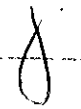


15 SEP 22 P4:46

SENATE

Senate Bill No. 2961

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
INSTITUTING A NATIONAL MARKET CODE OF THE PHILIPPINES

EXPLANATORY NOTE

The management, maintenance, supervision and control of barangay, satellite, municipal or city public markets are principally governed by Republic Act No. 7160 or the Local Government Code which, at the same time, authorizes the Sangguniang Bayan and Sangguniang Panglungsod to regulate the preparation and sale of consumable items in such markets.

Public markets are essential establishments in our localities and for decades now, they served as the center of trade and commerce in every city and municipality in the country. The recent proliferation of supermarkets and malls even in rural areas has undeniably affected the sales in public markets; but it remains to be the preference of a large number of our populace. As narrated in the 2002 article of the Philippine Center for Investigative Journalism (PCIJ) entitled, "*Death of Palengke*":

"Public markets, once the heart of every town, are dying because of neglect and the entry of more aggressive mall entrepreneurs."

"That there are still public markets able to survive the onslaught of supermarkets and malls can be traced largely to the enduring popularity of the wet-market section, which continues to draw people who cannot afford to buy from air-conditioned foodstores. Thus, the usual proposed setup in converting the *palengke* to a commercial center involves a token concession of a wet market that is less strategically located, either at the back or basement/ground level of the establishment."

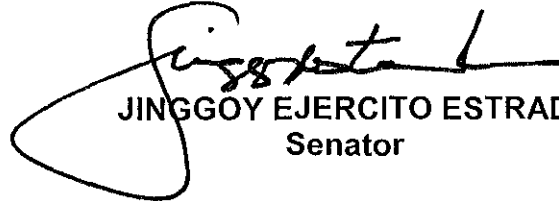
This situation calls for a revisit to the current operation and management of public markets. Indeed, there is a need to revitalize and upgrade our public markets that will enable them to respond to the growing changing needs and demands of their "*suki*".

This measure seeks to develop, regulate and standardize market systems and professionalize market services. The proposed "*National Market Code of the Philippines*" will govern all public markets, whether owned and/or managed by the government or by private groups or individuals.

The proposed measure provides for, among others, guidelines and requirements for sanitation, security and safety, service area and facilities, award and occupancy of stalls, and collection and use of market fees.

This bill was filed by Senator Manny Villar in the 15th Congress but was not enacted into law.

The immediate passage of this bill is earnestly sought.




JINGGOY EJERCITO ESTRADA
Senator

15 SEP 22 P4:46

SENATE

Senate Bill No. 2961

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
INSTITUTING A NATIONAL MARKET CODE OF THE PHILIPPINES

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

TITLE 1. GENERAL PRINCIPLES

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “***National Market***
2 ***Code of the Philippines***”.

3
4
5 **SEC. 2. *General Objective.*** – To complement and supplement the provisions of
6 Republic Act No. 7160, otherwise known as the Local Government Code, in
7 relation to the establishment, regulation and maintenance of public markets, it is
8 the purpose of this Code to make public markets responsive and effective
9 instrument of public service as well as dynamic and viable enterprises to
10 strengthen the financial capabilities of cities, municipalities and where feasible,
11 barangays thus significantly contributing to national and local development, and
12 towards this end, to develop, regulate and standardize market systems and
13 professionalize market services.

14
15
16 **SEC. 3. *Scope of Application.*** – This Code shall govern all public markets as
17 hereinafter defined, whether owned and/or managed by the government or by
18 private groups or individuals.

19
20
21 **SEC. 4. *Definition of Terms.*** – The following definitions of terms shall be
22 applicable in the interpretation of the provisions of this Code:

23
24 (a) “Ambulants” are vendors who do not occupy a definite or permanent place
25 or stall in the market who come to sell goods either daily or occasionally
26 by sitting or moving place to place within the market premises;

27
28 (b) A “bagsakan” area is basically an open area for the delivery of wholesale
29 goods in bulk and functions as a transaction area among producers,
30 wholesalers and retailers;

31

- 1 (c) A "cold storage" is a place where perishable goods are stored. Separate
2 storage areas are to be provided for fish, meat, vegetables and fruits as
3 storing them together tends to affect their taste and odor.
4
- 5 (d) "Hawkers" refer to an ambulant vendors who sell their wares on a daily
6 basis;
7
- 8 (e) An "ice storage" is an area that may be included in the market to supply
9 the need for ice;
10
- 11 (f) "Local government" refers to the province, city, municipality, or barangay;
12
- 13 (g) "Local market authorities" refer to the city or municipal Mayor, his duly-
14 appointed Market Administrator, the city or municipal Administrator, the
15 city or municipal Treasurer, or any other city or municipal official charged
16 with the management of the day to day operations of the public market
17 and/or specific aspects of such operations;
18
- 19 (h) "Marine product" refer to fresh and dried fish, sea weeds, shell like
20 mussels, clams, shrimps, lobster and the like;
21
- 22 (i) "Market premises" refer to any open space in the market buildings, usually
23 occupied by transient vendors especially during market days, and the total
24 area designated as the market place;
25
- 26 (j) "Market sectioning" is grouping together in one section or zone in the
27 market the same or similar goods, commodities or foodstuffs offered for
28 sale;
29
- 30 (k) "Market stall" refers to any allotted space or booth in the public market
31 where merchandise of any kind is sold or offered for sale, and from which
32 a regular fee is collected on a defined periodic basis;
33
- 34 (l) "Peddler" means any person who, either for himself or on commission,
35 travels from place to place and sells his goods or offers to sell and delivers
36 the same;
37
- 38 (m)A "poultry dressing area" is an area servicing the poultry stalls in the wet
39 section of the market;
40
- 41 (n) A "public market" means a place, building or structure of any kind owned
42 or operated by a city or municipality designated as such by the
43 Sanggunian of that city of municipality dedicated to the service of the
44 general public, where basic food items and other commodities are
45 displayed and offered for sale. "Public market" also includes market stalls,
46 tiendas, buildings, roads, subways, waterways, drainage, parking space
47 and other appurtenances which are integral thereto.
48
- 49 (o) "Rental fee" means a charge fixed by law or agency, whether in money or
50 otherwise, given for the enjoyment or use of a thing;
51
- 52 (p) "Slaughterhouse" refers to a place designated by law to kill, clean and cut-
53 up animals for human consumption;
54
- 55 (q) "Special Markets" refers to auction markets for fish, livestock, vegetables
56 and other products, and single commodity markets, located in production
57 areas serving as resources-based wholesale centers;

- 1
2 (r) "Stallholders" refer to those who have been granted the right to use one or
3 more stalls, where they can display or sell their goods, commodities or
4 foodstuffs, and pay rentals thereon.
5
6 (s) "Support facilities" refer to service areas directly supportive of market
7 operations, including "bagsakan" area, central collection station for
8 wastes, poultry dressing area, ice storage facilities, cold storage and
9 storage rooms, toilets, parking spaces, slaughterhouses, warehouses and
10 trading posts;
11
12 (t) "Trading post" refers to a wholesale resource-based area near production
13 and consumption areas to facilitate the distribution of livelihood products;
14 no physical exchange of products, only transactions such as payments,
15 inquiry and briefings would be done;
16
17 (u) A "vendor" shall mean a person who sells commodities or foodstuffs,
18 within the market premises;
19
20 (v) "Warehouse" is a building or structure where the process of receiving,
21 storing and delivering of goods take place. Distribution is a function of
22 warehousing which include the preparation and delivery of goods
23 according to plan or special order.
24
25

26 **TITLE II. BASIC POLICIES AND REGULATION**
27 **CHAPTER 1. LOCATION, ESTABLISHMENT AND CONSTRUCTION**
28
29

30 **SEC. 5. *Site.*** – No public market of any kind shall be established in sites
31 determined in accordance with the National Building Code, zoning laws, and
32 applicable local ordinances. In any case, no such public market shall be
33 established beside a national or local road if it is deemed to cause traffic
34 congestion due to the absence of ample parking space within the vicinity of the
35 market area.
36

37
38 **SEC. 6. *Establishment Requirement.*** – Subject to permit or licensing
39 requirement of the local government unit concerned, the design and construction
40 of every public market shall be in accordance with the provisions of existing laws.
41

42
43 **SEC. 7. *Number of Markets.*** – The respective Sanggunian shall determine the
44 total number of public markets to be established in the city/municipality, whether
45 owned or managed by the government or by private groups or individuals based
46 on the needs of both consumers and traders in the area, and considering the
47 economic viability of such public markets.
48

49
50 **CHAPTER 2. SANITATION**
51

52
53 **SEC. 8. *Cleanliness and Sanitation.*** – All markets and their premises must at all
54 times be kept clean and in sanitary condition to safeguard the health and safety
55 of the buying as well as the stall owners, vendors and market personnel.
56 Facilities for sanitation and maintenance, such as cleaning and elimination of
57 harborages of vermin shall be provided.

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SEC. 9. Sanitation Unit. – All markets shall have a sanitation unit with an adequate number of personnel to ensure efficient operation in the maintenance of cleanliness and sanitation within the market and its premises. The cleaning of markets and their premises shall be done daily and as often as may be necessary.

Individual stall owners/vendors shall keep and maintain their stalls in clean and sanitary condition. They shall likewise be responsible for the cleanliness of the passageways, alleys or spaces immediately in front or behind or by the side of their stalls. In cooperation with local market authorities and personnel, market vendors and stall owners shall be responsible for the general cleanliness and sanitation of the market and its premises.

SEC. 10. Facilities Required to be Provided. – There shall be proper and adequate drainage and sewerage systems to ensure cleanliness and sanitation. Appropriate facilities to abate pollution shall be installed.

SEC. 11. Water and Draining Facilities. – All markets shall have available ample water for cleaning. There shall be separate drinking facilities to prevent contamination.

SEC. 12. Public Toilets. – Public toilets with adequate lavatories, at least one (1) for men and another for women, shall be provided and installed in strict conformity with the Sanitation Code and the same shall at all times be kept clean and sanitary.

SEC. 13. “No Littering” Signs. – “No Littering” signs shall be posted in conspicuous places to warn vendors and buyers that the same is punishable by law.

SEC. 14. Number and Type of Garbage Receptacles. – All markets shall be provided with the large garbage receptacles of the fly-and-rat proof type for the collection of all the garbage and rubbish in the market and its premises. In addition, adequate garbage cans shall be placed at strategic places for the garbage and rubbish of the buyers, ambulant vendors and market personnel. Likewise, all stall owners and vendors shall be required to have individual garbage cans.

SEC. 15. Purpose of Cover. – All garbage cans must be properly covered to keep from becoming the breeding places of flies, rates, mosquitoes and other insects.

SEC. 16. “Use of Garbage Cans” Signs. – “Keep our Premises Clean”, “Use Garbage Cans” signs shall be placed at the entrance, in passageways and in places where garbage are collected.

1 **SEC. 17. *Disposal of Garbage.*** – It shall be the responsibility of the individual
2 stall owner and vendors to dispose of their garbage at the end of each day by
3 placing them in the receptacle referred to in Section 15 thereof. However, the
4 disposal of the garbage of the buying public, ambulant vendors and the market
5 personnel shall be the responsibility of the local market authorities. The waste
6 dumping area of disposed garbage shall be located at a convenient place
7 wherein garbage collectors/trucks shall have access to collect them. Solid waste
8 from each stallholder shall be transferred to the central dumping area to facilitate
9 efficient solid waste management.

10
11
12 **SEC. 18. *Time for Collection and Disposal of Garbage.*** – All the garbage and
13 rubbish of the market must be collected and disposed of at appropriate
14 schedules to be determined by the local market authorities.

15
16
17 **SEC. 19. *Meat and Meat Products.*** – All meat and meat products shall be
18 inspected pursuant to existing laws and local ordinances.

19
20
21 **SEC. 20. *Sale of Marine Products.*** – Only fresh, live and wholesome fish and
22 marine products or dried, salted, smoked or fermented fish and marine products
23 which are safe for consumption shall be sold. Fish and other marine products
24 caught in radioactive zones as well as in areas contaminated by toxic substances
25 or high in mercury count as determined by the Department of Health (DOH) in
26 coordination with the Bureau of Fisheries and Aquatic Resources (BFAR) and the
27 Food and Drug Administration (FDA), shall be condemned and shall not be
28 allowed for sale.

29
30
31 **SEC. 21. *Protection and Preservation of Food.*** – All foods which require no
32 further cooking shall be wrapped, covered, or enclosed in containers to preserve
33 their freshness and prevent contamination.

34
35
36 **SEC. 22. *Applicability of Code on Sanitation.*** – (1) All provisions of the Code on
37 Sanitation shall, whenever applicable, be observed by and enforced upon public
38 markets and all establishments therein and their respective personnel.

39
40 (2) Special effort shall be exerted to strictly observe and enforce the provisions of
41 said Code of Sanitation relating to water supply, food establishments, sewage
42 collection and disposal, excrete disposal and drainage, and refuse disposal.

43 44 45 **CHAPTER 3. SECURITY AND SAFETY**

46
47
48 **SEC. 23. *Market Hours.*** – All public markets shall be opened and closed at
49 certain hours as may be determined by the Sanggunian of the local unit
50 concerned, in accordance with the requirements of safety, order and sanitation.

51
52
53 **SEC. 24. *Proper Identification.*** – All market personnel shall be required to
54 display conspicuously an identification card or other means of identification
55 prescribed by the city/municipality concerned.

1 **SEC. 25. Security Unit.** – The city/municipality shall provide adequate security
2 for the protection of consumers and traders within the vicinity of the market area.
3

4
5 **SEC. 26. Losses of Stallholders.** – The city/municipality shall not be responsible
6 for any loss or damage which stallholders or vendors may incur in the
7 city/municipality markets by reasons of fire or force majeure. The total market
8 authorities, however, shall encourage stallholders to ensure their commodities.
9

10
11 **CHAPTER 4. SERVICE AREA / FACILITIES**
12

13
14 **SEC. 27. Storage Areas.** – Storage facilities such as those intended for ice and
15 cold storage shall be appropriate situated to facilitate efficient storage and
16 distribution of ice and perishable goods delivered to the market.
17

18
19 **SEC. 28. Ramps and Stairways.** – Ramps shall be strategically located for
20 purposes of visibility, near the approach point to the market structure, and shall
21 conform to the provisions of the existing accessibility law which requires
22 buildings, institutions, establishments and public utilities to install facilities and
23 other devices to enhance the mobility of disabled persons. They shall provide
24 convenient to related market functional activities. Regular stairways shall
25 complement the market system.
26

27
28 **SEC. 29. Market Aisles.** – To facilitate mobility, security and safety at all times,
29 market aisles shall be free from any obstructions. Market officials and personnel
30 and policemen detailed in the vicinity of the city / municipal markets shall
31 exercise strict vigilance on this matter and enjoin strict compliance with these
32 provisions.
33

34
35 **SEC. 30. Weighing Scales.** – The city / municipality shall provide weighing
36 scales for the use of the consumers to safeguard them against shortweighing of
37 commodities like rice, fish, meat, etc. It shall be located in conspicuous and
38 strategic points in the public market
39

40
41 **CHAPTER 5. AWARD AND OCCUPANCY OF STALLS**
42

43
44 **SEC. 31. Award; How Made.** – Award or jurisdiction of newly constructed or
45 vacant stalls shall be made pursuant to the provisions of this Code.
46

47
48 **SEC. 32. Market Committee.** – There is hereby, in each city / municipality, a
49 Market Committee, whose duty shall be to conduct the drawing of lots and
50 opening of bids in connection with the adjudication of vacant or newly
51 constructed stalls or booths in the city / municipality markets as prescribed
52 herein, and to certify to the Sanggunian concerned, the results thereof.
53

54 In the chartered cities, the Committee shall be composed of the City Mayor or his
55 duly authorized representative as Chairman, and the following as members:
56

- 57 a) a representative of the City Treasurer;

- 1 b) a representative of the Sanggunian;
- 2 c) a representative of the City Legal Officer or a representative of the City
- 3 Prosecutor in case there is no City Legal Officer; and,
- 4 d) a representative of the Market Vendors chosen by them from among their
- 5 members.

6
7 In the municipalities, the Municipal Mayor or his duly authorized representative
8 shall be the Chairman and the following as members:

- 9
- 10 a) a representative of the Municipal Treasurer;
- 11 b) a representative of the Sanggunian;
- 12 c) a representative of the Municipal Legal Officer, if there be any, or a
- 13 representative of the Provincial Prosecutor in case there is no Municipal
- 14 Legal Officer; and,
- 15 d) a representative of the market vendors chosen by them from among their
- 16 members.

17
18 In case where the deliberations of the Market Committee result in a tie vote, the
19 Chairman shall break the tie.

20
21
22 **SEC. 33. *To Whom Award May Be Made.*** – (1) No person shall operate a
23 market stall without first securing the permits required by the city / municipality
24 where the market is located. All applications for the award of stall shall be filled
25 in the office of the local market authorities.

26
27 (2) No person shall sell, offer for sale, or expose any article or articles in any
28 public market, or use or occupy any stall without first having been assigned to
29 such stall in the manner prescribed herein. Residents of the city or municipality
30 shall be given preference in the occupancy or lease of stalls over non-resident
31 applicants at the time of the awarding of the stalls;

32
33 (3) Vendors shall be assigned a stall according to the nature of the merchandise
34 intended for sale;

35
36 (4) Stallholders shall not be allowed to occupy stall or spaces other than those
37 leased to them, and it shall be the duty of the market administrator or his duly
38 authorized representative to see to it that the stallholders do not occupy other
39 stalls or spaces.

40
41
42 **SEC. 34. *Subleasing or Selling Privilege Not Allowed.*** – No awardee shall sublet
43 or sublease the stall so awarded nor shall any privilege acquired be sold. Any
44 person other than the stallholder found selling in the latter's stall shall be
45 considered prima facie evidence of subleasing and shall subject the stallholder to
46 outright revocation of his lease award.

47
48
49 **SEC. 35. *Limit on Number of Stalls Awardable.*** – No person shall be allowed to
50 lease more than two (2) stalls; *Provided*, That when two stalls are leased to one
51 person, such stalls shall adjoin one another and shall be allocated in the same
52 section of the market; *Provided, finally*, That it shall be a violation of this Section
53 for more than one member of a family consisting of the father, mother, sons and
54 daughters to hold stalls in one market unless these sons and daughters are
55 already of age and living by themselves and independently of their parents.

1 **SEC. 36.** *Duration of Lease.* – The duration of lease of a market stall in
2 government owned public markets shall be determined by the local Sanggunian
3 and shall be incorporated in the lease contract to be executed for such purpose.
4

5
6 **SEC. 37.** *Revocation of Lease.* – The revocation of lease contract of stallholders
7 shall be effected for cause or causes to be determined by the local Sanggunian.
8 Such provisions shall likewise be incorporated in the lease contract to be
9 executed for such purpose.
10

11
12 **SEC. 38.** *Adjudication of Vacant Stalls to Applicants.* – Vacant stalls shall be
13 leased to applicants in the following manner:
14

15 (a) Notice of vacancy of the stalls or booths shall be posted for a period of not
16 less than ten (10) days prior to the date of actual award to qualified
17 applicants to apprise the public of the fact that such stalls or booths are
18 vacant and available for lease. Such notice shall be posted in the bulletin
19 board of the market concerned.
20

21 An application fee shall be collected from each applicant to cover the
22 necessary expenses and any excess thereof shall form part of the general
23 fund of the city / municipality concerned.
24

25 (b) The application should be made under oath. It shall be submitted to the
26 Office of the local market authorities concerned by the applicant either in
27 person or through his/her authorized representative.
28

29 (c) It shall be the duty of the local market authorities to keep a registry book
30 showing the names and addresses of all applicants for vacant stalls or
31 booths, the number and description of the stall / booth applied by them,
32 and the date and hour of receipt of each application. It shall be also the
33 duty of the local market authorities to acknowledge receipt of the
34 application setting forth therein the time and date of receipt thereof.
35

36 (d) Applicants who are Filipino citizens shall have preference in the lease of
37 public market stalls. If on the last day set for filing applications, there is no
38 application from Filipino citizens, the posting of the notice of vacancy
39 prescribed above shall be reported for another ten (10) day period. If after
40 the expiration of that period there is still no Filipino applicant, the stall
41 concerned may be leased to any alien applicant who filed his application
42 first. If there are several alien applicants, the adjudication of the stall shall
43 be through the drawing of lots to be conducted by the Market Committee.
44 In case there is only one Filipino applicant, the stall or booth applied for
45 shall be adjudicated to him. If there are several Filipino applicants for the
46 same stall, adjudication shall be made through the drawing of lots to be
47 conducted by the Market Committee on the date and hour specified in the
48 notice. The result of the drawing of lots shall be reported immediately by
49 the Committee to the Sanggunian for appropriate action.
50

51 (e) The successful applicant shall furnish the city / municipal treasurer two (2)
52 copies of his or her picture immediately after the award of the lease. It
53 shall be the duty of the treasurer to affix one copy of the picture to the
54 application form and the other copy to the record card kept for that
55 purpose.
56
57

1 **SEC. 39. *Effect of Death of Lessee.*** – Upon the death of the holder of a stall, the
2 contract of lease covering said stall shall be deemed terminated. However, if the
3 deceased leaves a surviving spouse or legal heirs who are not disqualified under
4 the provisions of this Code, and who desire to continue the business of the
5 deceased, the lease may be transferred to the deceased's spouse or legal heirs
6 upon application therefor; *Provided*, That the local market authorities shall be
7 notified within thirty (30) days after the death of the original lessee of the desire
8 of the spouse or legal heirs to succeed and upon payment of all necessary rents
9 or lease due at the time of the original lessee.

10
11
12 **CHAPTER 6. COLLECTION AND USE OF MARKET FEES**
13
14

15 **SEC. 40. *Market Fees.*** – The city / municipality may collect fees or rentals for
16 the occupancy or use of any part of a government-owned public market or its
17 premises in accordance with existing laws. Subject to the provisions of the Local
18 Government Code, the rental rates or fees shall be determined by the local
19 Sanggunian in accordance with the actual requirements for the maintenance of
20 the public market and the sustenance of its economic viability.

21
22
23 **SEC. 41. *Subdivision of Market Building and Rates of Fees and Rentals***
24 ***Therefor.*** – The public market shall be subdivided into sections with each section
25 housing one class or group of allied goods; commodities or merchandise. The
26 local Sanggunian shall fix for each section, reasonable rates of fees or rentals
27 per square meter or space per month and/or day.

28
29 In case there are several market buildings, or pavilions, each one of them shall
30 be given a number or other designation for effective identification.
31

32
33 **SEC. 42. *Rentals for Fixed Stalls, Booths and Tiendas.*** – Rentals for fixed stalls,
34 booths, and tiendas shall be fixed by the month to be paid within the first ten (10)
35 days of each month. The fixed stall, booths and tiendas situated in the best
36 locations shall be assigned higher rates per square meter than those less
37 favorably located; *Provided*, That said higher rates per square meter shall be
38 within the range of such rates determined by the local Sanggunian as provided in
39 Section 42 hereof.
40

41
42 **SEC. 43. *Market Fees for the Occupancy of Market Premises.*** – The market
43 fees for the occupancy of market premises shall be fixed at such reasonable rate
44 per day per square meter of space occupied therein, or a fraction thereof.
45

46
47 **SEC. 44. *Market Entrance Fee.*** – In lieu of the regular market fees based on the
48 space occupied, a market entrance fee may be imposed on all transient vendors
49 of any commodity or merchandise being brought into the public market for sale
50 on the bases of weight, bundle, sack, can, cartload, or any other convenient unit
51 of measure. The amount of entrance fee to be imposed shall not exceed the
52 amount of market fee that would be collectible if the fee were charged on the
53 basis of space occupied by the said commodity or merchandise, as provided in
54 the immediately preceding section.
55
56

1 **SEC. 45.** *Payment of Fees.* – Unless otherwise provided herein, the market fee
2 must be paid in advance before any person can sell, or offer to sell, any
3 commodity or merchandise within the public market and its premises.
4

5
6 **SEC. 46.** *Issuance of Cash Tickets of Transient Vendors; Prohibition on Transfer*
7 *Thereof.* – Cash tickets shall be issued to the vendor buying the same and his
8 name, date and signature of the collector shall be written on the back thereof.
9 The cash tickets shall pertain only to the person buying the same and shall be
10 good only for the space or spaces of the market premises to which they are
11 assigned while in the hands of the original purchaser. If a vendor disposes of his
12 merchandise by wholesale to another vendor, the latter shall purchase new
13 tickets if he desires to sell the same merchandise even if this is done in the same
14 place occupied by the previous vendor.
15

16 Cash tickets shall be provided with serial numbers by the Office of the City /
17 Municipal Treasurer which shall monitor the issuance of cash tickets in
18 collaboration with the Market Administrator.
19

20
21 **SEC. 47.** *Allocation of Collected Market Fees.* – After deducting statutory or
22 contractual obligations, a minimum of fifty percent (50%) of the remainder of the
23 income of the public market owned by the government shall be reserved and set
24 aside as a capital and management development fund for the maintenance and
25 improvement of the market and for staff development. The balance shall accrue
26 to the general fund of the local unit concerned.
27

28
29 **SEC. 48.** *Duties of a City or Municipal Treasurer.* – The City / Municipal
30 Treasurer shall be limited to the collection, custody, and proper disbursement of
31 fees and other income of the public market, and furnishing collection reports to
32 the Market Administrator, provisions of existing laws to the contrary
33 notwithstanding. The administration, supervision and control of the public market
34 shall be vested in such bodies or officials as may be provided for by the
35 Sanggunian concerned.
36

37 38 **CHAPTER 7. SPECIAL MARKETS** 39

40
41 **SEC. 49.** *Special Regulations.* – The provisions of the foregoing chapters of this
42 Code may be treated differently from other markets and shall be subject to such
43 ordinances regarding location, establishment, and security as may be provided
44 for by the Sanggunian concerned.
45

46 47 **CHAPTER 8. RESTRICTION** 48

49
50 **SEC. 50.** *Rules of Conduct.* – (1) The Sanggunian shall promulgate such rules
51 of conduct as may be applicable within the market premises to render efficient
52 market management and operations.
53

54 (2) The names and pictures of persons authorized by stallholders to help them in
55 their daily business shall be registered with the office of the local market
56 authorities.
57

1
2 **SEC. 51. *Peddling and Hawking.*** – (1) No person shall peddle, hawk, offer for
3 sale or expose for sale any articles in the passageways or aisles used by
4 purchasers in any city / municipal markets.

5
6 (2) Local market authorities shall designate appropriate areas within the market
7 premises which peddlers and hawkers can occupy. Neither shall they be
8 permitted to expose or sell merchandise on sidewalks, courts (patios) or places
9 designated and/or intended for the passage of the public to the city / municipal
10 markets. Market officials and personnel and policemen detailed in the vicinity of
11 the city / municipal markets shall exercise strict compliance with these provisions.
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14 **SEC. 52. *Dispensing and Serving of Intoxicating Drinks.*** – No person shall drink,
15 serve or dispense liquor or any intoxicating drink within the premises of any city /
16 municipal market. Any violation hereof shall subject the offender to the penal
17 provisions of this Code and his or her lease award shall be subject to revocation.
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20 **SEC. 53. *Loose Animals.*** – The local market authorities shall make sure that no
21 dogs or other animals are left astray in the premises of the city / municipality.
22

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24 **SEC. 54. *Illegal Construction.*** – The construction of living quarters, within the
25 market premises shall not be allowed.
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28 **SEC. 55. *Ejected Stallholders Disqualified to Participate in the Drawing of Lots.***
29 – After due notice and hearing should a stallholder be ejected from his/her stall /
30 booth, for cause, as provided in the Code, he/she shall be disqualified from
31 subsequently filing another application for the lease of any stall / booth in the
32 public market of the city / municipality.
33

34
35 **SEC. 56. *Prohibitions.*** – (1) No lessee shall remove, construct, and alter the
36 original structure of any booth or booths or electrical wiring or water connection
37 without prior permit from the local market authorities approved by the city /
38 municipal building official. Any unauthorized construction shall be subject to
39 demolition by local authorities. Dwelling in stall or any place within the market
40 premises shall be strictly prohibited.
41

42 (2) No stallholder in the public market shall be allowed to store gasoline and
43 crude oil.
44

45
46 **TITLE III. ADMINISTRATION**

47
48 **CHAPTER 1. LOCAL ADMINISTRATION OF PUBLIC MARKETS**

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51 **SEC. 57. *Local Advisory Committee.*** – In each city or municipality, the Mayor
52 may create a Local Advisory Committee to be composed of representatives from
53 the government and private sectors to assist him and the Sanggunian in the
54 formulation of policies to enhance the efficiency of market operations.
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56
57 **CHAPTER 2. MARKET PERSONNEL**

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3 **SEC. 58. Market Administrator.** – The Market Administrator shall exercise direct
4 and immediate supervision, administration and control over local government
5 owned / operated public markets and the personnel thereof including those
6 whose duties concern the maintenance, upkeep, peace and order of the market
7 premises, subject to the supervision of the City / Municipal Treasurer in
8 accordance with existing laws, local ordinances and other rules and/or
9 regulations pertinent thereto insofar as collection, remittance, and reporting of
10 collections are concerned. Actual collection activities, however, shall be
11 supervised by the Market Administration including the assignment of market
12 collectors therein.

13
14
15 **SEC. 59. Powers and Functions of the Market Administrator.** – The Market
16 Administrator shall:

- 17
18 (a) Exercise general supervision over the management and operation of
19 public markets;
20 (b) Enforce all laws, rules and regulations affecting public market
21 management and operations;
22 (c) Assist in the formulation of the budget for operations of the city / municipal
23 public market prior to submission to the Sanggunian;
24 (d) Propose and coordinate plans and programs for public markets, including
25 market linkages;
26 (e) Propose the imposition of new adjusted market fees to the Sanggunian
27 based on standards set forth in this Code; and,
28 (f) Prepare monthly financial statements in collaboration with the City /
29 Municipal Treasurer indicating market income and expenses to be
30 submitted to the Mayor and the Sanggunian.

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32
33 **SEC. 60. Other Market Personnel.** – Other officials and employees of the public
34 market shall be determined by the Sanggunian in accordance with existing laws.

35 36 37 **TITLE IV. PENAL PROVISIONS**

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40 **SEC. 61. Penalty for Prohibited Acts.** – Any person violating, or causing,
41 inducing, or abetting the violation of any prohibitory provision of this Code shall,
42 upon conviction of the court, suffer the penalty of *arresto menor* or a fine not
43 exceeding Two Hundred Pesos (P200.00), and, in case of recidivism, the penalty
44 of *arresto mayor* or a fine ranging from Two Hundred (P200.00) to Six Thousand
45 Pesos (P6,000.00).

46
47
48 **SEC. 62. Selling Confiscated Goods.** – Any law enforcement officer or public
49 market security guards who confiscates goods from any vendor, ambulant or
50 otherwise, and sells or offers these goods for sale by himself or through a third
51 person / persons, shall upon conviction of the court, suffer:

- 52
53 (1) The penalty of *prision correccional* in its medium and maximum periods, if
54 the value involved does not exceed Two Hundred Pesos (P200.00);
55 (2) The penalty of *prision mayor* in its minimum and medium periods, if the
56 value involved is more than Two Hundred Pesos (P200.00) but does not
57 exceed Six Thousand Pesos (P6,000.00);

- 1 (3) The penalty of *prision mayor* in its maximum period to *reclusion temporal*
2 in its minimum period, if the value involved is more than Six Thousand
3 Pesos (P6,000.00) but is less than Twelve Thousand Pesos (P12,000.00);
4 (4) The penalty of *reclusion temporal* in its medium and maximum periods if
5 the value involved is more than Twelve Thousand Pesos (P12,000.00) but
6 is less than Twenty Two Thousand Pesos (P22,000.00). If the amount
7 exceeds the latter, the penalty shall be *reclusion temporal* in its maximum
8 period to *reclusion perpetua*.
9

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

13
14 The failure of any law enforcement officer or public market security guard who
15 confiscated goods from any vendor, ambulant or otherwise, to have duly account
16 any goods confiscated by him upon demand by any duly authorized officers, shall
17 be *prima facie* evidence that he has sold the unaccounted confiscated goods.
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20 **SEC. 63. *Weights and Measures.*** – Any stallholder found violating the provisions
21 of existing laws regarding weights and measures shall, for the first offense, be
22 required to correct any deficiency in said weights or measures, severely warned
23 and/or reprimanded, and for the second offense, his/her stall lease shall be
24 subject to revocation.
25

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27 **SEC. 64. *Dummies.*** – Any person who acts as dummy for another in connection
28 with the enjoyment of any privileges provided in this Code shall be subject to the
29 penalty provided in Section 62 hereof.
30

31 32 TITLE V. TRANSITORY AND FINAL PROVISIONS 33

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35 **SEC. 65. *Existing Public Market Buildings and Support Facilities.*** – All public
36 market buildings and support facilities constructed under existing laws or existing
37 city or municipal building codes or ordinances, if legally done in accordance
38 therewith, shall be respected subject to such limitations established in this Code.
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40
41 **SEC. 66. *Barangay Markets.*** – Barangays Governments are hereby authorized
42 to establish their own barangay markets subject to the same rules and policies
43 provided in this Code.
44

45
46 **SEC. 67. *Administrative Authority of the Secretary of Interior and Local***
47 ***Government.*** – The Secretary of Interior and Local Government is hereby
48 authorized to issue rules and regulations for the smooth and effective
49 implementation of this Code, provisions of existing laws to the contrary
50 notwithstanding.
51

52
53 **SEC. 68. *Separability Clause.*** – If for any reason or reasons, any part or
54 provision of this Code shall be held to be unconstitutional or invalid, the other
55 parts or provisions hereof which are not affected thereby shall continue to be in
56 full force and effect.
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SEC. 69. *Repealing Clause.* – Any laws, executive orders, regulations or ordinances, or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

SEC. 70. *Effectivity Clause.* – This Code shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,