



Republic of the Philippines
 Province of Laguna
 Municipality of **LUMBAN**
OFFICE OF THE SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE HON. SANGGUNIANG BAYAN OF LUMBAN, LAGUNA HELD ON FEBRUARY 12, 2018 AT ATTY. BENJAMIN E. AGARAO SR. MEMORIAL HALL AT EXACTLY 10:10 IN THE MORNING.

PRESENT:

HON. BELEN B. RAGA	-----	Vice Mayor/ Presiding Officer
HON. JOHNDRELL A. SAMONTE	-----	SB Member
HON. RHODA DM. RABIE	-----	SB Member
HON. MARIA AURELIA E. QUIJANO	-----	SB Member
HON. ROMELIO E. LADUB	-----	SB Member
HON. SHERYLL G. TABLICO-GAURINO	-----	SB Member
HON. IRENEO R. BALDOVINO	-----	SB Member
HON. PEDRO S. ABE	-----	SB Member
HON. JOHN ALBERT C. RANA	-----	SB Member
HON. RUBEN R. DELOS REYES Sr.	-----	President-LNB

RESOLUTION NO. 09 SERIES OF 2018

A RESOLUTION APPROVING THE PUBLIC MARKET CODE OF LUMBAN, LAGUNA.

Author: HONORABLE BELEN B. RAGA

WHEREAS, It is hereby a policy of the Municipality of Lumban to make the public market more responsive and effective instrument of public service as well as dynamic and viable enterprises;

WHEREAS, the municipality aims to develop, regulate and standardize public market systems and professionalize market services;

WHEREAS, the Lumban Public Market thereby strengthened the financial capabilities of the municipality and thus significantly contributing to national and local development;

NOW, THEREFORE, on motion of Hon. Johndrell A. Samonte duly seconded by Hon. Rhoda DM. Rabie and Hon. Pedro S. Abe and unanimous approval of all Members present, it was;

RESOLVED as it is hereby **RESOLVED**, to **APPROVE** the Public Market Code of Lumban, Laguna.


RESOLVED FURTHER, that copies of this resolution be furnished, all concerned agencies for their information;

BE IT RESOLVED by the Sangguniang Bayan of Lumban, Laguna in Session Assembled.

APPROVED, this 12th day of February, 2018.

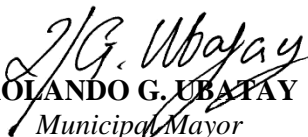
I HEREBY CERTIFY as to the correctness and validity of the above-quoted resolution.

ATTESTED:


BELEN B. RAGA
 Municipal Vice Mayor


CORAZON B. PADUA
 SB Secretary

APPROVED:


ROLANDO G. UBATAY
 Municipal Mayor

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HON. JOHN ALBERT C. RANA	-----	SB Member
HON. RUBEN R. DELOS REYES Sr.	-----	President-LNB

MUNICIPAL ORDINANCE NO. 02 SERIES OF 2018.

AN ORDINANCE ENACTING THE PUBLIC MARKET CODE OF LUMBAN, LAGUNA

Author: HONORABLE BELEN B. RAGA

SECTION 1. Title – This act shall be known and cited as the “Public Market Code of Lumban, Laguna.”

SECTION 2. Declaration of Policy – It is hereby a policy of the Municipality of Lumban to make the public market more responsive and effective instrument of public service as well as dynamic and viable enterprises thereby strengthening the financial capabilities of the municipality and thus significantly contributing to national and local development. Towards this end, the Local Government of Lumban shall develop, regulate and standardize public market systems and professionalize market services.

SECTION 3. Scope of Application – This Code shall govern all public markets as hereinafter defined, whether owned and/or managed by the government or by private groups or individuals.

SECTION 4. Definition of terms. – When used in this code, the following terms shall be defined as follows:

- a) Ambulants are vendors who do not occupy a definite or permanent place or stall in the public market and who come to sell goods either daily or occasionally by sitting or moving from place to place within the market premises.
- b) Bagsakan is basically an open area where wholesale goods are delivered in bulk and which functions as a transaction area for producers, wholesalers, and retailers.
- c) Cold storage is a place where perishable goods are stored.
- d) Hawkers refer to ambulant vendors who sell their wares on a one day basis.
- e) Ice storage is an area that may be included in the public market to supply the need for ice.
- f) Local Market Authorities refer to the Municipal Mayor, his duly-appointed Market Administrator, the Municipal Treasurer, or any other municipal officer charged with the management of the day to day operations of the public market and/or specific aspects of such operations.
- g) Marine products refer to fresh and dried fish, seaweeds, shells like mussels, clams, shrimps, lobsters and the like.
- h) Market premises refer to any open space in the market compound, the market lot consisting of bare ground not covered by the market buildings, usually occupied by transient vendors especially during market days, and the total area designated as the market place.

- i) Market sectioning is the grouping together of the same or similar goods, commodities or foodstuffs for sale in one section or zone in the market.
- j) Market stall refers to any allocated space or booth in the public market where merchandise of any kind is sold or offered for sale, and from which a regular fee is collected on a defined periodic basis.
- k) Peddler means any person who, either for him or on commission, travels from one place to another and sells his goods or offers to sell and delivers the same.
- l) Poultry dressing area is an area servicing the poultry stalls in the section of the market.
- m) Public market refers to a place, building or structure of any kind owned or operated by the municipality designated as such by the Sangguniang Bayan which is dedicated to the service of the general public, and where the basic food items and other commodities are displayed and offered for sale. Public market also includes market stall, tiendas, buildings, roads, subways waterways, drainage, parking spaces and other appurtenances which are integral part thereto.
- n) Rental fee means a charge fixed by law or agency, in the form of money or otherwise, given for the enjoyment or use of a thing.
- o) Slaughterhouse refers to a place designated by law where animals for human consumption are to be slaughtered, cut-up and cleaned.
- p) Special markets refer to auction markets for fish, livestock, vegetable and other products, and single commodity markets located in production areas and serving as resource-based wholesale centres.
- q) Stallholders refer to those who have been granted the right to use a stall or more, where they can display or sell their goods, commodities or foodstuffs, and pay rentals thereon.
- r) Support facilities refer to service areas directly supportive of market operations, including bagsakan, consignment, central collection station for wastes, poultry dressing area, ice storage facilities, cold storage and storage rooms, toilets, parking areas, slaughterhouses, warehouse and trading post.
- s) Trading post- refers to a resource-based wholesale area, situated near livelihood products, where no physical exchange of products take place, only transactions such as payments, inquiry and briefings.
- t) Vendor refers to a person who sells goods, commodities or foodstuffs within the market premises.
- u) Warehouse is a building or structure where distribution is a function of warehousing which includes the preparation and delivery of goods according to plan or special order.

TITLE TWO – BASIC POLICIES AND REGULATIONS

CHAPTER I. Sanitation

SECTION 5. Cleanliness and Sanitation. – The public market and their premises must at all times be kept clean and in sanitary condition to safeguard the health and safety of the buying public as well as the stall owners, vendors and market personnel. Facilities for sanitation and maintenance, such as cleaning and elimination of harbourages of vermin, shall be provided.

SECTION 6. Sanitation Unit. – The public market must have a sanitation unit with an adequate number of personnel to ensure efficiency in the maintenance of cleanliness and sanitation within the public market and its premises. The cleaning of Public Market and its premises shall be done daily.

SECTION 7. Facilities required to be provided. – There shall be proper and adequate drainage and sewerage system in the public market to ensure cleanliness and sanitation. Appropriate facilities to abate pollution shall be installed.

SECTION 8. Water and drinking facilities. - The public market shall have available ample water for cleaning. There shall be separate drinking facilities to prevent contamination.

SECTION 9. Responsibility of individual stall owners/vendors. – Individual stallowners/vendors shall keep and maintain their stalls in clean and sanitary condition, they shall likewise be responsible for the cleanliness of the passageways, alleys or spaces immediately in front, behind or beside their stalls. Together with local market authorities and personnel, market vendors and stall owners shall be responsible for the general cleanliness and sanitation of the public market and its premises. The Municipal Government shall provide market sweepers.

SECTION 10. Public toilets. – Public toilets with adequate lavatories, at least one for men and another for women, shall be provided and installed in strict conformity with the Sanitation Code and the same shall be kept clean and sanitary at all times.

SECTION 11. “No Littering” Signs. – “No Littering” signs shall be posted in conspicuous places to warn vendors and buyers that the same is punishable by laws. ordinances on waste segregation and the prohibition for the use of plastic should be observed.

SECTION 12. Number and type of garbage receptacles. – The public market shall be provided with large garbage receptacles of fly-and-rat-proof type for the collection of all the garbage and rubbish in the market and its premises. In addition, an adequate number of garbage cans shall be placed at strategic places for the garbage and rubbish of the buyers, ambulant vendors and market personnel. Likewise all stall owners and vendors shall be required to have individual garbage can within the premises of public market.

SECTION 13. Purpose of cover. - All garbage cans must be properly covered to keep them from becoming the breeding place of flies, mice, rats, mosquitoes and other insects.

SECTION 14. “Use of Garbage Cans” Signs. – “Keep Premises Clean” and “Use Garbage Cans” Signs shall be placed at the entrance, in the passageways and in places where garbage are collected on four corners of the Public Market.

SECTION 15. Disposal of Garbage – It shall be the responsibility of the individual stall owners and vendors to dispose of their garbage at the end of each day by placing them in the receptacle (referred to Section 12 thereof.) However, the disposal of the garbage of the buying public, ambulant vendors and market personnel shall be the responsibility of the local market authorities. The waste dumping area of disposed garbage shall be located at a convenient place accessible to garbage collectors/trucks. Solid waste accumulated at each stall shall be transferred to the central dumping area to facilitate efficient solid waste management.

SECTION 16. Time for collection and disposal of garbage. – All the garbage and rubbish of the public market must be collected and disposed of at appropriate schedules to be determined by the local market authorities. At 10.00 AM all garbage will be collected.

SECTION 17. Meat and meat products. – All meat and meat products shall be inspected pursuant to existing laws and ordinances. Meat vendors are required to store their meat products in the freezer to avoid contamination.

SECTION 18. Sale of marine products. – Only fresh, live and wholesome fish, and marine products or dried, salted, smoked, or fermented fish and marine products which are safe for consumption shall be sold. Fish and other marine products caught in radio-active zones as well as in areas contaminated by toxic substances or high in mercury count as determined by the Department of Health (DOH) through the Bureau of Food and Drug in coordination with the Bureau of Fisheries and Aquatic Resources (BFAR), shall be condemned and shall not be allowed for sale.

SECTION 19. Protection and preservation of foods. – All kinds of foods which require no further cooking shall be wrapped, covered or enclosed in containers. Food vendors are required to undergo medical examination. A Sanitary inspector must at all times be present to obligate them to follow rules on sanitation.

SECTION 20. Applicability of Code on Sanitation. –

- a) All provisions of the Code on Sanitation shall, whenever applicable, be observed by and enforced upon public markets and all establishments therein and their respective personnel.

- b) Special effort shall be exerted to strictly observe and enforce the provisions of said Code of Sanitation relating to water supply, food establishments, sewage collection and disposal, excrete disposal and drainage, and refuse disposal.

CHAPTER II. Security and Safety

SECTION 21. Market Hours. – The public market shall be open from 3:00 a.m. and close at 8:00 p.m., in accordance with the requirement safety order and sanitation.

SECTION 22. Proper identification– All market personnel shall be required to display conspicuously an identification card or other means of identification prescribed by the municipality.

SECTION 23. Security Unit. – The Local Government Unit shall provide adequate security for the protection of consumers and traders within the vicinity of the market area.

SECTION 24. Losses of stallholders– The Local Government Unit shall not be responsible for any loss or damage which stallholders of vendors may incur in the public market by reason of fire or *force majeure*. The local market authorities, however, shall encourage stallholders to insure their commodities.

CHAPTER III. Service Areas/Facilities

SECTION 25. Service area. – Storage facilities and other support and auxiliary market facilities, such as those intended for ice and cold storage shall be appropriate situated to facilitate efficient storage and distribution of ice and perishable goods delivered to the market. All meat/fish vendors are required to store their products in the refrigerator or with fish and meat full of ice when displayed.

SECTION 26. Parking area. – Ample parking space shall be provided within the vicinity of the public market when practicable. The municipal government may charge reasonable fees for the use of such parking spaces at rates to be determine by the Sangguniang Bayan. The parking hours should be limited to two (2) hours only.

SECTION 27. Ramps and Stairways.- Ramps shall be place in strategic, visible locations near the approach points to the market structure and shall conform to the provisions of the existing accessibility law which requires buildings, institutions, establishments and public utilities to install facilities and devices to enhance the mobility of disable person. They shall provide convenient linkage to the adjacent market functional areas. Regular stairways shall complement the ramps installed in the public market. Special lane for the elderly and PWD's must be provided.

SECTION 28. Weighing scales. – The municipality shall provide weighing scales for the use of the consumers to safeguard them against short weighing commodities like rice, fish, meat, etc. It shall be located at strategic points in the public market. There should be uniform weighing scale. Vendors with short weighing scale shall be sanctioned.

CHAPTER IV. Award and Occupancy of Stalls

SECTION 29. Market Committee. – The Market Committee, whose duty shall be to conduct the drawing of lots and opening of bids in connection with the adjudication of vacant or newly constructed stalls or booths in the public markets as prescribed herein, and to certify to the Local Sanggunian, the results thereof shall be composed of the Municipal Mayor or his duly authorized representative as Chairman and the following as members:

- a) a representative of the Municipal Treasurer
- b) a representative of the Sangguniang Bayan
- c) a representative of the Market Vendors chosen by them from among their members: and
- d) the Barangay Captain of the Barangay where the public market is located.

SECTION 30. To whom award maybe made –

- 1) No person shall operate a market stall without first securing the permits required by the local government unit where the public market is located.

- 2) No person shall sell, offer for sale or expose any article or articles in any public market of use or occupy any stall without first having been assigned to such stall be given preference in the occupancy of lease of stall over non-resident applicants at the time of the awarding of stalls.
- 3) Vendors shall be assigned a stall according to the nature of merchandise for sale.
- 4) Stallholders shall not be allowed to occupy stalls or spaces other than those leased to them, and it shall be the duty of the Market Administrator or his duly authorized representative to see to it that the stallholders do not wrongfully occupy other stall or spaces.
- 5) Stall ownership is non-transferable.

SECTION 31. Subleasing of Selling Privileges Not Allowed.- No awardee shall sublet or sub-lease the stall so awarded nor shall any privilege acquired be sold. If any person other than the Stallholders is found selling in the latter's stall, this shall be considered prima facie evidence of subleasing and the stallholder shall be subjected to outright revocation of his lease award.

SECTION 32. Limit on Number of Stalls awarded. – No person shall be allowed to lease more than two stalls: Provided, that when two stalls are leased to one person, such stalls shall adjoin one another and shall be located in the same section of the public market: Provided, finally, that it shall be a violation of this section for more than one member of a family consisting of the father, mother, sons and daughter to hold stalls in the public market unless their sons and daughters are already living by themselves and independently of their parents(delete).

SECTION 33. Duration of lease. – The duration of lease of a market stall in government-owned public markets shall be one (1) year only. Such provisions shall likewise be incorporated in the lease contract to be executed for such purpose.

SECTION 34. Revocation of lease. – The revocation of lease contract of stallholders shall be effected for use or causes to be determined by the LOCAL CHIEF EXECUTIVE and the Local Sanggunian Such provisions shall likewise be incorporated in the lease of contract to be executed for such purpose.

SECTION 35. Adjudication of Vacant Stalls to Applicants. – Vacant stalls be leased to applicants in the following manner:

(a) A notice of vacancy of the stalls or booths shall be posted for a period of not less than ten (10) days prior to the date of actual award to qualified applicants to appraise the public of the fact that such stalls or booths are vacant and available for lease. Such notice shall be posted in the bulletin board of the market concerned. An application fee shall be collected from each applicant to cover the necessary expenses and any excess thereof shall form part of the general fund of the local government unit concerned.

(b) The application should be made under oath. It shall be submitted to the Office of the local market authorities concerned by the applicant either in person or through his/her authorized representative.

(c) It shall be the duty of the Local market authorities to keep a registry book showing the names and addresses of all applicants for vacant stalls or booths, the number and description of the stall/booth applied for by them, and the date and hour of receipt of each application.

(d) Applicants who are Filipino citizens shall have preference in the lease of market stalls. In case there is only one Filipino applicant, the stall or booth applied for shall be adjudicated to him. If there are several Filipino applicants for the same stall, adjudication of the stall be made through 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 Sangguniang Bayan for appropriate action. If on the last day set for filling applicants, there is no application from a Filipino citizen, the posting of the Notice of Vacancy prescribed above shall be repeated for another ten-day period. If after the expiration of that period there is still no Filipino applicant, the affected stall 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 through drawing of lots to be conducted by the Market Committee.

(e) The successful applicant shall furnish the Municipal Treasurer two (2) copies of his picture immediately after the award of the lease. It shall be the duty of the Municipal Treasurer to affix one (1) copy of the picture to the application and the other copy to the record card kept for that purpose.

SECTION 36. Effect of Death of Lessee. – Upon the death of the holder of a stall, the contract of lease covering said stall shall be deemed terminated. However, if the deceased leaves a surviving spouse or legal heirs who desire to continue the business of the deceased, the lease may be transferred to the deceased's spouse or legal heirs upon application thereof; Provided, that the local market authorities shall be notified within thirty (30) days after the death of the original lessee and of the desire of the spouse or legal heirs to

succeed and upon payment of all necessary rents or lease due at the time of death of the original lessee. The contract of lease covering said stall is non-transferable. Upon the death of the lessee his/her immediate family will submit the application to the municipal government.

CHAPTER V. Collection and Use of Market Fees.

SECTION 37. Market Fees. – The Municipal Government of Lumban may collect fees or rentals for the occupancy or use of any part of a government-owned public market or its premises in accordance with existing laws. The rental rate or fees shall be determined by the Local Sanggunian in accordance with the actual requirements for the maintenance of the public market and the sustenance of its economic viability.

SECTION 38. Subdivision of market building and rates of fees and rentals thereof – The public market shall be divided into sections with each section housing one class or group of allied goods, commodities or merchandise. The Sangguniang Bayan shall fix for each section, reasonable rates of fees or rentals per square meter or space per month and/or day. In case there are several market buildings, or pavilions, each one of them shall be assigned a number or other designation. For better identification each buildings or pavilions shall be assigned a number or other designations.

SECTION 39. Rentals for fixed stalls, booths and tiendas. – Rentals for fixed stalls, booths and tiendas shall be fixed by the month and are to be paid within the first ten (10) days. The fixed stalls, booths and tiendas situated in the best locations shall be assigned higher rates per square meter that those less favorably located: Provided, that said higher rates per square meter shall be within the range of such rates determined by the Sangguniang Bayan as provided in Section 38 thereof.

SECTION 40. Market fees for the occupancy of market premises. – The market fees for the occupancy of market premises shall be fixed at such reasonable rate per day per square meter of space occupied therein, or a fraction thereof.

SECTION 41. Market Entrance Fee. – In lieu of the regular market fees based on the space occupied, a market entrance fee based on weight, bundle, sack, can cartload, or any other convenient unit of measure may be imposed on all transient vendors of any commodity or merchandise being brought into the public market for sale. The entrance fee to be imposed shall not exceed the market fee that would otherwise be collectible if the fee were charge on the basis of space occupied by the commodity or merchandise as provided in the immediately preceding section. Any vendor occupying any table, cubicle or other spaces with an area exceeding that to which he is entitled by virtue of payment of the entrance fee shall be required to pay the correct amount of fees thereon less what he already paid as entrance fee. Duly licensed suppliers or distribution of goods, commodities of general merchandise servicing permanent occupants of market stalls, booths, tiendas or other space, as well as the same occupants when they bring in good commodities or merchandise to replenish or augment their stock, shall not be considered as transient vendors required to pay the market entrance fee herein authorized.

SECTION 42. Slaughterhouse fees- The municipality may collect fees for the slaughter of animals and the use of slaughterhouse or corral owned and operated by the public market in accordance with the provisions of the section. To be collected by the market collector; and subject to the revision of Revenue Code.

a. **Permit Fee to Slaughter-** Before animal is slaughtered for public consumption, a permit fee therefore shall be secured from the health officer of his duly authorized representative and the corresponding fee, at a reasonable rate to be fixed by the local sanggunian.

b. **Rates of Slaughter Fees-** Slaughter fees may be fixed per head of animal or per kilo of the dressed meat thereof. The slaughter fees shall be prescribed by the sanggunian concerned. If fees are to be changed per kilo, each slaughterhouse shall be provided with a balance on which all dressed meat, including liver, heart tongue, and other parts utilized for consumption shall be weighted. The weighing shall be made under the supervision of the Market Administration of his duly authorized representative.

c. **Place of Slaughter-** The Slaughter of any kind of animal for sale to, or consumption of, the shall be done only in the municipal slaughterhouse, be it adjacent to the market or not the slaughter of animals intended for home consumption, except large cattle, may be done elsewhere: Provided, that the animals slaughtered for home consumption shall not be offered for sale.

d. **Corral Fees-** Fees at rates not exceeding those fixed by the local sanggunian, based on per head per day, may be collected for animals to be slaughtered which are deposited and kept in a corral owned and operated by the public market.

SECTION 43. Payment of fees. – Unless otherwise provided herein, the market fee must be paid in advance before any person can sell, or offer to sell, any commodity or merchandise within the public market and its premises.

SECTION 44. Issuances of cash tickets to transient vendors; prohibition on transfer thereof – Cash tickets shall be issued to the vendor buying the same his name, date and signature of the collector shall be written on the back thereof. The cash tickets shall certain only to the person buying the same and shall be good only for the spaces of the market premises to which he is assigned and only while in the hands of the original purchaser. If the vendor disposes of his merchandise by wholesale to another vendor, the latter shall purchase new tickets if he desires to sell the same merchandise even if this is to be done in the same place occupied by the previous vendor. Cash tickets shall be provided with serial numbers by the Office of the Municipal Treasurer which shall monitor the issuance of the cash tickets in collaboration with the Market Administrator.

SECTION 45. Allocation of collected market fees. – After deducting statutory of contractual obligations, a minimum of fifty percent (50%) of the remainder of the income of the public market owned by the government shall be reserved and set aside as a capital and management development fund for the maintenance and improvement fund for development. The balance shall accrue to the general fund of the Municipal Government of Lumban.

CHAPTER VI. Market Day

SECTION 46. Market Day. – There shall be a twice a week Market Day: Wednesday and Sunday.

CHAPTER VII. Restrictions

SECTION 47. Rules of Conduct. –

1. The MARKET ADMINISTRATOR shall promulgate such rules of conduct as may be applicable within market premises to render efficient market management and operation upon determination of the Sangguniang Bayan.

2. The names and pictures of persons authorized by stallholders to help them in their daily business shall be registered with the office of the local market authorities.

CHAPTER VIII. Prohibitions

SECTION 48. Peddling and Hawking. –

1) No person shall peddle, hawk, offer for sale or expose for sale any articles in the passageways or aisle used by the purchasers in any public market.

2) The peddling or sale of foodstuffs which deteriorate easily, like meat or fish, outside the market site or premises is hereby prohibited.

3) Local market authorities shall designate areas within the market premises which peddlers and hawkers can occupy. Peddlers shall not be permitted to expose or sell merchandise on sidewalks, courts (patios) or places designed and/or intended for the passage of the public to the public markets. Market officials, personnel and policemen detailed in the vicinity of the municipal market shall exercise strict compliance with these provisions.

SECTION 49. Disposing and servicing of intoxicating drinks. – No person shall drink, serve or dispose liquor or any intoxicating drink within the premises of the public market. Any violation hereof shall subject the offender to the penal provisions of this Code and his or her lease award shall be subject to revocation.

SECTION 50. Loose Animals. – The local market authorities shall make sure that no dogs or other animals are left astray in the premises of the public market.

SECTION 51. Illegal Construction. – The construction of living quarters within the market premises shall not be allowed.

SECTION 52. Ejected stallholders are disqualified to participate in the drawing of lots. – Should a stallholder be ejected from his stall for cause, as provided in this Code, he shall be disqualified from subsequently filing another application for the lease of any stall/booth in the public market of the municipality.

SECTION 53. Prohibition.-

1. No lessee shall remove, construct, or alter the original structure, electrical wiring or water connection of any booth or booths without prior permit from the local market authorities approved by the municipal building official. Any unauthorized construction shall be subject to demolition by the local authorities. Dwelling in stalls or any place within the market premises shall be strictly prohibited.

2. No stallholder in the public market shall be allowed to store gasoline and crude oil.

3. Gambling, beer house, bar, cabaret and other similar purposes within the market premises shall be strictly prohibited.

Penalty for prohibited acts – Any person violating, or causing, inducing or abetting the violation of the above prohibitions shall have a fine of One Thousand (P1, 000.00) Pesos and/or imprisonment of six (6) months in the discretion of the court.

TITLE THREE – ADMINISTRATION

CHAPTER I. Local Administration of Public Market

SECTION 54. Local Advisory Committee. – The Mayor may create a local advisory committee to be composed of representatives from the government and private sectors to assist him and the Sangguniang Bayan in the formulation of policies to enhance the efficiency of market operation.

CHAPTER II. Market Personnel

SECTION 55. Market Administrator. – The Market Administrator shall exercise direct and immediate supervision, administration and control over local government-owned or operated public markets and the personnel thereof including those whose duties concern the maintenance and upkeep of, ensuring peace and order in the market premises, subject to the supervision of the Municipal Mayor. Market Collectors shall be directly under Municipal Treasurer in accordance with existing laws, local ordinances and other rules and/or regulations pertinent thereof insofar as collection, remittance and reporting of collections are concerned. Actual collection activities including the assignment of market collector, however, shall be supervised by the Market Administrator.

SECTION 56. Powers and Functions of the Market Administrator. – The Market Administrator shall:

- (a) Exercise general supervision over the management and operation of the public markets.
- (b) Enforce all laws, rules and regulations affecting public market management and operations;
- (c) Assist in the formulation of the budget for operation of the public market prior to the submission to the Sanggunian.
- (d) Propose and coordinate plans and programs for the public market on all aspects of market operations including market linkages;
- (e) Propose the imposition of adjusted market fees to the Sanggunian based on the standards set forth in this code; and
- (f) Prepare monthly financial statements in collaboration with the Municipal Treasurer indicating market income and expenses to be submitted to the Mayor and the Sanggunian.

SECTION 57. Other Market Personnel.- Other officials and employees of the public market shall be determined by the Sanggunian in accordance with existing laws.

TITLE FOUR – PENAL PROVISIONS

SECTION 58. Penalty for prohibited acts.- Any person violating, or causing, inducing or abetting the violation of any prohibitory provision of this code shall be penalized of a fine not exceeding Five Hundred Pesos (P500.00) and in case of recidivism, the penalty of arresto mayor or a fine ranging from P200.00 to P2,500.00 and/or imprisonment of six (6) months or both upon the discretion of the court .

SECTION 59. Selling Confiscated Goods. – Any law enforcement officer or public market security guards who confiscated goods from any vendor, ambulant or otherwise and sells or offers these goods for sale himself or through the third person/s, shall, upon conviction of the court, suffer:

1. The penalty of prison correctional in its medium and maximum periods, if the value involved does not exceed Five Hundred (P500.00) Pesos upon the discretion of the court;
2. The penalty of prison mayor in its minimum and maximum periods if the value involved is more than Two Hundred (P200.00) Pesos but does not exceed Six Thousand (P6,000.00) Pesos upon the discretion of the court;
3. The penalty of prison mayor in its minimum and maximum periods if the value involved is more than Six Thousand (P6,000.00) Pesos but less than Twelve Thousand (P12,000.00) Pesos upon the discretion of the court;
4. The penalty of reclusion temporal in its minimum and maximum periods if the value is more than Twelve Thousand (P12,000.00) Pesos but less than Twenty Two Thousand (P22, 000.00) Pesos. If the amount exceeds the latter, the penalty shall be reclusion temporal in its maximum period to reclusion perpetual. In all cases, person guilty of selling or offering to sell confiscated shall also suffer a fine equal to the total value of the goods confiscated and sold or offered to be sold. The failure of any law enforcement officer or public market security guard who confiscated goods from any vendor, ambulant or otherwise, to duly account for any goods confiscated by him upon demand by any duly authorized officer shall be prima facie evidence that he has sold the unaccounted confiscated goods.

SECTION 60. Weights and Measures – Any stallholder found violating the provisions of the existing laws regarding weights and measures shall for the first offense, be required to correct any deficiency in said weights or measures, severely warned and/or reprimanded. For the second offense, his stall lease shall be subject to revocation.

SECTION 61. Dummies. – Any person who acts a dummy for another in connection with the enjoyment if any of the privileges provided in this code shall be subject to the penalty stated in section 58 hereof.

TITLE IV- TRANSITORY AND FINAL PROVISIONS

SECTION 62. Existing public market buildings and support facilities.- The public market building and support facilities constructed under existing laws or municipal ordinances, if legally done in accordance therewith, shall not be subject to location, establishment and construction limitations established in this code. However, alterations, additions and/or repairs to be made in such buildings or structures shall be subject to the provisions of this code.

SECTION 63. Barangay Market- Barangay governments are hereby authorized to establish their own public markets subject to the same rules and policies provided in this code.

SECTION 64. Separability Clause. – If for any reason, any part of this code shall be declared to be unconstitutional or invalid, other parts of provisions hereof which are not affected thereby continue to be in full force effect.

SECTION 65. Repealing Clause. – All orders, rules and regulations, ordinances or parts thereof, inconsistent hereby repealed or modified accordingly.


SECTION 66. Effectivity. – This code shall take effect immediately upon approval and compliance of the provisions of existing law on posting and publications.

ORDERED, the Sangguniang Bayan Secretary to transmit copy of this ordinance to concerned offices for their information and approval.

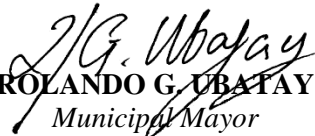
I HEREBY CERTIFY as to the correctness and validity of the above-quoted ordinance.


CORAZON B. PADUA
SB Secretary

ATTESTED:


BELEN B. RAGA
Municipal Vice Mayor

APPROVED:


ROLANDO G. UBATAY
Municipal Mayor

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