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MUNICIPAL BOARD

Office of the Secretary

Ormoc City

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SIXTH
MUNICIPAL BOARD OF ORMOC CITY, PHILIPPINES, HELD AT
ITS SESSION HALL ON FEBRUARY 5, 1969

PRESENT:

Hon. Jesus B. Lladoc, Vice-Mayor, Presiding Officer
Hon. Juanito T. Kangleon, City Councilor
Hon. Jose C. Aviles, City Councilor
Hon. Cesar Samson, City Councilor
Hon. Eduardo P. Tan, City Councilor
Hon. Albino P. Porcadilla, City Councilor
Hon. Jose G. Navarro, City Councilor
Hon. Rafael M. Mejia, City Councilor

ABSENT:

Hon. Gregorio C. Yrastorza, Floor Leader

RESOLUTION NO. 22

"The Board, on motion of Councilor Samson, seconded by Councilor Mejia;

"RESOLVED, to adopt:

ORDINANCE NO. 10

AN ORDINANCE TO REPEAL ALL ORDINANCES REGULATING MARKETS AND SLAUGHTERHOUSES AND THE EXAMINATION AND INSPECTION OF MEAT AND FISH FOR PUBLIC CONSUMPTION, MEAT AND FISH INSPECTION SERVICE CODE, AND FOR OTHER PURPOSES.

BE IT ORDAINED, by the Municipal Board of Ormoc City, That:

SECTION 1. Title. - This Ordinance shall be known as the Market and Slaughterhouse Code of Ormoc City and shall govern and regulate the establishment, operation and management of all public markets and slaughterhouses and the examination and inspection of meat, fish, vegetables, fruits and other marketable goods for public consumption: Provided, However, that no person, partnership, firm, corporation or the like shall be allowed to sell, distribute or otherwise dispose meat, fish or other marine products for public consumption except in public markets established in this Ordinance.

SECTION 2. No person other than the City of Ormoc shall establish and operate public markets, slaughterhouses, and stockyards of any kind and/or engage in the inspection and certification of meat and fish for public consumption within the territorial jurisdiction of the city.

CHAPTER I - GENERAL PROVISION

SECTION 3. Definition of terms. - 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 City Engineering Department and, as subject to the provisions of this Ordinance, shall not apply to bazars, fairs, booths or the like which are to be erected on public thoroughfares, plazas or vacant lands which have not been designated as public market by the Municipal Board.

Under the foregoing definition the following is hereby declared as public market of the City of Ormoc:

This comprises the premises bounded on the north by Lopez Jaena Street, on the west by Real Street up to the lot occupied by the Aviles Building, traversing the block eastward to the lot occupied by the Capahi Building, and on the east by Rizal Street together with all the buildings therein owned by the City.

Stalls refer to allocated spaces in the public market of certain or definite dimensions, with or without a table or inclosure where merchandise of any kind is sold or offered for sale in the public market. The term market stalls used in this Ordinance shall be understood to apply to any allocated space where merchandise is sold or offered for sale in the public market of the City of Ormoc in accordance with the uniform standard space which is at least one hundred (100) square centimeters which may hereafter be approved by the authorities: Provided, However, that stalls already created before the enactment of this Ordinance having a measurement of less than 100 square centimeters shall be considered as a standard stall for the purpose of this Ordinance.

Each stall, stand or allocated space for the use of the vendors in the public market shall be given a number which shall be conspicuously displayed on top of the stall, stand or allocated space.

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

Tienda refers to any allotted space in the public market of definite dimensions bigger than a booth and usually inclosed.

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.

Zone refers to an aggrupation of contiguous sections in the public market usually made as a territorial unit for purposes of effecting a collector assignment scheme as may be determined by the City Treasurer from time to time.

SECTION 4. Lighting, ventillation, drainage, etc.. - The public market shall be adequately lighted and ventillated but lights and power used in stalls, tiendas or booths shall be for the account of the user and the City. The ground surface shall be properly drained and paved. All stands, stalls and market fixtures shall be constructed in such a manner and form as the City Engineer and the City Health Officer or their authorized representatives may approve.

CHAPTER II. SANITATION AND PHYSICAL ARRANGEMENT

SECTION 5. Sanitary maintenance. - The sanitary maintenance and inspection of all city markets shall be governed by sanitary orders, rules and pegulations promulgated by the Director of Health or by the City Health Officer and those which the Municipal Board may adopt from time to time.

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Section 5-A (per Ord. No 16 S. 197) - The sanitary maintenance & inspection of markets & slaughterhouses shall be under the direct supervision & control of the City Health Officer.

SECTION 6. Cleaning of stalls. - The cleaning and sanitation of City markets shall, in relation to Section 5 hereof, be under the direction, supervision and administration of the Market Administrator and for this purpose he shall be furnished by the Municipal Board such number of market cleaners or laborers as may be necessary.

The cleaning ^{of} market 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 the garbage receptacles provided in the following section, which refuse and garbage shall be collected and disposed of by the market cleaners and laborers provided by the City for the purpose. The representatives of the City Health Officer or the Chief Market Cleaner shall see to it that the markets are maintained in clean and sanitary conditions.

SECTION 7. Refuse, where placed. - No stallholders or any other persons shall place refuse on the floor, stall or any place other than the garbage receptacle provided for the purpose by the City.

SECTION 8. Shanties and structures prohibited. - No shanty or structure in the nature of an independent room or as an addition thereto shall be permitted in or about the public market for officials and employees or for other municipal purposes.

SECTION 9. Altering of stalls, fixtures, etc.. - No person shall alter, disfigure and add to or change the structure of any stall or market fixture without a written permission from the Municipal Board duly approved by the Mayor. The said altering or improvements of stalls and fixtures are considered as the properties of the City of Ormoc.

SECTION 10. Market sections. - Every public market shall be conveniently divided into sections according to the kinds of merchandise offered for sale. The sale of merchandise pertaining to one section shall not be allowed in any other sections. Any violation of the provisions of this section shall subject the offender to the cancellation of the lease of his stall or stalls and subsequent ejection therefrom upon twenty-four hours notice to that effect of the City Mayor.

SECTION 11. Manner of exposing merchandise: containers. - 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 condition as prescribed by the Market Administrator as shall be suitable for the purpose for which it is used.

SECTION 12. 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 Ordinance.

SECTION 13. Assignment of vendors to sections. - Vendors shall be assigned to sections according to the nature of articles intended for sale. Any attempt to occupy any stall for any purpose other than that for which it was specifically assigned shall render void any privilege granted the stallholders and shall ipso facto give rise to the cancellation of their leases and subsequent ejection from their stalls as provided in Section 10 hereof.

SECTION 14. Any meat as substitute for beef or cow's meat. -

(a) No meat vendor in any city 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 urged shall refer to fresh meat from cow, carabao, goat, sheep, swine and dressed fowls butchered or slaughtered in the city slaughterhouse and are not allowed to be sold or offered for sale to the public elsewhere but the city market.

SECTION 15. Disqualification of ejected stallholders. -

Should a stallholder be ejected from his stall for cause as this Ordinance so provides, he and his helper shall be disqualified from leasing again said stall or any other stall in any public market of the City for a period of one year.

SECTION 16. No lessee, occupant or any employee of any market where foodstuffs and food products are sold or offered for sale shall permit any unauthorized person or any animal of any description to occupy, loiter, sit or lie upon or have access to a table, shelf or other places where foodstuffs are kept, displayed or stored, nor in any way obstruct, impede or block the stalls or passage ways of patrons or customers.

CHAPTER III - ADMINISTRATIVE SUPERVISION AND CONTROL

SECTION 17. Administrative direction and control. - Subject to the general executive supervision and control of the City Mayor, the direction, supervision and general administrative control of city 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 and market collectors are hereby vested in the City Treasurer, his assistants or other representatives duly authorized by the City Treasurer: Provided, However, that the power exercised by the City Treasurer incident to the adjudication, assignment, reassignment or allocation of stalls shall be subject to the provisions of Section 39 hereof.

All activities incident to the collections of stall fees, regular or special, wharfage fees, fees from trucks carrying merchandise, municipal and/or internal revenue license taxes or dues from persons or entities doing business in the markets and all accounting work incident to market collections are hereby vested in the City Treasurer as chief of the Finance Department of the City Government and shall be exercised under his direction by Market Administrator, Chief Market Collector and Market Collectors or other personnel of the City Finance Department duly authorized by the City Treasurer: Provided, However, that all

market personnel who are engaged wholly or partially in the collection of fees, licenses and the like in the markets shall be under the direct administrative control and supervision of the City Treasurer to whom they shall directly be responsible for the due performance of their duties in accordance with this Ordinance; and Provided, Further, that in the performance of their regular duties the Market Administrator, the Chief Market Collector and the Market Collectors shall promptly report to the authorities concerned through the City Treasurer all anomalies, irregularities, violations of ordinances and/or market rules and regulations, or neglect of duty that may come to their attention in connection with the performance of the activities enumerated above.

SECTION 18. Control by the Market Administrator. - There shall be a Market Administrator who, under the direction of the City Treasurer, shall have full control of the administrative direction of all public markets in the City of Ormoc and through the latter officials shall exercise the administrative functions in him vested under and by virtue of the preceding section. Under the direction of the City Treasurer, the Market Administrator shall detail for duty in the public markets of the City of Ormoc such personnel as may be necessary to carry out the functions incumbent upon him and for this purpose to summarily enforce the provisions of this Ordinance and all other ordinances, resolutions, rules and regulations governing the operations of public markets and, by virtue thereof, all market personnel. All persons having dealings with the city markets are required in all matters pertaining to markets to obey the instructions of the Market Administrator.

In the maintenance of peace and order he shall coordinate the duties of the market watchmen with the Police Department and in matters of sanitation with the City Health Officer.

SECTION 19. Duties of the Market Administrator and other personnel. - The Market Administrator and his subordinates shall see to it that stallholders are issued and are always in possession of the corresponding cash tickets or official receipts evidencing payment of the market fees or rentals for the stalls, booths or tiendas occupied by them for any particular day or for the current month as required elsewhere in this Ordinance which shall be displayed in plain view of the public. The Market Administrator shall likewise see to it that officials and employees of other departments of the City Government assigned to duty in the public markets comply faithfully and strictly with their respective duties and to report to the City Mayor, through the City Treasurer, any misfeasance or malfeasance of duties required of them in the markets or slaughterhouses.

The Market Administrator shall see to it that the city markets are efficiently operated and that all subordinates and market personnel assigned in the markets, slaughterhouses and cold storages perform their duties properly. If a stallholder fails or refuses to pay his or her stall fees, the market collector or any official or employee in the market shall report the same to the Market Administrator and/or, in his absence, to the Chief Market Collector who shall enforce the collection of said stall fees.

While in the performance of their duties the Market Administrator, market collectors, market cleaners and watchmen shall wear a prescribed uniform with name plates and with numbered badges

conspicuously displayed on their persons. The uniform and designs of the badges shall be prescribed by the City Treasurer in the case of the Market Administrator and market collectors, by the Chief of Police in the case of watchmen, and by the City Health Officer in the case of market cleaners. These uniforms, name plates and badges shall serve as symbols of the authority in them vested.

All persons connected with the city markets shall be required to acquaint themselves with the provisions of this Ordinance in order that they can act without hesitancy or delay on any question arising in the public markets regarding the operation or administration thereof.

SECTION 20. Rules and Regulations, posting of. - The Market Administrator shall post in each public market in English and in the local dialect the rules and regulations relative to the sanitation and good order in the public markets, the manner of leasing stalls therein, privileges of stallholders and such other rules and regulations as the Municipal Board, the City Treasurer or the City Health Officer shall deem necessary. He shall also furnish each stallholder a copy, in English or in the dialect, of the rules and regulations relating to the same subject as may hereafter be promulgated.

SECTION 21. Bulletin board. - For the purpose of the preceding section every public market shall be provided with a bulletin board to be placed conspicuously in or near the Office of the Market Administrator and at the gates and ingress or egress thereof.

SECTION 22. Market hours. - The public markets shall be open for the sale of articles or merchandise permitted for sale therein from four o'clock in the morning (4:00 A.M.) until nine o'clock in the evening (9:00 P.M.) every day.

CHAPTER IV ADJUDICATION, LEASING, AND OCCUPYING OF STALLS

SECTION 23. Vacancy, lease and occupancy of stalls. - Vacant stalls, booths or tiendas and newly constructed ones in the public markets of the City of Ormoc shall be adjudicated in the following manner:

a) Notice of vacancy shall be hung above the vacant or newly established stall, booth or tienda, or otherwise so placed therein as to apprise the public of the fact that such stalls, booths or tiendas are unoccupied and available for lease. The notice of vacancy shall specify the number of the stall, booth or tienda, the section in the market where it is located, and the last date during which application therefor may be filed. The notice of vacancy shall be printed on a stiff cardboard and should be made in the following form:

N O T I C E

TO WHOM IT MAY CONCERN:

Notice is hereby given that Stall/Booth/Tienda
No. _____ of the _____ Public Market

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is vacant or will be vacant on _____, 19__.

Any person, 21 years of age and above, Filipino citizen, not legally incapacitated and desiring to lease this stall/booth/tienda shall file an application therefor in the form prescribed by the City Treasurer at the City Hall, Ormoc City, during office hours not later than 12:00 o'clock noon of _____, 19__. In case there will be more than one applicant the award of the lease of the vacant stall/booth/tienda shall be determined by drawing of lots to be conducted on _____, 19__, at 10:00 o'clock in the morning at the City Hall by the Market Committee.

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

City Treasurer

The above notice of vacancy shall remain where it is hung or placed for a period of not less than ten (10) 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 Office of the Market Administrator.

b) The application shall be under oath. It shall be submitted to the Office of the City Treasurer by the applicant either in person or through his or her attorney.

It shall be the duty of the City Treasurer to keep a registry book showing the names and addresses of all applicants for vacant stalls, booths or tiendas, the number and description of the same applied for by them, and the date and hour of the receipt of each application. It shall also be his duty to acknowledge receipt of the application setting forth therein the time and date of the receipt thereof.

c) Application from Filipino citizens shall have preference in the lease of public market stalls. If on the last day set for filing applications 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 still no Filipino applicant the stalls affected 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. In case there is only one Filipino applicant the stall or booth applied for by him shall be adjudicated to him. Results of the drawing of lots shall be reported immediately by the Market Committee to the City Treasurer for appropriate action.

The Successful applicant shall furnish the City Treasurer with two copies of his or her picture immediately after the award of the lease. It shall be the duty of the City Treasurer to paste one copy of the pictures on the application and the other copy on the record card kept for the purpose.

SECTION 24. Vacancy of stall before expiration of lease. - Should for any reason a stallholder or lessee 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 25. Assignment of stalls, booths or tiendas necessary. - No person shall sell, offer for sale, or expose for sale any article in any public market or use or occupy any stall, booth or tienda without first having been assigned to such stall, booth or tienda. Any person violating the provisions of this section shall be required to pay daily special fee to consist of twice the amount regularly charged in the market for said stall, booth or tienda: Provided, However, that the regular lessee or occupant of the stall, booth or tienda in question may for cause be deprived of the stall, booth or tienda leased to be occupied by him or required to pay the special assignment fees for the abandonment of his stalls, booths or tiendas during the whole period the same had been occupied by unauthorized persons in the discretion of the City Treasurer.

SECTION 26. Death of Lessee. - Upon the death of the lawful holder of a stall, booth or tienda in the public market, the said stall, booth or tienda formerly leased to the deceased shall automatically become vacant and the same shall be adjudicated in accordance with Section 23 hereof: Provided, However, that if holder has children and any of the children who is duly qualified request by written petition to continue with the business of his or her parent, he or she shall be allowed to continue occupying the same stall, booth or tienda under the same conditions as those imposed upon his or her predecessor in interest.

SECTION 27. Partnership with a stallholder. - The legal holder of stall, booth or tienda in the public market may admit partners to the business conducted in the stall, booth or tienda leased by him if he so desires: Provided, However, that any partnership now existing or which may hereafter exist regarding any business operated in the public markets shall not have the effect of authorizing parties thereto to exercise the right of occupation or use of any stall, booth or tienda in the public market when not otherwise lawfully entitled to the use or occupation thereof; Provided, Further, that in case of separation of any partner thereto, the event gives no right to any surviving partner regarding the occupation of any stall, booth or tienda when not otherwise duly authorized to lease or occupy a stall, booth or tienda; and Provided, Finally, that any violation of the provisions of this section shall be dealt with as provided in Section 25 hereof.

In case of death or any legal disability of a stallholder to continue in his business, the surviving partner may be authorized to continue occupying the stall for a period of not exceeding sixty (60) days within which to wind up the business of the partnership. If the surviving partner is otherwise qualified to occupy a market stall under the provisions hereof and is not the spouse, parent, son, daughter or relative within the third degree by consanguinity or affinity of the deceased or disqualified partner, he shall be given the preference to continue occupying the stall or booth concerned if he applied therefor.

SECTION 28. Lessee to personally administer stall, helpers. - Any person now leasing or who may hereafter lease stalls, booths or tiendas in the public markets from the City of Ormoc in accordance with the provisions of this Ordinance shall occupy, administer and be present personally at his stall, booth or tienda: Provided, However, that upon application filed with the City Treasurer and duly approved by the City Mayor, any holder of stall, booth or tienda leasing the same under this Ordinance may be authorized to employ helpers who must be citizens of the Philippines: Provided, Further, that the spouse, parents and children of the stallholder or lessee who are actually living with him and who are not disqualified under this Ordinance may be registered as his helpers without the necessity of the application herein required: Provided, Furthermore, that the granting of the authority to employ not more than two helpers for every stall, booth or tienda holder shall be subject to the express condition that the helpers shall be citizens of the Philippines: Provided, Furthermore, that persons recommended for appointment as helpers shall under no circumstances be persons with whom the stall, booth or tienda holder requesting the appointment have any partnership or commercial relation or transaction: and Provided, Finally, that the appointment of helpers shall not relieve the stall, booth or tienda holder of the duty of personally administering the business and of being present personally at his stall, booth or tienda every day, unless he is unable to do by reason of illness or infirmity in which case the corresponding authority to leave his stall, booth or tienda shall be obtained from the Market Administrator subject to the approval of the City Treasurer.

SECTION 29. Dummies, sub-lease of stalls. - In any way where the persons whose names at the time of the approval of this Ordinance appear in the official register as holders of stalls, booths or tiendas in the public markets are not in reality the persons who really and truly occupy said stalls, booths or tiendas but other persons who lease thereof, the holder's lease contract shall be cancelled if upon investigation such holders be so found to have sub-leased their stalls, booths or tiendas to other persons or to have connived to run the business or to have assigned his or her rights without previous approval by the authorities concerned, or for any other reasons not authorized by said authorities, and the said stalls, booths or tiendas shall be declared vacant. All parties responsible for the acts mentioned shall be ineligible to apply for any stall, booth or tienda in the public markets of the City.

SECTION 30. Citizenship of stallholders. - Subject to the provisions of Section 23 (c) of this Ordinance no person shall be permitted to engage in any form of business in the public markets other than citizens of the Philippines.

SECTION 31. 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 shall be allowed to lease another stall, booth or tienda in another public market of the City: Provided, However, that stallholders affected by this provision are hereby given a period of grace not to exceed four months within which to dispose of the merchandise in their stalls, booths or tiendas after which the leases shall automatically become cancelled and revoked and said stalls, booths or tiendas shall be considered vacant and sub-

ject to adjudication to other parties as provided in this Ordinance or to the spouse of the eldest son or daughter of the holder as provided in Section 23 hereof. To carry out the purpose of this section the person holding any stall, booth or tienda and the person employed by him or her shall, before engaging in business or entering employment, secure from the City Health Officer a certificate of good health to which a picture of the applicant should be attached.

²⁹
SECTION 32. Stalls leased not to exceed two for each person. - No person shall be allowed to lease more than two stalls nor shall any person be allowed to lease more than one tienda: Provided, However, 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 market.

It shall be unlawful for more than one member of the family consisting of the father, mother, sons and daughters to hold stalls in one market unless these sons and daughters of the family so occupying or leasing stalls therein are already married and with families of their own to support or when they are already living by themselves and independent of their parents. Any person or persons violating these provisions shall upon investigation be required to immediately vacate the stall, booth or tienda illegally occupied.

³⁰
SECTION 33. Temporary lease. - Temporary leases granted before the approval of this Ordinance are hereby cancelled but temporary holders may apply and shall have the right to occupy permanently their respective stalls, booths or tiendas and shall enjoy all the privileges and rights that are extended and granted to permanent holders of stalls, booths or tiendas; but if said temporary holders do not desire to apply for the aforesaid stalls for definite adjudication in their favor, the stalls, booths or tiendas occupied by them shall be declared vacant.

³¹
SECTION 34. Duration of regular lease. - The regular lease of a market stall, booth or tienda shall be understood to be continuous unless the City Mayor, for any reasonable or justifiable cause or for any violation of the provisions of this or any other ordinances or any rules and regulations relating to the administration of public markets, shall revoke the same: Provided, However, that the rents shall be paid daily in the manner prescribed by the City Treasurer in the case of stalls or booths and monthly in the case of tiendas in accordance with the terms and conditions of the contract of lease entered into for the purpose by the lessee and the City Government unless the holder desires to pay such rents in advance for any period of time longer than a day or month as the case may be.

³²
SECTION 35. Stallholders to occupy allotted stalls or spaces 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 in Section 25 hereof for offending stallholders.

³³
SECTION 36. Forward movement of adjoining lessees when corner stalls, booths or tiendas become vacant. - When a stall, booth or tienda or a series of stalls, booths or tiendas in a corner becomes vacant, adjoining holders of stalls, booths or tiendas shall have preference to the lease or occupation of the vacant stalls, booths or tiendas in which case the occupants concerned may move forward toward the corner stall: Provided, However, that of the total num-

ber of holders in a given line of stalls, booths or tiendas half are entitled to move toward the right corner when and if the vacant corner stalls, booths or tiendas are in the right; the other half toward the left corner should the contrary be the case; and Provided, Finally, that the right to move forward to the corner stalls, booths or tiendas vacated is optional only and may be expressly waived, in which case the stall, booth or tienda holder refusing to move forward may occupy the stalls, booths or tiendas not occupied. Movement beyond the center stall, booth or tienda in the line of stalls, booths or tiendas affected toward the vacant stalls, booths or tiendas is allowable.

³⁷
SECTION 37. Vacation leave of stallholders. - Permission to be absent for a short duration may be given a holder of stall, booth or tienda by the Market Administrator when, by reason of illness or other sufficient cause, the granting of such permission becomes necessary: Provided, However, that where the stall, booth or tienda holder contemplates being absent for a period of more than seven days he shall submit to the Market Administrator a written explanation thereof accompanied by a medical certificate under oath in case of illness, or other evidence supporting said application which shall be forwarded by the Market Administrator to the City Treasurer for approval: Provided, Further, that the period of leave of absence a stallholder may enjoy shall not exceed one month for every year of stay in his stall: and Provided, Finally, that the maximum period of leave that may be granted a stall, booth or tienda holder shall not exceed four months. During the stallholder's absence, as this section provides, one of his registered helpers shall be authorized to continue the business of his stall or booth. Failure of a stallholder to return to and resume business at his stall at the expiration of the leave granted shall be deemed sufficient cause for cancellation of his lease unless otherwise decreed by the City Mayor.

³⁸
SECTION 38. Changes. - The Market Administrator or his authorized representative, without a justifiable motive, shall not change any assignment they have made if the stallholder asks for the re-assignment to him of the same stall for the next day and has paid the rent within the hours fixed for making the collection of the same.

³⁹
SECTION 39. Market Committee. - There is hereby created a permanent Market Committee composed of the City Treasurer as chairman, and the Chairman of the Committee on Markets and Slaughterhouses of the Municipal Board, the City Health Officer, the Market Administrator, and a representative of the market vendors to be appointed by the City Mayor, as members: Provided, However, that no other person shall be authorized to represent any member of the committee.

It shall be the duty of the Market Committee to conduct drawing of lots and opening of bids for adjudication of vacant or newly created stalls or booths in the city markets and to certify to the City Treasurer the results thereof; to make a study of, submit comment and recommendation on, and afterwards supervise transfer of stallholders from one section to another, or from one stall to another; to re-group or re-arrange markets as may be found necessary for the efficient and sanitary operation of business in the city markets; and, in advisory capacity, to make a study of all phases of market matters and to submit comments and recommendations thereon to the City Treasurer: Provided, However, that the adjudication or lease of vacant or newly created stalls or booths or tiendas in the city markets shall be under the direction of the Market Committee and subject to the rules and regulations prescribed in this Ordinance.

In any case where the voting of the members of the Market Committee results in a tie, the decision of the City Treasurer shall prevail.

SECTION 40. Appeals in adjudication of stalls. - Any applicant who is not satisfied with the adjudication made by the City Treasurer or the Market Committee of the stall applied for by him may file an appeal therefrom with the City Mayor whose decision shall be final.

CHAPTER V
RENTALS, LICENSES, FEES AND MANNER OF
COLLECTION *(See p. 42 of the code)*

SECTION 41. Fees from persons offering for sale articles in trucks or boats. - The City Treasurer, through his authorized representatives in the city markets, shall collect fees from persons offering for sale merchandise in trucks or conveyances or in boats docked or moored in the waters of the harbors in the vicinity of the city markets or in any other places within the territorial jurisdiction of the City of Ormoc according to the following schedule of rates:

<u>Merchandise or Animals</u>	<u>Per Head</u>
Carabao	₱ 1.00
Cow	1.00
Goat or Sheep	0.50
Pig, large size	0.50
Pig, medium size	0.40
Pig, small size	0.30
Chicken	0.05
 Firewood:	 <u>Per 100 Bundles</u>
First class (raha or large size) .	0.20
Second class (small size)	0.10
 Nipa shingles:	 <u>Per 100 Pieces</u>
First class (large size)	0.25
Second class (small size)	0.15

It shall be the duty of operators and/or drivers of trucks, captains or skippers of watercrafts and other conveyances containing merchandise upon arrival in any city market and before unloading and/or selling or offering for sale the merchandise or animals carried in the same to immediately report to the Market Collectors their presence in the said market in order that the latter could determine the exact amount of fees they are required to pay: Provided, However, that any violation of this provision shall render such owner or owners subject to the payment of special fees representing twice the amount of market fees to be determined pursuant to the capacity and/or volume of merchandise so unloaded or sold without previous notification to the Market Administrator or to the market collectors as provided in this section.

SECTION 42. Monthly payment of rentals. - Permanent lessees or occupants of market stalls, booths or tiendas shall be allowed to pay at their option the monthly rentals in advance with a rebate of ten percentum (10%) to be made on the first day of the calendar month for which the rental is to be paid.

SECTION 43. Rental fees for additional structures. - The lessees or occupants of market tiendas who have constructed structures in addition to the tiendas awarded to them and who have previously complied with the provisions of Section 9 and other pertinent sections of this Ordinance and the provisions of the building and fire ordinances shall pay a daily rental of one peso (P1.00) for each additional structure: Provided, However, that the floor area of such additional structure shall not exceed the floor area of the tienda awarded to them. The lessees or occupants shall pay the rental equal to the prescribed rates: Provided, Further, that no additional structure with a floor area wider than the floor area of the tienda awarded shall be allowed: and Provided, Finally, that hereafter no additional structure of any kind whatsoever shall be allowed to be constructed in the public markets except upon prior or previous authority and upon such terms and conditions imposed by the Municipal Board.

SECTION 44. Peddling in and around market premises. - Nothing in this chapter shall be construed as permitting any peddling in and around the market premises or having in any way altered or amended any prohibition provided for by ordinances relative to peddling or the provisions of Section 13 hereof.

SECTION 45. License fees of stallholders. - No stall holders shall engage in or conduct his business in the city public markets without first having obtained a permit therefor from the Office of the City Mayor.

SECTION 46. Manner of collecting rentals, fees and surcharges. Civil remedies. - All market rentals and/or fees shall be collected by the issuance of official receipts or cash tickets in the manner prescribed by the City Treasurer: Provided, However, that every receipt or cash ticket 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 may be, and the date for which payment is made.

Except as hereinabove otherwise provided, the daily rentals and/or fees prescribed shall be paid before ten o'clock every morning 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 lessees or occupants to a surcharge of fifty percentum (50%) on the regular rental or fee due for the day if payment is made before four o'clock in the afternoon of the same day and thereafter the surcharge will be one hundred percentum (100%) on the regular rental or fee due.

After a lessee or occupant of a market stall, booth, space or lot has become delinquent the City Treasurer may proceed to enforce collection of the rental or fee and surcharge due either by distraint of personal property or civil action, or both against the delinquent lessee or occupant, such remedies to be in addition to the criminal action authorized in Section 72 of this Ordinance.

SECTION 47. Person other than the stallholder occupying stall to pay rental. - Any person other than the stallholder (or his partner) or his registered helper found conducting business at the stallholder's stall shall be required to pay rentals in addition to the corresponding rentals collected from the regular stallholder: Provided, However, that the regular holder or lessee of the stall or booth so illegally used or occupied shall, in proper cases, be dealt with as provided in Section 23 hereof.

CHAPTER VI
SECURITY, ORDER AND DISCIPLINE

SECTION 48. Security in and around the market premises. - The Municipal Board shall provide security guards, market guards and watchmen in such number as may be necessary to cope with the security of buildings, equipment and fixtures, merchandise, goods and articles in and around the premises of city markets both in the day time and at night. These security guards, market guards and watchmen shall be under the direct supervision and control of the City Mayor through the Market Administrator..

For the maintenance of order and discipline in the market as well as to assist the Market Administrator, market collectors, market guards, city health department, and livestock and meat inspection personnel in the enforcement of market rules and regulations as herein elsewhere provided, the Chief of Police shall detail policemen to the public market every day.

Market guards and security guards are hereby empowered to conduct investigation as well as to exercise police authority insofar as the market regulations are concerned, as prescribed in this Ordinance: Provided, However, that the police department shall be notified thereof immediately after an arrest is made, and in all cases in collaboration with the police department which shall take the proper action if circumstances warrant the same.

SECTION 49. Duties of security guards. - All security guards shall be at their posts during their period of duty and should not leave the area assigned to them without due notice to the Market Administrator or until properly relieved. It shall be their concern to see to it that their zones are not disturbed by delinquents, pickpockets and those who merely roam the area which causes obstruction. They should also be on the alert to help other zones in the market for the same purpose and to report any untoward act or happening immediately to the attention of the Market Administrator or his assistant when the former is not in the area. They should at all times be ready for any call which the market authority may have from time to time to insure safety and protection of the market premises, personnel and patrons.

SECTION 50. Duties of market guards. - All market guards should be on the watch that all incoming articles subject to market fees are brought to the attention of market personnel before they are allowed entry. It shall be their duty to see to it that all market gates, passageways and alleys are not obstructed by either wrong storage or placement of goods for sale.

They should also move around from time to time and be on the watch to see that vendors and vendees are not unduly disturbed. They should likewise check every now and then the electrical wirings, water pipes and drainage and report to the Market Administrator any finding which may jeopardize the market.

SECTION 51. Duties of detailed policemen. - All police officers assigned in the market should help the Market Administrator and other personnel assigned to the market in maintaining peace, order and discipline inside and in the environs of the public market. In the absence of security and market guards and meanwhile that said positions have not yet been created by the Municipal Board, the policemen detailed to the market as required in this

chapter shall perform the duties or work of such security and market guards as hereinabove stated. They should assist in every possible way the Market Administrator and market collectors in the checking of payment of market fees, in the unobstructed flow of goods and people in the market, and in checking and not allowing vendors to ply their trade in the market unless they are provided with Mayor's permits and have paid the corresponding municipal licenses, entrance, inspection and market fees, and also in checking and not allowing peddlers or hawkers roaming or loitering around the premises as well as persons who appear to have no business in the market area. It shall also be their duty to report their findings to the Market Administrator and to help the latter in the execution of all market regulations.

CHAPTER VII MISCELLANEOUS PROVISIONS

SECTION 52. Carriers in public market. - No person shall engage in the occupation of carrier in any public market unless he is first registered as such in the office of the Market Administrator. Each carrier shall be provided with a registration certificate and a numbered metal badge of approved design which he shall wear conspicuously while working as a carrier. For the expense of such certificate and metal badge, the City Treasurer shall collect such amount as may be necessary to cover the actual cost thereof. The Market Administrator shall have power to fix such number of carriers in each public market as he shall deem sufficient to handle the needs of such market. No person convicted of any crime against property previously shall be registered as carrier. Any person convicted of any such crimes after he has been registered as carrier shall be automatically disqualified to further act as carrier and his name shall be dropped from the list of carriers kept in the office of the Market Administrator: Provided, However, that the occupation of carrier in the public market is for citizens of the Philippines only.

Porters who carry goods and merchandise into and/or out of the market must likewise register with the Market Administrator.

SECTION 53. Courtesy to customers. - Helpers and vendors or sellers in public markets 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.

SECTION 54. Abandoned articles. - All articles abandoned in any public market in violation of any provision of this Ordinance or of any rule and regulation relating to the arrangement of the city 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 articles are claimed within twenty-four (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 of in the manner directed by the City Health Officer 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 owner is given thirty (30) days within which to claim such goods or articles and the Market Admini-

nistrator shall cause the publication of the same through any media that may be available in the City; but in the case of perishable goods or articles the owner thereof is given only twenty-four (24) hours within which to claim the same. If the articles have not deteriorated and are not claimed within the period of time herein fixed, said articles shall be sold at public auction and proceeds thereof disposed of in accordance with law.

SECTION 55. City not responsible for stallholder's losses. - The City and the officials thereof shall not be responsible to stallholders for any losses or damages which said stallholders may incur in public markets by reason of fire, theft or other causes, and any merchandise or property left in the public markets during the hours 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 this purpose, apprehend and turn over to the police any person or persons committing any offense in the public markets.

SECTION 56. Appeals. - Any stallholder, person or entity directly affected or aggrieved by or not satisfied with the decision or action handed down or taken by the City Treasurer, the City Health Officer, Market Administrator, and market collectors, may appeal the same to the City Mayor whose decision or action in the premises shall be final, except as may otherwise be decreed by competent legal authority: Provided, However, that nothing in this Ordinance shall be construed as preventing any market authority, employee, person or entity from seeking the intervention of the Mayor in any market case or question which may be forwarded to the said Mayor for instruction, consultation or advice according as the case or nature of the case may call for.

SECTION 57. Placing tags on goods. - All owners of retail stores and establishments and vendors in the public market or markets of the City are required to place tags on products, articles, goods and commodities they sell, fixing the prices of each one of the said articles or products whether by kilo, ganta, hundred, piece or unit which words shall be plainly marked on the tags below the prices fixed for each article.

It shall be unlawful for any retail storeowners and vendor to charge a price greater than that which is marked in the price tag: Provided, However, 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.

CHAPTER VIII PROHIBITIONS

SECTION 58. 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 on or about the premises of the same nor shall any person beg, solicit alms or contributions in or about any public market.

SECTION 59. Obstructing, annoying, etc. - No person shall obstruct or annoy 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 60. Peddlers on courts, sidewalks, etc. - Peddlers or hawkers shall not be permitted in the public markets of the City or in the surroundings 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 of said markets in order to avoid unjust competition. Neither shall they be permitted to expose merchandise on sidewalks, courts (patios) or places for the passage of the public in the public markets of the City. Market officials and employees and policemen detailed in the vicinity of public markets shall exercise vigilance on this matter and enjoin strict compliance with these provisions. 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 market.

SECTION 61. 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 hereby empowered to catch such astray animals and to impound them in the City pound for disposition as in the case of other animals caught and impounded therein.

SECTION 62. Other prohibitions. - Besides acts and transactions prohibited elsewhere in this Ordinance, it shall be considered unlawful and punishable by Section 72 of this Ordinance for any person:

1. To sell, offer for sale or expose in any public market wares, merchandise or manufactured goods other than sea foods, vegetables, fruits, cereals, nuts, poultry, game or foodstuffs, including cooked foods which are intended for human consumption, and preserved products: Provided, However, that in case a stall or series of stalls becomes vacant and the Market Administrator is of the opinion that they are no longer desired by any applicant for the sale of the articles hereinabove enumerated he shall so report the fact to the City Treasurer who, in case such stalls or series of stalls form a whole section, may direct that the same be leased to any applicant who is a citizen of the Philippines for the sale of dry goods or manufactured articles such as tablewares, kitchen utensils and other similar merchandise: Provided, Further, that the lease of stalls for the sale of such dry goods or other manufactured articles may be revoked by the City Mayor upon 30 days notice to the holder thereof;

2. To sell, offer for sale, or expose for sale outside the public market sea foods, vegetables, fruits, cereals, nuts, meat, poultry, game or foodstuffs, including cooked foods, or by peddlers dealing in the same goods or articles or merchandise;

3. To do any cooking inside the market premises except only in the case of cenderias and restaurants specifically granted permits by the City Mayor to cook therein and only if in the opinion of the Mayor the same will and cannot constitute a fire hazard in the market;

4. To sleep in or make any tienda, stall or booth the sleeping quarters of himself or family for any reason whatsoever;

5. To urinate or defecate inside the market premises or to throw urine or excreta therein;

6. To use, drive, push or pull inside the market premises any cart, carreton or carretilla for any purpose whatsoever except only the market cleaners and garbage collectors in connection with their work;

7. To use or make any stall, booth or tienda, or to construct any other structure, as a store room or bodega;

8. To store or keep in storage at any time anywhere within the market premises fresh fish or meat, or to construct or place at any time in any place or space inside the public market any icebox or container of any description for storing fresh fish or meat; and

9. To make, effect or bring about wholesale transaction or distribution of fresh fish to a retail market dealer in fresh fish at any place other than those designated as the unloading and distributing centers of wholesale fresh fish vendors for fresh fish entering the city.

CHAPTER IX FISH EXAMINATION AND INSPECTION

SECTION 63. Definition of terms. - The term "Examination and Inspection" shall refer to the examination and inspection of fish in the city abbatoirs, public markets, cold storages or in any city building and/or place designated by the City Engineer and the City Health Officer for that purpose.

The term "fish" shall be understood to include not only fish proper but also many other aquatic animals like crabs, prawns, shrimps, lobsters, clams, mussels, scallops, snails, oysters and other mollusks or shell fish.

SECTION 64. Fish examination and inspection. - An examination and inspection shall be made of all fish before they are allowed to be stored, sold or distributed to the public or fish consumer within the territorial limits of the City of Ormoc. Such examination and inspection, in the absence of a qualified fish technologist, shall be conducted by the City Health Officer or his duly authorized representatives.

This examination and inspection shall be conducted to determine whether the fish is fresh, stale, putrefied or decomposed, diseased, poisonous, dynamited, or caught by the use of other explosives or toxic substances. All fish which shall be found to be stale, putrefied or decomposed, diseased or poisonous, dynamited or caught with the use of other explosives or toxic substances shall be condemned and disposed of in accordance with the rules and regulations governing fish and meat inspection.

SECTION 65. Inspection fees. - There shall be charged an examination and inspection fee of one centavo (P0.01) for every kilo of fish examined and inspected under the provisions of this Chapter. For this purpose, there shall be designated in the market premises by the City Health Officer, City Treasurer and Chief of Police a landing area and place of examination, inspection and weighing of all fish and the collection of inspection fees therefor: Provided, However, that the provisions of this section shall apply only to wholesale fish dealers.

CHAPTER X SPECIAL PROVISIONS

SECTION 66. Any duly executed contract of lease for the occupancy of a stall, booth or space shall not ipso facto entitle the lessee to occupy or enter said stall, booth or space 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 municipal license taxes and fees.

No carenderia owner or operator shall be allowed to lease a space unless he provides himself with a fire extinguisher, or to cook therein using stoves other than electric or kerosene stoves.

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 67. Any shanty or barong-barong now existing in the market area shall be torn down and demolished and thereafter no such makeshift structure shall be allowed to be constructed or put up except when the Municipal Board upon recommendation of the Mayor shall order otherwise, but under such circumstances that will warrant the same.

TO SLAUGHTERHOUSE

SECTION 68. Establishment and operation of slaughterhouses. - No person, firm, corporation or the like other than the City of Ormoc shall establish, maintain or operate any slaughterhouse within the territorial jurisdiction of the City.

SECTION 69. Administration and control. - Subject to the general supervisory powers of the City Mayor, the City Treasurer shall have direct administration and control of the slaughterhouses.

SECTION 70. Slaughterhouse personnel. - The personnel of the City Slaughterhouse shall consist of livestock and meat inspectors, checkers, driver-meat delivery man, cleaners and watchmen in such number as may be sufficient to cope with the work inherent in the service. The officers and personnel herein abovementioned shall, in addition to duties that may hereafter be provided, perform and observe the following duties and obligations:

a) To comply with the rules and regulations promulgated by the Bureau of Animal Industry regarding the inspection of animals before they are butchered and of the meat after said animals have been butchered or slaughtered;

b) To have the slaughterhouse and its premises clean and sanitary and for this purpose they shall be aided by as many cleaners or laborers as the Municipal Board may provide;

c) To provide for the safe disposal of the remains and other refuse of the slaughtered animals; and

d) To provide a suitable and adequate office or working quarters at the City Slaughterhouse and in the public markets.

SECTION 71. Domestic animals for public consumption. - Meat of domestic animals for public consumption as understood in this title shall include cows, bulls, steers, carabaos, goats, deer or swine, and such other animals which are fit for human consumption: Provided, However, that the above enumeration is subject to any law or Executive Order of the President of the Philippines which prohibits the slaughter of any of the animals listed in this section.

It shall be unlawful to slaughter for consumption any pig or calf less than five weeks old, or any lamb or kid less than eight weeks old, or any dog.

CHAPTER XI
PENAL PROVISIONS

SECTION 72. Penalty for violation. - Failure to pay the rents, licenses or fees provided for or those which may be provided for in any law or ordinance, failures to comply with sanitary rules and regulations issued by competent authorities pursuant to Sections 6 and 7 of this Ordinance, or failures to comply with the provisions of Sections 10, 13, 16, 25, 28, 29, 30, 31, 35, 37, 45, 47, 52 and 53 of this Ordinance by a stall, booth or tienda holder, or any person designated in the pertinent provisions abovementioned shall be sufficient cause for the revocation of the lease of the offender and his subsequent ejection from the stalls, booths or tiendas leased to or occupied by him besides suffering the penalties specifically provided in said sections, together with an additional penalty of a fine of not less than five pesos (P5.00) but not more than one hundred pesos (P100.00) or by an imprisonment of not less than two (2) days but not more than thirty (30) days, or both such fine and imprisonment at the discretion of the court.

Any person who violates the provisions of Sections 8, 9, 11, 14(a), 27, 41, 44, 57, 58, 59, 60 and 62 of this Ordinance shall, aside from the revocation of his lease and his subsequent ejection from the stall, booth or tienda leased to or occupied by him, be punished by a fine of not less than fifty pesos (P50.00) but not more than two hundred pesos (P200.00) or by an imprisonment of not less than one (1) month but not more than six (6) months, or both such fine and imprisonment at the discretion of the court.

SECTION 73. Any person either for himself or in behalf of another person, firm, corporation or the like who shall offer for sale or distribute fish to the public within the territorial limits of the City of Ormoc without examination and inspection shall be liable to prosecution and, upon conviction, shall suffer a fine of not less than fifty pesos (P50.00) but not more than two hundred pesos (P200.00) or by an imprisonment of not less than five (5) days but not more than thirty (30) days, or both such fine and imprisonment at the discretion of the court. This penalty shall not be in lieu of but in addition to the penal provisions of Republic Act No. 4003, as amended, and of Republic Act No. 428.

SECTION 74. Effectivity. - This Ordinance shall take effect immediately upon its approval.

ENACTED, February 5, 1969.

RESOLVED, FURTHER, to furnish a copy of this Ordinance each to the City Treasurer, the City Auditor, the City Judge, the City Fiscal, the Market Administrator, and all concerned in the City of Ormoc;

"CARRIED UNANIMOUSLY."

I HEREBY CERTIFY to the correctness of the above-quoted resolution-ordinance.

ATTESTED::

Jesus B. Iladoc
JESUS B. ILADOC
Vice-Mayor
Presiding Officer

Laureano J. Suan
LAUREANO J. SUAN
Secretary

APPROVED, *May 12*, 1969:

Inaki A. Lazabal
INAKI A. LAZABAL
City Mayor

ATTESTED AS APPROVED:

Teotimo P. Ocubillo
TEOTIMO P. OCUBILLO
Secretary to the City Mayor