



Republic of the Philippines
PROVINCE OF ORIENTAL MINDORO
MUNICIPALITY OF PINAMALAYAN

Office of the Sangguniang Bayan

ORDINANCE NO. 04-2015

Introduced by: Former Councilor Arnel G. Abrenica

AN ORDINANCE PRESCRIBING THE GUIDELINES AND POLICIES COVERING THE OPERATION AND MANAGEMENT OF THE PUBLIC MARKET IN THE MUNICIPALITY OF PINAMALAYAN.

CHAPTER I GENERAL PROVISIONS

SECTION 1. TITLE - This ordinance shall be known and cited as the "**MUNICIPAL MARKET CODE OF PINAMALAYAN**"

SECTION 2. DECLARATION OF POLICY - It is the policy of the Municipal Government of Pinamalayan to be self reliant, and self sustaining through engaging in viable and stable economic enterprises like Pinamalayan Public Market that will provide a wide range of opportunities and will uplift the socio-economic well being of its constituents by improving fiscal management and enhancing good governance. Its also declare that public market, be more responsive and effective instrument of public service and beneficial to development thereby strengthening the financial/economic capability of the Municipality, significantly contributing to the National and Local Development. Towards this end, the Municipality shall develop, promote regulate, standardize its public market operation and professionalize its services.

SECTION 3. SCOPE OF APPLICATION - This code shall govern all public markets operated by the Municipality, as herein after defined, as well as private markets which hereafter maybe constructed and operated.

SECTION 4. DEFINITIONS OF TERMS - when used in this code, the following shall mean:

PUBLIC MARKET - refers to any place, building or structure of any kind designated as such by the Sangguniang Bayan where buyers & sellers meet to transact business except public streets, excluding Bonifacio street extension from corner Mabini Street, plazas, parks and the like.

MARKET SECTION - refers to the classification of group of contiguous stalls in the market according to the kind of merchandize offered for sale therein.

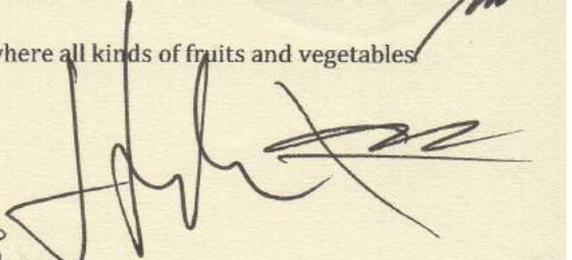
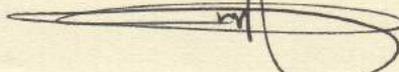
1. **Fresh Fish Section**- refers to the area where only fresh fish, clams, crabs seaweeds, and other seafood and marine products are sold.
2. **Dried Fish Section**- refers to the area where smoked fish and dried fish are sold.
3. **Meat Section**- refers to the area where all kinds of meat such as beef, pork, chicken and other meat products are sold.
4. **Dry Good Section**- refers to the area where all kinds of textiles, ready made dresses and native products, toiletries, footwear, kitchen wear, utensils, and other household articles, plastic and leather products, school and office supplies are sold / vended.
5. **Grocery Section** - refers to the area where all kinds of bakery products, confectioneries, beverages/softdrinks and the like, canned goods, eggs, sausages, starch, salt, soap and other household and food products are displayed and sold.
6. **Rice Grain Section**- refers to the area where only rice, corn and other grain cereals are sold.
7. **Vegetable / Fruits Section**- refers to the area where all kinds of fruits and vegetables including coconut and root crops are being sold.



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8. **Eatery Section** – refers to the area where all kinds of cooked/prepared food are sold. This includes refreshments parlors, cafeteria and restaurants.
9. **Poultry Product Section**– refers to the area where only live chickens, fowls and small animals are sold including piglets and goats.
10. **Flower Shop Section** – refers to the area where all kinds of flower, wether fresh of artificial and other materials needed for floral arrangements are being sold.
11. **Plants Section**– refers to the area where only all kinds of plants and garden accessories and implements or tools shall be sold.
12. **Support Facilities**- refers to the service area directly supportive of market operations including but not limited to the bagsakan, slaughterhouse, central collection station for wastes, toilets, parking areas, warehouse and trading posts.
13. **Bagsakan**– refers to an open area where wholesale goods are delivered in bulk and which functions as a transaction area for producers, wholesalers and retailers.
14. **Trading Post** – refers to facility/office where no physical exchange of products takes place, only transactions such as payment, inquiry and briefing shall be done.
15. **Miscellaneous Section** – refers to the area where any other business not classified herein above shall be allowed.
16. **Market Stall** – refers to any allotted stand, space, compartment, store on any place wherein merchandise is sold, offerd for sale, intended for such purposes in the public market.
17. **Stallholders** – refers to the awardee of a definite space or spaces within a public market who pays rentals thereon for the purpose of selling his goods/commodities or services.
18. **Market Premises** – refers to any open space in the market compound or part of the market lot consisting of bare grounds not covered by market building usually occupied by ambulant vendors espcecially during market days.
19. **Ambulant, Transient or Itinerant Vendor**– refer to vendors or sellers who does not permanently occupy definite place in the market but one who comes either daily or occasionally to sell his goods.
20. **Market Rental Fee**– refers to the fee paid to and collected by the Municipal Treasurer concerned for the privilege of using public market facilities.
21. **Market Committee**– refers to the body whose duty is 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 Municipal markets and to certify to the Municipal Mayor, the results thereof.
22. **Market Sectioning**– is the mandatory grouping together of the same similar goods, commodities and articles of commerce, including foodstuffs, offered for sale in one section or zone in the market.
23. **Municipal Public Market** – refers to a public market, owned and/or operated by the Municipal Government of Pinamalayan within its territorial jurisdiction.
24. **Privilege**- these are property rights or interests granted to a private person to occupy a specific area and to perform certain function, as the selling or buying of goods or services.
25. **Privilege Fee/Goodwill Fee** – The amount paid to acquire property rights/a fee paid by the new owner of a transferred stall as a benevolent gesture to the LGU.
26. **Accreditation** – refers to an official permission granted by the local government to persons, natural or juridical like carriers, helpers, porters, associations, cooperatives,



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etc. after complying with legal, sanitary and business permit requirements, among others.

27. **Civil Society Organization (CSO)** – as defined, shall include legitimate stall holders, store owners, businessmen and helpers inside the public market accorded with privileges not contrary to law.

SECTION 5. MARKET SUBDIVISION/COMPONENTS and AREA:

5.1 Components – Pinamalayan Public Market has the following components as described below:

- a. A dry Goods Building, 66 meters wide x 399 meters long of permanent structures, concrete flooring and foundations, steel and wood columns and roof framing, and corrugated G.I. Sheets for roofing. It occupy around 278 stalls.
- b. The Wet and Meat Production Center, 20 meters long x 17.40 meters wide of permanent structures, concrete flooring and foundation, steel columns and roof framing, and corrugated G.I. sheets for roofing. It will occupy around 41 concrete table measuring 1 x 3 meters (meat section) and 1.5 x 4 meters (fish section).
- c. The Carinderias or Food Center, 109 meters long x 6 meters wide, of permanent structures, concrete flooring and foundations, steel columns and roof framing and corrugated G.I. sheets for roofing. It will occupy around 25 stalls.
- d. Bagsakan Center/ Municipal Food Terminal, 58 meters long x 15 meters wide of permanent structures, concrete flooring and foundation, steel columns and roof framing and corrugated G.I. sheet roofing.
- e. Fruits and Vegetable Section, 60 meters long x 15 meters wide of permanent structures, concrete flooring and foundation, steel columns and roof framing and corrugated G.I. sheet roofing. It occupy 72 stalls and 52 utility tables.
- f. Old Market, 60 meters long X 15 meters wide of permanent structures, concrete flooring and foundation, wood column and wood roof framing and corrugated G.I. sheet roofing. It occupy 110 stalls.
- g. Toliet and Powder Room - 7 meters long X 6 meters wide of permanent structures, concrete flooring and foundation, steel column and roof framing and corrugated G.I. sheet roofing.

SECTION 6. SUBDIVISION / ZONIFICATION IN THE PUBLIC MARKET – The component of Pinamalayan

Public Market shall be divided in the following zones.

- 6.1 Dry Goods Building – the following activity are allowed: Rice retailing, Sari-sari and groceries, variety stores, textiles, footwear. Plastic ware, glassware, bamboo and basket product, agri-supplies, refreshment, egg vendors, goldsmith, electronics, clinics, and others.
- 6.2 The Fish and Meat as follows:
 1. Aqua Section - Fresh fish, oyster, lobster, shrimps, seaweeds, and other sea and marine products.
 2. Meat Section – Fresh meat from cow, swine, goat, and fowls and carabaos.
 3. Other Similar Items as dried fish, tocino, etc.
- 6.3 Carinderia or Food Center – All kinds of cooked food.

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6.4 BAGSAKAN – All kinds of vegetables, fruits and root crops, etc. Open every Wednesday and Saturday only.

6.5 Fruit and Vegetable Section – all kinds of vegetables, fruits and root crops, coco grater and the likes.

The numbering of stalls, designation, or other forms of identifying the market zones shall be the responsibility of the Municipal Market Supervisor.

CHAPTER II SUPERVISION AND CONTROL

SECTION 7. MUNICIPAL MAYOR – The Municipal Mayor shall exercise direct and immediate supervision, administration and control over government owned/operated public markets, and its personnel thereof, including those whose duties concern the maintenance, health and sanitation, upkeep, peace and order of the premises in accordance with laws, local ordinances and other rules and/or regulation pertinent thereof.

SECTION 8. MUNICIPAL MARKET SUPERVISOR – The Municipal Market Supervisor shall be under the direction of the Municipal Mayor and shall have supervision and control over their respective existing government owned/operated public markets, shall enforce all ordinances, rules and regulations on all matters connected with the public markets. All personnel are required to obey the direction of the Supervisor of the market, or his duly authorized representative in all such matters.

SECTION 9. POSTING OF RULES AND REGULATION. – The Market Supervisor shall post in premises the rules and regulations approved by the Sangguniang Bayan relating to the rules and regulations set for the manner of assignment, privileges, obligation and accreditation, to be granted to the stallholders, retailers, ambulant, transient or itinerant vendor, approved tariff rate for the rent of stalls, fees and charges as maybe necessary in the operation and maintenance of premises. He shall furnish the stallholders and handler with a copy, in English or Pilipino, of the rules and regulation herein mentioned.

DUTIES AND RESPONSIBILITIES OF A MUNICIPAL MARKET SUPERVISOR

1. Implements and executes the plans and policies of the Municipal Mayor in the operation of all government owned/operated public market within its territorial jurisdiction which includes enforcement/empowerment of sanitation and hygienic practices, cleanliness, security, peace and order inside the market.
2. Secures periodic collection reports from the Municipal Treasurer to include comparative statements of collections of the market revenues and statistical data on prevailing prices of goods in the public market.
3. Supervises and evaluates the activities and performance of all the subordinates and submits reports involving their public performances and attitudes.
4. Supervises, evaluates and administers market property including acquisition, utilization, maintenance, losses and disposals thereof.

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5. Performs such other functions and duties that may be assigned by the Municipal Mayor from time to time.

SECTION 10. MARKET INSPECTOR - There shall be a Market Inspector who shall be the staff-arm of the Municipal Market Supervisor.

The Market Inspector will be responsible to inspect cash tickets and other documents issued, the control of hygiene/sanitation, conditions and upkeep of the public market. Determine generally whether all sanitary rules and regulations of the premises are complied with.

He shall report to his Supervisor for instructions and submission of reports on his assigned work.

SECTION 11. OTHER MARKET PERSONNEL - Other market personnel shall be appointed in accordance with the existing Civil Service rules and regulations.

SECTION 12. WEARING UNIFORMS AND IDENTIFICATION CARDS - All market personnel shall be required to wear the prescribed uniform and identification cards provided by the Municipal Government, the design of which shall be prescribed by the Local Chief Executive.

SECTION 13. ASSOCIATIONS, HELPERS, CARRIER/PORTER IN THE PUBLIC MARKET - Association as well as the association of helpers, carriers and porters in the public market shall and must be:

- A. Duly accredited by the Sangguniang Bayan (SB) in accordance with law; and
- B. Registered to the office of the Municipal Mayor in compliance with the provision of the New Revenue Code of Pinamalayan, Oriental Mindoro.
- C. While, membership in the association of helpers, carriers and porters in the public market must met the following criteria:

1. A Filipino citizen
2. Of good moral character
3. Has not been convicted of any crime
4. Should wear prescribed uniform, if ever, and Identification Card while

working/on duty.

The Market Supervisor shall have the power to fix the number of carriers in the market and certify as to the actual number of carriers needed.

Registered helper, carrier/porter in this market shall act only as helper, carrier/porter in the public market premises. The registration of anyone violating this provision shall automatically be cancelled and his name shall be dropped from the list of carrier kept in the office of the Market Supervisor.

CHAPTER III COLLECTION OF FEES, CHARGES AND RENTALS

SECTION 14. PAYMENT OF FEES, CHARGES, RENTALS NECESSARY - Any person or entity desiring to establish any business or occupy any place at the public market are subject to pay fees, charges and rentals provided in the approved Revenue Code of Pinamalayan.



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CHAPTER IV PUBLIC MARKET ADMINISTRATION/OPERATION AWARDING OF STALLS/TABLES

SECTION 15. MARKET COMMITTEE – there is hereby created a permanent market committee to be composed of the Municipal Mayor as Chairman, Sangguniang Bayan–Market & Slaughterhouse Committee Chairman, the Municipal Treasurer, and Civic Society Organization (CSO) representative as members.

The committee shall have the following duties.

- A. Conduct the drawing of lots and opening of bids for the adjudication of vacant or newly constructed stalls or both in the Municipal Public Market in the presence of duly authorized representative from Federated Associations operating therein.
- B. Certify to the Municipal Mayor on the result thereof.
- C. Adjudicate/determine the transfer of stallholder from one section to another or from one stall to another, considering the Goodwill fee provision in the New Revenue Code.
- D. Recommend to the Municipal Mayor such measures or actions as maybe necessary in the resolution of problems in connection with the occupancy of stalls, booths or spaces in the public market.

SECTION 16. PROCEDURE FOR APPLICATION AND AWARDS OF STALLS.

- A. Stall holder or applicant in actual possession of a business license or permit prior to calamity/ies (man-made or force-majeure) and have continued conducting business up to the present shall have the first preference to apply for a lease of stall in the Public Market, and other applicant in actual possession of permit or license issued after the calamitous event and have continued doing business after that shall have the second preference.
- B. Stall/Booth applicant/s shall file/submit an application under oath to lease a market stall with the office of the Municipal Mayor either in person or through his authorized representative. The application shall be accomplished in the prescribed form attaching two (2) copies of his latest colored picture 2x2 in size. Application fee shall be collected from each applicant to defray cost of printing forms. Any excess will form part of the general fund.
- C. The awarding of market stalls shall be conducted thru drawing of lots to be conducted by the market Committee. The results of the drawing of lots shall be submitted/reported immediately by the Committee to the Municipal Mayor.
- D. All successful applicants shall enter into a new contract to lease Market Stall with the Municipal Government. Such contract shall be Renewed Annually. It shall be the duty of the Municipal Treasurer to keep a registry book of all successful applicants showing their names and addresses, the stall/s number, etc.



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Any articles abandoned in any Municipal Market in violation of any of the provisions of these rules shall be deemed a nuisance, and it shall be the duty of the Market Supervisor and his subordinates to take custody thereof. In case the articles are claimed within twenty four (24) hours thereafter, they shall be returned to the owners upon payment of the actual expenses incurred in their safekeeping, unless they have so deteriorated as to constitute a menace to the public health, in which case they shall be disposed of in the manner directed by the Municipal Mayor, who may also at his discretion, caused the criminal prosecution of the guilty party, or merely warn him against future violation.

If the articles have not deteriorated and or not claimed within the time herein fixed, said articles shall be sold at public auction, and the proceed thereof dispensed of in accordance with law.

SECTION 30. PEDDLING/HAWKING - No person shall peddle, hawk, sell, offer for sale, or expose for sale any article in the passageway or aisles used by purchasers in any municipal market.

Neither they be permitted to expose or sell their merchandise on sidewalks, courts (patios) or places designed and/ or intended for the passage of the public to the municipal markets. Market Officials and perssonel and policemen detailed in the vicinity of the municipal market shall exercise strict vigilance on this matter and enjoin strict compliance with this provisions.

SECTION 31. LOAFING, LOITERING, BEGGING, AND THE LIKE - No person, not having lawful business in or about any municipal market, shall idly sit, lounge, walk or lie in or about the premises of the same, nor shall any person beg or solicit alms or contributions of any kind.

No person shall annoy or obstruct market employees in the discharge of their duties; nor shall parents allow their children to play in or around the stalls or booths in the market premises.

SECTION 32. INTOXICATING DRINKS; DISPENSING AND SERVING OF - No person shall drink, serve or dispense liquor or any intoxicating drink within the premises of any municipal market. Any violation hereof shall subject the offender to the penal provisions of this Code or his lease award shall at once be revoked.

SECTION 33. WEIGHTS AND MEASURES - Any stallholder/tableholder found violating the provisions of the approved Local Tax Code/Revenue Code regarding Weights and Measures shall, for the first offense, be required to correct any deficiency in said weights/measure, severely warned and or reprimanded, and for the second offense, his/her stall lease cancelled/revoked, and shall be evicted from the stall/table he occupies/possesses, and shall be perpetually barred from applying for leasing and/or occupying any stall/booth/table in any public market within the Municipality for which a blacklist shall be prepared for the purpose. These sanctions shall be in addition to the penalties imposed in the aforestated Codes and/or of this code, at the discretion of the court.

a) The use of tampered scales or the placing of any metal, gadget or concealed material/s in a weighing scale, in such a manner as to reflect a lesser/greater weight other than the true weight of any goods or merchandise, is prohibited.

b) All weights, measures and similar devices used by any person engaged in trade and commerce, involving goods and other commodities the value of which is determined by weight or measure shall be registered with the Municipal Treasurer, prior to the use of such devices.

c) All weights, measures and similar devices already registered under the provisions of this Ordinance shall be submitted to the Municipal Treasurer for re-inspection or re-sealing annually.

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During official inspection by market inspectors all scales in the stalls, store or establishment, whether actually being used at the time of inspection or not, are required to be exhibited by the owner/vendor to the inspector. Any scale not so exhibited, concealed, and or not voluntarily shown, but which was discovered during inspection shall be confiscated and destroyed.

SECTION 34. ASTRAY ANIMALS - No dogs and other animals shall be left astray in any municipal market. The Market Supervisor or his duly authorized representative is hereby empowered to report and recommend measures to the authorities or offices concerned on what to do and act/proceed with the astray animals not violative with the provisions of the Animal Welfare Act.

CHAPTER VI MAINTENANCE OF THE PUBLIC MARKET

SECTION 35. PRECAUTIONARY MEASURES ADOPTED BY THE MUNICIPAL GOVERNMENT TO PROTECT THE HEALTH OF BUYING PUBLIC - is to require every stallholder to provide his stall with sanitary garbage receptacle to be maintained clean at all times and the contents never allowed to overflow. The Municipal Government shall be responsible for the collection of garbage in the place specified at regular intervals.

Individuals engage in an occupation or working in establishments, the nature of which job or works have something to do with the preparation of food or foodstuffs, whether cooked or in raw form are required to undergo physical examination and medical check-up at least once a year with the Municipal Health Officer.

A Medical Certificate shall be issued by the Municipal health Officer after the physical examination and medical check-up.

SECTION 36. CLEANING OF STALL/TABLE/SPACES AT THE END OF BUSINESS DAY - At the close of each day's business and before leaving, stallholder/tables holder shall clean their respective stall/table/spaces. They shall also removed all dirty materials and place in containers/garbage bags.

SECTION 37. MARKET FACILITIES:

a. Water Facilities

Stallholders shall tap their water line connections with the main line of the Pinamalayan Water District at their own expense including water meter and consumption.

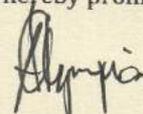
b. Lighting Facilities

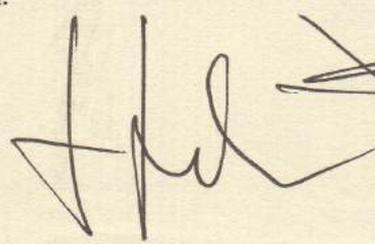
Stallholder shall tap their electrical wiring connections from the electrical main line of the building at their own expense including electric meter and power consumption.

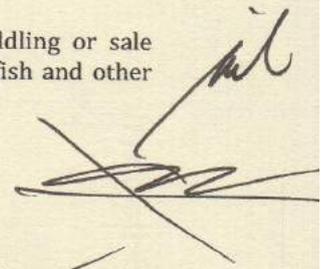
SECTION 38. ABANDONMENT OF PERISHABLE GOODS. - Leaving of discarded or unsold highly perishable goods, such as meat, fish, and other sea foods in the stalls or in any place within the market premises shall be unlawful and any person found to have abandoned such goods in or about the stalls shall be liable under the penal provisions of this Code without prejudice to the revocation of the lease if the person is a stallholder.

SECTION 39. PROHIBITED ACTS OUTSIDE THE MARKET PREMISES - The peddling or sale outside the public market site or premises of foodstuffs, such as vegetables, meat, fish and other perishable goods which easily deteriorate is hereby prohibited.

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SECTION 40. LIVESTOCK AND POULTRY PRODUCTS. - The injection of water and application of coloring agents to livestock and poultry products is strictly prohibited.

SECTION 41. SECURITY. - for security measures, each entrance of the Goods Building will be enclosed with iron gate, and opening on the top ceiling shall be enclosed with iron grills. Some stalls, especially those located on the exterior areas will be protected with accordion type door. Stallholder are required to install fire extinguisher inside his stalls at their own expense.

CHAPTER VII PENAL PROVISIONS

SECTION 42. PENALTY CLAUSE - Violation of any provision of this ordinance is punishable by imprisonment for a period of not more than six (6) months or a fine of not more than P2,500.00 or both, depending upon the discretion of the court.

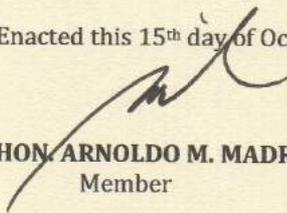
SECTION 43. PUNISHMENT TO PERSON OBSTRUCTING THE FULL IMPLEMENTATION OF THE PROVISION OF THE ORDINANCE - Any Official/Employee found to be accepting favors of bribes in exchanged for the laxity in the implementation of the ordinance shall be administratively liable and would face charges of grave misconduct and case of violating the Code of Conduct and Ethical Standard for Public Officials and Employees or RA 6713.

SECTION 44. SEPARABILITY CLAUSE - Any part or section hereof found to be unconstitutional for any reason, the section not affected by the declaration of invalidity shall remain enforceable and effective.

SECTION 45. REPEALING CLAUSE - Any municipal laws, letters of implementation and executives orders inconsistent with the provisions of the ordinance are hereby repealed and amended accordingly.

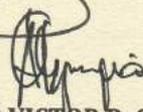
SECTION 46. EFFECTIVITY CLAUSE - This ordinance is hereby made to form part of the law of the municipality and shall take effect upon the approval of the Sangguniang Panglalawigan (SP) and upon its publications.

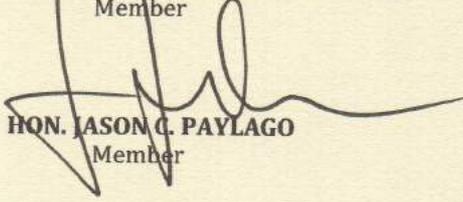
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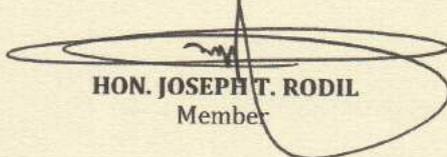

HON. ARNOLDO M. MADRID
Member


HON. LEONARDO L. PEDRAZA
Member


HON. JEFFREY PAUL A. UMBAO
Member


HON. ANTONIO VICTOR R. OLYMPIA
Member


HON. JASON C. PAYLAGO
Member


HON. JOSEPH T. RODIL
Member



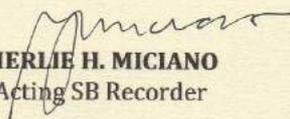
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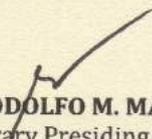
HON. NORMAN J. JACINTO
ABC President/Member

Attested :



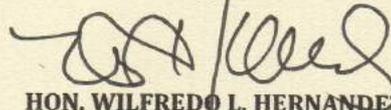
MERLIE H. MICIANO
Acting SB Recorder

Certified Correct :



HON. RODOLFO M. MAGSINO
Temporary Presiding Officer

Approved :



HON. WILFREDO L. HERNANDEZ, SR.
Municipal Mayor