



# PAMAHALAANG BAYAN NG TAYTAY TANGGAPAN NG SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 23<sup>RD</sup> REGULAR SESSION OF THE 11<sup>th</sup> SANGGUNIANG BAYAN, TAYTAY, RIZAL, HELD ON DECEMBER 10, 2019, AT THE SESSION HALL OF THE MUNICIPAL BUILDING, TAYTAY, RIZAL

**PRESENT:**

Hon. Michell B. Bermundo	-	Vice Mayor/Presiding Officer
Hon. Ma. Jeca B. Villanueva	-	Councilor
Hon. Patrick John P. Alcantara	-	“
Hon. Joanne Marie P. Calderon	-	“
Hon. Kyle Georic Y. Gacula	-	“
Hon. Ma. Elaine T. Leonardo	-	“
Hon. Philip Jeison J. Cruz	-	“
Hon. Frank Luster L. Santos	-	LnB President
Hon. Jannah Roa D.P. Dazo	-	SK Federation President

**ABSENT:**

Hon. Sophia Priscilla L. Cabral	-	Councilor
Hon. Ceferino R. Resurreccion Jr.	-	“ (Sick Leave)

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Authored / Sponsored by:	Coun. Kyle Georic Y. Gacula
Co-Sponsored by:	Vice Mayor Michell B. Bermundo
	Coun. Sophia Priscilla L. Cabral
	Coun. Ma. Jeca B. Villanueva
	Coun. Patrick John P. Alcantara
	Coun. Joanne Marie P. Calderon
	Coun. Ceferino R. Resurreccion Jr.
	Coun. Ma. Elaine T. Leonardo
	Coun. Philip Jeison J. Cruz
	LnB Pres. Frank Luster L. Santos
	SK Fed. Pres. Jannah Roa D.P. Dazo

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**ORDINANCE NO. 12 series of 2019**

**THE 2019 TAYTAY PUBLIC MARKET CODE**

WHEREAS, pursuant to Section 447 of RA 7160, otherwise known as the “Local Government Code of 1991” which empowers the Municipality thru its legislative body known as Sangguniang Bayan to:

- a. Provide for and set the terms and conditions under which public utilities, owned by the municipal government may be leased to private persons or entities, preferably cooperatives subject to capacity and capability, and prescribed the terms and conditions thereof;
- b. Establish markets and authorize the operation thereof and regulate the construction and operation of public markets, talipapas or other similar buildings and structures.

- c. Require that buildings and premises and any land within the municipality be kept and maintained in a sanitary condition; impose penalties for any violation thereof, or upon failure to comply with said requirements, have the work done and require the owner, administrator or tenant concerned to pay the expenses for the same; or require the filling up of any land nor premises to a grade necessary for proper sanitation;

WHEREAS, there is a need to:

- a. Guide, control and regulate the growth and development of this municipality's public market and slaughterhouse including its premises;
- b. Protect the character and stability of the public market and its premises as well as promote an orderly and beneficial development of the same;
- c. Promote and protect the health, safety, peace, comfort, convenience and general welfare of the occupants therein as well as the general public patronizing the public market;
- d. Regulate the operation of all businesses or trade activities in the public market;
- e. Regulate and restrict the location and use of stalls, booths or other structures inside the public market and its premises;
- f. Regulate the alternation or remodelling of existing stalls or booths or structure in such a way as to avoid public hazard or inconvenience;
- g. Eliminate the incompatible or non-confirming uses of the municipality's public market stalls, booths and its premises; and
- h. Adopt to the changing times in the regulation and operation of the public market.



NOW THEREFORE, BE IT ORDAINED, by the Sangguniang Bayan of Taytay, Rizal that:

#### ARTICLE I - TITLE AND SCOPE

**Section 1.** Short Title - This Ordinance shall be known as the "The Revised Market Code of Taytay, Rizal."

**Section 2.** Scope - Unless specifically provided, this Code shall govern the administration and operation of all government owned public markets including the construction, lease, classification, repair, renovation of stalls and booths therein, imposition and collection of market rental fees and charges for the occupancy of market stalls, booths and premises and the health and sanitation standards therein.

#### ARTICLE II - DEFINITION OF TERMS

**Section 3.** Definition of Terms - When used in this Code, following words shall mean as follows:

Aisle or Passageway – a space between rows of stalls utilized as passage by the public.

Booth – refers to an enclosure built or erected on a market stall or space where merchandise of various kinds is being sold or offered for sale.

CLASS "A" Space - refers to spaces or stalls in the market that are superior in location, frontage, size and similar characteristics which have the potential of generating more sales as compared to other spaces or stalls.



CLASS "B" Space - refers to spaces or stalls not otherwise classified as Class A.

Food – any raw, cooked or processed edible substance, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

Food Handlers – any person who handles, stores, cooks, prepares or serves food or drinks.

Food Terminal – a market where products such as sea foods, fruits, vegetables, and other merchandise are being sold on whole sale basis. (e.g. fish landing, trading posts, "bagsakan", consignment).

Government-owned public market – a public market owned, operated, and/or managed by the government intended to serve the general public.

Hawker – a peddler who sells his wares, articles, commodities, foodstuffs, etc. by using audio equipment or by shouting but remains stationary on a particular place until he decides to transfer to another place.

Market – a general term referring to a public place, building or structure where commodities such as foodstuffs, wares and other merchandise may be bought or sold. It includes any of the following:

Market Building – constructed edifice designed to stand more or less permanently, covering space of land, usually covered by a roof, more or less enclosed by walls and supported by columns and serving as a place for commercial or trade activities.

Market Premises – refer to any space in the public market compound, part of the market lot consisting of bare ground, outside of the public market building usually occupied by transient vendors during market days.

Market Rental Fee – refers to the amount of rental fee for the privilege of occupying and utilizing a market stall or space for commercial activities.

Peddler – one who sells his wares, commodities or foodstuffs from one place to another.

Public Markets – refers to Markets or selling areas or buildings, tents, tiangege or any other place owned, controlled or operated or supervised by the Municipality where market activities are under taken.

Satellite Market/ Talipapa – a type of public market with less than 150 stalls that cater to limited number of customers.

Section – refers to the subdivision of the spaces or area inside the public market building which designated class or group of allied goods, commodities or merchandise that could be displayed or sold.

Solid Waste – all organic or inorganic non liquid and non-gaseous portions of the total waste mass. It consists of all putrescible and non-putrescible solid materials except for body waste.

Stall – refer to any allotted space with or without a booth inside the public market building designated for the display or sale of commodities, goods or foodstuff.

Stall holder – a person or entity who has been granted the right to use a stall where he can display or sell his goods, commodities or foodstuffs.

Stall Lessee (also known as stall holder) – refers to the awardee of the lease contract to occupy a market stall or space, with or without booth, inside the public market building.

Store – a building or structure devoted exclusively to the retail of sale of a commodity or commodities.

Vendor – any persons who sells goods, commodities, foodstuffs and other merchandise.



**Article III - MARKET RENTAL FEES**

**Section 4.** Imposition Fees - There shall be collected the following market charges and other fees from stall lessees during the initial execution of the contract of lease for the occupancy of the market. The fees collected in the stalls shall be lodge (deposit) in a trust fund, which shall be specifically used for the rehabilitation, construction and improvement of the market facilities.

- a. On market premises with stalls or fixed booth, the amount of not more than Five Hundred Thousand Pesos (P500,000.00) but not less than One Hundred Thousand Pesos (P100,000.00), the exact amount of which shall be determined by the Market Committee. The imposing the fees, the Market Committee shall consider the location or floor where the stall or booth is located, size, frequency of people passing within the area and other factors, such as, but not limited to the following:

- i. Main Passage
- ii. Main Hallways
- iii. Inner Corner
- iv. Main Passage Stalls
- v. All Other Corners
- vi. All Other Stalls
- vii. Purpose of Use of the Area

- b. The amount per square meter per day shall be collected on a monthly basis to the lessees of the market are as follows:

For the Year 2020, the rate:

From January to March	-	P10.00 / square meter a day
From April to June	-	15.00 / square meter a day
From July to December	-	20.00 / square meter a day

For the Year 2021 onwards it shall be P20.00 / square meter a day

- c. The amount of Two Hundred Fifty Pesos (P250.00) per square meter per day or a fraction thereof shall be imposed to occupants of market premises other than lessees of stalls or booths. Provided, that notwithstanding the provisions of any Municipal Ordinance to the contrary, no other amount shall be imposed to any person allowed to occupy such market premises. Provided further, that the maximum area to be occupied shall not exceed two (2) square meters and not to exceed three (3) days.

**Section 5.** Unloading Fee - The following amounts shall be imposed on transport vehicles being used in transporting goods by transient vendors while unloading their goods or commodities within fifty (50) meters radius from the market premises:

Jeep/Jeepney/VAN	P	60.00
Light truck		120.00
Trucks (10 wheelers or more)		240.00

**Section 6.** Parking Fee - A flat rate of Twenty Pesos (P20.00) shall be imposed as parking fee for vehicles used by consumers while buying goods or commodities within the market premises for the first three (3) hours and Five Pesos (P5.00) per hour for the succeeding hours; except motorcycles and tricycles which shall be charged the amount of Ten Pesos (P10.00) and Five Pesos (P5.00) per hour for the succeeding hours provided further that no parking fee shall be imposed on motorcycles that are parked for only 1 hour.

The market committee shall determine the area where stall holders shall park their vehicle and the amount of parking fees to be imposed which shall not be more than One Hundred Pesos (P100.00) but not less than Twenty Pesos (P20.00).

**Section 7.** Electricity Consumption Fee - All lessees of market stalls or booths shall apply for the installation of electricity in their respective stalls or booths. The market master shall promulgate rules and regulations in order for all lessees to transition and comply with this provision. A lessee shall not connect or get his electricity from another stall.

The market master shall determine what electrical equipment or appliances shall be allowed or prohibited in the market or stalls.

**Section 8.** Water Consumption Fee - The Market Master, with the approval of the Market Committee shall determine the cost for the installation of water meter for every stall that shall be provided with water services. In imposing such amount the current cost of the installation of the water meter and current rate of water charges including losses shall be followed.

#### ARTICLE IV - ADMINISTRATIVE PROVISIONS

**Section 9.** Control and Supervision - The Local Chief Executive shall have control and supervision over all the offices and employees of the public market.

**Section 10.** The Market Committee - A Market Committee composed of the Municipal Mayor or his duly authorized representative, as Chairman, Municipal Treasurer, the Chairman of the Committee on Privatization and Economic Enterprises of the Sangguniang Bayan, Legal Office, Market Master, Municipal Assessor, Municipal Engineering Office, Budget Office as members is hereby created. The Market Committee shall act as the policy maker of the public market. It may revoke or substitute the rules and regulations issued by the Market Master. It shall conduct the drawing of lots and opening of bids in connection with the adjudication of vacant or newly constructed or vacant stalls or booths in the market and to certify the results thereof.

**Section 11.** The Market Master - The Market Master shall be under the direct control and supervision of the Local Chief Executive. He shall have the power and duties that the Local Chief Executive may delegate to him pursuant to the provision of this Code.

**Section 12.** Responsibility of the Market Master - The market master shall be responsible for the daily operations of the public market. He shall also exercise the following functions:

- a. Act as the administrator and shall exercise general supervision over the public market and its daily activities;
- b. Enforce Ordinances and rules and regulations relative to the conduct of activities in the public market;
- c. Promulgate rules and regulations concerning the operation of the public market;
- d. Supervise the cleaning of the Market premises, drainage, canals and toilets, collection of garbage, display and sale of goods, maintenance of the sectioning in the market, removal of excess merchandise and unnecessary articles, clearing of aisles and sidewalks of all obstructions within and around the market premises. He shall also ensure that the floor in the wet section of the market is properly scrubbed to avoid accumulation of dirt and mud and that the Market is cleaned up after closing hours;
- e. Maintain peace and order in the market;
- f. Monitor activities within the public market and ensure that these activities comply with laws, Ordinances and rules and regulations;
- g. Report all complainants received from market personnel, vendors and the general public;
- h. Accept, respond and act on complaints and settle dispute among vendors, buyers and the general public;

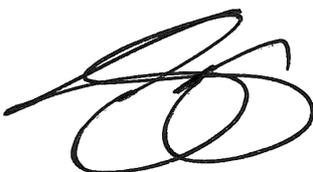
- i. Monitor the quality of merchandize or goods that are sold in the market, through inspections. See to it that no clandestine meat unfit for human consumption is sold in the market stalls or market premises;
- j. Supervise and direct the work of all market personnel;
- k. Report to the Local Chief Executive the number of all newly constructed and vacant stalls, booths, spaces, including stalls surrendered or abandoned so that such may be made available for application;
- l. See to it that all stalls, booths, sheds stands and market spaces are provided with stall plates or at least numbered with paint;
- m. See to it that no alien conducts business or helps conduct business in any stall or set of stall inside the market;
- n. Provide his office with the needed office equipment, supplies and materials, sufficient quantity of the market tickets, accountable and office forms, two floor plans of the market in frames, one with all stalls indicated and divided into collection zones showing the extent of assignment of each collectors and employee, daily comparative statement of collection by individual collectors, monthly comparative statement of collections giving the total amount of collections and a chart showing the rise and fall by the month of market collections, schedule of assignment of employees appropriately displayed side by side with the floor plan;
- o. Conduct and Check the census of each collection zones from time to time, making changes thereon whenever necessary, calling the attention of the collector concerned to said changes and seeing to it that such collector turns in the amount corresponding to the number of stalls, booths and spaces as shown in the floor plan and given in the census;
- p. Cause the posting of notices or other signs whenever necessary and see to it that they remain posted during the required period;
- q. Supervise all repair and construction work in the market;
- r. Be the custodian of all the properties belonging to the market;
- s. Prepare and develop emergency plans in case of natural disasters or manmade disasters or calamities together with the Municipal Disaster Risk Reduction Management Office (MDRRMO); and
- t. Exercise such other functions as may be provided by law or Code.

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**Section 13.** Responsibility of the Market Stallholders - Stall holders shall:

- a. Maintain the cleanliness of their stall at all times;
- b. Observe and comply with solid waste management laws, Code, rules and regulations;
- c. Keep the aisles free from obstruction;
- d. Protect market facilities from damages; and
- e. Comply with the implementing rules and regulations duly promulgated by lawful authorities.

**Section 14.** Use of Alleys and Passageways - Alleys and passageways shall at all times be free from any obstruction and other personal belongings of any person. Ambulant vendors shall be strictly prohibited thereat. Any person found vending or offering any goods or items for sale at aisle alleys or passageways shall be taken into custody by the Market Master or his duly authorized representative and shall be charged in accordance with this Code. The goods or items shall be seized or confiscated and shall serve as evidence against the ambulant vendor or person.



**Section 15.** Stall Lessees and Vendors' Welfare - In accordance with the policy of extending assistance and support to legitimate shall lessees or vendors, all areas including streets, sidewalks, vacant lots, whether private or public, situated within fifty (50) meters from the perimeter of the public market are prohibited vending zones. No make shift stalls, pushcarts, ambulant vendors and the like shall be allowed within the prohibited vending zones.

**Section 16.** Unlawful Acts - It is hereby declared unlawful for any person:

- a. To peddle, hawk, sell, or offer for sale, or expose for sale any article in the passageway (*pasillo*) used by purchasers in the market premises;
- b. To idly chat, lounge, lie in or around the market premises, beg or solicit contributions of any kind in the public market;
- c. To resist, obstruct, annoy or impede any market employee or personnel in the performance of his duties;
- d. For parents to allow their children to play in or around stalls or in the market premises;
- e. To drink, serve or dispense liquor or any intoxicating beverages within the premises of the public market at all times;
- f. To commit any nuisance, make boisterous noise, use any profane or vulgar languages, commit disorderly conduct, or obstruct the passageway of the market premises;
- g. To expose, hang, or place any article, whether the same is for sale, or place any kind of obstruction in the market premises;
- h. To carry or possess deadly weapons such as knives, bolos, axes, ice picks, darts, etc., within the market premises or in case of stall holders or their helpers, outside their respective stalls;
- i. To sell or offer for sale any merchandise or articles which have been illegally acquired by the vendors and or stall holders;
- j. To remove, construct and or alter the original structure of any stall or booth, electrical wirings or water connection without prior permit from the Market Master and Office of the Municipal Engineer;
- k. To conduct or participate in illegal gambling within the premises of the public market at any time;
- l. To store, sell or possess inflammable materials like gasoline, thinner and all such other materials in any form, classified by the Fire Department as inflammable items. Stores outside market premises shall also be prohibited from storing said materials within a fifty (50) meter radius;
- m. To operate an unlicensed establishments;
- n. To connect any equipment or appliance producing excessive heat inside the stall;
- o. To vandalize in the public market premises;
- p. To bring or carry pets inside the public market premises;
- q. To sleep inside the Public Market premises at all times;
- r. The peddling or sale outside the public market or its premises of foodstuffs, that easily deteriorates, like fish and meat is strictly prohibited.



**Section 21.** Application for Lease - The application for Lease shall be under oath and shall be submitted by the applicant or his authorized representative to the Office of the Local Chief Executive. The Application shall be substantially in the following form:

APPLICATION TO LEASE MARKET STALL

Date

The Municipal Mayor  
Taytay, Rizal

Sir:

I,

NAME: \_\_\_\_\_  
AGE: \_\_\_\_\_  
CIVIL STATUS: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE NO.: \_\_\_\_\_  
EMAIL ADDRESS: \_\_\_\_\_



I hereby apply for the lease of stall no. \_\_\_\_ of the market.

Should the said STALL be leased to me in accordance with market rules and regulations, I promise to hold the same under the following conditions:

1. I shall pay the corresponding rents and fees for the stall in the manner prescribed by existing Ordinance and rules and regulations.
2. The business to be conducted in the stall shall belong exclusively to me. In case I engage helpers, I shall nevertheless personally conduct my business and be present at the stall WHEN REQUIRED BY COMPETENT AUTHORITY.
3. I shall not sell or transfer my privilege to the stall/booth or otherwise permit another person to conduct business therein.
4. I shall keep the stall at all times in good sanitary condition and comply strictly with all sanitary and market rules and regulations existing or that may hereafter be promulgated by the authorities concerned.
5. I shall clean my stall at the end of the business day and I shall remove all the dirty material, rubbish or waste and place them in plastic bags or other appropriate garbage containers.
6. Any MISDECLARATION OF ANY REQUIRED INFORMATION HEREIN OR THOSE REQUIRED TO BE GIVEN OR violation on my part or on the part of my helpers of the foregoing conditions shall be sufficient cause for the authorities to cancel or revoke the contract of lease executed in my favor.

Very respectfully yours,

\_\_\_\_\_  
Applicant

**Section 22.** Registry Book - It shall be the duty of the Market Committee to keep a registry book showing the names and addresses of all applicants for vacant stalls or booths applied for and the date and hour of the receipt of the application form by the Market Committee;

The Market Committee shall also keep a registry book of the awardees of lease contracts and a copy of the contract of lease for each stall.



**Section 23.** Qualification - An applicant must be a Filipino Citizen and at least Twenty One (21) years old. Preference, however, shall be given to residents of the Municipality of Taytay.

**Section 24.** Adjudication and award of stall - The 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 to the Local Chief Executive for appropriate action.

The successful applicant shall submit to the Market Committee two (2) copies of his or her picture immediately after the award of the lease. It shall be the duty of the Market Committee to affix one copy of the picture to the application and the other copy to the record card kept for the purpose.

**Section 25.** Commercial Lease - The Local Chief Executive may enter into a contract of lease on designated commercial spaces for lease of the public market with any person or entity. Provided, that the designation of such commercial spaces for lease shall be made by the Sangguniang Bayan through a Resolution.

**Section 26.** One Stall per Lessee - No person shall be allowed to lease more than one (1) stall in the public market.

**Section 27.** No Sub-Leasing - Sub-leasing or selling of the leased stall or market place, or the privilege to occupy it, to other parties whether directly or indirectly is not allowed. Otherwise, it shall be considered sufficient ground for the revocation of the contract of lease without prejudice to the filing of the appropriate criminal charges before a competent Court.

**Section 28.** Conditions and Requirements of Lease - As among the conditions or requisites for the lease of market stalls or premises, all lessees or stall holders are hereby required:

- a. To provide his stall or booth with appropriate receptacle or container for garbage and other waste matter for proper collection and disposal and to maintain cleanliness of the market premises at all times and participate during the market clean-up day;
- b. To use only the prescribed lighting equipment, supply and materials; in case of those lessees in the wet section particularly those engaged in the selling of fish and other aquatic products, they shall not use any colored or deceptive bulbs.
- c. The provision of lighting facilities, supply and materials, as well as the corresponding electric power bill in the leased stall shall be the responsibility of the lessee subject to the rules and regulations promulgated by the authorities.
- d. All sanitary rules and regulations shall be strictly observed and followed by lessees or occupants. For this purpose, the Municipal Health Officer shall issue the necessary implementing guidelines in accordance with the Code on Sanitation of the Philippines (PD 856) and its implementing rules and regulations.

Failure to comply with the above-mentioned requirements shall be considered as sufficient ground for the revocation of the contract of lease entered into and executed by the lessee and the Municipal Government.

**Section 29.** Appeals - Any applicant, who is not satisfied with the adjudication or award of lease made by the Market Committee of the stall applied for by him, may file to the Sangguniang Bayan an appeal therefrom. The decision of the Sangguniang Bayan in such cases shall be final.

**Section 30.** Vacancy of Stall before the expiration lease - Should for any reason, the lessee discontinue his business before his lease of the stall expires, such stall shall be considered vacant and shall be adjudicated or awarded in the manner prescribed under this Code.

**Section 31.** Partnership with Stall Holder - A lessee who enters into a partnership with any party, after he had acquired the right to lease a stall, shall have no authority to transfer his rights over the stall to his partner. Provided, however, that in case of death or any legal disability of the lessee to continue occupying the stall, they shall be given a period of not more than sixty (60) days within which to wind up the business of the partnership. If the surviving partner is qualified to lease the stall and the



**Section 17.** Market Hours - The Public Market shall be opened as determined by the Market Master, provided that it shall be closed at least six (6) hours every day. However, during holidays, fiesta celebration or any other important public events, the Local Chief Executive is authorized and may allow the public market to open for twenty-four (24) hours. The use of any stall or place in the market as living quarters and/or sleeping quarter is strictly prohibited and no vendor or stallholder will remain inside the market building after the same has been closed.

**Section 18.** Responsibility for loss or damage of articles or merchandise -

1. The Municipal Government shall NOT be responsible for any loss or damage of the lessee's property caused by fire, theft, robbery, "force majeure", or any unavoidable circumstances. All articles or merchandise left in the public market after closure time shall be at the risk of the lessee or owner thereof.
2. All abandoned articles on any public market building or any prohibited article brought therein in violation of any provisions of this Code or any regulation or rules relating to the management of the market shall be deemed a nuisance and shall be abated by the market master or his representative. In case the articles are claimed within twenty-four (24) hours thereafter, they shall be returned to the owner thereof unless they are so deteriorated as to constitute a menace to public health, in which case, they shall be disposed of in the manner directed by the market master who may also in his discretion, cause the criminal prosecution of the offender or merely warn him against future violation. In case the articles are not deteriorated or are not claimed within the time herein fixed, said articles shall be sold at public auction conducted by the market master upon approval by the market committee and the proceeds thereof shall be deposited in the trust fund for the public market.

#### ARTICLE V - LEASE OF STALLS

**Section 19.** Lease Period - The initial contract of lease for stalls or booths shall be valid for a period of ten (10) years, renewable upon its expiration for a period of five (5) years, unless revoke or rescinded in accordance with the provisions of this Code.

The amount of Twenty Thousand Pesos (P 20,000.00) shall be imposed for the renewal of a contract of lease for a stall. Provided, that the renewal contract shall be valid for a period of Five (5) years.

The Contract of Lease shall be executed by the Local Chief Executive or by his duly authorized representative.

**Section 20.** Notice of Vacancy - Notice of vacancy on newly constructed or vacant stalls or booths shall be made for a period of Ten (10) days immediately preceding the date fixed for their award to qualified applicants. Such notice shall be posted conspicuously on the stall or booth and the bulletin board of the market which shall apprise the public that such are vacant and available for lease. The notice of vacancy shall remain posted until the stall is awarded to a qualified applicant. The notice shall substantially conform to the following:

#### NOTICE

Notice is hereby given that Stall/Booth No. \_\_\_ Building \_\_\_ of the public market is vacant or will be vacated on \_\_\_\_\_ 20\_\_\_. Any qualified person who is interested to lease the said stall/booth shall file an application therefor. The application form may be obtained from the office of the Market Committee. In case of multiple applicants, the award of the lease of the vacant stall/booth shall be determined through public drawing of lots to be conducted by the Market Committee upon notice to all qualified applicants. This stall/booth is in the \_\_\_\_\_ Section and is intended for the sale of \_\_\_\_\_.

\_\_\_\_\_  
Market Master

spouse, child, parent or a sibling of the deceased, in that order, is not applying to lease the stall, he shall be given the preference to continue occupying the stall or booth concerned, if he applies there for.

**Section 32.** Lessee to personally administer his stall - Any person who has been awarded the right to lease a market stall in accordance with the provisions of this Code shall occupy and administer and be present personally at his stall or booth whenever required by lawful authorities, provided, however, that he may employ helpers who are citizens of the Philippines, including but not limited to his spouse, parent and children who are actually living with him and who are not disqualified under the provisions of this Code hereof and, provided further, that the persons he employs as helpers shall under no circumstance, be persons with whom he has any commercial relation or transaction.

**Section 33.** Dummies - In any case where the person, registered to be the lessee of a stall or booth is found to be in reality not the person who is actually occupying the stall, the lease of such stall shall be cancelled, if upon investigation such lessee shall be found to have subleased his or her stall/stalls 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.

**Section 34.** Transfer of privilege - No lessee may convey or transfer his stall without the approval of the Market Committee, provided, that such transfer of privilege favors the interest of relatives within the second degree of consanguinity or affinity.



#### ARTICLE VI - WEIGHTS AND MEASURES INSIDE THE PUBLIC MARKET

**Section 35.** Imposition of Fees - Every person using instrument of weights and measures within the market shall first have them sealed and licensed annually and pay to the Municipal Treasurer the following fees:

- a. For sealing linear metric measures of:

Not over one (1) meter	P 100.00
Measure over one (1) meter	P 200.00
  
- b. For sealing metric measures of capacity:

Not over ten (10) liters	P 100.00
Over ten (10) liters	P 200.00
  
- c. For sealing metric instrument weights:

With capacity of not more than 30 kg.	P 200.00
With capacity of more than 30 kg. but not more than 300 kg.	P 300.00
With capacity of more than 300 kg. – 999 kg.	P 500.00
For every 1,000 kg. – 3,000 kg.	P1,000.00
  
- d. For sealing apothecary balance of precision P 200.00
  
- e. For sealing scale or balance with complete set of weights:

For each scale or balance or other balance with complete set of weights for use therewith	P 500.00
For each extra weight	P 50.00

**Section 36.** Exemption - All instruments of weights and measures used in government works or maintained for public use by the National, Provincial, Municipal or Barangay Government shall be tested and sealed free of charge.



**Section 37.** Duration of License for use of Weights and Measures - The official receipts for the fee charged for sealing of a weight or measure shall serve as a license to use such instrument for one (1) year from the date of sealing. When a licensed is renewed, it will expire on the same day and month of the succeeding year from the date of its original issuance. The owner shall preserve such license and together with the weight/measure covered shall be presented upon demand by the Municipal Treasurer or his representative.

**Section 38.** Secondary Standards Preserved by the Municipal Treasurer; Comparison thereof with the Fundamental Standards - The Municipal Treasurer shall keep full sets of secondary standards in his office for use in the testing of weights/measures. The secondary standards shall be compared with the fundamental standards in the National Institute of Science and Technology at least once a year. When found to be sufficiently accurate, the secondary standards shall be distinguished by label, tag or seal and shall be accompanied by certificate showing the amount of its variation from the fundamental standards. If the variation is of sufficient magnitude to impair the utility of the instrument, it shall be destroyed in the National Institute of Science and Technology.

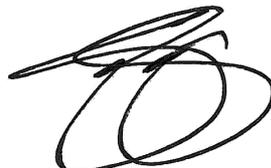
**Section 39.** Destruction of Defective Instruments of Weights and Measures - Any defective instrument of weights and measures shall be destroyed by the Municipal Treasurer or any of his authorized representatives if its defect is such that it cannot be repaired anymore.

**Section 40.** Inspection of Weights and Measures - The Municipal Treasurer or Market Master or their authorized representatives shall inspect and test instruments of weights and measures. In case deputized personnel conduct the inspection and testing, they shall report the condition of the instruments in the areas assigned to them to the Municipal Treasurer or Market Master. It shall be their duty to secure evidence of infringements of the law or of fraud in the use of weights and measures or of neglect of duty on the part of any office engaged in sealing weights and measures. Evidence gathered shall be presented to the Municipal Treasurer or to the Legal Office.

**Section 41.** Dealer's Permit to keep unsealed weights and measures - Upon obtaining written permission from the Market Master, any dealer may keep unsealed instruments of weight or measure in stock for sale until sold or used.

**Section 42.** Fraudulent Practices Relative to Weights and Measures - It is hereby declared as an unlawful act for any person other than an official sealer of weights and measures to:

- a. Place or attach an official tag, seal, sticker, mark, stamp, brand or other characteristic sign used to indicate or seal upon any instrument of weight/measure in order to make it appear that such instrument has been officially tested, calibrated, sealed or inspected;
- b. Imitate any seal, sticker, mark, stamp, brand, tag or other characteristic sign used to indicate that such instrument of weight/measure has been officially tested, calibrated, sealed or inspected;
- c. Alter in any way the certificate or license or receipt issued by the official sealer as an acknowledgement that such instrument of weight and measure has been officially tested, calibrated, sealed or inspected;
- d. Make knowingly, sell or use any false or counterfeit stamp, tag, certificate or license or any dye for printing or making the same or any characteristic sign used to indicate that such instrument of weight or measure has been officially tested, calibrated, sealed or inspected;
- e. Alter the written or printed figures or letters on any stamp, tag, certificate or license used or issued;
- f. Possess any counterfeited, restored or altered stamp, tag, certificate or license for the purpose of using or reusing the same;
- g. Use/reuse any restored, altered, expired, damaged stamp, tag, certificate or license for the purpose of making it appear that the instrument has been officially tested, calibrated, sealed or inspected;



- h. Possess, use or maintain any scale or balance, weight or measure that has not been re-sealed, the license therefore has expired and has not been renewed;
- i. Fraudulently alter any scale, balance, weight/measure whether sealed or not;
- j. Use any false scale, balance, weight/measure whether sealed or not;
- k. Fraudulently give short weights or measure in the making of a scale;
- l. Fraudulently misrepresent the true weight or measure of an article bought or sold;
- m. To induce another person, to commit the above offences.

**Section 43.** Unlawful Possession or Use of Instrument Not Sealed Before Using and Not Sealed within Twelve Months - Any person making a practice of buying or selling by weight or measure, or of furnishing services, the value of which is determined by weight or measure, who has in his possession without permit any unsealed scale, balance, weight or measure, or if previously sealed, the license therefore has expired and has not been renewed in due time, shall be fined in the amount of Two Thousand Five Hundred Pesos (P2,500.00) or by imprisonment not exceeding six (6) months, or both, at the discretion of the court.

If such scale or balance, weight/measure used has not been officially sealed, or if the seals affixed thereto remains intact and in the same position and condition on which they were placed by the official sealer and the instrument is found not to have been altered or rendered inaccurate, and is still sufficiently accurate to warrant it to be sealed with repairs or alteration, such instrument shall, if presented for sealing promptly on demand of any authorized sealer or inspector of weights and measures be sealed, and the owner/user of the same shall not be subjected to any penalty except for a surcharge which is five (5) times the amount of the regular fee fixed by law for the sealing of an instrument of its class. The surcharge to be collected will be accounted for by the same official in the same manner as the regular fees imposed for sealing such instruments.

**Section 44.** Alteration or Fraudulent Use of Instrument of Weight or Measure - Any person who with fraudulent intent alters any scale or balance, weight or measure, whether sealed or not, shall be punished with a fine of Two Thousand Five Hundred Pesos (P 2,500.00) or by imprisonment of not less than One (1) month but not more than six (6) months or both fine and imprisonment depending upon the discretion of the Court.

Any person who fraudulently gives short weight or measure in the making of sale, takes excessive weight or measure in making a purchase, assumes to determine truly the weight or measure and fraudulently represents it to be an accurate weight or measure shall be punished with a fine of Two Thousand Five Hundred Pesos (P 2,500.00) or by imprisonment of not less than One (1) month but not more than six (6) months or both fine and imprisonment depending upon the discretion of the Court.

## ARTICLE VII - HEALTH AND SANITATION ON THE OPERATION OF MARKET

**Section 45.** Sanitary Rules and Regulations - All sanitary rules and regulations shall be strictly observed and followed by all space and stall lessees or occupants. For this purpose, the Municipal Health Officer shall issue the necessary implementing guidelines in accordance with the Code on Sanitation of the Philippines (PD 856) and its implementing rules and regulations.

**Section 46.** Regulated Acts - No person, natural or juridical, shall establish or operate any kind of public market without first securing a Sanitary Permit from Municipal Health Officer.

**Section 47.** Imposition of Fee - There is hereby imposed an annual Sanitary Permit Fee on all kinds of business establishments or trade undertaking being operated or to be operated inside the public market building or its premises including, but not limited to the following:

1. Food establishments
2. Rental or wholesale business
3. Tonsorial and beauty establishments
4. Servicing shops

5. Food vending machines
6. Other similar kinds

IF THE AMOUNT OF BUSINESS  
TAX PAID IS:

	Annual Fee
Less than P 200. 00	P 50.00
P200 or more but less than P300	P 80.00
P300 or more but less than P500	P 100.00
P500 or more but less than P800	P 150.00
P800 or more but less than P1,000	P 200.00
More than P1,000	P 250.00

**Section 48.** Sanitary Conditions – The following sanitary conditions shall be required.

- a. Sanitary condition of stalls - The obligation of the lessee shall include the duty to provide a garbage receptacle for his garbage and shall empty the same at the designated place at the end of Market hours. He shall likewise maintain the premises of his stall clean and sanitary.
- b. Throwing away of excrete or urine inside stalls - Any lessee or his helper found throwing away excrete or urine from his stall shall be summarily ejected and shall result in the forfeiture of his right over the stall.
- c. Dressed chickens and fowls - Dressing of chickens and fowls shall be in the proper designated areas. The owner or seller or representative shall be responsible for the proper disposal of the waste thereof.
- d. Livestock - All meat vendors shall distribute or offer for sale livestock meat slaughtered at the local slaughtered house. Livestock slaughtered elsewhere shall be allowed to be offered for sale or distribution at the market provided that such livestock was inspected and given approval for distribution or offer for sale by authorized sanitary inspectors. Provided further, that the supply of livestock slaughtered locally is not enough to meet the demands of the local market.
- e. Live piglets, chicken, and fowls - The Market Master shall determined the place where live stocks that are sold alive shall be located which shall be away from areas selling fresh merchandise and the section for cooked foods.
- f. Loose Animals - No animal shall be left astray in the public market. The Market Master is hereby empowered to catch stray animals and impound them for safekeeping. The owner of an impounded animal may claim it after paying the corresponding fees.

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**Section 49.** Requirements for Food Vending Machine

- a. No person shall operate a food or drink vending machine without first securing a sanitary permit from the Municipal Health Officer.
- b. The Municipal Health Officer may, in writing, exempt a food establishment from securing a permit for the vending machine when the same is located or part of the operation of the food establishment. The class of vending operation shall be specified in the exemption form.
- c. Vending machines shall be registered only in the name of the operator.

**Section 50.** Inspection. - The Sanitary Officer shall:

- a. Make periodic inspections to enforce the maintenance of adequate sanitation in food establishments and their premises.
- b. Take samples of food and drinks from any establishment or vendors as often as necessary to determine unwholesomeness, adulteration, contamination or spoilage.

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- i. Whenever the quality of food, foodstuffs or food products or drinks are doubtful or suspected to be unfit for human consumption, the Sanitary Officer or his duly authorized representative shall collect samples thereof for laboratory examination. After the collection of the samples, the Sanitary Officer shall issue a Receipt to the owner and a Cease and Desist Order to prevent the sale of such food. Lifting of the Order shall be based on the result of the laboratory examination.
  - ii. The sample shall be submitted for laboratory examination as soon as possible on the day it is collected.
  - iii. If the result of laboratory examination proves that the food, foodstuffs, food products or drinks are unfit for human consumption, the Sanitary Officer or his duly authorized representative shall take the necessary administrative procedure and confiscate the same.
- c. Whenever the Sanitary Officer or his duly authorized representative finds that the food or food materials is proven to be contaminated, spoiled or from an unsafe source and will endanger the public health, he shall immediately prevent the sale or condemn and destroy the food and food materials in question, and shall advise the stall holder to withdraw the same from the stocks offered for sale. In such cases the stall holder shall be required to notify the supplier or manufacturer about the fact of spoilage and notice of withdrawal. The items shall then be forwarded to the food and drug administration for their disposal if the sale or manufacturer is in violation of the regulations of the Food and Drug Administration, the Market Committee shall advise the suppliers or manufacturer/s from further distributing of their line of products in the Municipality.
- d. The Sanitary Officer together with the Market Committee shall likewise perform such procedures above in the case of chicharon, cheese curls, fried peanuts, fried corn, kropeck and the like, but shall in every case, indicate the market value of the samples taken in the report a copy of which shall be left with the stall holder.

**ARTICLE VIII – MARKET CLEAN-UP DAY**

**Section 51.** Clean-Up of Market Premises – The Market Master shall schedule once a week a market clean-up day wherein all lessees and stall holders shall be required to clean-up the market premises.

Failure or non-compliance by the lessees or stall holders to participate in the clean-up of the market shall be punished by suspension of three (3) days from conducting any business or selling any goods or merchandise in the market premises.

**ARTICLE IX - TIME AND MANNER OF PAYMENT**

**Section 52.** Payment to the Treasury Office - The fees imposed under this Code shall be paid to the Municipal Treasurer or any of his duly authorized representatives.

The amount collected under Section 4 (a) and Section 19, Paragraph 2 of this Code shall be deposited in a trust fund and shall be exclusively used for the construction, management, operation and for such other similar purpose on public markets.

**Section 53.** Issuance of Official Receipt and Cash Tickets - The Municipal Treasurer or his duly authorized representative shall issue an Official Receipt as evidence of payment for the fees imposed in this Code.

- a. Whenever necessary a Cash Ticket shall be issued to an occupant of the market premises or transient vendor and his name shall be written at the back thereof. The cash ticket shall pertain only to the person PAYING FOR IT AND shall be VALID only for the space of the market premises to which he is assigned. If a vendor disposes of his merchandise by wholesale to another vendor, the later shall purchase a new ticket if he sells the same merchandise, even if such sale is done in the same place occupied by the previous vendor.

- b. The Cash Ticket issued shall be torn in half, one-half to be given to the space occupant or vendor and the other half to be retained by the market collector who shall deliver the same to the Municipal Treasurer for counter-checking against his record of cash tickets issued by him for that day.

**Section 54.** Automatic Cancellation of Contract - In case of three (3) consecutive months of unpaid fees provided under Section 4 (b) of this Code, the contract shall be automatically cancelled without prejudice to filing of case against the lessee for the unpaid fees. The stall shall then be declared vacant and subject to award or adjudication to a qualified applicant.

**Section 55.** Occupation of Premises - The fees imposed under Section 4 (c) shall be paid daily, in advance, before any commodity or merchandise is displayed or sold within the market premises.

**Section 56.** Electricity and Water - The fee imposed in Sections 7 and 8 of this Code shall be paid within Five (5) days after the notice of collection or billing is given to the lessee.

**Section 57.** Weights and Measures - The fees imposed under Section 35 shall be paid before the sealing of the weights and measures. Thereafter succeeding payments will be made on or before a year has expired from the time it was sealed.

**Section 58.** Sanitary - The fee imposed under Section 47 shall be paid after a sanitary inspection of the establishment has been made. Thereafter, it shall be paid every year within the first twenty (20) days of January and prior to the renewal and issuance of the sanitary inspection certificate by the Municipal Health Officer.

**Section 59.** Excessive Occupation of Space - Any person occupying more space than what was leased shall pay double the regular rate for all the spaces he actually occupies. The lease contract of any person found committing this violation shall be cancelled.

**Section 60.** Any person occupying space in the market premises without first paying the fee imposed in this Code shall pay three (3) times as much as the regular rate for the space occupied.

**Section 61.** Interest and Surcharge for late payment - Failure to pay any fee prescribed in this Code within the time required shall subject the lessee or occupant of the market premises to an interest of Twelve percent (12%) per annum and a surcharge of Twenty-Five percent (25%) of the original amount of fees due.

#### ARTICLE X- PENAL PROVISIONS

**Section 62.** Any violation of the provisions of Section 14 and 15 of this Code shall be punished by a fine of not more than Two Thousand Five Hundred Pesos (P 2,500.00) or imprisonment of not more than Six (6) months, or both fine and imprisonment, at the discretion of the Court. Any person who abets or permits the violation of the foregoing sections shall also be liable for the said violation.

**Section 63.** Any violation of Section 16 or Section 42 of this Code shall be punished by a fine of not less than One Thousand Pesos (P 1,000.00) but not more than Two Thousand Five Hundred Pesos (P 2,500.00) or an imprisonment of not less than One (1) month but not more than six (6) months or both fine and imprisonment, at the discretion of the Court.

**Section 64.** Any violation of Section 46 shall be punished by a fine of not more than Two Thousand Five Hundred Pesos (P 2,500.00) or an imprisonment of not more than six (6) months, or both fine and imprisonment at the discretion of the Court.

**Section 65.** Any violation of the provisions of this Code not herein otherwise covered by specific penalty, shall be punished by a fine not exceeding Two Thousand Five Hundred Pesos (P 2,500.00), or imprisonment of not exceeding six (6) months or both such fine and imprisonment, at the discretion of the court.

Payment of fine or service of imprisonment as herein provided shall not relieve the offender from the payment of the fee or charge imposed under this Code.



If the violation is committed by any corporation or other juridical entity, the President, General Manager, or any person entrusted with the administration thereof at the time of the commission of the violation shall be held responsible or liable.

#### ARTICLE XI – COMPROMISE POWER

**Section 66.** Compromise - Except for violation of this Code involving fraud, the Local Chief Executive is authorized to enter into an out of court settlement of any offense involving any violations of any provisions of this Code subject, however, to the following conditions:

- a. That the offender shall pay a compromise settlement fee of not less than One Thousand Pesos (P 1,000.00) but not more than Two Thousand Five Hundred Pesos (2,500.00);
- b. That the payment of the compromise settlement fee shall not relieve the offender from any liability for the payment of other fees or charges due from him as provided under this Code.

#### ARTICLE XII – TRANSITORY PROVISION

##### Section 67.

- a. The lease of stalls or spaces on the New Taytay Public Market Building A shall be subject to the fees imposed on this Code. The fees of this Code shall apply to Building A and that these fees shall take effect only on Building B and C upon construction of the New Buildings.
- b. The terms and conditions on existing lease contracts on other public markets owned by the Municipality of Taytay shall remain effective as long as they are not inconsistent with the provisions of this Code, provided that the lease rentals therefore shall remain the same until subsequent adjustment on the said rentals are made by the Market Committee in accordance with this Code.

**Section 68.** - After the effectivity of this Code, the Market Committee shall conduct an evaluation of all the lessees of the public market in order to monitor the enforcement and compliance with the provisions of this Code. Any violation of the present lessees shall be corrected and rectify accordingly.

#### Article XIII – APPLICABILITY

**Section 69.** Applicability Clause - All other matters relating to the impositions in this Code shall be governed by pertinent provision of existing laws and other Ordinances.

The provisions of existing municipal Codes dealing on market administration that are not in conflict with this Code are hereby adopted and made as an integral part hereof.

#### Article XIV - FINAL PROVISIONS

**Section 70.** Separability Clause - If for any reason, any provision, section or part of this Code is declared not valid by a Court of competent jurisdiction or suspended or revoked by the Sangguniang Panlalawigan, such judgement shall not affect or impair the remaining provisions, sections or parts hereof which shall remain or continue to be in full force and effect.

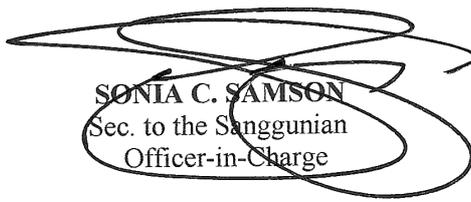
**Section 71.** Repealing Clause - All Ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any provisions of this Code, are hereby repealed, amended or modified accordingly.

**Section 72.** Effectivity - This Code shall be effective thirty (30) days upon approval and posting in conspicuous places.



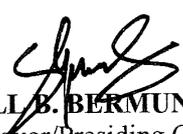
ENACTED, this 10<sup>th</sup> day of December, 2019 at the Session Hall of the Municipal Building, Taytay, Rizal.

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I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan of Taytay on second reading on December 3, 2019 and was passed on third and final reading on December 10, 2019 during the 23<sup>rd</sup> Regular Session held on the 10<sup>th</sup> day of December, 2019.



**SONIA C. SAMSON**  
Sec. to the Sanggunian  
Officer-in-Charge

ATTESTED AND CERTIFIED TO BE DULY  
ADOPTED BY HER HONOR



**HON. MICHELL B. BERMUNDO**  
Municipal Vice Mayor/Presiding Officer

APPROVED BY HIS HONOR  
THE MUNICIPAL MAYOR



**HON. GEORGE RICARDO R. GACULA II**  
Municipal Mayor