

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

7 JUN 30 P4 29

SENATE

RECEIVED BY: 

Senate Bill No. 243

INTRODUCED BY HON. MANNY VILLAR

EXPLANATORY NOTE

In Section 17 of the Local Government Code, RA 7160, local government units shall exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate or incidental to efficient and effective provision of the basic services and facilities. Such basic services and facilities, include, for a barangay, satellite or public markets, where viable, and for both municipality and city, public markets.

This is why, among the powers of the Sangguniang Barangay is the regulation of the use of barangay markets (Section 391 (7), RA 7160). Meanwhile, both the Sangguniang Bayan and the Sangguniang Panglungsod are empowered to approve ordinances which shall establish markets and authorize the operation thereof by the municipal or city government and regulate the construction of private markets, talipapas or other similar buildings and structures. (Secs. 447, 5, ii and 458, 5, ii, RA 7160).

To complement the above provisions, the Local Government Code authorizes both the Sangguniang Bayan and Sangguniang Panglungsod to regulate the preparation and sale of meat, poultry, fish, vegetables, fruits, fresh dairy products, and other foodstuffs for public consumption. (Secs. 447, 5, iv and 458, 5, iv, RA 7160).

It need not be stressed that public markets are responsive and effective instruments of public service. They are also dynamic and viable enterprises which strengthen the financial capabilities of cities, municipalities, and even barangays. Thus, their significant contribution to both national and local development.

For the full realization of their potential as such, there is a need for a law that will develop, regulate, and standardize market systems and professionalize market services in all public markets throughout the country, whether owned and managed by the government or by private groups and individuals.

Thus, the attached bill which institutes a national market code for the Philippines. To attain the goal of clean and orderly marketplaces in every municipality, city, and where viable, barangay in the country, approval of the attached bill is respectfully urged.


MANNY VILLAR

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AN ACT INSTITUTING A NATIONAL MARKET CODE OF THE PHILIPPINES

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

SECTION 1. *Name of the Act.* – This Act shall be known and cited as the “National Market Code of the Philippines.”

SEC. 2. *General Objective.* – To complement and supplement the provisions of the Local Government Code, RA 7160, in relation to the establishment, regulation and maintenance of the public markets, it is the purpose of this Code to make public markets responsive and effective instrument of public service as well as dynamic and viable enterprises to strengthen the financial capabilities of cities, municipalities, and where feasible, barangays thus significantly contributing to national and local development, and towards this end, to develop, regulate, ad standardize market systems ad professionalize market services.

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

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

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

- (b) A "bagsakan" area is basically an open area for the delivery of wholesale goods in bulk and function as a transaction area among producers, wholesalers, and retailers.
- (c) A "cold storage" is a place where perishable goods are stored. Separate storage areas are to be provided for fish, meat, vegetables, and fruits as storing them together tends to affect their taste and odor.
- (d) "Hawkers" refer to ambulant vendors who sell their wares on a one day basis.
- (e) An "ice storage" is an area that may be included in the market to supply the need for ice.
- (f) "Local government" refers to the province, city municipality or barangay.
- (g) "Local market authorities" refer to the city/municipality Mayor, his duly-appointed Market Administrator, the City/municipal Administrator, the city/municipal Treasurer, or any other city/municipal official charged with the management of the day to day operations of the public market and/or specific aspects of such operations.
- (h) "Marine product" refers to fresh and dried fish, sea weeds, shell like mussels, clams, shrimps, lobster, and the like.
- (i) "Market premises" refer to any open space in the market buildings, usually occupied by transient vendors especially during market days, and the total area designated as the market place.
- (j) "Market sectioning" is grouping together in one section or zone in the market the same or similar goods, commodities or foodstuffs offered for sale.
- (k) "Market stall" refers to any allotted space or booth in the public market where merchandise of any kind is sold or offered for sale, and from which a regular fee is collected on a defined periodic basis.
- (l) "Peddler" means any person who, either for himself or on commission, travels from place to place and sells his goods or offers to sell and delivers the same.
- (m) A "poultry dressing area" is an area servicing the poultry stalls in the wet section of the market.

- (n) A "public market" shall be understood to mean a place, building or structure of any kind owned or operated by a city or municipality designated as such by the Sanggunian of that city or municipality dedicated to the service of the general public, where basic food items and other commodities are displayed and offered for sale. "Public market" also includes market stalls, tiendas, buildings, roads, subways, waterways, drainage, parking spaces and other appurtenances which are integral thereto.
- (o) "Rental fee" means a charge fixed by law or agency, whether in money or otherwise, given for the enjoyment or use of a thing.
- (p) "Slaughterhouse" refers to a place designated by law to kill, clean, and cut-up animals for human consumption.
- (q) "*Special Markets*" as used herein shall refer to auction markets for fish, livestock, vegetables and other products, and single commodity markets, located in production areas serving as resource-based wholesale centers.
- (r) "Stallholders" refers to those who have been granted the right to use one or more stalls, where they can display or sell their goods, commodities or foodstuffs, and pay rentals thereon.
- (s) "Support facilities" shall be understood to refer to service areas directly supportive of market operations, including the "bagsakan" area, central collection station for wastes, poultry dressing area, ice storage facilities, cold storage and storage rooms, toilets, parking spaces, slaughterhouses, warehouses and trading posts.
- (t) "Trading post" refers to a wholesale resource-based area near production and consumption areas to facilitate the distribution of livelihood products; no physical exchange of products, only transactions such as payments, inquiry and briefings would be done.
- (u) A "vendor" shall mean a person who sells, commodities or foodstuffs, within the market premises.

- (v) "Warehouse" is a building or structure where the process of receiving, storing and delivering of goods take place. Distribution is a function of warehousing which include the preparation and delivery of goods according to plan or special order.

TITLE II. – BASIC POLICIES AND REGULATIONS

Chapter I. LOCATION, ESTABLISHMENT & CONSTRUCTION

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

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

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

Chapter 2. - SANITATION

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

SEC. 9. *Sanitation Unit.* – All markets must 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 Drinking 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 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, rats, 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.

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

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

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

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

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

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

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

Chapter 3. – SECURITY AND SAFETY

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

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

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

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

Chapter 4. – SERVICE AREA/FACILITIES

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

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

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

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

Chapter 5. – AWARD AND OCCUPANCY OF STALLS

SEC. 31. *Award, How Made.* – Award or jurisdiction of newly constructed or vacant stalls shall be made pursuant to the provisions of this code.

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

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

- a) a representative of the City Treasurer;
- b) a representative of the Sanggunian
- c) a representative of the City Legal Officer or a representative of the City Prosecutor in case there is no City Legal Officer; and
- d) a representative of the Market Vendors chosen by them from among their members. In the municipalities, the Municipal Mayor or his duly authorized representative shall be the Chairman and the following as members: (a) a representative of the Municipal Treasurer;
- e) a representative of the Sanggunian;
- f) a representative of the Municipal Legal Officer, if there be any, or a representative of the Provincial Prosecutor in case there is no Municipal Legal Officer; and
- g) a representative of the market vendors chosen by them from among their members.

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

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

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

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

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

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

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

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

SEC. 37. Revocation of Lease. -- The revocation of lease contract of stallholders shall be effected for cause or causes to be determined by the local Sanggunian. Such provisions shall likewise be incorporated in the lease contract to be executed for such purpose.

SEC. 38. Adjudication of Vacant Stalls to Applicants. -- Vacant stalls shall be leased to applicants in the following manner:

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

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

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

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

(d) Applicants who are Filipino citizens shall have preference in the lease of public market stalls. If on the last day set for filing applications, there is no application from Filipino citizens, the posting of the notice of vacancy prescribed above shall be reported for another ten (10) day period. If after the expiration of that period there is still

no Filipino applicant the stall affected may be leased to any alien application who filed his application first. If there are several alien applicants, the adjudication of the stall shall be through the drawing of lots to be conducted by the Market Committee. In case there is only one Filipino applicant, the stall or booth applied for shall be adjudicated to him. If there are several Filipino applicants for the same stall, adjudication shall be made through the drawing of lots to be conducted by the Market Committee on the date and hour specified in the notice. The result of the drawing of lots shall be reported immediately by the Committee to the Sanggunian for appropriate action.

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

SEC. 39. Effect of Death of Lessee. -- Upon the death of the holder of a stall, the contract of lease covering said stall shall be deemed terminated. However, if the deceased leaves a surviving spouse or legal heirs who are not disqualified under the provision of this Code, and who desire to continue the business of the deceased, the lease may be transferred to the deceased's spouse or legal heirs upon application therefor;

Provided, That the local market authorities shall be notified within 30 days after the death of the original lessee of the desire of the spouse or legal heirs to succeed and upon payment of all necessary rents or lease due at the time of the original lessee.

Chapter 6. - COLLECTION AND USE OF MARKETS FEES

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

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

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

SEC. 42. *Rentals for Fixed Stalls, Booths and Tiendas.* -- Rentals for fixed stalls, booths, and tiendas shall be fixed by the month to be paid within the first ten days of each month. The fixed stall, booths and tiendas situated in the best locations shall be assigned higher rates per square meter than those less favorably locate. Provided, That said higher rates per square meter shall be within the range of such rates determined by the local Sanggunian as provided in Sec. 42 hereof.

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

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

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

SEC. 46. *Issuance of Cash Tickets of Transient Vendors; Prohibition on Transfer Thereof.* -- Cash tickets shall be issued to the vendor buying the same and his name, date and signature of the collector shall be written on the back thereof. The cash tickets

shall pertain only to the person buying the same and shall be good only for the space or spaces of the market premises to which they are assigned while in the hands of the original purchaser. If a vendor disposes of his merchandise by wholesale to another vendor, the latter shall purchase new tickets if he desires to sell the same merchandise even if this is done in the same place occupied by the previous vendor.

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

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

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

Chapter 7. - SPECIAL MARKETS

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

Chapter 8. - RESTRICTION

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

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

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

(2) Local market authorities shall designate appropriate areas within the market premises which peddlers and hawkers can occupy. Neither shall they be permitted to expose or sell merchandise on sidewalks, courts (patios) or places designated and/or intended for the passage of the public to the city/municipal markets. Market officials and personnel and policemen detailed in the vicinity of the city/municipal markets shall exercise strict compliance with these provisions.

SEC. 52. Dispensing and .Serving of Intoxicating Drinks. -- No person shall drink, serve or dispense liquor or any intoxicating drink within the premises of any city/municipal market. Any violation hereof shall subject the offender to the penal provisions of this Code and his or her lease award shall be subject to revocation.

SEC. 53. Loose Animals. -- The local market authorities shall make sure that no dogs or other animals are left astray in the premises of the city/municipality.

SEC. 54. Illegal Construction. -- The construction of living quarters, within the market premises shall not be allowed.

SEC. 55. Ejected Stallholders Disqualified to Participate In The Drawing of Lots. -- After due notice and hearing should a stallholder be ejected from his/her stall/booth, for cause, as provided in this Code, he/she shall be disqualified from subsequently tiling another application for the lease of any stall/booth in the public market of the city/municipality.

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

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

TITLE III. - ADMINISTRATION

Chapter 1. - LOCAL ADMINISTRATION OF PUBLIC MARKETS

SEC. 57. Local Advisory Committee. -- In each city or municipality, the Mayor may create a Local Advisory Committee to be composed of representatives from the government and private sectors to assist him and the Sanggunian in the formulation of policies to enhance the efficiency of market operations.

Chapter 2. - MARKET PERSONNEL

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

SEC. 59. Powers and Functions of the Market Administrator. -- The Market Administrator shall:

(a) Exercise general supervision over the management and operation of public markets;

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

(c) Assist in the formulation of the budget for operations of the city/municipal public market prior to submission to the Sanggunian;

(d) Propose and coordinate plans and programs for public markets, including market linkages;

(e) Propose the imposition of new adjusted market fees to the Sanggunian based on standards set forth in this Code; and

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

SEC. 60. Other Market Personnel. -- Other officials and employees of the public market shall be determined by the Sanggunian in accordance with existing laws.

TITLE IV. - PENAL PROVISIONS

SEC. 61. Penalty for Prohibited Acts. -- Any person violating, or causing, inducing, or abetting the violation of any prohibitory provision of this Code shall, upon conviction of the court suffer the penalty of arresto menor or a fine not exceeding two hundred pesos (P200.00), and, in case of recidivism, the penalty of arresto mayor or a fine ranging from two hundred (P200.00) to six thousand pesos (P6,000.00).

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

(1) The penalty of prision correccional in its medium and maximum periods, if the value involved does not exceed two hundred pesos (P200.00).

(2) The penalty of prision mayor in its minimum and medium periods, if the value involved is more than two hundred pesos (P200.00) but does not exceed six thousand

pesos (P 6,000.00).

(3) The penalty of prision mayor in its maximum period to reclusion temporal in its minimum period, if the value involved is more than six thousand pesos (P6,000.00) but is less than twelve thousand pesos (P 12,000.00).

(4) The penalty of reclusion temporal in its medium and maximum periods if the value involved is more than twelve thousand pesos (P12,000.00) but is less than twenty two thousand pesos (P22,000.00). If the amount exceeds the latter, the penalty shall be reclusion temporal 'nits maximum period to reclusion perpetua.

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

The failure of any law enforcement officer or public market security guard who confiscated goods from any vendor, ambulant or otherwise, to have duly account any goods confiscated by him upon demand by any duly authorized officers, shall be prima facie evidence that he has sold the unaccounted confiscated goods.

SEC. 63. Weights and Measures. --- Any stallholder found violating the provisions of existing laws regarding weights and measures shall, for the first offense, be required to correct any deficiency in said weights or measures, severely warned and/or reprimanded and for the second offense, his/her stall lease shall be subject to revocation.

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

TITLE V. - TRANSITORY AND FINAL PROVISIONS

SEC. 65. Existing Public Market Buildings and Support Facilities. -- All public market buildings and support facilities constructed under existing laws or existing city or municipal building codes or ordinances, if legally done in accordance therewith, shall be respected subject to such limitations established in this code.

SEC. 66. Barangay Markets. -- Barangay Governments are hereby authorized to establish their own barangay markets subject to the same rules and policies provided in this Code.

SEC. 67. Administrative Authority of the Secretary of Local Government -The Secretary of Local Government is hereby authorized to issue rule and regulations for the smooth and effective implementation of this Code, provisions of existing laws to the contrary notwithstanding.

SEC. 68. Separability Clause. -- If for any reason or reasons, any part or provisions of this Code shall be held to be unconstitutional or invalid other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 69. Repealing Clause. -- All laws, executive orders, decrees, regulations or ordinances, or parts thereof, inconsistent herewith are hereby repealed or modified accordingly.

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

Approved,