



Republic of the Philippines
PROVINCE OF NEGROS ORIENTAL
CITY OF BAYAWAN
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON JUNE 19, 2018 AT 2 P.M. AT THE LIGA NG MGA BARANGAY BUILDING.

RECORDS OF ATTENDANCE

HON. ISMAEL P. MARTINEZ	(Presiding Officer)	Present
HON. PETER PAUL F. RENACIA		Present
HON. HENRY E. CARREON, JR.		Present
HON. ERNESTO T. TIJING		Present
HON. MARK FIDENCIO L. AURELIA		OB-Iloilo
HON. JONAS M. TRIAS		On Leave
HON. SHARLOU F. JAMIN		Present
HON. NARCISO N. CASIPONG		Present
HON. NICO ANGELO L. LIM		Present
HON. MERLITA R. GAUDIEL		Present
HON. DANILO G. LAMIS		Present
HON. WARLITO C. MAGDASAL	(LNMB President)	Present

RESOLUTION NO. 430

“Third and Final Reading of an Ordinance Adopting the Revised Paonay Ordinance of 2018 of Bayawan City and Regulating the Conduct of its Activities.

“On motion of Honorable Councilor Casipong and duly seconded by Honorable Magdasal, LNMB President, the Council

“RESOLVED, to enact, as it hereby enacts the following ordinance:

ORDINANCE NO. 24

AN ORDINANCE ADOPTING THE REVISED PAONAY ORDINANCE OF 2018 OF BAYAWAN CITY AND REGULATING THE CONDUCT OF ITS ACTIVITIES.

Be it ordained by the Sangguniang Panlungsod of the City of Bayawan in session assembled, that:

SECTION 1. TITLE. This Ordinance shall be known as the “*PAONAY ORDINANCE OF 2018.*”

SECTION 2. DEFINITION OF TERMS.

- a) **Marginal Farmer/Fishermen** – refers to an individual engaged in subsistence farming or fishing which shall be limited to the sale, barter or exchange of agricultural or marine products produced by himself and his immediate family. (Republic Act. 7160, also known as the “Local Government Code of 1991,” Sec. 131[p]). Provided further, that the annual net income from such fishing does not exceed Fifty Thousand Pesos (50,000.00) or the poverty line established by NEDA for the particular region or locality, whichever is higher.
- b) **Agricultural Produce** – any produce derived from the garden or farm of a farmer, limited to leafy vegetables, root crops, legumes, rice, corn, flowers and related harvest.
- c) **Marine Products** – include all fishes from fresh and seawaters, and all other products of aquatic living resources of any form such as crustaceans (crabs, prawns, shrimps and lobsters), mollusks (clamps, mussels, oysters, scallops, snails and other shell fish).
- d) **Livestock** – domesticated animals with four legs and with hoofs, excluding cows, carabaos, horses, and other large cattle.
- e) **Poultry** – are clarified as chickens whether native or hybrid, ducks, quails, geese, etc.

- f) **Second hand/Used clothing or okay-okay** – any clothing or material that is offered for sale at a considerably reduced price showing signs of been used but are still decently wearable.
- g) **Middleman** – any person who acts as a go-between or deals with Paonay customers on behalf of Paonay traders/merchants, regardless of at whose behest, for purposes of serving the customers' buying needs or otherwise to satisfy their intentions to buy, whether the transactions of the said traders/merchants and the costumers is consummated or not.

SECTION 3. The Bayawan City Coast, which portion shall be utilized for the activities subject of this ordinance shall comprise, as maybe reasonable and necessary for the purpose herein, the coast area extending sideways to the direction of the GK Housing Village from the coast area facing “Jose” Pepeng Gamo street: *Provided*, that the said area, insofar as it shall affect the zone subject to easement for public usage under appropriate laws, shall be without prejudice to such use of the general public for recreation, navigation, floatage, fishing, and salvage purposes: *Provided, further*, that PAONAY activities shall be subject to monitoring, control, supervision and administration of the office of the Public Market Supervisor, in coordination with other LGU offices mentioned herein, who shall ensure the appropriate measures shall be undertaken for the maintenance of order and preservation of cleanliness in the said area.

SECTION 4. QUALIFICATIONS

- a) Every farmer desiring to sell his/her produce must secure certification from the office of the City Agriculturist before he/she can display or sell agricultural produce in the Paonay area. The certification must show the location of his farm and extent of his production.
- b) Every fishermen desiring to sell their fish catch shall likewise secure a certification from the Agriculture Office, Fishery Section of their respective locality, subject to the provisions of RA 8550.
- c) Marginal Fishermen are allowed to sell their fish catch and related marine products daily from 5:00 AM to 8:00 AM except on Paonay day where they will be allowed to sell their catch during the time provided under Section 4 hereof.
- d) After securing the necessary certification from the proper office, *okay-okay* sellers, as with other Paonay traders/merchants, shall only sell their goods within the area designated for them to conduct their respective businesses. *Okay-okay* sellers who are Bayawan residents shall have preference over other similar sellers (of okay-okay) from other LGU's in the allotment of spots for the exercise of their selling privileges.

SECTION 5. TIME OF ACTIVITIES.

Paonay activities shall be from 3:00 PM Fridays to 12:00 Midnight on Saturday.

SECTION 6. IMPLEMENTING OFFICE

- 1. City Agriculture Office

The City Agriculture Office in coordination with the office of the Public Market Supervisor shall identify the farmers and fishermen qualified to display and/or sell in the Paonay area.

- 2. City Treasurer's Office

The City Treasurer's Office shall be charge for the collections of taxes, fees on a daily basis, and other charges in the Paonay Area.

- 3. City Environment and Natural Resources Office

The City Environment and Natural Resources Office in coordination with the office of the Public Market Supervisor shall ensure the maintenance of cleanliness and sanitation in the Paonay area and the immediate surroundings.

- 4. City Public Safety Office

The City Public Safety Office shall maintain the security, peace and order in the area.

- 5. Public Market Supervisor

The Public Market Supervisor shall have general supervision of the Paonay area/activities. He/she shall take charge in the adjudication of stalls to qualified sellers in the Paonay area.

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SECTION 7. PROHIBITIONS.

The following shall be prohibited in the Paonay area, to wit:

1. Farmers and fishermen without certification mentioned in section 3 of this ordinance are prohibited in selling their products in the Paonay area.
2. Middlemen or a middleman as defined herein, and other traders not mentioned in this ordinance are not allowed to sell in the Paonay area.
3. Stall owners in the Bayawan City Public Market shall not be allowed to sell in the Paonay area.
4. All land vehicles and sea vessels shall not be allowed to park/moor anywhere in the PAONAY area except in place designated by appropriate ordinances/regulations of the City.
5. All forms of littering, including irresponsible and/or inappropriate disposal of animal litters and other form of wastes generated by said animals subject for sale, construction of permanent structures, and other activities shall tend to destroy or spoil the natural beauty of the aforementioned coast area by any person shall be punished accordingly.

SECTION 8. PENALTIES.

Any person or groups of persons found violating this Ordinance shall be fined Php500.00 for the first offense. For the second offense, violators shall not be allowed to sell for a period of three (3) months and fine of Php1000.00. For the third offense, the violator shall be banned from selling in the Paonay area.

Stall owners of the Public Market of Bayawan found violating the prohibitions mentioned above shall be banned from selling in the Paonay area and the Public Market.

SECTION 9. REPEALING CLAUSE.

All other duly passed ordinance or provisions thereof inconsistent with this ordinance are hereby repealed.

SECTION 10. EFFECTIVITY

This ordinance shall take effect after compliance with the provisions of R.A. 7160, the Local Government Code of 1991.

“Enacted.”

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I hereby certify to the correctness of the foregoing resolution.

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 JULIUS T. ESPARTERO
 Secretary to the Sangguniang Panlungsod

ATTESTED:

APPROVED: 04 JUL 2018


 ISMAEL P. MARTINEZ
 Vice Mayor
 Presiding Officer


 PRYDE HENRY A. TEVES
 Mayor

Copy for:
- The Honorable Provincial Board, Dumaguete City