Policy

2.1.- It is hereby declared the policy of the Municipality of Cardona, Province of Rizal, and within its territorial jurisdiction, the venue for business opportunities particularly fish trading is the fish port area, encouraging all fishpen operators to use the Cardona Municipal Fishport instead of the other fishports, private and public, elsewhere.

2.2.- Pursuant to the provision of Section 18 of the Local Government Code of 1991, the power to generate and apply resources, and in accordance with its declared policy, the Municipal Government of Cardona shall operate and manage the Cardona Municipal Fishport located at Brgy. Looc, Cardona, Rizal.

2.3.- The operation and management of the fishport is aimed at providing proper venue and orderly operation of the fish trading business;

- a. Provide fish brokers/traders/consignacion with secured parking spaces for their use and their customers as well.
- b. Provide good service area, security personnel and other amenities.
- c. Provide continuous supply of water, electricity and other related services.

ARTICLE II – SCOPE

Section 3 - Scope of Application - This ordinance shall apply to and govern the administration and operation of the Cardona Municipal Fishport.

3.1.- All fishpen operators, fisherman, motorized banca's including "pituya" operators should unload their aquatic/marine products/cargoes exclusively at the Cardona Municipal Fishport.

3.2. - There will be no fish trading transaction to be conducted outside the fishport. All fish trading/brokering should be done inside the fishport.

3.3. - Upon approval of this Ordinance no private entities shall be allowed to operate another private or public fishport within the territorial jurisdiction of this municipality.

Section 4- Definition of Terms:

4.1. - Consignacion – Brokers/fish traders and/or stallholders whether single proprietorship, partnership or corporation.

4.2. - Fish Producers – Individual, Partnership, Corporation and cooperative who owns/manages fishpen.

4.3. - Fishport – Buildings and facilities where motorized bancas, "pituya" can unload the aquatic/marine products and wherein any fish trading transactions can be conducted by legitimate fish brokers/traders.

4.4. - Pituya – Long-hauled motorized vessel used in transporting/delivering marine products and other cargoes.

4.5. - Motorized banca – used in transporting passengers from island barangays and other marine products.

4.6 - Charges – refer to the pecuniary liability as rent and other fees due from persons for property use.

4.7. - Fees – payment as fixed by the Ordinance for regulation or inspection of a business activity.

4.8.- Independent Fish Traders/Brokers – fish traders/brokers who conduct fish trading inside the fishport but without permanent fish stalls within the fishport.

Section 5 - Operations and Administrations

5.1. - The operation of the Cardona Municipal Fishport shall be administered by appointed employees directly under the Office of Public Enterprise to be created for the purpose, including the maintenance of the facilities and collection of fees and charges.

5.2. - Any interested parties who intend to lease stall must first submit his/her Letter of Intent together with documents showing the capacity to operate a stall.

5.3. - The lessee/s shall secure the corresponding Mayor's/Business Permit and other clearance/certificate before the start of its operation.

5.4. - The lessee/s has the responsibility to follow all rules and regulations with regards to the cleanliness of stall/s and the surrounding areas of the fishport.

5.5. - The lessee/s are required to provide I.D. with picture and uniform to their employees/workers for proper and easy identification during working hours.

5.6. - Lease agreement must have a corresponding resolution/ordinance passed and approved by the Sangguniang Bayan and the Municipal Mayor.

5.7. - The road/and/or space leading to and from the finger pier should, be free of any traffic obstructions at all times.

5.8. - Parking of all vehicles must always be in order at specific/designated parking space.

ARTICLE III - FEES, CHARGES AND APPLICATION OF RESOURCES .

Section 6 - Imposition of Fees: Wharfage Fees, Development Fee, and other Charges

6.1. Development Fee (One time payment for every stall)

a. Fish Market	-	P200,000.00/stall
b. Ice Stall	-	P50,000.00/stall

6.2. Unloading Fee (Due from Fish Brokers/Traders/Consignacion/ Producers / and Others)

a. Bangus	-	P3.50/tub or banyera
b. Bighead (Imelda/Maya-Maya)	-	P3.00/tub or banyera
c. Tilapia	-	P3.00/tub or banyera
d. Karpa (Native)	-	P3.00/tub or banyera
e. Ayungin/Hipon, Biya.	-	P3.00/tub or banyera
f. Kanduli, Others	-	P2.00/tub or banyera

TRANSHIPMENT FEE – To be collected from fish traders buying directly from the producers and consignacion to be transported outside of the fishport.

(Traders of Marine Products – Outgoing from fishport) - P4.00/tub or banyera

EXEMPTION : Producers are exempted from paying Transshipment Fee provided no trading of fish and other marine products takes place within the fish port premises.

(Fish and other Marine Products – Incoming to fishport) P4.00/tub or banyera

Unloading Fee – Land Vehicle (Due from Owner of Cargoes)

- | | | |
|-------------------------|---|-------------|
| a. Ice | - | P1.00/block |
| b. Salt | - | P1.00/bag |
| c. Fish Food Supplement | - | P1.00/bag |

6.3. Entrance/ Parking Fee:

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|----------------------|-------------------|--------|
| a. Heavy Vehicle | - First 3 hours - | P15.00 |
| | Succeeding hour | P 5.00 |
| b. Light Vehicle | - First 3 hours - | P10.00 |
| | Succeeding hour | P 5.00 |
| c. Jeep/ Car/Van/FX | - First 3 hours - | P 5.00 |
| | Succeeding hour | P 3.00 |
| d. Pedicab/ Tricycle | - First 3 hours - | P 3.00 |
| | Succeeding hour | P 1.00 |
| e. Motorcycle | - First 3 hours | P 2.00 |
| | Succeeding hour | P 1.00 |

Entry of Vehicles with Cargo/s:

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|--|--------|
| f. Heavy Vehicles (8 wheelers and above) | P80.00 |
| g. Light Vehicles (6 wheelers) | P65.00 |
| h. Jeep,pick –up and others (4 wheelers) | P55.00 |

6.3.A. Delivery of Anahaw, Pelote, Bamboo and other Heavy Cargoes are strictly prohibited inside the fishport.

6.4 . Berthing Fee

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|---------------------------------|--|------------|
| a. Pituya | - Unloading | P100.00 |
| | - Loading – first 2 hours | P 50.00 |
| | - Succeeding hour | - P10/hour |
| b. Motorized Banca | (Pampasahero – Capacity of 10 persons & above) | |
| | - Unloading | - P10.00 |
| | - Loading | - P10.00 |
| c. Motorized Banca | (Pampasahero – capacity of 9 persons and below) | |
| | - Unloading | - P 5.00 |
| | - Loading | - P 3.00 |
| d. Service/ Speed Boat / Lantsa | | |
| | - Unloading | - P10.00 |
| | - Loading - first 2 hours | P10.00 |
| | - Succeeding hour | - P 5.00 |

6.5 Rental and Other Charges:

- a. Office space - P60.00/sq.m./month
- b. Land - P40.00/sq.m./month
- c. Electricity Charges - P200.00/stall/month

6.6. Water Fee

- a. Stallholder/Consignacion - P150.00/stall/month
- b. Magtutubig (Retail) - P5.00/gallon
- c. Food Stall - P 10.00/day

6.7. Others

- a. Ambulant Vendor - P15.00/Vendor/day
- b. Fuel Operator - P 100.00/delivery truck

NOTE: ALL FEES AND CHARGES COLLECTED MUST HAVE OFFICIAL RECEIPT AND/OR CASH RECEIPT.

ARTICLE IV

MAYOR/BUSINESS PERMIT OF LEGITIMATE FISH BROKERS/TRADERS AND THEIR RIGHTS.

Section 7 - License Fee - All stallholder/s and independent fish brokers/traders must secure all the necessary permits and licenses as required prior to actual business activity in accordance with the local tax ordinance of the municipality.

Section 8 - Vacancy- On cases were vacancy of specific stall/s in violation of each and every existing laws, rules and regulations mandated in the provisions of the Local Government Code of 1991 and Local Ordinances, an open bid system shall be adopted to bid out the vacant stalls. The minimum bid price and the rules of the bidding are subject to review by the Sangguniang Bayan.

Section 9- Improvements - All improvements to be made to market stall/s must be subject for approval of the Engineering office of the municipality. Improvement introduction on the stall/s shall be forfeited in favor of the Local Government, in case of cessation of operation and non-renewal of contract.

Section 10 - Restrictions

- 10.1. No gambling in any form and drinking of intoxicating liquor is allowed inside the fishport, and shall be prohibited strictyl anytime.
- 10.2. No stallholders shall be allowed to transfer his/her rights to others, in case of cessation of operation. The municipality reserved the right to bid the abandoned/closed stall/s to interested bidders after notice of termination or grant had been fully serve.
- 10.3. Transfer of Privilege - No stallholder/s or grantee may convey, transfer his/her right to another person, partnership or corporation without the consent of the local government.

- 10.4. Repair and Construction and/or Alteration of stall/s may be undertaken only after securing necessary permits from the office of the Municipal Engineer, Details of such plan, alteration, repair and/or construction must be indicated and should comply to standard plans and specification of the (PFDA) before such any permit may be served.
- 10.5. Sanitary Condition of the Stall/s - The stallholder shall maintain their respective premises, the cleanliness and good sanitary condition. Violation under this paragraph shall result in forfeiture of rights over the stall/s.
- 10.6. Cancellation - Any violation of the prohibition/restriction embodied under this section shall be sufficient grounds for the cancellation of the grant of such stall/s without the necessity of any court proceedings. The Local Treasurer shall upon written notice to the stallholder shall declare the stall/s vacant and the same shall be open for bid to interested parties in accordance with the rules granting vacant stall/s.
- 10.7. Stall/Space granted shall not be use for any other purposes.

Section 11 Restriction on Sublease or Assignment of Rights.

- 11.1. Should for any reasons, a stallholder be required to discontinue his business operations, such stall/s shall be considered vacant.
- 11.2. Dummies are prohibited to operate and transact business from any stall/s.
- 11.3. Grant to stallholder of the lease stall/s shall be cancelled if upon investigation such stallholder found to have sublease his/her stall/s to another person or entities or connived with such other person or entities to use or occupy the said stall/s.

Section 12- In the event that the operation and management of the fishport is taken over by a private group or by any person or entities, the fees and charges collected from stallholders and other persons or entities trading in the fishport may be amended and subject to review by the Sangguniang Bayan.

Section 13 - All collected fees and charges shall constitute a “general fund”.

ARTICLE V – PENAL PROVISION

Section 14 - Any person/s or entities found guilty violating any provisions of this ordinance shall be punished by a fine of;

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|-------|----------------|---|-----------------------------------|
| 14.1. | First Offense | - | P1,000.00 |
| 14.2. | Second Offense | - | P3,000.00 |
| 14.3. | Third Offense | - | P5,000.00, and recommendation for |

the suspension of franchise and cancellation/ revocation of grants of any stall/s without the necessity of any proceedings, upon written notice, with the affected party being given the opportunity to present his/her side and contravene the allegation/s of violation hereof. The decision shall be rendered within 15 days from the time the aggrieved party has presented his/her side or submitted his/her written statement in relation thereto. The aggrieved party shall be furnished a copy of the decision by a personal or registered mail.

Section 15 - Separability Clause - If for any reason/s any provision, section or part of this ordinance is declared not valid by a Court of competent jurisdiction

or suspended or revoked by the Sangguniang Panlalawigan, such judgement shall not affect or impair the remaining provisions, sections, or part thereof, shall remain or continue to be in full force and effect.

Section 16 - Applicability Clause – All other matters relating to the imposition in this Ordinance shall be governed by pertinent provision of existing Laws and other ordinances.

Section 17 - Repealing Clause – All Ordinance, rules and regulation, or parts thereof, in conflict with or inconsistent with any provision of this Ordinance, are hereby repealed, amended or modified accordingly.

Section 18 - Miscellaneous Provisions

18.1. - Any Contract/Agreement, forged between the lessee and the local government shall be subject to review by the Sangguniang Bayan.

18.2. - Review and Renewal of the Contract/Agreement must be done 30 days prior to the expiration of the Contract/Agreement.

18.3. - Contract between the Lessee and the Lessor (Local Government) shall be for one (1) year, renewable at the options of the Local Government with the exemption of the Contract/Agreement under the Build-Operate-Transfer Scheme.

Section 19. - Effectivity - This Ordinance shall take effect upon approval.

ENACTED, on this 18th day of August 2005 in Cardona, Rizal.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance otherwise know as the “Comprehensive System of Management and Operation of Cardona Municipal Fishport and Providing Guidelines, Rules and Regulations for its Operations.”

CERTIFIED TRUE AND CORRECT:

IMELDA S. RAMOS
SB Secretary

ATTESTED:

MA. FE SJ. PASTORAL, M.D.
Municipal Vice-Mayor
Presiding Officer

APPROVED:

GIL SJ. SAN JUAN
Municipal Mayor