



Republic of the Philippines
City of Bago
OFFICE OF THE SANGGUNIANG PANLUNGSOD

ORDINANCE NO. 20-02

AN ORDINANCE ENACTING THE MARKET CODE OF BAGO CITY, NEGROS OCCIDENTAL.

Introduced by:

HON. VICTOR MICHAEL A. JAVELLANA
SP Member

Be it ordained by the Sangguniang Panlungsod of the City of Bago, Negros Occidental in session duly assembled that:

TITLE ONE- GENERAL PROVISION

SECTION 1. *Title* – This Ordinance shall be known and cited as the “Bago City Market Code of 2019”.

SECTION 2. *Declaration of Policy* – It is hereby a policy of the City of Bago to make the public market more responsive and effective instrument of public service as well as dynamic and viable enterprises thereby strengthening the financial capabilities of the City and thus significantly contributing to local and national development. Towards this end, the City of Bago shall develop, regulate and standardize public market systems and professionalize market services.

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

SECTION 4. *Definition of terms.* – As used in this Code, the following terms shall be defined as follows:

1. Ambulants – are vendors who do not occupy a definite or permanent place or stall in the public market and who come to sell goods either daily or occasionally by sitting or moving from place to place within the market premises.
2. Bagsakan – is basically an open area where wholesale goods are delivered in bulk and which functions as a transaction area for producers, wholesalers, and retailers.
3. Hawkers – refer to ambulant vendors who sell their wares on a one day basis.
4. Local Market Authorities – refer to the City Mayor, his duly appointed Market Administrator/Market Inspector, the City Treasurer, or any other officer charged with the management of the day to day operations of the public market and/or specific aspects of such operations.
5. Marine products – refer to fresh and dried fish, seaweeds, shells like mussels, clams, shrimps, lobsters and the like.
6. Market premises – refer to any open space in the market compound, the market lot consisting of bare ground not covered by the market buildings, usually occupied by transient vendors especially during market days, and the total area designated as the market place.

7. Market sectioning– is the grouping together of the same or similar goods, commodities or foodstuffs for sale in one section or zone in the market.
8. Market stall – refers to any allocated 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.
9. Peddler – means any person who, either for himself/herself or on commission, travels from one place to another and sells goods or offers to sell and delivers the same.
10. Poultry dressing area – is an area servicing the poultry stalls in the section of the market.
11. Public market – refers to a place, building or structure of any kind owned or operated by the City designated as such by the Sangguniang Panlungsod which is dedicated to the service of the general public, and where the basic food items and other commodities are displayed and offered for sale and services are rendered for a fee and other business related activities. Public market also includes market stall, tiendas, buildings, roads, subways, waterways, drainage, parking spaces and other appurtenances which are integral part thereto.
12. Rental fee – means a charge fixed by law or agency, in the form of money or otherwise, given for the enjoyment or use of a thing.
13. Slaughterhouse – refers to a place designated by law where animals for human consumption are to be killed, cut-up and cleaned.
14. Special markets – refer to auction markets for fish, livestock, vegetable and other products, and single commodity markets located in production areas and serving as resource-based wholesale centers.
15. Stallholders – refer to those who have been granted the right to use a stall or stalls, where they can display or sell their goods, commodities or foodstuffs, and pay rentals thereon.
16. Support facilities – refer to service areas directly supportive of market operations, including bagsakan, consignment, central collection station for wastes, poultry dressing area, ice storage facilities, cold storage and storage rooms, toilets, parking areas, slaughterhouse, warehouse and trading post.
17. Trading post– refers to a resource-based wholesale area, situated near production and consumption areas to facilitate the distribution of livelihood products, where no physical exchange of products take place, only transactions such as payments, inquiry and briefings.
18. Vendor – refers to a person who sells goods, commodities or foodstuffs within the market premises.

TITLE TWO – BASIC POLICIES AND REGULATIONS
CHAPTER I. Market Section

SECTION 5. *For purposes of this Chapter, the Public Markets shall be divided as follows:*

- a. Fish section – fresh and dried fish, clams, oysters, lobsters, shrimps, seaweeds, and other seafoods or marine products;
- b. Meat and poultry section – fresh and processed meat from cattle, swine and fowls;
- c. Dry goods section – all kinds of textiles, ready-made dresses and apparels, toiletries, novelties, shoes, laces, kitchen wares, bags, jewelries, school and office supplies, etc.;

- d. Grocery and Sari-sari section – all kinds of cakes, butter, cheese, confectionaries, candies, canned or bottled foods, beverages, softdrinks, flour, rice, oatmeal, frozen ham, sausages, and bacon, sugar, nuts, sauce, eggs, toilet articles, corn, starch, smoked fish, salt, soap and other household or food products;
- e. Vegetable and spices – all kinds of vegetables, spices and rootcrops.
- f. Fruit section – all kinds of fruits.
- g. Eateries and Cooked Food Section – all kinds of cooked foods including refreshments and carinderias.

The numbering, designation, classification or other form of identifying the market section shall be the responsibility of the City Treasurer’s Office.

SECTION 6. *Cleanliness and Sanitation.* – The public market and their premises must at all times be kept clean and in sanitary condition to safeguard the health and safety of the buying public as well as the stall owners, vendors and market personnel. Facilities for sanitation and maintenance shall be provided.

SECTION 7. *Sanitation Unit.* – The public market must have a sanitation unit with an adequate number of personnel to ensure efficiency in the maintenance of cleanliness and sanitation within the public market and its premises. The cleaning of public market and its premises shall be done daily and as may be necessary.

SECTION 8. *Facilities required to be provided.* – There shall be a proper and adequate drainage and sewerage system in the public market to ensure cleanliness and sanitation. Appropriate facilities to abate pollution shall be installed.

SECTION 9. *Water and drinking facilities.* – The public market shall have available ample water for cleaning. There shall be separate drinking facilities to prevent contamination. The connections with the service provider shall be the responsibility of stall owners.

SECTION 10. *Responsibility of individual stallholders/vendors.* – Individual stallholders/vendors shall keep and maintain their stalls in clean and sanitary conditions. They shall likewise be responsible for the cleanliness of the passageways, alleys or spaces immediately in front, behind or beside their stalls.

Together with local market authorities and personnel, market vendors and stallholders shall be responsible for the general cleanliness and sanitation of the public market and its premises.

SECTION 11. *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 be kept clean and sanitary at all times. The amount of Php5.00 shall be collected from every user of public toilet which shall accrue to the General Fund.

SECTION 12. *“No Littering” Signs.* – “No Littering” signs shall be posted in conspicuous places to warn vendors and buyers that the same is punishable by law.

SECTION 13. *Number and type of garbage receptacles.* – The public market shall be provided with large garbage receptacles of fly-and-rat-proof type for the collection of all garbage and rubbish in the market and its premises. In addition, an adequate number of garbage cans shall be placed at strategic places for

the garbage and rubbish of the buyers, ambulant vendors and market personnel. Likewise all stallholders and vendors shall be required to have individual garbage cans, one for biodegradable and one non-biodegradable garbage.

SECTION 14. Purpose of cover.- All garbage cans must be properly covered to keep them from becoming the breeding place of rodents and flies, mosquitoes and other insects.

SECTION 15. "Keep Premises Clean, Use Garbage Cans" Signs. – " Keep Premises Clean" and "Use Garbage Cans" Signs shall be placed at the entrance, in the passageways and in places where garbage are collected. Biodegradable and non-biodegradable signs must also be clearly seen at the garbage cans of the stallholders and vendors.

SECTION 16. Disposal of Garbage – It shall be the responsibility of the individual stallholders and vendors to dispose of their garbage at the end of each day by placing them in the receptacle referred to in Section 13 hereof. However, the disposal of garbage of the buying public, ambulant vendors and 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 accessible to garbage collectors/trucks. Solid waste accumulated at each stall shall be transferred by personnel of the Sanitation Unit to the central dumping area to facilitate efficient solid waste management.

SECTION 17. Time for collection and disposal of garbage. – All garbage and rubbish of the public market must be collected and disposed of at appropriate schedules to be determined by the local market authorities.

SECTION 18. Meat and meat products. – All meat and meat products shall be inspected pursuant to existing laws and ordinances.

SECTION 19. 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 radio-active zones as well as in areas contaminated by toxic substances or high in mercury count as determined by the Department of Health (DOH) through the Bureau of Food and Drug in coordination with the Bureau of Fisheries and Aquatic Resources (BFAR), shall be condemned and shall not be allowed for sale.

SECTION 20. Protection and preservation of foods. – All kinds of foods which require no further cooking shall be wrapped, covered or enclosed in containers to preserve their freshness and prevent contamination.

SECTION 21. Applicability of Existing Ordinances on Sanitation. – All provisions of existing ordinances on environmental sanitation shall, whenever applicable, be observed by and enforced upon public markets and all establishments therein and their respective personnel. Special efforts shall be exerted to strictly observe and enforce the provisions relating to water supply, food establishments, sewage collections and disposal, excrete disposal and drainage, and refuse disposal.

CHAPTER II. Security and Safety

SECTION 22. Market Hours. – The public market, except the meat and poultry and fish sections, shall be opened at 4:00 AM and closed at 10:00 PM in accordance with the requirement on safety, order, and sanitation. The meat and poultry and fish sections shall open at 3:00 AM to allow meat and fish deliveries to come in prior to influx of market goers.

SECTION 23. *Proper identification* . – All market personnel shall be required to display conspicuously an identification card or other means of identification prescribed by the City.

SECTION 24. *Security Unit*. – The City shall provide adequate security for the protection of consumers and traders within the vicinity of the market area.

SECTION 25. *Losses of stallholders*. – The City shall not be responsible for any loss or damage which stallholders or vendors may incur in the public market by reason of fire, thief, or any other *force majeure*. The local market authorities, however, shall encourage stallholders to insure their commodities.

CHAPTER III. Service Areas/Facilities

SECTION 26. *Service area*. – Storage facilities and other support and auxiliary market facilities, such as those intended for ice and cold storage , shall be appropriately situated to facilitate efficient storage and distribution of ice and perishable goods delivered to the market.

SECTION 27. *Parking area*. – Ample parking space shall be provided within the vicinity of the public market when practicable. The City Government may charge reasonable fees for the use of such parking spaces at the rates provided by the Local Revenue Code.

SECTION 28. *Weighing scales*. – The City shall provide weighing scales for the use of the consumers to safeguard them against short weighing commodities like rice, fish, meat, etc. It shall be located at strategic points in the public market.

CHAPTER IV. Award and Occupancy of Stalls

SECTION 29. *Market Committee*. – The Market Committee, whose duty 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 public markets as prescribed herein, and to certify to the Sangguniang Panlungsod, the results thereof shall be composed of the City Mayor or his duly authorized representative as Chairman and the following as members:

- a.) the City Treasurer or his/her representative
- b.) the Chairman of the Committee on Markets of the Sangguniang Panlungsod
- c.) a representative of the Market Vendors chosen by them from among their members: and
- d.) the Barangay Captain of the Barangay where the public market is located.

SECTION 30. *To whom award may be made* –

(1) No person shall operate a market stall without first securing the permits required by the City and the barangay where the public market is located.

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

SECTION 31. *Limit on number of stall awarded.* – 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 located in the same section of the public market. 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 daughter to hold stalls in the public market unless these sons and daughters are already living by themselves and independently of their parents.

SECTION 32. *Duration of lease.* – The duration of lease of a market stall in government-owned public markets shall be for a period of one year, renewable for the same period. Such provisions shall likewise be incorporated in the lease contract to be executed for such purpose.

SECTION 33. *Revocation of lease.* – The revocation of lease contract of stallholders shall be effected for any of the following cause or causes:

- a. Failure to pay rentals for three months;
- b. Use of rented space other than for commercial/office purposes;
- c. Sublease, transfer or assign market stalls to third persons or allowing others to conduct business therein;
- d. Keeping the stall/booth closed for a period of one month or utilizing the space for mere storage (bodega); and
- e. Conduct improvements, renovation or extension of rented market stall.

SECTION 34. *Adjudication of vacant stalls to applicants.* – Vacant stalls shall be leased to applicants in the following manner:

(a) 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 appraise 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 or in conspicuous places of the public market. The Notice of Vacancy shall be written on any suitable materials and shall be in the following form:

NOTICE

Date

Notice is hereby given that Stall/Booth No. _____ Building or Annex Building No. _____ of the Public Market in Barangay _____ is vacant (or will be vacated on _____, _____). Any person, eighteen (18) years of age or more and is not legally incapacitated, desiring to lease this stall/booth, shall file an application therefor on prescribed form (copies may be obtained from the Office of the City Treasurer during office hours and before (12:00) o'clock noon of _____, _____). In case there are more than one applicant, the award of the lease of the vacant stall/booth shall be determined through public auction to be conducted on _____, _____, at twelve (12:00) o'clock noon at the Office of the City Treasurer by the Market Committee. This stall/booth is found in the _____ Section and is intended for the sale of _____.

City Treasurer

An application fee of Php500.00 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 Government of Bago.

(b) The application should be made under oath. It shall be submitted to the City Treasurer's Office by the applicant either in person or through his/her authorized representative.

(c) It shall be the duty of the City Treasurer 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. The application shall be substantially in the following form:

The City Treasurer
Bago City, Negros Occidental

Sir/Madam:

I hereby apply under the following contract for the lease of Stall No. _____ of the Market. I am _____ years of age, a citizen of the _____ and residing at _____, _____, _____.

Should the above-mentioned stall be leased to me in accordance with the market rules and regulations, I promise to hold the same under the following conditions:

(1) That while I am occupying or leasing this stall (or these stalls) I shall keep the stall or stalls at all times in good sanitary condition and comply strictly with all sanitary and market rules and regulations now existing or which may hereafter be promulgated.

(2) I shall pay the corresponding rent for the stalls in the manner prescribed by existing ordinance.

(3) The business to be conducted in the stall or stalls belongs exclusively to me.

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

(5) I shall not sell nor transfer my privilege to the stall or stalls or otherwise permit another person to conduct business therein without approval by the market authorities.

(6) Any violation on my part or on the part of my helpers of the forgoing conditions shall be sufficient cause for the market authorities to cancel my contract.

Very sincerely yours,

Applicant

I, _____ do hereby state that I am the person who signed the foregoing application; that I have read the same; and that the contents thereof are true to the best of my knowledge.

Applicant
T.I.N. _____

SUBSCRIBED AND SWORN to before me in the City of Bago, Negros Occidental, Philippines, this _____ day of _____, _____. Applicant-affiant exhibiting to me his/her Community Tax No. _____ issued on _____ at _____, _____.

Official Title

(d) Applicants who are Filipino citizens and residents of the City shall have preference in the lease of market stalls. In case there is only one Filipino applicant, the stall or booth applied for shall be adjudicated to him. If there are several applicants for the same stall, adjudication of the stall be made through public auction to be conducted by the Market Committee on the date and hour specified in the Notice. The result of the public auction shall be reported immediately by the Committee to the Sangguniang Panlungsod for appropriate action. Once an auction is concluded, the winning auctioneer shall be given one hour to pay his goodwill money to the City Treasurer, otherwise the next highest auctioneer shall be given the same number of hours for the purpose and shall be awarded the stall subject of the auction.

If on the last day set for filing of applications, there is no application from a Filipino citizen, the posting of the Notice of Vacancy prescribed above shall be repeated for another ten-day period. If after the expiration of that period there is still no Filipino applicant, the affected stall may be leased to any alien applicant who filed his application first. If there are several alien applicants, the adjudication of the stall shall be made through public auction to be conducted by the Market Committee. Once an auction is concluded, the winning auctioneer shall be given one hour to pay his goodwill money to the City Treasurer, otherwise the next highest bidder shall be given the same number of hours for the purpose and shall be awarded the stall subject of the bidding.

(e) The successful applicant shall furnish the City Treasurer two (2) copies of his picture immediately after the award of the lease. It shall be the duty of the City Treasurer to affix one (1) copy of the picture to the application and the other copy to the record card kept for that purpose.

(f) Any person who has been awarded the right to lease a market stall in accordance with provisions hereof, shall occupy, administer and be present personally, at his stall or stalls, booth or booths: Provided, that he may employ helpers who must be citizen of the Philippines, including but not limited to the spouse, parents and children of the stall holder who are not disqualified under the provisions hereof; and provided, further, that the person to be employed as helpers shall, under no circumstances, to persons with whom the stall has any commercial relation or transaction.

SECTION 35. *Transfer of Lease by Reason of Death/Discontinuance of Business.* – Upon the death or retirement upon reaching the age of 60 years old of the holder of a stall, the contract of lease covering said stall shall be deemed terminated. However, should there be legal heir(s) who desire(s) to continue the business, the lease may be transferred upon application thereof; Provided, that the local market authorities shall be notified within sixty (60) days prior to the retirement or after the death of the original lessee and of the desire of the legal heir(s) to succeed and upon payment of all necessary rents or lease due at the time of death of the original lessee and the Transfer Fee of 10,000.00.

Should a lessee be no longer interested to continue with his business for any reason within the period of the lease, he may recommend somebody to be a transferee to the lease for the remainder of the period, premised on the fact that the transferee qualifies to be a stallholder and after payment of a Transfer fee of PhP 1,000.00 per square meter of the area subject of the lease.

CHAPTER V. Collection and Use of Market Fees.

SECTION 36. *Market Fees.* – The City Government of Bago 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. The rental rate or fees shall be determined by the Sangguniang Panlungsod in accordance with the actual requirements for the maintenance of the public market and the sustenance of its economic viability.

SECTION 37. *Subdivision of market building and rates of fees and rentals thereof* – The public market shall be divided into sections with each section housing one class or group of allied goods, commodities or merchandise. The Sangguniang Panlungsod 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 assigned a number or other designation for better identification.

SECTION 38. *Rentals for fixed stalls, booths and tiendas.* – Rentals for fixed stalls, booths and tiendas shall be fixed by the month and are to be paid within the first ten (10) days.

The fixed stalls, booths and tiendas situated in the best locations shall be assigned higher rates per square meter than those less favorably located: Provided, that said higher rates per square meter shall be within the range of such rates determined by the Sangguniang Panlungsod as provided hereof.

SECTION 39. *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 as specified in the revised revenue Code.

SECTION 40. *Market Entrance Fee.* – In lieu of the regular market fees based on the space occupied, a market entrance fee based on weight, bundle, sack, can cartload, or any other convenient unit of measure may be imposed on all transient vendors of any commodity or merchandise being brought into the public market for sale. The entrance fee to be imposed shall not exceed the market fee that would otherwise be collectible if the fee were charged on the basis of space occupied by the commodity or merchandise as provided in the immediately preceding section.

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

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

The lessee of a space, stall, tienda, or booth fails to pay the monthly rental fee shall pay a penalty of twenty-five percent (25%) of the total rent due after the 10th day of the succeeding month. Failure to pay the rental for three (3) months shall cause automatic cancellation of the contract of lease space or stall. The space or stall shall then be declared vacant and subject to adjudication to any interested applicant.

Any person occupying more space than what is duly issued to him shall pay twice the regular rate for such extra space.

SECTION 41. *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.

SECTION 42. *Issuances of cash tickets to transient vendors; prohibition on transfer thereof* – Cash tickets shall be issued to the vendor buying the same in 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 spaces of the market premises to which he is assigned and only while in the hands of the original purchaser. If the 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 to be done in the same place occupied by the previous vendor.

CHAPTER VI. Market Day

SECTION 43. *Market Day.* – There shall be a once a week Market Day to all public markets in the City from 4:00 AM to 3:00 PM as follows:

- a. Ma-ao Public Market - Every Sunday;
- b. DJLA Public Market - Every Wednesday;
- c. Bago Public Market - Every Thursday; and
- d. Mailum Public Market - Every Saturday.

During the designated market day, all delivery trucks of transient vendors shall be allowed entry in the market premises only until 6:00 A.M. to unload their goods and to return after 2:00 P.M. to load their goods.

CHAPTER VII. Restrictions

SECTION 44 . *Rules of Conduct* . – The lessor shall personally administer the operation of his/her business and shall personally appear and sign in the renewal of the Contract of Lease and processing of the Mayor’s Permit and Business License. He may hire helpers to assist in the operation of business, however, the names and pictures of these persons shall be registered with the office of the local market authorities.

CHAPTER VIII. Prohibitions

SECTION 45 . *Peddling and Hawking* . – No person shall peddle, hawk, offer for sale or expose for sale any articles in the passageways or aisle used by the purchasers in any public market. Local market authorities shall designate areas within the market premises which peddlers and hawkers can occupy. Peddlers shall not be permitted to expose or sell merchandise on sidewalks, courts (patios) or places designed and/or intended for the passage of the public to the public markets. Market officials, personnel and policemen detailed in the vicinity of the public market shall exercise strict compliance with these provisions.

SECTION 46. *Regulation of Street Vending.* – Barangay officials, taskforce market enforcers and police personnel detailed in the vicinity of public markets shall exercise strict vigilance and enjoin strict compliance of the following provisions:

- a. The City shall designate vending areas/sites where street vendors shall be allowed to pursue their livelihood legitimately in accordance with guidelines and procedures duly approved by the City Mayor;

- b. No vending activity shall be allowed in footbridges, pedestrian passages and other places not designated as vending sites; and
- c. To avoid unjust competition, street vendors shall not be allowed within 200 meter radius of public markets.

SECTION 47. *Disposing and serving of intoxicating drinks.* – No person shall drink, serve or dispose liquor or any intoxicating drink within the premises of the public 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.

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

SECTION 49. *Ejected stallholders are disqualified to participate in the public auction.* – Should a stallholder be ejected from his stall for cause, as provided in this Code, he shall be disqualified from subsequently filing another application for the lease of any stall/booth in any of the public markets of the City for a period three years.

SECTION 50. *Other Prohibited Acts.* The following acts are likewise prohibited:

- (1) No lessee shall remove, construct, or alter the original structure, electrical wiring or water connection of any booth or booths without prior permit from the local market authorities approved by the local building official. Any unauthorized construction shall be subject to demolition by the local authorities. Dwelling in stalls or any place within the market premises shall be strictly prohibited.
- (2) Gambling is strictly prohibited inside and within the premises of the public market.
- (3) Beerhouse, bar, cabaret and other similar businesses are strictly prohibited.
- (4) No person shall utilize the public market or any part thereof for residential purposes.
- (5.) Using the rented stall as bodega or stockroom.
- (6.) Cooking is strictly prohibited, except heating activities as allowed by the Bureau of Fire Protection.
- (7.) Any person inside the public market, whether seller or buyer or just curiosity seeker, is prohibited to:
 - (a) Use old and dirty newspaper or any material for wrapping articles sold.
 - (b) Spit on or eject phlegm, urinate, excrete or scatter foreign matters in or outside the public market.
 - (c) Spray with sand any raw fish, especially the uncut ones, and
 - (d) Be present in the public market if he is suffering from contagious disease.

SECTION 51. *Penalty for prohibited acts* – The acts mentioned hereof shall be punishable as follows:

- a) **FIRST OFFENSE** – a fine of P1,000.00 or three (3) months imprisonment, or both, at the discretion of the court;
- b) **SECOND OFFENSE** – a fine of P3,000.00 or six (6) months, or both, at the discretion of the court;
- c) **THIRD OFFENSE** – a maximum penalty of a fine of P5,000.00 or one (1) year imprisonment, or both, at the discretion of the court;

The violator who wish not to contest their liability may pay the fine for the offense with the City Treasurer’s Office before the institution of formal charges. In case of inability to pay the fine, the violator concerned shall render community service as follows:

- a) For a penalty of a fine of P1,000 = eight (8) hours;
- b) For a penalty of a fine of P3,000 = sixteen (16) hours;
- c) For a penalty of a fine of P5,000 = twenty-four (24) hours;

Provided that, should the violator already availed of the benefits of this Section three times, he can no longer avail of the same, and the corresponding complaint for violation of the Ordinance with the maximum imposable penalty shall be instituted.

TITLE THREE – ADMINISTRATION
CHAPTER I. Local Administration of Public Market

SECTION 52. *Taskforce on Public Markets.* – The Mayor may create a local advisory committee or taskforce to be composed of representatives from the government and private sectors to assist him and the Sangguniang Panlungsod in the formulation and implementation of policies to enhance the efficiency of market operation.

SECTION 53. *Market Administration.* – The Local Market Authorities shall exercise direct and perform immediate supervision, administration and control over local government-owned or operated public markets and the personnel thereof including those whose duties concern the maintenance and upkeep of, ensuring peace and order in the market premises, subject to the supervision of the City Mayor. Market Collectors shall be directly under the City Treasurer in accordance with existing laws, local ordinances and other rules and/or pertinent regulations insofar as collection, remittance and reporting of collections are concerned.

SECTION 54. *City Enforcement Unit (CEU).* –Towards effective implementation of the provisions of this Code the City Mayor shall designate a Bago City Enforcement Unit deputized to conduct enforcement activities, apprehend violators and issue citation tickets. To encourage good performance, CEU Enforcers who actually participated in the apprehension of violators shall be entitled to 20% of the fines collected in violation of this Code while the remaining 80% shall accrue to the General Fund.

SECTION 55. *Selling of Confiscated Goods.* – Any law enforcement officer or public market security guards who confiscated goods from any vendor, ambulant or otherwise and sells or offers these goods for sale himself or through the third person/s, shall, upon conviction of the court, suffer:

- a. The penalty of prison correctional in its medium and maximum periods, if the value involved does not exceed Two Hundred (P200.00) Pesos;
- b. The penalty of prison mayor in its minimum and maximum periods if the value involved is more than Two Hundred (P200.00) Pesos but does not exceed Six Thousand (P6,000.00) Pesos;

- c. The penalty of prison mayor in its minimum and maximum periods if the value involved is more than Six Thousand (P6,000.00) Pesos but less than Twelve Thousand (P12,000.00) Pesos;
- d. The penalty of reclusion temporal in its minimum and maximum periods if the value is more than Twelve Thousand (P12,000.00) Pesos but less than Twenty Two Thousand (P22,000.00) Pesos. If the amount exceeds the latter, the penalty shall be reclusion temporal in its maximum period to reclusion perpetua.

In all cases, person 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 duly account for any goods confiscated by him upon demand by any authorized office shall be prima facie evidence that he has sold the unaccounted confiscated goods.

SECTION 56. *Weights and Measures* – The City Treasurer shall strictly enforce the provisions of the Regulation of Practices Relative to Weights and Measures, as provided in Title III, Chapter II of the Consumer Act, Republic Act No. 7394.

All instruments for determining weights and measures in all consumer and consumer related transactions shall be tested, calibrated and sealed every six (6) months by the official sealer of the Office of the City Treasurer upon payment of required fees under the Revised Revenue Code, provided, that all instruments of weights and measures shall continuously be inspected for compliance with the provisions of this Code. Weights and measures found not compliant during inspection shall be confiscated in favor of the government.

SECTION 57. *Fraudulent Practices Relative to Weights and Measures* –The following acts related to weights and measures are prohibited:

- 1) for any person other than the official sealer or his duly authorized representative to place an official tag, seal, sticker, mark, stamp, brand or other characteristic sign used to indicate that such instrument of weight and measure has officially been tested, calibrated, sealed or inspected;
- 2) for any person to imitate any seal, sticker, mark stamp, brand, tag or other characteristic design used to indicate that such instrument of weight or measure has been officially tested, calibrated, sealed or inspected;
- 3) for any person other than the official sealer or his duly authorized representative to alter in any way the certificate or receipt given by the official sealer or his duly authorized representative as an acknowledgement that the instrument for determining weight or measure has been fully rested, calibrated, sealed or inspected;
- 4) for any person to make or knowingly sell or use any false or counterfeit seal, sticker, brand, stamp, tag, certificate or license or any dye for printing or making the same or any characteristic sign used to indicate that such instrument of weight or measure has been officially tested, calibrated, sealed or inspected;
- 5) for any person other than the official sealer or his duly authorized representative to alter the written or printed figures, letters or symbols on any official seal, sticker, receipt, stamp, tag, certificate or license used or issued;

- 6) for any person to use or reuse any restored, altered, expired, damaged stamp, tag certificate or license for the, purpose of making it appear that the instrument of weight or measure has been tested, calibrated, sealed or inspected;
- 7) for any person engaged in the buying and selling of consumer products or of furnishing services the value of which is estimated by weight or measure to possess, use or maintain with intention to use any scale, balance, weight or measure that has not been sealed or if previously sealed, the license therefore has expired and has not been renewed in due time;
- 8) for any person to fraudulently alter any scale, balance, weight or measure after it is officially sealed;
- 9) for any person to knowingly use any false scale, balance, weight or measure, whether sealed or not;
- 10) for any person to fraudulently give short weight or measure in the making of a scale;
- 11) for any person, assuming to determine truly the weight or measure of any article brought or sold by weight or measure, to fraudulently misrepresent the weight or measure thereof; or
- 12) for any person to procure the commission of any such offense above-mentioned by another.

Instruments officially sealed at some previous time which have remained unaltered and accurate and the seal or tag officially affixed therein remains intact and in the same position and condition in which it was placed by the official sealer or his duly authorized representative shall, if presented for sealing, be sealed promptly on demand by the official sealer or his duly authorized representative without penalty except a surcharge equal to two (2) times the regular fee fixed by law for the sealing of an instrument of its class, this surcharge to be collected and accounted for by the City Treasurer in the same manner as the regular fees for sealing such instruments.

SECTION 58. Penalties for Fraudulent Weights and measures - The following shall be the penalties for the acts committed related to fraudulent weights and measures:

- (a) Any person who shall violate the provisions of paragraphs (1) to (6) and paragraph (12) of Section 59 shall, upon conviction, be subject to a fine of not less than One Thousand Pesos (P1,000.00) but not more than Five Thousand Pesos (P5,000.00) or by imprisonment of not less than one (1) month nor more than six (6) months, or both, upon the discretion of the court.
- (b) Any person who shall violate the provisions of paragraph (7) of Section 59 for the first time shall be subject to fine of not less than One Thousand Pesos (P1,000.00) nor more than Five Thousand Pesos (P5,000.00), or by imprisonment of not less than one (1) month but not more than six (6) months, or both, upon the discretion of the court.
- (c) The owner-possessor or user of instrument of weights and measure enumerated in paragraph (8) to (11) of Section 59 shall, upon conviction, be subject to a fine of not less than One Thousand Pesos (P1,000.00) nor more than Five Thousand Pesos (P5,000.00) or imprisonment of not less than one (1) month nor more than six (6) months, or both, upon the discretion of the court.
- (d) The violator who wish not to contest their liability may pay the minimum fine for the offense with the City Treasurer's Office before the institution of formal charges.
- (e) A violator committing these offenses three times shall not be allowed to sell in the public market for a period of six (6) months.

**TITLE IV.
FINAL PROVISIONS**

SECTION 59. *Separability Clause.* If for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions thereof which are not affected shall continue to be in full force and effect.

SECTION 60. *Repealing Clause.* All ordinances, rules and regulations, or parts thereof, which provisions are in conflict with, or contrary to, the provisions of this Ordinance are hereby repealed, amended and modified accordingly.

SECTION 61. *Effectivity Clause.* This Ordinance shall take effect upon its approval and after publication in a newspaper of local circulation.

Enacted, January 15, 2020.

I hereby certify to the correctness of the foregoing Ordinance which was duly enacted by the 19th Sangguniang Panlungsod during its regular session held on January 15, 2020.

(SGD.) VICENTE D. MESIAS
Supervising Environmental Management Specialist/
City Secretary-Designate

Attested:

(SGD.) RAMON D. TORRES
City Vice Mayor-Presiding Officer

Approved this 27th day of January, 2020.

(SGD.) NICHOLAS M. YULO
City Mayor