

CERTIFIED XEROXED COPY:
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SP Member

Republic of the Philippines
Province of Leyte
City of Baybay

Jan 11/05

JUANITO B. MODINA
SB Member

Office of the Sangguniang Panlungsod

Excerpt from the

MINUTES OF THE 42ND REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BAYBAY, LEYTE HELD IN THE SESSION HALL ON DECEMBER 7, 2004

PRESENT:

- HON. FLORANTE M. CAYUNDA.....
- HON. ERNESTO M. BUTAWAN.....
- HON. VICENTE G. VELOSO.....
- HON. DEOGRACIAS E. PERNITEZ.....
- HON. JOSE C. GO.....
- HON. EDGARDO R. OMPOY.....
- HON. JUANITO B. MODINA.....
- HON. REX A. RETANA.....
- HON. EDUARDO S. GUINOCOR, JR.....
- HON. MICHAEL L. CARI.....
- HON. GUALBERTO B. PICAL, JR.....

Municipal Vice Mayor &
Presiding officer
Sangguniang Bayan Member

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REX A. RETANA
SB Member

ABSENT:
NONE

"MARKET CODE OF THE MUNICIPALITY OF BAYBAY."

MUNICIPAL ORDINANCE NO.008 S. 2004

INTRO. & SPONSORED BY: D. E. PERNITEZ, R. A. RETANA & E. R. OMPOY

BE IT ENACTED, by the Sangguniang Bayan of Baybay, the Ordinance Prescribing Rules and Resolutions governing Public Markets.

ARTICLE I - SCOPE, COVERAGE, ESTABLISHMENT AND GENERAL PROVISIONS

SECTION 1. PRELIMINARY TITLE:- This Ordinance shall be known as "Ordinance Prescribing Rules and Regulations governing Public Markets" and shall also otherwise be known as the "Market Code of the Municipality of Baybay".

SECTION 2. DEFINITION OF TERMS. -

a) Public Market - shall mean or be understood to refer to any place, building or structure, design or form, and any extension thereof which shall be shown on the maps and plans on file in the Office of the Municipal Engineer or Baybay and, as subject to the provisions of this Article, shall not apply to bazaars, fairs, booths or the like which not have been designated as public market by the Sangguniang Bayan, as provided in Section 3 of this Ordinance.

b) Market Stalls - refers to allocated spaces in the public market of certain or definite dimensions, with or without a table or enclosure where merchandise of any kind is sold or offered for sale in the public market. The term market stall used in this Section shall be understood to apply to any allocated space where merchandise is sold or offered for sale in the public market of the Municipality of Baybay in accordance with the Uniform standard space which is at least one (1) square meter which may hereafter be approved by the authorities: Provided, however, stalls already created before the enactment of this Code having a measurement of less than one (1) square meter shall be considered as a standard stall for the purpose of this Article. Each stall, stand, or allocated space for the use of the vendors in the public market shall be given a number which shall be continuously displayed on top of the stall, stand or allocated space, and from which a regular fee or rent is collected on a defined periodic basis.

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c) Booth - refers to two or more contiguous stalls in the public market with an enclosure where merchandise of any kind is sold or offered for sale.

d) tienda - refers to any allotted space in the public market of definite dimensions bigger than a booth and actually enclosed.

e) Section - refers to a series of stalls or booths in the public market where one class or kind of merchandise is sold or offered for sale.

f) Zone - refers to an aggrupation of contiguous sections in the public market usually made as a territorial unit for purpose of effecting a collector assignment scheme as may be determined by the Market Administrator from time to time.

g) 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 siting or moving from place to place within the market premises or person who sell meat products or fish-peddlers who sell there ware in the municipality of Baybay.

h) Bagsakan - is basically an area whether open or covered where wholesale goods are delivered in bulk in which it functions as a transaction area for producers, wholesalers and retailer.

i) Hawkers - refers to ambulant vendors who sell their wares on a one day basis.

j) Local Market Authorities - refers to the municipal mayor, the Market Administrator, the municipal Administrator, the Market Committee, or any other municipal official charged with the management of the day operations of the public market and/or specific aspects of such operations.

k) Marine Products - refers to fresh and dried fish, seaweeds, shells like mussels, clans, shrimps, lobster and the like.

l) Market Premises - refer to any open space in the market compound, part of the market lot consisting of bare ground not covered by the market buildings, usually occupied by transient/ambulant vendors especially during market days, and total area designated as the market place.

m) 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.

n) Entrance Fee - refers to a fee charged and/or collected from persons selling in trucks, boats including transient/ambulant vendors of any commodity or merchandise being brought into the public market for sale in the basis of weight, bundle, sack, can cartload, or any convenient unit of measure, including livestock, poultry, fish and other items intended for sale in the public market, of which fee is provided in Local Tax Ordinance No. _____.

o) Stallholders - refers to those who have been granted the right to use a stall, where they can display or sell their goods. Commodities of foodstuffs, and pay rentals thereon.

SECTION 3. GENERAL PROVISION. - This Ordinance shall govern and regulate the establishment, supervision, administration and control of all public markets, abattoirs, stockyards and the inspection and examination of meats and fish, vegetables and fruits and other marketable goods for public consumption as provided for in the succeeding specific chapters of this Code.

SECTION 4. POWER TO ESTABLISH. - This Sangguniang Bayan of the Municipality of Baybay shall have the sole power to establish, designate and/or authorize the establishment of public markets within the territorial limits of the Municipality of Baybay, taking into consideration the need of both consumers and traders in the area and the economy viability of such public market. Establishment for a new market expansion or improvement of an existing one must be subjected to a feasibility study to be conducted by the Municipal Planning and Development Office with the assistance and coordination of the Market Administrator to accurately determine financial projections, market demands, proper management schemes, technical and legal consideration. It shall also include a population profile showing trends in population growth, density, income distribution, employment and expenditures patterns as well as determine the demand and buying power of the people within the trade area and the sales volume.

SECTION 5. ADMINISTRATION, SUPERVISION AND CONTROL. - Subject to the general executive supervision and control of the Municipal Mayor, the direction, supervision and general administrative control of municipal markets, including adjudication or assignment, reassignment and allocation of stalls, the standardization, classification and/or grouping or regrouping of merchandise to be sold in the stalls, and the direction, control and supervision over the Market Administrator is hereby vested in the Municipal Administrator: Provided, however, that the power exercised by the Municipal Administrator incident to adjudication, assignment, reassignment or allocation of stalls shall be subject to the provision of Section 7 of this Code.

SECTION 6. MARKET ADMINISTRATOR. - The Municipal Mayor shall exercise direct and immediate supervision, administration and control of the public market and the personnel thereof

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including those whose duties concern the maintenance upkeep of, and ensuring peace and order in the market premises, subject to the supervision of the Municipal Administrator. Market collectors shall be directly under the Municipal Treasurer in accordance with existing law, local ordinances and other rules and/or regulations pertinent thereto insofar as collection, remittance and reporting of collections are concerned. Actual collection activities, including the assignment of market collectors, however, shall be supervised by the Market Administrator.

SECTION 7. DUTIES OF A MUNICIPAL TREASURER. - Provision of existing laws to the contrary notwithstanding, the functions of the Municipal Treasurer shall be limited to the collection, custody and proper disbursement of fees and other income of the public market, and furnishing collection report to the Market Administrator.

SECTION 8. MARKET COMMITTEE. - There is hereby created in the Municipality of Baybay a Market Committee which shall be composed of the following:

1. Municipal Mayor or his duly authorize representative
2. The Municipal Treasurer
3. The Municipal Health Officer
4. The Municipal Planning & Development Officer
5. Chairman of the Market Committee of the Sangguniang Bayan
6. The Municipal Legal Officer
7. The Market Administrator or his representative
8. The Municipal Engineer
9. President of BAMAVA

SECTION 9. DUTIES OF THE MARKET COMMITTEE. - It shall be the duty of the Market Committee to conduct the drawing of lots and opening of bids for the adjudication of vacant or newly created stalls or booths in the public market or markets and to certify to the Municipal Mayor the result thereof; to make a study of, submit comment and recommendation, and afterwards supervise transfer of stallholders from one section to another, or from one stall to another, to re-group or to re-arrange markets as may be found necessary for the efficient and sanitary operation of business in the municipal public market or markets; and in advisory capacity, to make a study of all phases of market matters and to submit comment and recommendation thereon to the Municipal Mayor; Provided, however, that the adjudication or lease to vacant or newly created stalls or booths or tiendas in the municipal public market or markets shall be under the direction of the Market Committee and subject to the rules and regulations prescribed in this Ordinance.

In any case in which the deliberation of the Market Committee results in a tie vote, the decision of the Municipal Mayor as Chairman shall prevail by breaching the tie.

SECTION 10. PROHIBITION. - No individual person, private group, partnership or corporation other than the Municipality of Baybay and other agency which is authorized by law shall engage in the inspection and certification of any consumer's goods and/or products (marine, agricultural, manufactured, etc.) for human consumption intended for sale, distribution or whatsoever within the jurisdiction of the Municipality of Baybay.

SECTION 11. COVERAGE OF THE PUBLIC MARKET - The coverage of the Public Market shall not be limited to the public market proper alone but shall include the Bus Terminal, Barbeque area as well as canteens and stalls leased from the Municipal Government of Baybay outside the Public Market Proper.

Vendors in the Bus Terminal and the Barbeque Area shall be under the supervision and control of the Market Administrator in relation to health, sanitation and environmental compliance and other applicable provision of the market code.

ARTICLE II - SANITATION AND PHYSICAL ARRANGEMENT

SECTION 12. Lighting, Ventilation, Drainage, Etc. - Adequate general lighting facilities and ventilation shall be provided in the market by the Municipal Government. However, stallholders shall provided their own lights in their respective stalls with 10 watts or 5 watts bulb at each front door and shall be lighted continuously at night from the time they close their stalls up to the time when they opened their stalls in the morning of the following day at their own expense. The ground surface and water treatment facilities shall be constructed in such a manner and form as the Municipal Engineer and the Municipal Health Officer or their authorized representative may recommend.

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SECTION 13. Sanitary Maintenance. - The sanitary maintenance and inspection of all municipal markets shall be governed by sanitary orders, rules and regulations promulgated by the Municipal Health Officer and the Sangguniang Bayan as maybe adopt from time to time, as well as all applicable provisions of the 1999 Revised Sanitation Code of Baybay and that of the Code of Sanitation of the Philippines.

SECTION 14. Cleaning of Stalls. - The cleaning and sanitation of municipal market shall, in relation to Section 13 hereof, be under the direction, supervision and administration of the Market Administrator and for this purpose shall be furnished such sufficient number of market cleaners or laborers as may be necessary.

The cleaning of markets stalls, including the floor space thereof and appurtenance thereto, shall be done by the holders and their helpers during market hours. All waste matters shall be placed by them in a garbage receptacles provided in the following section, which refuse and garbage shall be collected and disposed of by the market cleaners and laborers. The representatives of the Municipal Health Officer or the Market Inspector shall see to it that the markets are maintained in clean and sanitary conditions.

SECTION 15. Refuse, where place. - No stallholder or any other person shall place refuse on the floor, stall or any place other than the garbage receptacles provided for the purpose by the municipal.

SECTION 16. Altering of Stalls etc. - No stall holders or any person shall alter, disfigure, add to, change nor construct another structure of any stall or market fixture without a written permission from the Municipal Administration upon recommendation of the Municipal Engineer. The said altering or improving of stalls and fixtures are considered as the properties of the Municipality of Baybay.

SECTION 17. Market Sections/Vendors; Assignment. - Market vendors shall be assigned to the different market sections according to the articles or merchandise they offer for sale, and any vendor who shall occupy any place or section of the market and sell their wares other than his/her assigned section shall render void any privilege to the stallholders and shall ipso facto give rise to the cancellation of their lease contract and their subsequent ejection from their stalls as provided in Section 18 thereof.

SECTION 18. Manner of Exposing Merchandise: Container - All provisions, merchandise, goods or articles offered for sale in the market shall be so arranged that no portion of the alleys shall be obstructed and that the floors, stands stalls, and other places or things used for exposing, the same can be easily and perfectly cleaned. All merchandise, goods, articles or foodstuffs offered for sale shall be protected from all kinds of insects and vermin and placed in such manner as the Market Administrator or his authorized representative may direct. All containers for merchandise shall be of such size, class and conditions as prescribed by the Market Administrator as shall be suitable for the purpose for which it is used.

SECTION 19. Sale or Exposure for Sale. What Constitutes. - Whenever any article shall be exhibited in any public market as if the same were intended for sale, whether sold or not, or directly offered for sale or not, such exhibition shall be held to be an exposure of the same for sale and an offer to sell within the meaning of this Code.

SECTION 20. Labeling or identifying meat for sale. - (a) No meat vendor in any municipal market shall sell to the public any meat without properly identifying the same.

(b) **Sign Posting** - Proper board signs shall be posted by the market authorities in conspicuous places of the sections for any kind of meat including dressed fowls, stating the kind of meat authorized for sale in each section which shall be separated from each other by a tall wire screen.

(c) **Definition** - The term "meat" as herein used shall refer to fresh meat from cow, carabao, goat, sheep, swine and dressed fowls butchered or slaughtered in the Municipal Slaughterhouse and other accredited slaughter houses in the municipality.

SECTION 21. Disqualification of ejected stallholders. - should a stallholder be ejected from his stall for cause as this Code so provides, he or she shall be disqualified from leasing again said stall or in other stalls in any public market of the municipality for a period of one (1) year.

SECTION 22. Loitering prohibited. - No lessee, occupant or any employee of any market where foodstuffs, and food products are sold or offered for sale shall allow any person or any animal of any description to occupy, loiter, sit or lie upon or have access to a table, or other places where the foodstuffs are kept, displayed or stored, nor in any way obstruct, impede or block the stalls or passage ways of patrons or customers.

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SECTION 23. Food Handlers. - all persons engaged in the sale and handling of manufactured, prepared or cooked foods, refreshment and drinks and likewise, carenderias, restaurants and eating places in the market place shall at all times observe and follow all health rules and regulations as provided in PD 856 otherwise known as the Code of Sanitation of the Philippines and any all sanitary orders, rules and regulations as required by the Municipal Health Officer of Baybay.

SECTION 24. Cleanliness and Sanitation. - Stallholders shall maintain the cleanliness and sanitation of their respective stalls and its surroundings.

SECTION 25. Garbage Receptacles. - Stall holders shall provide in their stalls a garbage receptacles which shall be uniform in all stalls in accordance with R.A 9003 and other existing ordinances.

SECTION 26. Electric & Water Consumption. - Electric and water consumption shall be solely the account of stall holders/lessees of rentable space subject to the rates/limitations to be provided for in the implementing rules & regulations.

SECTION 27. Installation of air-conditioning. - freezer, refrigerators, telephone, lights and other facilities is at the expense of the stall holders/ occupants subject to the written approval of the Market Committee.

ARTICLE III - ADJUDICATION, LEASING AND OCCUPANCY OF STALLS

SECTION 28. Vacancy, lease and occupancy of stall. -Vacant stalls, booths or tiendas, and newly constructed ones in the public markets of the Municipal to Baybay shall be adjudicated in the following manner:

a) Notice of vacancy shall be hanged/displayed above the vacant stalls, booths or otherwise

so placed therein as to appraise the public of the fact that such stalls or booths are unoccupied and available for lease. This notice of vacancy shall specify the number of the stall or booth, the section in the market where it is located, and the last date during which application therefore may be filed. This notice of vacancy shall be printed on stiff cardboard and should be in the following form:

NOTICE

TO WHOM IT MAY CONCERN

Notice is hereby given that Market Stall/Booth No. _____ of the _____ Market is vacant (or will be vacant on _____, 200__).

Any person, at least 21 years of age and is not legally incapacitated, who is a citizen of the Philippines desiring to lease this Stall/Booth shall file an application therefore in the form prescribed by the Municipal Administrator, Municipal Hall, Municipality of Baybay (forms can be obtained from the Public Market Administration Office, Public Market, Baybay, Leyte) during office hours before 12:00 o'clock noon of _____, 200__ for more information please see the Chairman of the Market Committee on or before _____. The stall/booth shall be determined by a drawing of lots to be conducted on _____, 200__, at _____ o'clock AM/PM, at the Municipal Hall by the Market committee composed of the Municipal Mayor, as Chairman, and the following members: the Municipal Treasurer of his representative, the Municipal Health Officer of his representative, a Member of the Sangguniang Bayan, the Municipal Planning and Dev't. Officer or his representative, the Municipal Legal Officer, the Market Administrator or his representative, Municipal Engineer and a Representative of the Market Vendors.

This stall/booth is in the Section _____ and is intended for the sale of _____.

Municipal Administrator

The above notice of vacancy shall remain where it is hanged or placed for a period of not less than five (5) days immediately preceding the date of the award. A copy of this Notice of Vacancy shall also be placed on the Bulletin Board of the Market Administrator.

b) The application shall be under oath. It shall be submitted to the Market Administrator by the Applicant for records purposes and to be submitted immediately to the Market Committee thru the Municipal Administrator, who is the Chairman.

c) An Application Fee of P500.00 shall be collected from each applicant to discourage nuisance applicants and to cover/defray the necessary expenses which shall form part of market funds derived as market fees.

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d) Only Filipino Citizens shall have the right to lease the public stalls giving preference to Baybayano in the lease of public market stalls. If on the last day set for filing application there is no application from a Filipino citizen, the hanging and 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 no Filipino applicant, the stall shall remain vacant. action.

e) It shall be the duty of the Market Administrator to keep a register book showing the names and addresses of all applicants for vacant stalls or booths, the number and description of the stall applied for by them, and the date and hour of the receipt of the Market Administrator of each application. It shall be his duty to acknowledge receipt of the application setting forth therein the time and date of receipt thereof.

Such application shall be substantially in the following form:

APPLICATION TO LEASE MARKET STALL

The Municipal Administrator
Municipality of Baybay

Sir:

I Hereby Apply under the following contract for the lease of Market Stall No. _____ of the Municipal Market of Baybay. I am _____ years of age, _____ Citizen, married to _____, and a resident of _____.

Should the above-mentioned stall be leased to me in accordance with the market rules and regulations, I promise to hold the same under the following conditions:

- (1) That while I am occupying or leasing this stall (or these stalls), I shall, at all times, have my picture and that of my helper (or those of my helpers) conveniently framed and displayed conspicuously in the stall;
- (2) That I shall keep the stall (or stalls) in good sanitary condition at all times and comply strictly with all sanitary and market rules and regulations now existing, or which may hereafter be promulgated;
- (3) That I shall pay the corresponding rentals for the booth (or booths), or stall (or stalls) in the manner prescribed by existing ordinances;
- (4) The business to be conducted in the stall (or stalls) is owned exclusively by me;
- (5) That I will allow the market administrator and other authorized agency to inspect all equipments or paraphernalia use in my business during business hours to insure that they are in accordance with the regulation set forth by the bureau of standard and other agencies.
- (6) I shall not sublet or sell this privilege to the stall (stall or booths), or otherwise permit another person to conduct a business therein; and
- (7) Any violation on my part or on the part of my helpers of the foregoing conditions shall be sufficient cause for market authorities to cancel this contract after due process has been instituted.

Very respectfully,

Applicant

I, _____ do hereby state that I am the person who signed the foregoing statement/application, that I have read the same, and that the contents hereof are true to the best of my knowledge and belief.

Applicant
Tax Identification No. _____

SUBSCRIBED AND SWORN to before me, in the Municipality of Baybay, Philippines, this _____ day of _____, 200____. Applicant/Affiant exhibited his/her Community Tax Receipt No. _____ issued on _____, 200____, at _____, Philippines.

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SECTION 29. Vacancy of stall Before Expiration of the Lease. Should the stallholder or lessee, for any reason whatsoever, discontinue or be required to discontinue his business before his lease of the stall expires, such stall shall be considered vacant and its occupancy thereafter shall be disposed of in the manner herein prescribed.

SECTION 30. Death of the Lessee. Upon the death of the lessee, the stall, booth or tienda leased to the deceased lessee shall automatically become vacant and the same shall be adjudicated to the public in accordance with Sections 30, hereof. However, should the deceased lessee is survived by a legal spouse in and unmarried children who are desirous to continue the lease any of them may continue the lease by filing a written petition accompanied by an application fee in the amount of P500.00 thereafter. The same stall, booth or tiendas shall be awarded to the surviving heirs under the same terms and conditions as provided in the lease of contract of deceased lessee. Should there be no agreement between the unmarried children and the surviving spouse the latter shall be preferred over the former, however, if there are only surviving unmarried children, the market committee should decide who among the surviving unmarried children will be qualified to continue the business however further, that the petitioner or the unmarried daughter or son should be at least twenty one (21) years of age.

SECTION 31. Partnership with as Stallholder. A business partnership which is duly registered with SEC may lease a stall, tienda or booth in public market. In case of death or any legal incapacity of any of the partners, the surviving partner may continue the business for a period of not exceeding sixty (60) days with in which to wind up the business partnership. Thereafter the remaining partner may apply in his own behalf as he is given a preferential right for the lease.

SECTION 32. Lessee to Personally Administer his/her Stall. Any person who has been awarded the right to lease a market stall in accordance with provisions hereof, shall occupy, administer and managed personally at his stall or stalls, booth or booths. He may employ helpers who must be citizens of the Philippines, including but not limited to the spouse, parents and children of the stallholders who are actually living with him and who are not disqualified under the provisions hereof.

SECTION 33. Dummies, Sub-lease of Stalls. - A.) 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, if found to be in reality not the person who is actually occupying said stall or stalls, booth or booths, the lease contract shall be canceled **B)** If found out they have sub-leased her or 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 the contract shall be likewise canceled and terminated.

SECTION 34. Citizenship of Stallholders. - Subject to the provisions of Section 30 hereof, no person shall be permitted to engage in any form of business in the public markets other than citizens of the Philippines.

SECTION 35. Other Disqualifications of Stallholders. - No person suffering from any communicable disease shall be permitted to engage in business in any public market or be employed therein in any capacity and no person holding any stall, booth or tienda in the public market. To carry out the purpose of this Section, the person holding any stall, booth or tienda and the person employed by his or her shall before engaging in business or entering employment, secure from the Municipal Health Officer, a certificate of good health to which a picture of the applicant should be attached.

SECTION 36. Limit on number of stalls awarded. No person shall be allowed to lease more than one stall. Provided, finally, that it shall be a violation of this section for more than one member of the family consisting of the father, mother, sons and daughters to hold stalls in one public market unless these sons and daughters are already emancipated

SECTION 37. Duration of Regular Lease. - The regular lease of market stalls, booths or tiendas shall have a fix period of one year, renewable upon agreement by both parties, Provided, the existing lessee has the right to first refusal to renew the contract. However, the Municipal Mayor upon recommendation of the Market Administrator the Lease Contract for causes, provided under this Code and as stipulated in the contract while the lessee may also terminate the contract by serving notice to the Market Administrator thirty (30) days prior to termination.

SECTION 38. Stallholders to Occupy Allotted Stalls or Space Only. - Holders of stalls, booths or tiendas shall not be allowed to occupy stalls or spaces other than those leased to them. It shall be the duty of the Market Administrator and his subordinates to enforce this prohibition and apply in proper cases the penalty provided herein for offending stallholders.

SECTION 39. Temporary Operation of Stalls, Booths or Tiendas. - Should the lessee decided to temporary close his/her stalls, booths for a period of not less than one (1) month but not more than

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six months he/she must notify the market administrator in advance and pay the corresponding monthly rentals he/she is supposed to be absent. Any temporary closure that would exceed six (6) months would tender the stall, booth or tienda vacant and shall be adjudicated in accordance with Sec. 30 hereof. Provided, in case the temporary closure is due to the illness of the lessee, he/she must present a medical certificate within one (1) month from date of hospitalization or occurrence of such illness and notify the market administrator of the temporary closure of the stall, booth or tienda which shall not exceed six (6) months otherwise, if the temporary closure will exceed six (6) months the stall, booth or tienda will be considered vacant. However, the serve shall be adjudicated first in accordance with Section 33 and second in accordance with Section 30, hereof.

SECTION 40. Appeals in Adjudication of Stalls. - Any applicant who is not satisfied with the adjudication made by the Municipal or the Market Committee of the stall applied for by him may file with the office of the Municipal Mayor, through the Market Administrator, who may submit such comment and recommendation as he may desire to make on the matter. The Municipal Mayor may reject or submit the same to the Market Committee for reconsideration and review and the findings or recommendation of the Market Committee shall be transmitted to the Municipal Mayor and in such cases his decision shall be final.

ARTICLE IV - RENTS, FEES AND LICENSE

SECTION 41. Stall Rentals of Fees for Stall, Booths, Tiendas or Spaces.

SECTION 42. License of Stallholders. - For the purpose of this section, the imposition of fees shall be determined by the Market Committee upon approval of the Municipal Mayor in accordance with the Tax Code.

SECTION 43. Certification Fee - A certification fee of P50.00 shall be collected for any document requested and released or a certification issued and shall require the Market administrator and shall issue Official Receipt for this purpose. The Fee collected shall form part of market funds derived as market fees/

SECTION 44. Market Fees for the Occupancy of Market Premises. - Any person occupying market premises, but not occupying stalls or permanent spaces therein, there is hereby imposed a fee as embodied in Section 8 or Local Tax Ordinance No. 93-01, series of 1993.

SECTION 45. Market Entrance Fee. - There is hereby imposed a market entrance fee on all transient vendors or any commodity or merchandise being brought into the public market for sale to the occupants or the stall holders of the public market on the basis of weight, bundle, sack, can, cartload or any other convenient unit of measure to be determined by the Market Administrator.

SECTION 46. Manner of Collecting Rentals, Fees, Surcharges and Interest: Civil Remedies. - All market rentals and/or fees shall be collected with the issuance of an official receipt or cash tickets in the manner prescribed by the in Section 13 of Local Tax Code No. 93-01, series of 1993 Treasurer: Provided, however, that every Cash Receipts or Cash Tickets issued for the payment of such fees or rentals shall bear the name of the lessee, the number of the corresponding stall, booth or tienda, as the case maybe, and the date for which payment is made. Except as herein above otherwise provided, the daily rentals and/or fees prescribed shall be paid before three o'clock every afternoon in the case of stalls, booths, tiendas or lots permanently leased and in the case of transient vendors they should pay the prescribed fees or rentals upon entering the market or its premises with their goods or merchandise for sale. Failure to effect payment within the time stated shall subject the delinquent lessee or occupant to a surcharge of fifty per centum (10%) on the regular rental or fee for the day if payment is made after three o'clock in the afternoon of the same day.

If Cash Tickets are issued, aside from requiring to write the name, date and time at the back of the Cash Tickets upon issuance, it shall also bear a serial number so as to monitor the issuance of said cash tickets.

SECTION 47. Manner of Closing/Padlock of a Delinquent Stallholders. - Upon recommendation of the Market Committee and approval of the Municipal Mayor and after the exhaustion of all the legal remedies in order to cure the defect of the delinquent stallholders, the Market Superintendent can padlock or close the stall of any delinquent stallholder.

JUANITO B. MODINA
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ERNESTO M. BUTAWAN
SB Member

ERNESTO M. BUTAWAN

SP Member

Cont'd. Mun. Ord. No. 008i s.2004

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ARTICLE V - SECURITY ORDER AND DISCIPLINE

SECTION 48. **-Security in and Around the Market Premises.-** The Market Committee subject to the approval of the Municipal Mayor, shall cause the installation of the number of security guards, market guards and watchmen.

ARTICLE VI - MISCELLANEOUS PROVISIONS

SECTION 49. **Porters in Public Market.** - No person shall engage in the occupation of porters in any public market unless he is first registered as such in the Office of the Market Administrator. Each carrier shall be provided by the Market Administrator with a registration certificate, uniform and a numbered badge of approved design which he shall wear conspicuously while working as a carrier. For the expense of such certificate, uniform and badge, the Municipal Treasurer or his authorized representative or collector assigned in the public market shall collect such amount as may be necessary to cover actual cost thereof. The Market Administrator shall have the power to fix such number of porters in each public market as he shall deem sufficient to handle the needs of such market. No person registered in one market shall act as carrier in other markets.

SECTION 50. **Courtesy to Customers.** - Helpers and vendors/sellers in public market shall at all times treat customers or purchasers with courtesy. Violation of this requirement shall be dealt with by competent authorities as the facts and circumstances of each case may warrant as covered in Section 61.

SECTION 51. **Abandoned and Confiscated Articles.** - All articles abandoned and confiscated in any public market in violation of any provision of this ordinance or any rule and regulation relating to the arrangement of the municipal markets shall be deemed a nuisance, and it shall be the duty of the Market Administrator and his subordinates to take custody of the same. In case the article are claimed within 24 hours thereafter, they shall be returned to their owners upon payment of the actual expenses incurred in their safekeeping unless they have so deteriorated as to constitute a menace to public health, in which case they shall be disposed off the manner directed by Municipal Health Officer authorized representative who may also in his discretion cause the criminal prosecution of the guilty party or warn him merely against future violation. In the case of abandoned non-perishable goods or articles, the honor is given ten days within which to claim such goods or articles and the market Administrator shall cause the publication of the same through any media that maybe available in the municipality or through the radio; but in the case of perishable goods or articles, the owner thereof is given only 24 hours within the period of time herein fixed, said article shall be sold at public auction and the proceeds thereof shall form a part of market funds derived as market income.

SECTION 52. **Municipality Not Responsible for Stallholder's Losses.** The Municipality and the Officials thereof, shall not be responsible to stallholders to any losses or damages which said stallholders may incur in public markets by reason of fire, theft, or other cause, and any merchandise or property left in the public markets during the hours of the public markets closed shall be at the risk of the stallholders; Provided, however, that it shall be the duty of the market guards and watchmen to exercise reasonable diligence and care to prevent loss of private and public property therein and may for his purpose, apprehend and turn over to the police any person/s committing any offense in the public market.

SECTION 53. **Placing Tags on Goods.** - All owners of retail stores and establishments and vendors in the public market/s of the Municipal are required to place tags on products, articles, goods and commodities they sell, fixing the prizes of each one of said articles or products, whether by kilo, ganta, hundred, piece fixed for each article.

It shall be unlawful for any retail storeowner and vendor to charge a price greater than what which is mark in the price tag: Provided, that nothing herein contained shall authorize the placing on the tags and the collection of prices in excess of those fixed by existing laws or executive orders of the President of the Philippines.

SECTION 54. **Regulating the Entry of Cargo Trucks During Peaks Hour (From 8:00 AM to 12:00 Noon).** - The Police, CSU, Hired Securitymen or any other Traffic Enforcer shall regulate, manage the entry of Cargo Trucks during peak hours in the market purposely to decongest the traffic of the market road network.

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SB Member

ARTICLE VII - PROHIBITIONS

SECTION 55. Loafing, Loitering and Begging Not Permitted. - No person not having lawful business in or about any public market shall idly sit, lounge, walk or lie in or about the premises of the same, nor shall any person beg, solicit alms or contributions in or about any public market.

SECTION 56. Obstruction, Annoying, Etc. - No person shall annoy or obstruct market employees in the discharge of their duties; nor shall any person sit or lie on any market stall or table; nor shall parents allow their children in or around their stalls or play in the market premises.

SECTION 57. Peddlers on Courts, Sidewalks, etc. - Peddlers or hawkers shall not be permitted in the public markets of the municipality or in the surrounding within a radius of 200 meters from its confines, to offer for sale articles or merchandise which are sold, or exposed for sale in the stalls, booths or tiendas or said market in order to avoid unjust competition. Neither shall be permitted to expose merchandise on sidewalks, courts (patios) or places for the passage of the buying public in the public markets of the municipal. Market guards shall exercise vigilance on this matter and enjoin strict compliance with this provision. Neither shall any person be permitted to peddle, hawk, sell, offer for sale or expose for sale any article in the passageways or aisles of any public markets.

SECTION 58. Loose Animals Not Allowed. - No dog or other animals shall be left astray in any public market and the market administrator and his subordinates are empowered to catch such astray animals and to impound them in the municipal pound for disposition as in the case of other animals caught and impounded therein.

SECTION 59. License Fees of Stallholders. - No stallholder shall engage in or conduct his business in the public markets without first having obtained a permit thereof from the Office of the Municipal Mayor.

SECTION 60. Other Prohibitions. -In addition to the prohibited acts or transactions found elsewhere in this code, the following should also be considered as prohibited acts and punishable for any person, to wit:

- 1) To do any cooking inside the public market except only in the case of carenderias and restaurants specifically granted permits by the Municipal Mayor to cook therein and only in the opinion of the Municipal Mayor the same will not and cannot constitute a fire hazard in the market;
- 2) To sleep in, or make any tienda, stall or booth the sleeping quarters of himself or family for any reason whatsoever;
- 3) To urinate or defecate inside the market premises or to throw urine or excretes therein;
- 4) To use, drive, push or pull inside the market premises any cart, carreton or carratilla for any purpose whatsoever except when they are provided with rubber wheels;
- 5) To use or make any stall, booth or tienda, or to construct any other structure, as a store room or bodega;
- 6) To make, effect or bring about wholesale transaction or distribution of fresh fish to a retail market dealer of fresh fish at any place other than those designated as the unloading and distribution centers of wholesale fresh fish vendors for fresh fish entering the municipality.
- 7) To use a tampered weighing scale for the purpose of profiteering.

The Municipality shall provide a standard weighing scale as duly accredited by the Bureau of Standard and Measurement in conspicuous place of the market.

SECTION 61. Penalty. - Any violation of the provisions of this Code shall be punishable with a fine of not less than five hundred Pesos (P500.00) and not more than One Thousand Pesos (P1,000.00) or an imprisonment of not less than fifteen (15) days and not more than one(1) month, or both, at the discretion of the Court. If the violation is committed by a juridical entity, the President, or person in-charge will be held liable.

ARTICLE VIII - SPECIAL PROVISIONS

SECTION 62. On Stalls, Booths or Spaces. - Any duly executed contract of lease for the occupancy of a stall, booth or spaces shall not ipso facto entitle the lessee to occupy or enter said stall, booth or spaces unless he is provided with the required Mayor's Permit to engage in business and has paid the Mayor's Permit Fee and all internal revenue and Municipality license, taxes, and fees.

EDUARDO B. GUINOCOR, JR.
SB Member

JOSE C. GO
SB Member

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SB Member

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Contd. Mun. Ord. No.008-2004

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SECTION 63. **On Carenderia, Etc.** - No carenderia or restaurant owners shall be allowed to lease a space unless he provides himself with fire extinguisher and secure health certificate from RHU 1 and 11 and Provincial Hospital..

SECTION 64. **On Meat or Fish Dealer.** - No meat or fish dealer shall be allowed to sell meat or fish unless he has provided himself with an adequate scale duly tested, sealed and licensed.

SECTION 65. **Demolition of Shanty or Baro-barong.** - Any shanty or barong-barong now existing in the market areas shall be torn down and demolished and thereafter no such makeshift structure shall be allowed to be constructed or put up except when the Sangguniang Bayan, upon recommendation of the Municipal Mayor shall order otherwise, but under such circumstances that will warrant the same.

SECTION 66. **Repeal.** - Any existing ordinance, resolutions, or part thereof, inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 67. **Separability Clause.** - If any provision of this Ordinance is found to be invalid or unconstitutional, all the other provisions hereof not affected thereby shall remain valid.

SECTION 68.- **Transitory Provision.**- Upon approval of this ordinance all stalls, tienda or booths in the public market shall be rendered vacant and all existing lease contracts is hereby declared terminated. Thereafter any qualified applicants may submit their intention to apply for any stalls, booths or tienda in the public market with the office of the market committee.

SECTION 69. **Effectivity.** - This Ordinance shall take effect upon the approval of the Sangguniang Panlalawigan..

SECTION 70. **Publication.** - In order to comply with the requirements of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, specifically Section 168 thereof, within ten (10) days after the approval of this Ordinance of the Sangguniang Panlalawigan a copy hereof, shall be posted in at least (2) conspicuous places and accessible public places and published once in a newspaper of general circulation in Baybay, Leyte.

RESOLVED FURTHER, to let certified copies of this Ordinance be furnished to the Honorable Sangguniang Panlalawigan of Leyte and to other offices concerned for their information and appropriate action.

ENACTED, December 7, 2004

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Bayan during its regular session on December 7, 2004.

AMELITO V. BORNEO
Secretary to the SB

ATTESTED AND CERTIFIED TO BE
DULY ADOPTED.

FLORANTE M. CAYUNDA
Municipal Vice Mayor &
Presiding Officer

APPROVED BY HIS HONOR.
JOSE CARLOS L. CARI
Municipal Mayor

EDGARDO R. ONDOY
SB Member

JOSE C. GO
SB Member

DEOGACIAS E. PERNITEZ
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GUANBERTO B. FACAL, JR.
SB Member