

THIRTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
*First Regular Session*

OFFICE OF THE SECRETARY  
JUL 30 P 5:23

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S E N A T E

S. No. 425

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Introduced by Senator S. R. Osmeña III

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**EXPLANATORY NOTE**

A DILG study in 1993 reports that about ninety-four (94%) of public markets all over the country are owned and controlled by the government, mostly through local government units.

Public markets are important in the economic life of the country, because these provide the physical venue where suppliers of basic commodities, mainly food are linked together with buyers and consumers, making welfare-improving exchange and trade transactions possible. Thus public markets support the life of households in the surrounding area, open up employment opportunities to vendors, and provide an indispensable impetus to economic production in general.

The present state of public markets are, however deplorable. Problems of congestion, poor sanitation, ill-kept and maintained structures threaten the safety and health of people ( and this includes a great majority of the citizens of the country) who avail of the facilities of public markets. This bill sets forth the rules and regulations for the planning, management, and administration of public markets in order to upgrade the quality of services that will be available in our public markets. The present neglect that has led to the generally deplorable state of public markets nationwide effectively imposes highly inefficient taxes on the people - taxes in terms of the longer transaction time, in terms of health hazards, higher transportation costs and restricted access to the opportunities. Such inefficiencies have no place in the vibrant market economy that we envision for our country during the third millennium.

In view of the foregoing, the immediate approval of this bill is earnestly requested.



**SERGIO OSMEÑA III**  
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC  
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S. No. 425

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Introduced by Senator S. R. Osmeña III

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AN ACT  
INSTITUTING THE NATIONAL PUBLIC MARKET CODE OF THE  
PHILIPPINES

*Be it enacted by the Senate and House of Representatives of the Philippines in  
Congress assembled:*

TITLE I – DECLARATION OF POLICY

SECTION 1. *Title.* - This Act shall be known and cited as the "**National  
Public Market Code of the Philippines**".

SEC. 2. *Declaration of Policy.* – The State recognizes that public markets  
make significant contributions to national and local development and hereby  
makes it a policy to make them more responsive and effective instruments of  
public service by professionalizing their services and developing, regulating and  
standardizing existing public market systems.

SEC. 3. *Scope of Application.* – This Code shall govern all public  
markets as hereinafter defined, whether owned by the government or by private  
associations or individuals.

SEC. 4. *Definition of Terms.* – When used in this Code, the following  
terms shall mean:

(a) *Ambulants* are vendors who do not occupy a definite or permanent  
place or stall in the public market, or who come to sell goods either daily or  
occasionally by sitting or moving from place to place within the market premises;

1 (b) *Bagsakan* is basically an open area where wholesale goods are  
2 delivered in bulk and which functions as a transaction area for producers,  
3 wholesalers, retailers and consumers;

4 (c) *Cold Storage* is a place where perishable goods are stored;

5 (d) *Composting Site* is an area where activities and processes for the  
6 processing and treatment of non-recyclable wastes into composing material are  
7 carried out;

8 (e) *Hawkers* refer to ambulant vendors who sell their wares on a daily  
9 basis;

10 (f) *Ice storage* is an area that may be included in the public market to  
11 supply the need for ice;

12 (g) *Local government* refers to the province, city, municipality or  
13 barangay;

14 (h) *Local market* authorities refer to the city/municipal Mayor, his duly-  
15 appointed Market Administrator, the City Administrator, the city/municipal  
16 Treasurer, or any other city/municipal official charged with the management of  
17 the day-to-day operations of the public market and/or specific aspects of its  
18 operations;

19 (i) *Market premises* refers to any open space in the market compound,  
20 the market lot consisting of bare ground not covered by the market buildings,  
21 usually occupied by transient vendors especially during market days, and the  
22 total area designated as the market place;

23 (j) *Market sectioning* is the grouping together of the same or similar  
24 goods, commodities or foodstuffs offered for sale in one section or zone in the  
25 market;

26 (k) *Market stall* refers to any allocated space or booth in the public  
27 market where merchandise of any kind is sold or offered for sale, and from which  
28 a regular fee is collected on a defined periodic basis;

1 (l) *Marine products* refer to fresh and dried fish, sea weeds, shells like  
2 mussels, clams or tahong, crustaceans like shrimps, lobsters or crabs and the  
3 like;

4 (m) *Peddler* means any person, who, either for himself or on  
5 commission, travels from one place to another and sells his goods or offers to  
6 sell and deliver the same;

7 (n) *Poultry dressing area* is an area servicing the poultry stalls in the  
8 wet section of the market;

9 (o) *Public market* refers to a place, building or structure of any kind  
10 owned and/or operated by a city or municipality designated as such by their  
11 respective *Sanggunians* and dedicated to the service of the public in general  
12 and where basic food items and other commodities are displayed and offered for  
13 sale. The term also includes market stalls, *tiendas*, buildings, roads, subways,  
14 waterways, drainage, parking spaces, and other appurtenances which are an  
15 integral part thereof;

16 (p) *Rental fee* means a charge fixed by law or any duly-authorized  
17 government authority, in the form of money or otherwise, given for the use or  
18 enjoyment of a thing;

19 (q) *Slaughterhouse* refers to a place designated by law where animals  
20 for human consumption are to be killed, cut up and cleaned;

21 (r) *Special markets* refer to auction markets for fish, livestock,  
22 vegetable and other products, and single commodity markets located in  
23 production areas and serving as resource-based wholesale centers;

24 (s) *Stallholders* refers to those who have been granted the right to use  
25 a stall where they can display or sell their goods, commodities or foodstuff and  
26 pay rentals thereon;

27 (t) *Support facilities* refer to service areas directly supportive of market  
28 operations, including the *bagsakan*, central collection station for waste as well as  
29 its accompanying composting site, poultry dressing areas, ice storage facilities,

1 cold storage and storage rooms, toilets, parking areas, slaughterhouses, ice  
2 plants, warehouses and trading posts;

3 (u) *Trading post* refers to a resource-based wholesale area, situated  
4 near production and consumption areas to facilitate the distribution of livelihood  
5 products, where no physical exchange of products take place except only  
6 transactions as payments, inquiry or briefings;

7 (v) *Vendor* refers to a person who sells goods, commodities or  
8 foodstuffs within the market premises;

9 (w) *Warehouse* is a building or structure where the process of  
10 receiving, storage and delivery of goods take place.

## 11 TITLE II – BASIC POLICIES AND REGULATIONS

### 12 Chapter 1. – Location, Establishment and Construction

13 SEC. 5. *Site*. – No public market of any kind shall be established except  
14 on sites determined in accordance with the National Building Code and  
15 applicable zoning laws and ordinances. In any case, no such public market shall  
16 be established beside a national or local road if, due to the absence of ample  
17 parking space within its vicinity, it causes traffic congestion.

18 Off-site support facilities such as parking, *hawker's area*, *bagsakan*,  
19 slaughterhouse, ice plant, cold storage, warehouse, composting site, etc. shall be  
20 made part of the site development plan for the public market.

21 SEC. 6. *Establishment Requirements*. – Subject to permit or licensing  
22 requirements of the local government unit concerned, the design and  
23 construction of every public market shall be in accordance with the provisions of  
24 existing laws.

25 SEC. 7. *Number of Markets*. – The local *Sanggunian* shall determine the  
26 number of public markets to be established, whether owned and/or managed by  
27 the government or private groups or individuals, taking into consideration the  
28 need of both consumers and traders in the area and its economic viability.

1           SEC. 8. *Limitations on the Transfer of Market Sites.* – No transfer of  
2 market site shall be made unless conditions and development favorable to the  
3 relocation or transfer of the market site are obtained. The local *sanggunian*  
4 concerned, may, after public consultations, and by a majority vote, transfer or  
5 relocate the market site to a location more suited to current needs and future  
6 development: *Provided*, That no transfer of market site shall be made outside the  
7 territorial boundaries of the local government unit concerned.

8           The old market site together with the improvements therein may be sold,  
9 leased or converted to such other uses as may be determined by the  
10 *Sanggunian*.

## 11                           Chapter 2 - Sanitation and Waste Management

12           SEC. 9. *Cleanliness and Sanitation.* - All public markets and their  
13 premises must at all times be kept clean and in sanitary condition to ensure the  
14 health and safety of the public as well as the stall owners, vendors and market  
15 personnel. To this end, facilities for sanitation and waste management shall be  
16 provided.

17           SEC. 10. *Sanitation and Waste Management Unit.* – All public markets  
18 must have a sanitation and waste management unit to ensure efficiency in the  
19 maintenance of cleanliness of the market premises and facilities as well as the  
20 management of waste generated therein. The cleaning of public markets and the  
21 management of the waste therein shall be done in accordance with a Sanitation  
22 and Waste Management Plan which shall be prepared by the said unit and  
23 implemented with the cooperation of the market stall owners and vendors.

24           SEC. 11. *Responsibility of Individual Stall Owners and vendors.* -  
25 Individual stall owners and vendors shall maintain their respective stalls in clean  
26 and sanitary condition. They shall be responsible for the cleanliness of the  
27 passageways, alleys or spaces in front, behind or beside their stalls. Failure to do  
28 so shall result in the suspension or confiscation of their respective stall permits.

1           They shall be consulted by the market's sanitation and waste  
2 management unit in the preparation of the market's Sanitation and Waste  
3 Management Plan.

4           SEC. 12. *Mandatory Facilities.* – All public markets to be established  
5 after the effectivity of this Act shall have the following facilities:

- 6           (a) proper and adequate drainage systems;
- 7           (b) separate water facilities for cleaning purposes and for drinking;
- 8           (c) public toilets with adequate water and lavatories;
- 9           (d) pollution abatement equipment;
- 10          (e) garbage bins and receptacles;
- 11          (f) composting piles and structures;
- 12          (g) waste segregation area;

13          SEC. 13. *Market Waste Management.* - The individual stall owners and  
14 vendors shall dispose their waste in accordance with the Sanitation and Waste  
15 Management Plan which shall be prepared by the market's Sanitation and Waste  
16 Management Unit.

17          The Sanitation and Waste Management Plan shall put into effect  
18 appropriate waste management technologies including composting activities to  
19 keep the market in clean and sanitary condition.

20          SEC. 14. *Protection and Preservation of Food.* - All kinds of food which  
21 require no further cooking, including meat and met products, freshwater and  
22 marine fishes and vegetables, shall be wrapped, covered, or enclosed in  
23 containers to preserve their freshness and prevent contamination.

24          SEC. 15. *Applicability of the Code on Sanitation.* – All provisions of the  
25 Code on Sanitation shall, whenever applicable, be observed by and enforced  
26 upon public markets and all establishments therein and their personnel.

27          The provisions of the same Code on water supply, drainage, food  
28 establishments, sewage collection and disposal, excreta and refuse disposal

1 shall be strictly observed. Failure to do so shall subject the violator thereof to  
2 penalties specified in this Code.

### 3 CHAPTER 3 – Security and Safety

4 SEC. 16. *Market Hours.* – All public markets shall be opened and closed  
5 at specified hours as may be determined by the *Sanggunian* of the local  
6 government unit concerned, in accordance with the requirements of safety, order  
7 and sanitation.

8 SEC. 17. *Market Identification.* - All market personnel shall be required  
9 to display conspicuously an identification card or other means of identification as  
10 prescribed by the city or municipality concerned.

11 SEC. 18. *Security Unit.* - The city or municipality concerned shall provide  
12 adequate security for the protection of consumers and traders within the vicinity  
13 of the market area.

14 SEC. 19. *Losses of Stallholders and Vendors.* - The city or municipality  
15 shall not be responsible for any loss or damage which stallholders and vendors  
16 may incur in the public market by reason of fire, natural calamity or *force*  
17 *majeure*. The local market authorities, however, shall, encourage stallholders  
18 and vendors to insure their commodities.

### 19 CHAPTER 4 – Service and Facilities

20 SEC. 20. *Service Areas.* - Storage facilities and other support and  
21 auxilliary market facilities, such as those intended for ice and cold storage, shall  
22 be appropriately situated to facilitate efficient storage and distribution of ice and  
23 perishable goods delivered to the public market.

24 SEC. 21. *Parking Spaces.* - Ample parking space shall be provided  
25 within the vicinity of the public market when practicable. The city or municipality  
26 concerned may charge reasonable fees for the use of such parking spaces at  
27 rates to be fixed by the local *sanggunian* concerned.

28 SEC. 22. *Ramps and Stairways.* - Ramps shall be placed in strategic  
29 and visible locations near the approach points to the market structure and shall



1 conform to the provisions of the existing Accessibility Law. Regular stairways  
2 shall complement the ramps installed in the public market.

3 SEC. 23. *Market Aisles.* - To facilitate mobility, security and safety at all  
4 times, market aisles shall be free from any obstruction. Market officials and  
5 personnel as well as *policemen* detailed in the vicinity of the public markets shall  
6 exercise strict vigilance and ensure strict compliance on this matter.

7 SEC. 24. *Weighing Scales.* - The city or municipality concerned shall  
8 provide weighing scales for the use of the consumers to check the short-  
9 weighing of commodities sold. They shall be located at strategic points in the  
10 public market.

11 CHAPTER 5 - Award and Occupancy Stalls

12 SEC. 25. *Award, How Made.* – The award or adjudication of newly-  
13 constructed or vacant stall shall be made in accordance with the provisions of  
14 this Code.

15 SEC. 26. *Market Committee.* - There is hereby created in each city or  
16 municipality a Market Committee, which shall conduct the drawing of lots and  
17 opening of bids in connection with the award of newly-constructed or vacant  
18 stalls.

19 The Market Committee shall be chaired by the mayor of the city or  
20 municipality or his duly-appointed representative with the following members

- 21 (a) the city or municipality Treasurer or his representative;  
22 (b) a representative of the *Sangguniang Panglunsod*;  
23 (c) a representative of the market vendors chosen by them from  
24 among their members; and  
25 (d) a representative of the consumers to be chosen by recognized  
26 non-government organizations or people's organizations in the city or  
27 municipality.

28 SEC. 27. *To Whom Award May Be Made.* – (1) No person shall operate  
29 a market stall without first securing the permits required by the city/municipality

1 where the public market is located. All applications for the award of a stall shall  
2 be filed with the Office of the local market authorities.

3 (2) No person shall sell, offer for sale or expose any article or articles  
4 in any public market or use or occupy any stall without first having been assigned  
5 to such stall in the manner prescribed herein. Residents of the city or municipality  
6 shall be given preference in the occupancy or lease of stalls over non-resident  
7 applicants at the time of the awarding of the stalls.

8 (3) Vendors shall be assigned a stall according to the nature of the  
9 merchandise intended for sale.

10 (4) Stallholders shall not be allowed to occupy stalls or space other  
11 than those leased to them, and it shall be the duty of the Market Administrator or  
12 his duly authorized representative to see to it that the stallholders do not  
13 wrongfully occupy other stalls or spaces.

14 SEC. 28. *Subleasing or Selling Privilege Not Allowed.* - No awardee  
15 shall sublet or sublease the stall so awarded nor shall any privilege acquired be  
16 sold. If any person other than the stallholder is found selling in the latter's stall,  
17 this shall be considered *prima facie* evidence of subleasing and the stallholder  
18 shall be subjected to outright revocation of his lease award.

19 SEC. 29. *Limit on Number of Stalls Awarded.* - No person shall be  
20 allowed to lease more than two stalls: *Provided*, That when two stalls are leased  
21 to one person, such stalls shall adjoin one another and shall be located in the  
22 same section of the public market: *Provided, finally*, That it shall be a violation of  
23 this Section for more than one member of a family consisting of the father,  
24 mother, sons and daughters to hold stalls in one public market unless these sons  
25 and daughters are already living by themselves and independently of their  
26 parents.

27 SEC. 30. *Duration of Lease.* - The duration of lease of a market stall in  
28 government-owned public markets shall be determined by the local *sanggunian*.

1 Such provisions shall likewise be incorporated in the lease contract to be  
2 executed for such purposes.

3 SEC. 31. *Revocation of lease.* - The revocation of the lease contract of  
4 stallholders shall be affected for cause or causes to be determined by the local  
5 *sanggunian*. Such provisions shall likewise be incorporated in the lease contract  
6 to be executed for such purpose.

7 SEC. 32. *Adjudication of vacant stalls to applicants.* - Vacant stalls shall  
8 be leased to applicants in the following manner;

9 (a) Notice of vacancy of the stalls or booths shall be posted for a  
10 period of not less than ten (10) days prior to the date of actual award to qualified  
11 applicants to apprise the public of the fact that such stalls or booths are vacant  
12 and available for lease. Such notice shall be posted in the bulletin board of the  
13 market concerned.

14 An application fee shall be collected from each applicant to cover the  
15 necessary expenses and any excess thereof shall form part of the general fund  
16 of the city/municipality concerned.

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

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

24 It shall also be the duty of the local market authorities to acknowledge  
25 receipt of the application setting forth therein the time and date of receipt thereof.

26 (d) Applicants who are Filipino citizens shall have preference in the  
27 lease of market stalls. In case there is only one Filipino applicant, the stall or  
28 booth applied for shall be adjudicated to him. If there are several Filipino  
29 applicants for the same stall, adjudication of the stall shall be made thru drawing

1 of lots to be conducted by the Market Committee on the date and hour specified  
2 in the Notice. The result of the drawing of lots shall be reported immediately by  
3 the Committee to the *sanggunian* for appropriate action.

4 If on the last day set for filing applicants, there is no application from a  
5 Filipino citizen, the posting of the Notice of Vacancy prescribed above shall be  
6 repeated for another ten-day period. If after the expiration of that period there is  
7 still no Filipino applicant, the affected stall may be leased to any alien applicant  
8 who filed his application first. If there are several alien applicants, the  
9 adjudication of the stall shall be made thru drawing of lots to be conducted by the  
10 Market Committee.

11 (e) The successful applicant shall furnish the provincial/city/municipal  
12 treasurer two (2) copies of his picture immediately after the award of the lease. It  
13 shall be the duty of the treasurer to affix one (1) copy of the picture to the  
14 application and the other copy to the record card kept for that purpose.

15 SEC. 33. *Effect of Death of Lessee.* -- Upon the death of the holder of a  
16 stall, the contract of lease covering said stall shall be deemed terminated.  
17 However, if the deceased leaves a surviving spouse or legal heirs who are not  
18 disqualified under the provisions of this Code, and who desire to continue the  
19 business of the deceased, the lease may be transferred to the deceased's  
20 spouse or legal heirs upon application therefor: *Provided*, That the local market  
21 authorities shall be notified within thirty (30) days after the death of the original  
22 lessee of the desire of the spouse or legal heirs to succeed and upon payment of  
23 all necessary rents or lease due at the time of death of the original lessee.

#### 24 CHAPTER 6. Collection and Use of Market Fees

25 SEC. 34. *Market Fees.* – The city/municipality may collect fees or rentals  
26 for the occupancy or use of any part of a government-owned public market or its  
27 premises in accordance with existing laws. The rental rates or fees shall be  
28 determined by the local *sanggunian* in accordance with the actual requirements

1 for the maintenance of the public market and the sustenance of its economic  
2 viability.

3       SEC. 35. *Subdivision of Market Building and Rates of Fees and Rentals*  
4 *Therefor.* – The public market shall be divided into sections with each section  
5 housing one class or group of allied goods, commodities or merchandise. The  
6 *sanggunian* shall fix for each section, reasonable rates of fees or rentals per  
7 square meter or space per month and/or day.

8       In case, there are several market buildings, or pavilions, each one of them  
9 shall be assigned a number or other designation for better identification.

10       SEC. 36. *Rentals for Fixed Stalls, Booths and Tiendas.* – Rentals for  
11 fixed stalls, booths and *tiendas* shall be fixed by the month and are to be paid  
12 within the first ten (10) days of each month.

13       The fixed stalls, booths and *tiendas* situated in the best locations shall be  
14 assigned higher rates per square meter than those less favorably located:  
15 *Provided,* That said higher rates per square meter shall be within the range of  
16 such rates determined by the local *sanggunian* as provided in Section 44 hereof.

17       SEC. 37. *Market Fees for the Occupancy of Market Premises.* – The  
18 market fees for the occupancy of market premises shall be fixed at such  
19 reasonable rate per day per square meter of space occupied therein, or a fraction  
20 thereof.

21       SEC. 38. *Market Entrance Fees.* – In lieu of the regular market fees  
22 based on the space occupied, a market entrance fee based on weight, bundle,  
23 sack, can, carload, or any other convenient unit of measure may be imposed on  
24 all transient vendors of any commodity or merchandise being brought into the  
25 public market for sale. The entrance fee to be imposed shall not exceed the  
26 market fee that would otherwise be collectible if the fee were charged on the  
27 basis of space occupied by the said commodity or merchandise, as provided in  
28 the immediately preceding Section.

1 Any vendor occupying any table, cubicle or other spaces with an area  
2 exceeding that to which he is entitled by virtue of payment of the entrance fee  
3 shall be required to pay the correct amount of fees due thereon less what he may  
4 have already paid as entrance fee.

5 Duly licensed suppliers or distributors of goods, commodities or general  
6 merchandise servicing permanent occupants of market stalls, booths, tiendas, or  
7 other space, as well as the same occupants when they bring in goods,  
8 commodities or merchandise to replenish or augment their stock, shall not be  
9 considered as transient vendors required to pay the market entrance fee herein  
10 authorized.

11 SEC. 39. *Slaughterhouse Fees.* -- The city/municipality may collect fees  
12 for the slaughter of animals and the use of slaughterhouse or corral owned or  
13 operated by the public market in accordance with the provisions of this Section.

14 (a) Permit fee to slaughter. – Before any animal is slaughtered for  
15 public consumption, a permit fee therefor shall be secured from the health officer  
16 or his duly authorized representative and the corresponding fee, at a reasonable  
17 rate to be fixed by the local sanggunian, collected.

18 (b) Rates of Slaughter Fees. – Slaughter fees may be fixed per head of  
19 animal or per kilo of the dressed meat thereof. The slaughter fees shall be  
20 prescribed by the *sanggunian* concerned.

21 If fees are to be charged per kilo, each slaughterhouse shall be provided  
22 with a balance on which all dressed meat, including liver, heart, tongue and other  
23 parts utilized for consumption shall be weighed. The weighing shall be made  
24 under the supervision of the Market Administrator or his duly authorized  
25 representative.

26 (c) Place of slaughter. - The slaughter of any kind of animal for sale to,  
27 or consumption of, the public shall be done only in the city or municipal  
28 slaughterhouse, be it adjacent to the public market or not. Animals slaughtered  
29 for home consumption shall not be offered for sale.

1           (d)    Corral fees. – Fees at rates not exceeding those fixed by the local  
2 sanggunian, based on per head per day, may be collected for the animals to be  
3 slaughtered which are deposited and kept in a corral owned or operated by the  
4 public market.

5           SEC. 40. *Payment of Fees.* -- Unless otherwise provided herein, the  
6 market fee must be paid in advance before any person can sell, or offer to sell,  
7 any commodity or merchandise within the public market and its premises.

8           SEC. 41. *Issuance of Cash Tickets to Transient Vendors; Prohibition on*  
9 *Transfer Thereof.* -- Cash tickets shall be issued to the vendor buying the same  
10 and his name, date and signature of the collector shall be written on the back  
11 thereof. The cash tickets shall pertain only to the person buying the same and  
12 shall be good only for the space or spaces of the market premises to which he is  
13 assigned and only while in the hands of the original purchaser. If a vendor  
14 disposes of his merchandise by wholesale to another vendor, the latter shall  
15 purchase new tickets if he desires to sell the same merchandise even if this is to  
16 be done in the same place occupied by the previous vendor.

17           Cash tickets shall be provided with serial numbers by the Office of the  
18 city/municipal treasurer which shall monitor the issuance of the cash tickets in  
19 collaboration with the Market Administrator.

20           SEC. 42. *Allocation of Collected Market Fees.* – After deducting statutory  
21 or contractual obligations, a minimum of fifty percent (50%) of the remainder of  
22 the income of the public market owned by the government shall be reserved and  
23 set aside as a capital and management development fund for the maintenance  
24 and improvement of the market and for staff development. The balance shall  
25 accrue to the general fund of the local government concerned.

26           SEC. 43. *Duties of a City or Municipal Treasurer.* -- Provisions of  
27 existing laws to the contrary notwithstanding, the functions of the City/Municipal  
28 Treasurer shall be limited to the collection, custody and proper disbursement of  
29 fees and other income of the public market, and furnishing collection reports to

1 the Market Administrator. The administration, supervision and control of the  
2 public market shall be vested in such bodies or officials as may be provided for  
3 by the sanggunian concerned.

#### 4 CHAPTER 7. - Special Markets

5 SEC. 44. *Special Regulations.* Special markets may be exempted from  
6 the foregoing provisions of this Code but shall be subject to such ordinances  
7 regarding location, establishment, and security as may be provided for by the  
8 sanggunian concerned.

#### 9 CHAPTER 8. – Restriction

10 SEC. 45. *Rules of Conduct.* – (a) The *sanggunian* shall promulgate such  
11 rules of conduct as may be applicable within the market premises to render  
12 efficient market management and operations.

13 (b) The name and pictures of persons authorized by stallholders to  
14 help them in their daily businesses shall be registered with the Office of the local  
15 market authorities.

16 SEC. 46. *Peddling and Hawking.* – (a) No person shall peddle, hawk,  
17 offer for sale or expose for sale any articles in the passageways or aisles used by  
18 purchasers in any public market.

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

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

27 SEC. 47. *Dispensing and Serving of Intoxicating Drinks.* - No person  
28 shall drink, serve or dispense liquor or any intoxicating drink within the premises



1 of any public market. Any violation hereof shall subject the offender to the penal  
2 provisions of this Code and his or her lease award shall be subject to revocation.

3 SEC. 48. *Loose Animals.* - The local market authorities shall make sure  
4 that no dogs or other animals are left astray in the premises of the public market.

5 SEC. 49. *Illegal construction.* - The construction of living quarters within  
6 the market premises shall not be allowed.

7 SEC. 50. *Ejected Stallholders Disqualified to Participate in the Drawing*  
8 *of Lots.* - Should a stallholder be ejected from his stall/booth for cause, as  
9 provided in this Code, he shall be disqualified from subsequently filing another  
10 application for the lease of any stall/booth in any public market of the  
11 city/municipality.

12 SEC. 51. *Prohibitions.* - (a) No lessee shall remove, construct, or alter  
13 the original structure, electrical wiring or water connection of any booth or booths  
14 without prior permit from the local market authorities approved by the  
15 city/municipal building official. Any unauthorized construction shall be subject to  
16 demolition by local authorities.

17 (b) Dwelling in stalls or any place within the market premises shall be  
18 strictly prohibited.

19 (c) No stallholder in the public market shall be allowed to store  
20 gasoline and crude oil.

### 21 TITLE III – ADMINISTRATION

#### 22 CHAPTER 1. – *Local Administration of Public Markets*

23 SEC. 52. *Local Advisory Committee.* - In each city or municipality, the  
24 Mayor may create a Local Advisory Committee to be composed of  
25 representatives from the government and private sectors to assist him and the  
26 *sanggunian* in the formulation of policies to enhance the efficiency of market  
27 operation.

28 SEC. 53. *Market Administrator.* - The Market Administrator shall  
29 exercise direct and immediate supervision, administration and control over local

1 government-owned or operated public markets and the personnel thereof  
2 including those whose duties concern the maintenance and upkeep of, and  
3 ensuring peace and order in the market premises, subject to the supervision of  
4 the city/municipal Mayor. Market collectors shall be directly under the  
5 City/Municipal Treasurer in accordance with existing laws, local ordinances and  
6 other rules and/or regulations pertinent thereto insofar as collection, remittance  
7 and reporting of collections are concerned. Actual collection activities including  
8 the assignment of market collector, however shall be supervised by the Market  
9 Administrator.

10 SEC. 54. *Powers and Functions of the Market Administrator.* - The  
11 Market Administrator shall:

12 (a) Exercise general supervision over the management and operation  
13 of public market;

14 (b) Enforce all laws, rules and regulations affecting public market  
15 management and operations;

16 (c) Assist in the formulation of the budget for operations of the public  
17 market prior to its submission to the *sanggunian*;

18 (d) Propose and coordinate plans and programs for public markets on  
19 all aspects of market operations including market linkages;

20 (e) Propose the imposition of adjusted market fees to the *sanggunian*  
21 based on the standards set forth in this Code; and

22 (f) Prepare monthly financial statements in collaboration with the  
23 City/Municipal Treasurer indicating market income and expenses to be submitted  
24 to the Mayor and the *sanggunian*.

25 SEC. 55. *Other Market Personnel.* - Other Officials and employees of  
26 the public market shall be determined by the *sanggunian* in accordance with  
27 existing laws.

28 TITLE IV – PENAL PROVISIONS

1           SEC. 56. *Penalty for Prohibited Acts.* – Any person violating, or causing,  
2 inducing or abetting the violation of any prohibitory provision of this Code shall,  
3 upon conviction of the court suffer the penalty of *arresto menor* or a fine not  
4 exceeding Two hundred pesos (P200.00) and in case of recidivism, the penalty  
5 of *arresto mayor* or a fine ranging from Two hundred pesos (P200.00) to Six  
6 thousand pesos (P6,000.00).

7           SEC. 57. *Selling Confiscated Goods.* - Any law enforcement officer or  
8 public market security guard who confiscates goods from any vendor, ambulant  
9 or otherwise, and sells or offers these goods for sale himself or through a third  
10 person/persons, shall, upon conviction of the court, suffer:

11           (a) The penalty of *prison correccional* in its medium and maximum  
12 periods, if the value involved does not exceed Two hundred pesos (P200.00);

13           (b) The penalty of *prison mayor* in its minimum and medium periods, if  
14 the value involved is more than Two hundred pesos (P200.00) but does not  
15 exceed Six thousand pesos (P6,000.00);

16           (c) The penalty of *prison mayor* in its maximum period to *reclusion*  
17 *temporal* in its minimum period, if the value involved is more than Six thousand  
18 pesos (P6,000.00) but less than Twelve thousand pesos (P12,000.00).

19           (d) The penalty of *reclusion temporal* in its medium and maximum  
20 periods if the value is more than Twelve thousand pesos (P12,000.00) but less  
21 than Twenty-two thousand pesos (P22,000.00). If the amount exceeds the latter,  
22 the penalty shall be *reclusion temporal* in its maximum period to *reclusion*  
23 *perpetua*.

24           In all cases, persons guilty of selling or offering to sell confiscated goods  
25 shall also suffer a fine equal to the total value of the goods confiscated and sold  
26 or offered to be sold.

27           The failure of any law enforcement officer or public market security guard  
28 who confiscated goods from any vendor, ambulant or otherwise, to duly account  
29 for any goods confiscated by him upon demand by any duly authorized officer

1 shall be a *prima facie* evidence that he has sold the unaccounted confiscated  
2 goods.

3 SEC. 58. *Weights and Measures.* – Any stallholder found violating the  
4 provisions of existing laws regarding weights and measures shall, for the first  
5 offense, be required to correct any deficiency in said weights or measures,  
6 severely warned and/or reprimanded. For the second offense, his stall lease shall  
7 be subject to revocation.

8 SEC. 59. *Dummies.* – Any person who acts as a dummy for another in  
9 connection with the enjoyment of any of the privileges provided in this Code shall  
10 be subject to the penalty provided in Section 56 hereof.

11 TITLE V – TRANSITORY AND FINAL PROVISIONS

12 SEC. 60. *Existing Public Market Buildings and Support Facilities.* - All  
13 public market buildings and support facilities constructed under existing laws or  
14 existing city or municipal building codes or ordinances, if legally done in  
15 accordance therewith, shall not be subject to location, establishment and  
16 construction limitations established in this Code.

17 However, alterations, additions and or repairs to be made in such  
18 buildings or structures shall be subject to the provisions of this Code.

19 SEC. 61. *Barangay Markets.* - Barangay governments are hereby  
20 authorized to establish their own public markets subject to the same rules and  
21 policies provided in this Code.

22 SEC. 62. *Administrative Authority of the Secretary of Local Government.*  
23 – The Secretary of Local Government is hereby authorized to issue rules and  
24 regulations for the effective implementation of this Code.

25 SEC. 63. *Separability Clause.* - If for any reason, any part of this Code  
26 shall be declared to be unconstitutional or invalid, other parts or provisions hereof  
27 which are not affected thereby shall continue to be in full force and effect.

1           SEC. 64. *Repealing Clause.* - All laws, decrees, orders, rules and  
2 regulations, ordinances, or parts thereof, inconsistent herewith are hereby  
3 repealed or modified accordingly.

4           SEC. 65. *Effectivity.* - This Code shall take effect fifteen days (15) after  
5 its publication in the *Official Gazette*, or in at least two (2) newspapers of general  
6 circulation, whichever comes earlier.

Approved,