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REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

SANGGUNIANG PANLUNGSOD
DATE OUT
DATE: 2-9-04
BY: [Signature]

SANGGUNIANG PANLUNGSOD
RECEIVED
DATE: 2-13-04
BY: [Signature]

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE NINTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON JANUARY 22, 2004

PRESENT:

Hon. Jose S. Serafica,	City Councilor, Minority Floor Leader
	Temporary Presiding Officer
Hon. Nepomuceno P. Aparis I,	City Councilor, Majority Floor Leader
Hon. Ruvinieu E. Mendola,	City Councilor, Assist. Maj. Floor Leader
Hon. Demosthenes F. Tugonon,	City Councilor
Hon. Eduardo P. Tan,	City Councilor
Hon. Rafael C. Omega, Jr.	City Councilor
Hon. Fernando P. Parrilla,	City Councilor
Hon. Gregorio A. Yrastorza, Jr.	City Councilor, Assist. Minority Floor Leader
Hon. Jovencio A. Laurente,	City Councilor
Hon. Fe. S. Lladoc,	City Councilor
Hon. Emeterio Y. Larrazabal,	Ex-Officio City Councilor,
	Chapter President, Liga ng mga Barangay ng Ormoc
Hon. Cheryl L. Alfar,	Ex-Officio City Councilor,
	SK Federation President

ABSENT:

Hon. Celso P. Adolfo,	(Special Leave),	Vice Mayor &
		Presiding Officer

PREFATORY STATEMENT

The New Market Code of Ormoc City was formulated to provide a well defined policy on how to effectively govern the public market (and other markets) of this City as designated by the Sangguniang Panlungsod.

This Code serves as the guiding pointers of the life blood of the "the Public Market", where the products, traders and consumers can engage in more trade activities that accrued to their benefits.

The City's Public Market (including Valencia & other future markets designated by the Sangguniang Panlungsod) is one of the sources of revenues for the local government unit. It generates substantial local revenues in the form of taxes, rental fees, business permits and licenses.

Consistent with the City Government's drive of enhancing efficiency and effectiveness in the City Administration of all its Economic Enterprise undertaking, it is imperative that a New Market Code be passed to direct and govern the management/operation of the New Market and all public markets in Ormoc City.

FOREGOING PREMISES CONSIDERED, on motion of City Councilor Ruvinieu E. Mendola, Chairman, Committee on Market & Slaughterhouse, duly seconded by City Councilors Fe S. Lladoc, Nepomuceno P. Aparis I and Gregorio A. Yrastorza, Jr.; be it

RESOLVED, to adopt:

ORDINANCE NO. 107

"MARKET CODE OF THE CITY OF ORMOC."

BE IT ENACTED, by the Ninth Sangguniang Panlungsod ng Ormoc, That:

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 City of Ormoc".

SECTION 2. 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 3. POWER TO ESTABLISH. - This Sangguniang Panlungsod of the City of Ormoc shall have the sole power to establish, designate and/or authorize the establishment of public markets within the territorial limits of the City of Ormoc, taking into consideration the need of both consumers and traders in the area and the economic 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 City Planning and Development Office with the assistance and coordination of the Market Administrator/Superintendent to accurately determine financial projections, market demands, proper management schemes, technical and legal considerations. 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 4. ADMINISTRATION, SUPERVISION 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 is hereby vested in the City Administrator: Provided, however, that the power exercised by the City Administrator incident to adjudication, assignment, reassignment or allocation of stalls shall be subject to the provision of Section 7 of this Code.

SECTION 5. MARKET ADMINISTRATOR. - The Market Administrator shall exercise direct and immediate supervision, administration and control of the public market and the personnel thereof including those whose duties concern the maintenance and upkeep of, and ensuring peace and order in the market premises, subject to the supervision of the City Administrator. Market collectors shall be directly under the City Treasurer in accordance with existing laws, 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 6. DUTIES OF A CITY TREASURER. - Provision of existing laws to the contrary notwithstanding, the functions of the City 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 7. MARKET COMMITTEE. - There is hereby created in the City of Ormoc a Market Committee which shall be composed of the City Administrator as Chairman, and the following as members:

- a) The City Treasurer or his representative
- b) The City Health Officer or his representative
- c) Chairman of the Market Committee of the Sangguniang Panlungsod
- d) The City Planning and Development Officer or his representative
- e) The City Legal Officer
- f) The Market Administrator or his representative
- g) President of the Ormoc Filipino Retailer's Association

SECTION 8. 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 City 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 city 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 City Mayor; Provided, however, that the adjudication or lease to vacant or newly created stalls or booths or tiendas in the city 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 City Administrator as Chairman shall prevail by breaking the tie.

SECTION 9. PROHIBITION. - No individual person, private group, partnership or corporation other than the City of Ormoc 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 City of Ormoc.

SECTION 10. 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 thereat which shall be shown on the maps and plans on file in the Office of the City Engineer of Ormoc 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 Panlungsod, 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 City of Ormoc 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.

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 purposes 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 sitting or moving from place to place within the market premises.

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 retailers.

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

j) Local Market Authorities - refers to the City Mayor, the Market Administrator, the City Administrator, the Market Committee, or any other city official charged with the management of the day to 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, clams, 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) Peddler - means a person who, either for himself or on commission, travels from one place to another and sells his goods or offers to sell and deliver the same.

n) Rental Fee - means a charge fixed by law or agency, in the form of money or otherwise, given for the enjoyment or use of a thing.

o) 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. 93-01.

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

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 includes the Bus Terminals, as well as canteens and stalls leased by the City Government of Ormoc outside the Public Market Proper.

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 City Government. However, stallholders shall provide their own lights in their respective stalls and 10 watts or 5 watts bulb at each front door be lighted continuously at night from the time they close their stalls up when they opened their stalls in the morning of the following day at their own expense. 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 representative may approve.

SECTION 13. Sanitary Maintenance. - The sanitary maintenance and inspection of all city markets shall be governed by sanitary orders, rules and regulations promulgated by the City Health Officer and those which the Sangguniang Panlungsod may adopt from time to time, as well as all application provisions of the 1999 Revised Sanitation Code of Ormoc City and that of the Code of Sanitation of the Philippines.

SECTION 14. Cleaning of Stalls. - The cleaning and sanitation of city 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 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 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 City 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 city.

SECTION 16. Shanties and Structures Prohibited. - No shanty or structure in the nature of an independent room as an addition thereto shall be permitted in or about the public market for officials and employees or for other city purposes.

SECTION 17. Altering of Stalls, Fixtures, etc. - No person shall alter, disfigure or add to or change the structure of any stall or market fixture without a written permission from the City Administrator upon recommendation of the City Engineer. The said altering or improving of stalls and fixtures are considered as the properties of the City of Ormoc.

SECTION 18. Market Sections. - Every public market shall be conveniently divided into sections according to the kinds of merchandise, and 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 upon recommendation of the Market Committee.

SECTION 19. 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 conditions as prescribed by the Market Administrator as shall be suitable for the purpose for which it is used.

SECTION 20. 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 21. Assignment of Vendors to Section. - 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 18 hereof.

SECTION 22. 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 23. Disqualification of ejected stallholders. - Should a stallholder be ejected from his stall for cause as this Code so provides, he and his helpers shall be disqualified from leasing again said stall or any other stall in any public market of the city for a period of one (1) year.

SECTION 24. Loitering, etc., prohibited. - 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, shall 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.

SECTION 25. Food Handlers. - All persons engaged in the sale and handling of manufactured, prepared or cooked foods, refreshment and drinks and likewise, cenderias, restaurants and eating places in the market place shall at all times observe and follow all health rules and regulations provided in 1999 Revised Sanitary Code of Ormoc City; PD 856 otherwise known as the Code of Sanitation of the Philippines and any all sanitary orders, rules and regulations as required by the City Health Officer of Ormoc.

SECTION 26. Cleanliness and Sanitation. - Stallholders shall maintain the cleanliness and sanitation of their respective stalls and its surroundings.

SECTION 27. Garbage Receptacles. - Stallholders shall provide in their stalls a garbage receptacles which shall be uniform in all stalls in accordance with the specification of the Market Authorities.

SECTION 28. Electric & Water Consumption. - Electric and water consumption shall be solely the account of stallholders/lessees of rentable space.

SECTION 29. Installation of air-conditioning, telephone, lights and other facilities is at the expense of the stallholders/occupants subject to the written approval of the Office of the City Engineer.

ARTICLE III - ADJUDICATION, LEASING AND OCCUPANCY OF STALLS

SECTION 30. Vacancy, lease and occupancy of stall. - 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 hanged/displayed above the vacant or newly established stall or booth, or otherwise so placed therein as to apprise 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 therefor in the form prescribed by the City Administrator, City Hall, City of Ormoc (forms can be obtained from the Public Market Administration Office, Public Market, Ormoc City) during office hours before 12:00 o'clock noon of _____, 200____. In case there should be more than one applicant, the award of the lease of the vacant stall/booth shall be determined by a drawing of lots to be conducted on _____, 200____, at _____ o'clock AM/PM, at the City Hall by the Market Committee composed of the City Administrator, as Chairman, and the following members: the City Treasurer or his representative, the City Health Officer or his representative, a Member of the Sangguniang Panlungsod, the City Planning and Development Officer or his representative, the City Legal Officer, the Market Administrator or his representative and a Representative of the Market Vendors.

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

City 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 City Administrator, who is the Chairman.

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

d) 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 City Administrator
City of Ormoc

Sir:

I Hereby Apply under the following contract for the lease of Market Stall No. _____ of the City Market of Ormoc. 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 to me;

(5) In case I engage helpers, I shall nevertheless personally conduct my business and be present at the stall (or stalls) or booth (or booths). I shall promptly notify the market authorities of my absence, giving my reason or reasons therefore.

(6) I shall not sublet or sell this privilege to the stall (stalls 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.

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 thereof are true to the best of my knowledge and belief.

Applicant
Tax Identification No. _____

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

Official Title

e) Applicants who are Filipino Citizens shall have preference 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 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 shall be adjudicated to him. If there are several Filipino applicants for the same stall, adjudication of the stall shall be made through drawing of lots to be conducted by the Market Committee on the date and hour specified in the notice. The result of the drawing of lots shall be reported immediately by the Committee to the City Administrator for appropriation action.

SECTION 31. 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 32. Assignment of Stalls, Booths or Tiendas. No person shall sell, offer 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 special assignment fees for the abandonment of his stall, booth or tienda during the whole period the same had been occupied by unauthorized persons I the discretion of the City Administrator.

SECTION 33. 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 30 hereof. Provided, however, that if the 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 parents, he or she shall be allowed to continue occupying the same stall, booth or tienda under the conditions as those imposed upon his or her predecessor in interest. The term qualified means children of the deceased stallholder who are unmarried and that prior to the death of his/her parents they are dependents, so much so if there are still minors who are dependent upon the business of their deceased parent's business in the public market. Provided, finally, that upon a written petition is filed signifying

intent to continue business with the business of his or her deceased parents, any of the children who petitioned be required to pay an Application Fee of P500.00.

SECTION 34. Partnership with Stallholder. A stallholder who enters into business partnership which must be registered with SEC has the right to occupy the stall. In case of death or any legal impediment of such original 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 the spouse, parent, son, daughter or relative within the third degree of consanguinity or affinity of the deceased, is not applying for the stall, he shall be given the preference to continue occupying the stall or booth concerned, if he applied therefor.

SECTION 35. Lessee to Personally Administer his/her Stall. Any person who has been awarded the right to lessee a market stall in accordance with the provisions hereof, shall occupy, administer and be present 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. The persons to be employed as helpers shall not, under any circumstances, be persons with whom the stallholder has any commercial relations or transactions.

SECTION 36. Dummies, Sub-lease of Stalls. - 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 of such stall or stalls, booth or booths, shall be canceled if, upon investigation, such stallholder shall be found to 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.

SECTION 37. 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 38. 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 lease shall automatically become cancelled and revoked and said stalls, booths or tiendas shall be considered vacant and subject to adjudication to other parties as provided in this Article or to the spouse or the eldest son or daughter of the holder as provided in Section 30 hereof. 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 City Health Officer, a certificate of good health to which a picture of the applicant should be attached.

SECTION 39. Limit on number of stalls awarded. No person shall be allowed to lease more than four stalls: Provided, that when two stalls are leased to one person, such stalls shall adjoin one another and shall be located in the same section of the public market; Provided, further, that vacant stall where there are no interested applicant to occupy or lease said stall, then it can be leased to stallholders even if he/she occupies or have leased more than four stalls: 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 living by themselves and independently of their parents.

SECTION 40. Duration of Regular Lease. - The regular lease of market stalls, booths or tiendas shall be understood to be continuous, unless the City Mayor upon recommendation of the Market Committee for any reasonable or just cause or for any violation of the provisions of this or any other ordinance, or any rules and regulations relating to the administration of the public markets, revoke the same; Provided, that the rents shall be paid daily in the manner prescribed by this ordinance; Provided, further, the stallholders of the old market buildings may opt to pay their rents monthly subject to 10% discount if paid in the first three (3) days of the month and shall pay a surcharge if paid on the fourth (4th) day of the month, while occupants/stallholders of the new market buildings may also opt to pay monthly basis and also subject to ten percent (10%) discount if paid in the first three (3) days of the month, however, is not subject to surcharge if paid until the last day of the month being not provided in City Ordinance No. 67 of January 14, 1999 and City Ordinance No. 70 of June 10, 1999. All lease contracts are to be validated or renewed as licenses, permits and other fees are validated or renewed every year.

SECTION 41. 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 42. 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 become vacant, adjoining holder of the vacant stalls, booths or tiendas in which case the occupants concerned may move forward toward the corner stall: Provided, however, that where the stall, booth or tienda holder contemplates being absent for a period of more than one (1) month 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 Administrator for approval: Provided, further, that the period of lease of absence a stallholder may enjoy shall not exceed six (6) months for every year of stay in his stall: and Provided, finally, that the maximum period of leave that may be granted a holder of stall, booth or tienda shall not exceed six (6) months. During the stallholder's absence, as this section provides, one of his registered helpers shall be authorized to continue the business of his stalls or booth. Failure of the stallholder to return and resume business at his stall at the expiration of the leave granted shall be deemed sufficient cause for cancellation of his leave unless otherwise decreed by decreed by the City Mayor upon recommendation of the Market Committee.

SECTION 43. Appeals in Adjudication of Stalls. - Any applicant who is not satisfied with the adjudication made by the City or the Market Committee of the stall applied for by him may file with the Office of the City Mayor, through the Market Administrator, who may submit such comment and recommendation as he may desire to made on the matter. The City Mayor may reject or submit the same to the Market Committee for reconsideration or review and the findings or recommendation of the Market Committee shall be transmitted to the City Mayor and in such cases his decision shall be final.

ARTICLE IV - RENTS, FEES AND LICENSE

SECTION 44. Stall Rentals or Fees for Stalls, Booths, Tiendas or Spaces. - For the purpose of this section, the schedule of rentals is embodied in Ordinance No. 93-01, series of 1993, which applied to all stalls, booths or tiendas of the Old Market Buildings; Ordinance No. 67 and 70, series of 1999, which applied to the New Market Buildings.

SECTION 45. License of Stallholders. - For the purpose of this section, the imposition of fees is determined in the Office of the City Treasurer and the Permits and Licensing Division of the Office of the City Mayor.

SECTION 46. Terminal Fee. - For the purpose of this section, the schedule of rate of fees is embodied in Tax Ordinance No. 2000-01 of June 22, 2000. It is understood that the Ormoc City Bus and Jeepney Terminal forms part of the Ormoc City Public Market and is under supervision of the Market Administrator and that Adjudication, Leasing and Occupancy shall be in accordance with Article III of this Ordinance.

SECTION 47. 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 Collection and Official Receipt for this purpose. The Fee collected shall form part of market funds derived as market fees.

SECTION 48. Storage Fee. - A Storage Fee shall be collected of no less than P25.00 or more, depending upon the volume of article, item or goods stored and period of storage in a room or bodega. The articles, items or goods herein specified are those articles, items or goods confiscated for displaying within the prohibited areas such as passageways, courts or sidewalks, including those articles, items or goods left when closing their respective stalls. When the articles, items or goods are perishable, the Market Administrator may dispose said articles, items or goods when become spoiled and useless to the Garbage Truck.

SECTION 49. Market Fees for the Occupancy of Market Premises. - For occupying market premises, but not occupying stalls or permanent spaces therein, there is hereby imposed a fee as embodied in Section 8 of Local Tax Ordinance No. 93-01, series of 1993.

SECTION 50. 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 on the basis of weight, bundle, sack, can, cartload or any other convenient unit of measure.

The amount of entrance fee to be imposed, however, shall not exceed the amount of market fee collectible where the fee charged is on the basis of space occupied by the said commodity or merchandise, as provided in the next preceding sub-section.

In case the vendor (from whom such entrance fee was collectible) occupied any table, cubicle, or other space with an area in excess of what he paid for, he shall be required to pay the correct amount of fee due thereon less than that which he already paid as entrance fee. Supplier or distributors of goods, commodities or general merchandise of permanent occupants of market stalls, booths, tiendas or other space, as well as the occupants themselves when they bring in goods, commodities or merchandise to replenish or augment their stock, shall be considered as transient vendors required to pay the market entrance fee herein authorized.

SECTION 51. Fish Variety Classification and Landing Fees. - For purposes of this article, the different kinds of fresh fish sold in the public market are hereby classified and the corresponding landing fee be collected as embodied in Section 11 of Local Tax Code No. 93-01, series of 1993.

SECTION 52. Fee from Person Selling in Trucks and Boats in Market Vicinity. - The City Treasurer, through his authorized representative in the City Market, shall collect fee from persons selling merchandise in trucks, in 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 schedule of rates provided in Section 13 of Local Tax Code No. 93-01, series of 1993. The Fee collected shall form part of market funds derived as market fees.

SECTION 53. 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 City 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 may be, 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 (50%) on the regular rental or fee for the day if payment is made after three o'clock in the afternoon of the same day and thereafter, aside from the surcharge to pay an interest of two percent (2%) per month on the regular rental or fee due.

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 54. Manner of Closing/Padlock of a Delinquent Stallholders.
- Upon recommendation of the Market Committee and approval of the City 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/s.

ARTICLE V - SECURITY, ORDER AND DISCIPLINE

SECTION 55. Security In and Around the Market Premises. - The Market Committee subject to the approval of the City Mayor, 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, merchandises, goods and articles in and around the premises of city markets, both in the daytime and at night. These security guards, market guards and night watchmen shall be under the direct supervision and control of 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 personnel, and livestock and meat inspection personnel in the enforcement of the market rules and regulations as herein elsewhere provided, the Chief of Police shall detail at least four (4) policemen to the public market everyday.

Market guards and security guards are hereby empowered to conduct investigation as well as to exercise police authority in so far as the market regulations are concerned, as prescribed in this ordinance, provided, that the police department be notified thereof immediately after an arrest is made and all cases in collaboration with said Police Department which shall take the proper action if circumstance warrant the same.

SECTION 56. Three (3) Police Outposts in strategic areas of the Market Vicinity. - The City Government represented by the City Mayor or his representative shall cause the construction of three (3) small police outposts in three (3) strategic areas within the market vicinity. After such, the City Police Director shall assign/detail at least three (3) Policemen, each of the said outpost upon request of the Local Chief Executive. It shall be the concern of the Policemen to see to it that their zones are not disturbed by delinquent pickpockets, and those who merely roam the area which causes obstruction, traffic congestion and ultimately give tranquility and peace and order of the market.

SECTION 57. 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 acts or happenings 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 ensure safety and protection of the market premises, personnel and patrons.

SECTION 58. Duties of the 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 from time to time move around and be on the watch that vendors and vendees are not unduly disturbed. They should likewise check every now and then the electrical wirings, water pipes and drainage and to report to the Market Administrator any findings which may jeopardize the market.

SECTION 59. Duties of Night Watchmen. - All night watchmen should be at their posts on time and should not leave the area until relieved. They shall see to it that all gates are properly closed, extra lights are turned off, water faucets closed, and that all vendors and unauthorized person are kept out of the market at closing time. They should be on the alert at all times and call by phone the proper authorities in case of emergency or of any disturbances within the market premises. They shall be provided with watchman clock for the Market Administrator to check whether they have been awake all the time. Market Watchmen shall be required to submit monthly reports to the Market Administrator who will inturn submit the same to the Police Department.

SECTION 60. 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 markets. In the absence of security and market guards and meanwhile that said positions have not yet been created by the City, the policemen detailed to the market are required in the Article 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 permit and have paid the corresponding city licenses, entrance, inspection and market fees or 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 help him in the execution of all market regulations.

ARTICLE VI - MISCELLANEOUS PROVISIONS

SECTION 61. Carriers in Public Markets. - 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 by the Market Administrator 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 or his authorized representative or collector assigned in the public market shall collect such amount as may be necessary to cover the actual cost thereof. The Market Administrator shall have the 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 registered in one market

shall act as carrier in other markets and no person with a previous conviction for any of the crime against property shall be registered as carrier. Any person convicted of any such crime 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: Provided, that the occupation of carrier in the public markets is for citizens of the Philippines only. Fees collected in connection with this Section shall form part of market funds derived as market fees.

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

SECTION 62. Courtesy to Customers. - Helpers and vendors or 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.

SECTION 63. Abandoned Articles. - All articles abandoned in any public market in violation of any provision of this ordinance or 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 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 or his duly 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 owner is given ten (10) days within which to claim such goods or articles and the Market Administrator shall cause the publication of the same through any media that may be available in the City or through the radio; but in the case of perishable goods or articles the owner thereof is given only 24 hours within which to claim the same. If the article have not deteriorated and are not claim within the period of time herein fixed, said article shall be sold at public auction and the proceeds thereof shall form part of market funds derived as market income.

SECTION 64. 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 cause, 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 his purpose, apprehend and turn over to the police any person or persons committing any offense in the public market.

SECTION 65. 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 said articles or products, whether by kilo, ganta, hundred, piece or unit which words shall be plainly marked on the tag below the price fixed for each article.

It shall be unlawful for any retail storeowner and vendor to charge a price greater than what which is marked 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 66. Regulating the Entry of Cargo Trucks During Peaks Hours (From 8:00 A.M. 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.

ARTICLE VII - PROHIBITIONS

SECTION 67. 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 68. 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 69. Peddlers on Courts, Sidewalks, etc. - Peddlers or hawkers shall not be permitted in the public markets of the City 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 of 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 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 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 70. 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 City pound for disposition as in the case of other animals caught and impounded therein.

SECTION 71. Prohibition for the Construction of Additional Structures. - The lessees or occupants of market spaces are prohibited from constructing structures in addition to tiendas awarded to them.

SECTION 72. Peddling in an Around Market Premises. - Nothing in this Ordinance 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 any ordinances relative to peddling or provisions or pertinent section hereof.

SECTION 73. License Fees of Stallholders. - No stallholder shall engage in or conduct his business in the public markets without first having obtained a permit therefore from the Office of the City Mayor.

SECTION 74. Other Prohibitions. - Besides acts and transactions elsewhere in this Article prohibited, it shall be considered unlawful and punishable for any person:

- 1) To do any cooking inside the public market except only in the case of carenderias and restaurants specifically granted permits by the City Mayor to cook therein and only in the opinion of the City 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 City.

SECTION 75. Penalty. - Any violation of the provisions of this Article shall be punishable by a fine of not more than One Thousand Pesos (P1,000.00) or an imprisonment of not more than six (6) months, or both, at the discretion of the court. If the violation is committed by a juridical entity, the President, or person in-charge shall be liable.

ARTICLE VIII - SPECIAL PROVISIONS

SECTION 76. 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 city license, taxes, and fees.

SECTION 77. On Carenderia, Etc.. - No carenderia or restaurant owner shall be allowed to lease a space unless he provides himself with fire extinguisher, and to cook therein using stoves than electric or kerosene stoves.

SECTION 78. 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 79. Demolition of Shanty or Barong-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 Panlungsod, upon recommendation of the City Mayor shall order otherwise, but under such circumstances that will warrant the same.

SECTION 80. Non-payment of Rentals or Any Breach of Lease Contract. - In case of court litigation by virtue of non-payment of the agreed rentals or any breach of the Contract of lease by the Lessee, the City shall be entitled to collect the sum of P5,000.00 as liquidated damages and P3,000.00 as Attorney's Fee exclusive of the unpaid rental and costs legally taxable.

SECTION 81. Compromise Penalty. - If an offense committed under this Ordinance does not involve the commission of a fraud, and a case has not yet been filed with the proper court, the Market Administrator may recommend the settlement of said offense to the City Administrator and the City Treasurer, by requiring the offender to pay a compromise penalty of not less than Two Hundred Pesos (P200.00) nor more than Six Hundred Pesos (P600.00).

SECTION 82. Repeal. - Any existing ordinance, resolutions or part thereof, inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 83. 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 84. Effectivity. - This Ordinance shall take effect upon its approval.

SECTION 85. Publication. - In order to comply with the requirements of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, specifically Section 138 thereof, within ten (10) days after the approval of this Ordinance, a copy hereof, shall be posted in at least (2) conspicuous and publicly accessible places and published once in a newspaper of general circulation in Ormoc City.

ENACTED, January 22, 2004.

RESOLVED, FURTHER, to furnish copies of this Ordinance to: His Honor, the City Mayor; the City Administrator, the City Legal Officer, the City Treasurer, the Regional Trial Court Judges, the Office of the Prosecutor, and all other Offices concerned;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

OSCAR LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:

JOSE S. SERAFICA
City Councilor, Minority Floor Leader
(Temporary Presiding Officer)

APPROVED:

CARMELO J. LOCSIN
City Mayor

2/18/04
(Date)