Republic of the Philippines CITY OF ANTIPOLO Province of Rizal

OFFICE OF THE SANGGUNIANG PANLUNGSOD

LEGISLATIVE TERM 2019-2022

PRESENT:

Hon. Josefina G. Gatlabayan, Ph.D

City Vice Mayor/Presiding Officer

FIRST DISTRICT:

Hon. Susana G. Say	City Councilor
Hon. Enrico C. De Guzman, M.D. FPOGS	City Councilor
Hon. Charmaine Jill C. Tapales	City Councilor
Hon. Eileen Grace T. Zapanta, M.D.	City Councilor
Hon. Robert R. Altamirano, Sr.	City Councilor
Hon. Jewel Anne G. Camacho	City Councilor
Hon. Mariafe S. Pimentel	City Councilor

SECOND DISTRICT:

Hon. Lorenzo Juan Y. Sumulong III	City Councilor
Hon. Ronaldo L. Leyva	City Councilor
Hon. Christian Edward O. Alarcon	City Councilor
Hon. John Michael S. Leyva	City Councilor
Hon. Angie Lou C. Tapales	City Councilor.
Hon. Christian A. Masangkay, DMD	City Councilor
Hon. Alfred J. Zapanta, RN	City Councilor
Hon. Edward R. O'Hara	City Councilor

EX-OFFICIO MEMBERS:

Hon. Peter Arnold S. Papel, Jr.

SK Federation Pres.

ABSENT:

Hon. Agnes G. Oldan-Gratil	City Councilor/On-Leave
Hon. Jonathan C. Salen	Liga ng mga Brgy. Pres.
Hon. Gerardo S.J. Doroteo	IPM- Representative/O.B

Proposed Ordinance No. 681, series of 2022

CITY ORDINANCE NO. 2023-1072

AN ORDINANCE GRANTING A FRANCHISE IN FAVOR OF METRO RIZAL WET AND DRY MARKET TO OPERATE AND MANAGE A WET AND DRY MARKET LOCATED AT LOTS 1, 2 AND 3 OF M.L. QUEZON EXTENSION, BARANGAY DALIG, ANTIPOLO CITY, SUBJECT TO EXISTING AND APPLICABLE LAWS, RULES AND REGULATIONS AND FOR OTHER PURPOSES.

INTRODUCED BY: COUN. EILEEN GRACE T. ZAPANTA

COUN. MARIAFE S. PIMENTEL

SPONSORED BY: COMM. ON LOCAL FRANCHISING

COMM. ON MARKET AND SLAUGTHERHOUSE

WHEREAS, an was filed for the issuance of franchise to operate and manage a wet and dry market (Talipapa) by Mr. Rafael G. Martinez on a property located at Lots 1, 2, and 3 M. L. Quezon Extension, Barangay Dalig, Antipolo City;

WHEREAS, Article 4 Section 11 (e) (3) (g) of R.A. 8508, the Charter of the City of Antipolo City provides:

"SEC. 11. The Sangguniang Panlungsod:

XXX XXX XXX

(e) The Sangguniang Panlungsod shall:

XXX XXX XXX

(3) Subject to the provisions of the Local Government Code of 1991, enact ordinances, granting franchises and authorizing the issuance of permits or licenses, upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the City, and pursuant to this legislative authority, shall:

x x x x x x x x x

(g) Upon approval by a majority vote of all members of the Sangguniang Panlungsod, grant a franchise to any person, partnership, corporation or cooperative to do business within the City; establish, construct, operate and maintain ferries, markets and slaughterhouses; or undertake such other activities within the City as may be allowed by existing laws: Provided, that cooperatives shall be given preference in the grant of such franchise.

XXX XXX XXX

WHEREAS, Chapter 1 Section 7 of City Ordinance No. 2012-509, otherwise known as Revised Market Code of Antipolo City provides:

"SEC. 7. Number of Markets- The Sanggunian Panlungsod shall, taking into consideration the economic viability of the areas and effects on the peace and order of the community, flow of traffic in the area and impact on the environment, determine the number of public markets to be established in the City, whether owned and/or managed by the government or by private groups or individuals based on the needs of both consumers and traders in the area. In addition to this, no person, natural or juridical, within the one-and-a-half (1½) kilometer radius from an existing public market, whether owned and/or managed by the government or by private individuals, shall sell or offer for sale to the public, goods and items such as, but not limited to fresh fish and marine products , pork and meat, and/or foodstuffs which easily deteriorate".



WHEREAS, pursuant to Rule IV Section 8 (2) of the Implementing Rules and Regulations of City Ordinance No. 2012-509 or the Revised Market Code of Antipolo City, "No public market shall be established beside a national road if it is deemed to cause a traffic congestion due to the absence of ample parking space within the vicinity of the market area".

WHEREAS, Section 6 (4) of City Ordinance No. 2017-800, otherwise known as the Revised Zoning Ordinance of the City of Antipolo provides:

"SEC. 6. USE REGULATIONS IN THE MAJOR COMMERCIAL ZONE (C-1). In this zone, only the following are permitted, provided that the sale of operations must be for a neighborhood-size population of approximately 100 families and the establishments is part of an overall plan for the community".

PRINCIPAL USES

XXX XXX XXX

29. Local open market or "Talipapa"

XXX XXX XXX

WHEREAS, as a result of the site inspection and evaluation, conducted by the Zoning Administrator's Office on January 27, 2023, the following are the findings and observations:

- a. The location is covered and embraced by TCT No. R-66604, R-85806 and R-85805 with a total land area of 3,600 sqm. owned by Our Lady of Perpetual Succor College under a lease contract to Mr. Rafael G. Martinez
- **b.** The application is a wet and dry market that has an approved application for reconsideration on LZBAA to conform to the current land use of the area considering that the area is under minor Commercial Zone (C-1).
- c. Other similar commercial activities were observed in the vicinity during the time of the inspection
- d. The building line is 12 meters away from the nearest creek, which separates the applied site and Birmingham Homes Subdivision.
- e. The proposed market has already built an STP and provided parking lots for its clients, as indicated in their site development and as verified during the latest inspection made by this office

CASHWIIRO A, YINARES IIII, M.D.

NOWTHEREFORE.

BE IT ENACTED BY THE SANGGUNIANG PANLUNGSOD IN SESSION ASSEMBLED, THAT:

City Ordinance No. 2023-1072

SECTION 1. For purposes of this Ordinance, the application for the grant of a franchise to establish and operate a wet and dry market located at Lots 1, 2 and 3 located at M.L. Quezon Extension, Barangay Dalig , Antipolo City, filed by Mr. Rafael G. Martinez is hereby granted subject to the following:

- a. The franchise or authority shall continue for the term of five (5) years to take effect from the date of approval or enactment of this Ordinance, renewable upon the mutual agreement of the Grantee and the City Government, hereinafter referred to as the Grantor, and is granted upon express condition that the same shall be void unless the construction of the market facilities is begun within one (1) year from the approval of this ordinance and completed within two (2) years or sooner from the said date. Provided that in the event the operation of the public market should prove to be financially unprofitable to the Grantee, then it may be allowed to discontinue operation on at least three (3) advance notice to the City.
- b. Pursuant to the applicable Zoning Code of Antipolo City (2017-800), the revised Revenue Code of Antipolo (2019) and all other existing laws such as PD 1096 (National Building Code), PD 1185 (Fire Code of the Philippines) and other applicable laws, rules and regulations and guidelines may be promulgated by concerned national government agencies, the Grantee shall faithfully and strictly comply with all the necessary statutory and documentary requirements prescribed by the City and other concerned government agencies for the establishment, operation and maintenance of a public market in the City.
- c. The Grantor shall collect each year from the Grantee a franchise tax the rate of which shall be as follows: For the year 2019, a franchise tax equal to one-twentieth of one percent (1/20 of 1%) of the capital investment shall be collected by the City. In the succeeding calendar years, the rate of tax to be collected from the Grantee by the Grantor shall be seventy-five percent (75%) of the one percent (1%) of the gross annual gross receipt, which shall include both cash sales on account, realized during the preceding calendar year within the territorial jurisdiction of the City.
- d. The City shall collect from the Grantee, aside from the franchise tax, all the taxes, fees, and charges it shall pay pursuant to the rates imposed under the Revised Revenue Code of Antipolo City 2019 (2019-879).
- e. The City of Antipolo shall issue all local permits required for the construction and operation of the public market upon submission of the required documents, subject to, but not limited to the payment of services fees as provided for under existing ordinances.
- f. The Grantee shall retain all the ownership of all construction and other materials necessary for the business up to the time of expiration of this franchise or authority.

City Ordinance No. 2023-1072

g. The authority shall be non-transferable and may be revoked anytime when the interest of the government so demands.

SECTION 3. Any ordinance, rules and regulations, executive orders, or issuances or/parts thereof which are inconsistent with the provisions of this ordinance shall be deemed repealed or modified accordingly.

SECTION 4. If for any reason or reasons, any part or provision of this Ordinance shall be held invalid or unconstitutional by the court, another part of thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 5. This Ordinance shall take effect upon approval.

Enacted Unanimously by all the members present, there being a quorum, this 29th day of March 2023, during its Regular Session at 8th Floor, City Hall Annex Building, Antipolo City.

CERTIFICATION

I hereby certify to the correctness of the foregoing ordinance.

ALAN R. ESPINAS
Secretary to the SP I

ATTESTED:

City Councilor

GASIMIRO A. YNARES

ENRICO C. DE GUZMAN, M.D., FPOGS

City Councilor

CHARMAINE DLL C. TAPALES

City Councilor/Absent

EILEEN GRACE T. ZAPANTA, M.D.

City Councilor

AGNES G. OLDAN-GRATIL

City Councilor/Absent/On-Leave

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City Councilor

City Counci

CHRISTIAN DWARD O. ALARCON

City Councilot

OHN MICHAEL SILEYVA

City Councilort

NGIE LOUC. TAPALES

City Councilor

City Resolution No. 2023-060 AMIRANO, SR. ROBERT R. CHRISTIAN A. MASANGK City Councilor City Councilort ALFRED J. ZAPANTA, RN Councilor t City Councilor EDWARD R. O'HARA City Councilor City Councilor PETER ARNOLD S. PAPEL, JR. Pres., Liga ng mga Brg/Absent GERARDO S.J. DOROTEO IPM-Representative/Absent/Official Business

JOSEFINA G. ĞATLABAYAN, Ph.D.

City Vice Mayor/Presiding Officer

APPROVED:

CASIMIRO A. YNARES III, M.D.

City Mayor ~ &