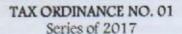
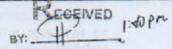


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AN ORDINANCE ENACTING THE MARKET CODE OF THE MUNICIPALITY OF BAYAMBANG.

Sponsored by: SBM Joseph Vincent E. Ramos and SBM Benjamin Francisco S. De Vera

EXPLANATORY NOTE:

WHEREAS, Republic Act 7160, otherwise known as the Local Government Code under Section 17 provides...Local Government Unit shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge functions and responsibilities of national agencies and offices devolved to them pur uant to this Code. Local Government Units shall likewise 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 enumerated herein;

WHEREAS, there is a need to enact this Code in order to improve the facilities, management and operation of public market to ensure the safety, comfort and convenience of the public and to ensure the effectiveness and efficiency of the Municipal Government of Bayambang to render quality services to our people;

NOW THEREFORE, on motion of SB Member Benjamin Francisco S. De Vera, duly seconded;

BE IT ENACTED by the Sangguniang Bayan in session duly assembled that:

CHAPTER I

- Section 1. Title. This Code shall be known as the Bayambang Market Code.
- Section 2. Declaration of Policy It is hereby a policy of the Municipality of Bayambang 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 municipality and thus significantly contributing to national and local development. Towards this end, the municipality of Bayambang shall develop, regulate and standardize public market systems and professionalize market services.
- Section 3. Coverage The provision of this Code shall govern the establishment, classification, administration and operation of government owned/operated public markets in Bayambang, Pangasinan, and the imposition of market rentals, fees for occupancy or use thereof.
- Section 4. For purpose of this ordinance, the following terms shall be defined as follows:
 - 4.1. 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.
 - 4.2. 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.
 - 4.3. Business means trade or commercial activity regularly engaged in as a mean livelihood or with a view to profit.
 - 4.4. Charges refer to pecuniary liability, as rents or fees against persons or property.

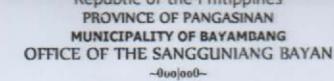




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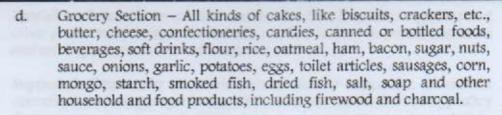
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- 4.6. Dealer is one whose business is to buy and sell merchandise, goods, and chattels as a merchant. He stands immediately between the producer or manufacturer and the consumer and depends for his profit not upon the labor be bestows upon his commodities but upon the skill and foresight with which he watches the market.
- 4.7. Hawkers refer to ambulant vendors who sell their wares on a one-day basis.
- 4.8. Ice Storage is an area that may be included in the public market to supply the need for ice.
- 4.9. Levy means an imposition or collection of an assessment, tax, fee, charge or fine.
- 4.10. License or Permit is a right or permission granted in accordance with law or by a competent authority to engage in some business or occupation or to engage in some transactions.
- 4.11. Local market authorities refer to the Municipal Mayor, his duly appointed Market Supervisor, the Municipal Administrator, the Municipal Treasurer, or any other municipal officer charged with the management of the day-to-day operations of the public market and/or specific aspects of such operations.
- 4.12. Lease refers to a written agreement through which the Municipality of Bayambang conveys possession and occupancy for a specified period and for a specified rent of any portion of its market buildings or spaces to another person who binds and accepts the same.
- 4.13. Lessee refers to a person having in his/her possession a duly executed contract of lease, for a sp cified rental, granted in his/her favor by the Municipality of Bayambang.
- 4:14. Lessor refers to the Municipality of Bayambang or its authorized representative who transfers, conveys and assigns the temporary possession and occupancy of any real property or any portion thereof, for specified rental and period by an agreement or contract of lease.
- 4.15. Marine products refer to fresh and dried fish, seaweeds, shells like mussels, clams, shrimps, lobsters and the like.
- 4.16. 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.
- 4.17. Market sectioning is the grouping together of the same or similar goods, commodities or foodstuffs offered for sale in one section or zone in the market. The following shall be the classification of market sections:
 - a. Fish Section Fresh fish, clams, oysters, crabs, lobsters, shrimps, seaweeds, and other seafoods and marine products.
 - Meat Section All kinds of meat except that carabao and horse meat shall have a separate and distinct compartment from that of beef and pork
 - c. Dry Goods Section Ail kinds of textiles, ready-made dresses and apparels, toiletries, novelties, shoes, laces, kitchen wares, utensils and other household articles, handbags, bags, school and office supplies.





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- Vegetables and Fruits Section All kinds of vegetables and fruits, root crops, such as camote, cassava and the like.
- Eating Place Section All kinds of cooked foods, includings refreshments and cafes where food is served.
- Live Fowls and Piglets Section Live fowls, such as chickens, ducks and similar birds, as well as piglets.
- Flower Shop All kinds of flowers, fresh and artificial, flowerpots, h.
- Cold Storage Section All kinds of goods or products kept in freezers and/or refrigerated container.
- 4.18. 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.
- 4.19. Operator includes the owner, manager, administrator, or any other person who operates or is responsible for the operation of a business establishment or undertaking.
- 4.20. Peddler refers any person who, either for himself or on commission, travels from one place to another and sells his goods or offer to sell and delivers the same.
- 4.21. Persons mean every natural or juridical being, susceptible of rights and obligations or being the subject of legal relations.
- 4.22. Poultry dressing area is an area servicing the poultry stalls in the wet section of the market.
- 4.23. Public market- refers to any place, building or structure recognized as such by under the existing laws or ordinances and those to be established upon recommended of the municipal government. It embraces all market stalls, tiendas and buildings and other appurtenances thereto.
- 4.24. 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.
- 4.25. Residents refer to natural persons who have their habitual residence in the province, city, or municipality where they exercise their civil rights and fulfill their civil obligations and to juridical persons for whom the law or any other provision creating or recognizing them fixes their residence in a particular province, city, or municipality. In the absence of such laws, juridical persons are residents or the province, city or municipality where they have their legal residence or principal place of business or where they conduct their principal business or occupation.
- 4.26. Revenue include taxes, fees and charges that a state or its political subdivision collects and receives into the treasury for public purposes.
- 4.27. Services mean the duties, work or functions performed or discharged by a government officer, or by a private person contracted by the government,





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- 4.28. 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.
- 4.29. Support facilities refer to service areas directly supportive of market operations, including bags: kan, central collection station for waste, poultry dressing area, ice storage facilities, cold storage and storage rooms, toilets, parking areas, slaughterhouses, ice plants, warehouses and trading posts.
- 4.30. Tax means an enforced contribution, usually monetary in form, levied by the law making body on persons and property subject to its jurisdiction for the precise purpose of supporting governmental needs.
- 4.31. 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 takes place, only transactions such as payments, inquiry and briefings.
- 4.32. Vendor refers to a person who sells goods, commodities or foodstuffs within the market premises.
- 4.33. Warehouse is building or structure where the process of receiving, storing and delivering of goods takes place. Distribution is a function of warehousing which include the preparation and delivery of goods according to plan or special order.

Section 5. Market Sections

The Bayambang Public Markets shall be divided into various sections as define in Section 4.17 of this Chapter to facilitate the efficient administration thereof.

CHAPTER II

SUPERVISION AND CONTROL

Section 6. General Authority of the Municipal Mayor. - The power of general supervision and control over the administration and operations of the public market is vested in the Municipal Mayor.

Section 7. Local Advisory Committee. - The Municipal 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.

Section 8. Market Supervisor V. - The Market Supervisor V shall exercise direct and immediate supervision and control over personnel of the public market and market linkages, including those whose duties concern the maintenance and upkeep of, and ensuring peace and order in the market premises, subject to the general supervision of the Municipal Mayor.

Section 9. Powers and Functions of the Market Supervisor V. - The Market Supervisor V shall:

- Exercise direct supervision over the management and operation of the public market;
- Enforce all pertinent laws, rules and regulations, and the provisions of this Code:
- c. Assist in the formulation of the budget for operations of the public market;
- d. Propose and coordinate plans to enhance the efficiency of operations of the public market, including market linkages;



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Section 10. Other Market Personnel. – All Market Personnel in-charge of the distribution of Cash Tickets and collection function in the Public Markets shall be under the direct Supervision of Municipal Treasurer.

Section 11. All market personnel shall at all times during the performance of their duties wear their prescribed uniforms and shall prominently display their nameplates/identification tags.

CHAPTER III MARKET FEES AND CHARGES

Section 12. Collection of Local Revenues by Municipal Treasurer. — The Municipal Treasurer, or his duly authorized deputies/revenue collectors, shall collect all local taxes, fees, charges and other impositions.

Section 13. Imposition of Market Fees and Charges. - There shall be collected the following market fees and charges:

- 13.1. Rental charges on stalls/booths, and/or comfort rooms within the market building:
 - a) On stalls with booths constructed by the Municipal Government, per square meter or fraction thereof, per month:
 - b) On stalls with booths constructed by the lessee, per square meter or fraction thereof, per month:

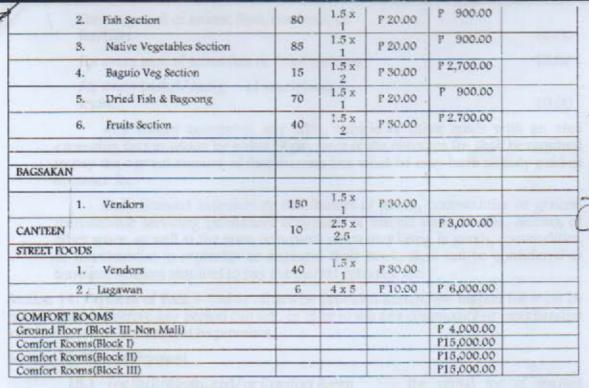
C) BUSINESS ESTABLISHMENTS

	Description	No of Stalls	l'otal Area	Daily Rentals per Sq.M	Monthly Rentals	Monthly Rentals per Sq.M
Block II				-		
Ground Floor						
1.	Stalls	69	4x4			F 255.00
	Marine Action of the Control of the	3	4x2			F 255.00
		1	3x2			P 255.00
2.	Electronic/Accessories Kiosks	30	1.5 x	P 40.00	P 1,800.00	ersure, 70
3.	Sari-Sari kiosks	18	1.5 x 2	F 40.00	P 3,600.00	
4.	Dry goods Kiosks	25	1 x 1	P 30.00	P 900.00	
5.	Native Cakes	10	1 x 1	P 20,00	P 600.00	
6.	Smoke Fish	10	1 x 1	P 20.00	P 600.00	
7.	Corn & Others	15	1 x 1	P 20.00	P 600.00	
8.	Street Food	10	1 x 1	P 20.00	P 600.00	
9.	Watch Repair	5	1 x 1	F 20.00	P 600.00	
10.	Shoe Repair	3	1 x 1	P 20.00	P 600.00	1000
Second Floor		-	- 10			
1.	Space	1	1,168			P 130.00
Block III (Mall)						
Ground Floor						
1.	Section A-Stalls A	144	2.5 x 2.75		THE PARTY	P 255.00
2.	Section B- Stalls B	1	880			P 600.00
Second Floor						
1.	Section A-Stalls A	57	2.5 x 2.75			P 130.00
2	Section B- Stalls B	1	1,145			P 350.00
Block III (Non N	Aall)					
The same of the same of			154		P.1.350.00	



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Description	No of Stalls	Total Arca	Daily Rentals per stall	Monthly Rentals per stall
Block I-A	23		3322	P 4,000.00
Block I-B	1		100000	P 20,000.00

c) On spaces in the wet section and live fowls and piglets section, including the poultry dressing area, per square meter or fraction thereof, per day:

Fish Dealer Live Fowls and Piglets Section Php 100.00 100.00

Provided, That stalls, booths, tiendas, and/or comfort rooms located in the best areas, e.g., corner spaces or those so designated by the Market Supervisor, shall pay rental charges twenty-five percent (25%) higher than the rates imposed herein; Provided Further, That rental charges shall be paid within the first ten (10) days of the month.

- 13.2. Market fees for the occupancy of market premises:
 - a) Where occupancy is more or less permanent, per square meter or fraction thereof, per day:

As site of structures, such as stalls, booths, or tiendas

Php 100.00

As reserved space for whatever purpose allowed under this Code, such as selling, or storage of goods, and bagsakan

50.00

- 13.3. On premises reserved for ambulant vendors, hawkers, and similar types of vendors per square meter, per day (not for those who have stalls):
 - Market entrance fee on transient vendors of any commodity or merchandise brought into the market for sale

For every sack of rice, corn, mongo, beans, peanuts, coffee, camote, and the like

Php 10.00

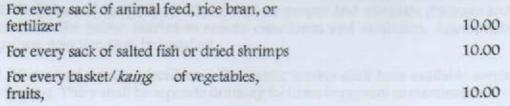
For every sack of salt or sugar

10.00



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

Duly licensed suppliers or distributors of goods, commodities or 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.

Section 14. 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 15. Time of Payment

- 15.1 For Stall/Booth, and/or Comfort Room the rental fee of market stalls shall be paid to the Municipal Treasurer or his duly authorized representative within the first ten (10 days) each month, In case of a new lease, the rentals due for the month in which the lease starts, shall be paid before occupancy of the stall.
- 15.2 For occupancy of market premises- the fee for the occupancy of market premises shall be paid daily, unless the stallholder concerned desires to pay fees in advance and for a longer period basis which shall be receipted accordingly.
- Section 16. Issuance of Cash Tickets to Transient Vendors; Prohibition on Transfer Theroof. 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 ticket 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 he is assigned and only 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 to be done in the place occupied be the previous vendor.

Cash tickets shall be provided with serial numbers by the Office of the Municipal Treasurer, which shall monitor the issuance of the cash tickets in collaboration with the Market Supervisor V.

Permanent occupants of stalls, booth and tiendas who bring in good to replenish or augment their stock supplied by duly licensed supplier or distributor shall not be considered as transient vendors required to pay the market fee herein imposed.

CHAPTER IV BASIC POLICIES AND REGULATIONS

- Section 17. Cleanliness and Sanitation. The public market 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 such as cleaning and elimination of harborages of vermin shall be provided.
- Section 18. Sanitation Unit. Adequate personnel shall be provided to ensure the maintenance of cleanliness and sanitation within the public market and its premises.
- Section 19. Responsibility of Individual Stall Owners/Vendors. 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, behind or beside their stalls. Together with local market authorities

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section 20. Facilities and Sanitation. – There shall be proper and adequate drainage and sewage system in the public market to ensure cleanliness and sanitation. Appropriate facilities to abate pollution shall be installed.

Section 21. Water and drinking facilities. – The public market shall have available ample water for cleaning. There shall be separate drinking facilities to prevent contamination.

Section 22. – 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 a all times.

Section 23. "No Littering" Signs. - "No Littering" signs shall be posted in conspicuous places to warn vendors and buyers that the same is punishable by laws.

Section 24. 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 the 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 public market personnel. Likewise all stall owners and vendors shall be required to have individual garbage cans.

Section 25. Purpose of Cover. – All garbage cans must be properly covered to keep them from becoming the breeding places of flies, mice, rats, mosquitoes, and other insects.

Section 26. "Use of Garbage Cans" Signs. - "Keep Premises Clean" and "Use Garbage Cans" signs shall be placed at the entrance, in passageways and in places where garbage are collected.

Section 27. Disposal of Garbage. – It shall be responsibility of the individual stall owners and vendors to dispose of their garbage at the end of each day by placing them in the receptacle referred to in Section 24 hereof. However the disposal of the garbage of the buying public, ambulant vendors and market personnel shall be the responsibility of the market personnel.

The waste dumping area of disposed garbage shall be located at convenient place accessible to garbage collectors/trucks. Solid waste accumulated at each stall shall be transferred to the central dumping area to facilitate efficient solid waste management.

Section 28. Time For Collection and Disposal of Garbage – All the garbage and rubbish of the public market must be collected and disposed at appropriate schedules to be determined by the local market authorities.

Section 29. Meat and Meat Products - All meat and meat products shall be inspected pursuant to existing laws and local ordinances.

Section 30. 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 (BFAD) in coordination with the Bureau of Fisheries and Aquatic Resources (BFAR), shall be condemned and shall not be allowed for sale.

Section 31. Protection and Prevention of Food – All kinds of food which require no further cooking shall be wrapped, covered or enclosed in containers to preserve their freshness and prevent contamination.

Section 32. Applicability of the Code on Sanitation. – All provisions of the Code on Sanitation shall, whenever possible, be observed by and enforced in the public market and establishments therein and their respective personnel.

Section 33. The market hour shall be opened at three (3) o'clock in the morning and closed at eight (8) o'clock in the evening, in accordance with the requirements of safety,

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Section 34. Security Unit. - The public market shall be provided with adequate security within the vicinity of the market area for the protection of consumers and traders.

Section 35. Service Areas. – 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 36. Ramps and Stairways. – Ramps shall be placed in strategic, visible locations near the approach points 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 devices to enhance the mobility of disabled persons. Regular stairways shall complement the ramps installed in the market.

Section 37. Market Aisles. – To facilitate mobility, security and safety at all times, market aisles shall be free from any obstruction. Market officials and personnel and policemen detailed in the vicinity of the public market shall exercise strict vigilance on this matter and enjoin strict compliance with this provision.

Section 38. Weighing Scales. - The public market shall be provided with weighing scales for the use of the consumers to safeguard them against short weighing of commodities like rice, fish, meat, etc. It shall be located at strategic points in the public market.

CHAPTER V

MARKET COMMITTEE ON AWARDS AND ADJUDICATION

Section 39. MARKET COMMITTEE ON AWARDS AND ADJUDICATION

There is hereby created a Market Committee to be composed of the Municipal Mayor as Chairman; Sangguniang Bayan Member, Chairman, Committee on Ways and Means as Vice Chairman; Sangguniang Bayan Member, Chairman, Committee on Market, Trade and Industry; Municipal Treasurer; Market Supervisor V (existing plantilla position), representative of the market vendors, as members.

The Committee shall have the following duties:

- Conduct the drawing of lots and opening for the adjudication of vacant or newly constructed stalls, booths, and/or comfort rooms in the Public Markets;
- ii. Certify to the Municipal Mayor for the results thereof;
- Adjudicate the transfer of stallholders from one section to another, or from one stall to another;
- iv. Recommend to the Municipal Mayor such measures or actions as may be necessary in the resolution of problems in connection with the occupancy of stalls, booths, and/or comfort rooms in the public markets.

Section 40. RULES IN AWARDING OF STALLS, BOOTHS, AND/OR COMFORT ROOMS IN THE PUBLIC MARKETS

Applicants for stalls, booths, and/or comfort rooms shall be categorized or grouped according to the following sections:

A. DRY SECTION

- a) Groceries
- b) Food and Pastries
- c) TRW and Textile
- d) General Merchandise
- e) Footwear and Leather Goods
- f) Rice, Grains and Cereals

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- g) Boutique, Jewelry, Novelties, Gift Shops
- h) School and Office Supplies
- i) Other Services

B. WET SECTION

- a) Food Stalls
- b) Meat and other Meat Products
- c) Fish and other Marine Products
- d) Fruits and Vegetables
 - e) Miscellaneous Items

Section 41. DETERMINATION OF CATEGORY OR SECTOR

The stall category assignment shall be determined through the applicant's intention as reflected in his application form.

Section 42. PRIORITY OF AWARDS OF STALLS, BOOTHS AND/OR COMFORT ROOMS

After determining the category classification of applicants, they shall then be processed on a "first come first serve basis", provided they are qualified and have complied with the municipality requirements. The Market Committee on Awards shall adopt appropriate and procedures of awarding of stalls, booths, and/or comfort rooms to ensure a just, fair and proper awarding process.

Section 43. To Whom Award May Be Made

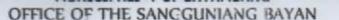
- 43.1. No person shall operate a market stalls, booths, and/or comfort rooms without first securing the permits required by this Municipality. Applications for the award of a stalls, booths, and/or comfort rooms shall be filed in the Office of the Municipal Treasurer.
- 43.2. No person shall sell, offer for sale or expose any article or articles in the public market or use or occupy any stalls, booths, and/or comfort rooms without first having been assigned to such stall in the manner prescribed herein. Residents of the municipality shall be given preference in the occupancy or lease of stalls, booths, and/or comfort rooms over non-resident applicants at the time of the awarding of stalls, booths and/or comfort rooms.
- 43.3. Vendors shall be assigned a stall according to the nature of merchandise for sale.
- 43.4. Stallholders shall not be allowed to occupy stall or spaces other than those leased to them, it shall be the duty of the Market Supervisor or his duly authorized representative to see to it that the stallholders do not wrongfully occupy other stall/s or spaces.

Section 44. APPEAL

Any applicant who is not satisfied with the adjudication made by the Market Committee of the stalls, booths, and/or comfort rooms applied by him, may file an appeal with the Municipal Mayor within Fifteen Days (15) after receipt of the award whose decision shall be final, unless otherwise decreed by the Department of Finance on appeal.

Section 45. FORFEITURE OF THE PRIVILEGE OF A STALLS, BOOTHS AND/OR COMFORT ROOMS

Failure to occupy the awarded stalls, booths, and/or comfort rooms within Sixty (60) days after the drawing of lots shall mean forfeiture of the privilege of the use of the market stall, booth, and/or comfort room, and the corresponding forfeiture of two months security deposit paid thereof in favor of the municipality



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Section 46. "Security Deposit." – Stall owners and lessee of comfort rooms shall pay a security deposit equivalent to three (3) months rental for every stall, as well as an advance of three (3) months' rental. The security deposit fee shall be payable only by every new applicant and shall not be required in the renewal of lease contracts. The security deposit and three months' advance rental shall be applied to the repair of damages caused by the stallholder and other fees and charges such as unpaid rentals, electricity and water bills, if any, and the balance, if any, shall be refunded to the stallholder upon the end of the lease period if the lease is not renewed or upon revocation of the lease.

Section 47. Subleasing or Selling Privilege Not Allowed. – No awardee shall sublet or sublease the stalls, booths, and/or comfort rooms so awarded nor shall any privilege acquired be sold or transferred. If any person other than the stallholder is found selling in the latter's stall, this shall be considered *prima facie* evidence of subleasing and the stallholder shall be subjected to outright revocation of his lease award.

Section 48. Limit on Number of Stalls Awarded. – No person shall be allowed to lease more than two stalls, booths, and/or comfort rooms: 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 daughters to hold stalls in the public market unless these sons and daughters are already living by themselves and independently of their parents.

Section 49. Duration of Lease. – The duration of lease of a market stalls, booths, and/or-comfort rooms in the public market shall not exceed three (3) years, renewable upon expiration by mutual agreement of the parties.

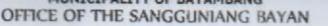
Section 50. Adjudication of Vacant Stalls, Booths and/or Comfort Rooms to Applicants. – Vacant stalls, booths, and/or comfort rooms shall be leased to applicants in the following manner:

50.1. A notice of vacancy of the stalls, booths, and/or comfort rooms 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, booths, and/or comfort rooms are vacant and available for lease. Such notice shall be posted in the bulletin board of the public market. This notice of vacancy shall be in the following form:

NOTICE

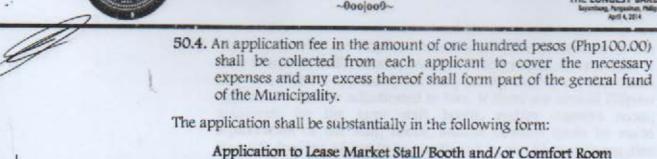
Notice is hereby given that Stall/Kiosk, and/or comfort rooms No. ______; Building or Block No. _______ of the public market is vacant (or will be vacated on ______, 20___). Any person, 21 years of age or more and is not legally incapacitated, desiring to lease this stall/kiosk, and/or comfort room shall file an application therefor on the prescribed form (copies may be obtained from the office of the Municipal Treasurer during office hours and before 12 o'ciock noon of _______, 20___). In case there are more than one applicant, the award of the lease of the vacant stall/kiosk, and/or comfort room shall be determined thru drawing of lots to be conducted on ______, 20___, at 12 o'clock noon at the office of the Municipal Treasurer by the Market Committee.

- 50.2. The application shall be under oath. It shall be submitted to the Office of the Municipal Treasurer by the applicant either in person or through his or her authorized representative.
- 50.3. It shall be the duty of the Municipal Treasurer to keep a registry book showing the names and addresses of all applicants for vacant stalls /kiosks, and/or comfort rooms the number and description of the stall/kiosk, and/or comfort room applied for by them, and the date and hour of receipt of each application. It shall be the duty of the Municipal Treasurer to acknowledge receipt of the application setting forth therein the time and date of receipt thereof.



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nddress Date The Municipal Treasure Municipality of _ Province of I hereby apply under the following contract for the lease of stall No. _ of the Market, I am years of age, a citizen of Should the above-mentioned stall, booth, and/or comfort room be leased to me in accordance with the market rules and regulations, I promise to hold the same under the following conditions: That while I am occupying or leasing this stall, booth, and/or comfort room, I shall at all times have my picture and that of my helper (or those of my helpers) conveniently framed and hung up conspicuously in (2)I shall keep the stall, booth, and/or comfort room 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. (3) I shall pay the corresponding rents for the stall, booth, and/or comfort room or the fee for the stall, booth, and/or comfort room in the manner prescribed by existing ordinances. The business to be conducted in the stall, booth, and/or comfort room shall belong exclusively to me. In case I engage helpers, I shall nevertheless personally conduct my business and be present at the stall, booth, and/or comfort room. I shall promptly notify the market authorities of my absence giving my reason or reasons therefor. I shall not sell or transfer my privilege to the stall, booth, and/or comfort room or otherwise permit another person to conduct business therein. Any violation on my part or on the part of the helpers of the foregoing conditions shall be sufficient cause for the market authorities to cancel this contract of lease. Very respectfully, Applicant , do hereby state that I am the person who signed the foregoing application and that the contents thereof are true to the best of my knowledge. Applicant

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Certificate No. A-_

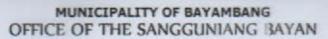
SUBSCRIBED AND SWORN to before me in the municipality

. Applicant-affiant exhibiting to me his/her Community Tax

day of

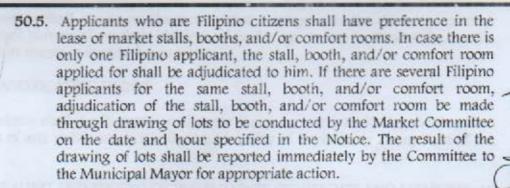
Philippines.





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If on the last day set for filing applicants, 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, booth, and/or comfort room may be leased to any alien applicant who filed his application first. If there are several alien applicants, the adjudication of the stall, booth, and/or comfort room shall be made through drawing of lots to be conducted by the Market Committee.

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

CHAPTER VI

GENERAL ADMINISTRATIVE PROVISIONS

Section 51. ABANDONED STALLS OR ARTICLES

Any stall/booth in the Public Market which have been closed for thirty (30) consecutive days shall be automatically revoked.

All articles abandoned in any Public Market in violation of any provision of this code or regulation or rule relating to the management of Public Markets, shall be deemed nuisance, and it shall be the duty of the Market Supervisor V and his subordinates to take custody thereof. In case, the articles are claimed within twenty-four (24) hours, they shall be returned to their owners upon payment of actual expenses incurred for their safekeeping, unless they constitute a menace to public health or endanger public safety. In which case, the articles shall be disposed of in the manner directed by the Municipal Mayor, and who may also, in his discretion, cause the criminal prosecution of the party or merely warn the said party against future violation. It the articles have not deteriorated and are not claimed within the time herein fixed, said articles shall be sold at the public auction, and the proceeds thereof, disposed of in accordance with law.

Section 52. PEDDLING AND HAWKING.

No person shall peddle, hawk, sell, offer for sale or expose for sale any article on the road alley, bridge, park, plaza, square, sidewalk, roadside or other places unless authorized by the Sangguniang Bayan.

To avoid unjust competition, peddlers shall not be permitted to sell in the Public Market and their surroundings within a radius of Fifty (50) meters from the stall, booth, and/or comfort room of said markets. Neither shall they be permitted to expose or sell merchandise on sidewalks, courts nor places designated and/or intended for the passage of the Public Markets. The Market Supervisor V shall see to it that this provision shall be strictly implemented.

Section 53. LOAFING, LOTTERING, BEGGING, ETC. No person not having lawful business in the Public Market shall idly sit, lounge, walk or lie in its premises, nor shall any person be allowed to beg or solicit alms or contribution of any kind in any Public Markets.

No person shall annoy or obstruct market employees in the discharge of their duties nor shall parents allow their children of tender age to stay in their stalls, booths, and/or comfort rooms in the Marker premises.

Section 54. INTOXICATING DRINKS

No person shall drink, serve or dispense liquor or any intoxicating drink within the premises of any public market in the Municipality of Bayambang at any time of the day.

Section 55. SEALING AND TESTING OF INSTRUMENTS OF WEIGHTS AND MEASURES. All instruments for determining weights and measures in all consumer related transactions shall be tested, calibrated and sealed every six (6) months by the official sealer who shall be Municipal Treasurer or his duly authorized representative upon payment of fees required under this Article: Provided, That all instruments of weights and measures shall continuously be inspected for compliance with the provisions of this Article.

Section 56. IMPOSITION OF FEES. Every person before using instruments of weights and measures within this Municipality shall first have them sealed and licensed annually and pay therefor to the Municipal Treasurer the following fees:

AND Million Committee of the ball of the last th	Amount of Fee
a) For sealing linear metric measures:	ALC: NO.
Not over one (1) meter	₱30.00
Measure over one (1) meter	P50.00
b) For sealing metric measures of capacity:	
Not over ten (10) liters	P50.00
Over ten (10) liters	P60.00
the free in comment we also and necessarily bound to be a Com-	
c) For sealing metric instruments of weights:	
With capacity of not more than 30 kgs.	₱85.00
With capacity of more than 30 kgs. but not more than 300 kgs.	P170.00
With capacity of more than 300 kgs. but not more than 3,000 kgs.	P250.00
With capacity of more than 3,000 kgs.	P350.00
d) For sealing apothecary balances of precision	P170.00
e) For scaling scale or balance with complete set of weights:	
For each scale or balances or other balances with complete set of weights for use therewith	₱2.00
For each extra weight	P1.00
f) For each and every re-testing and re-sealing of weights and measures instruments including gasoline pumps outside the office upon request of the owner or operator, an additional service charge for each instrument shall be collected	₱850.00

Section 57. PAYMENT OF FEES AND SURCHARGE. The fees herein imposed shall be paid and collected by the Municipal Treasurer when the weights and measures instruments are sealed, before their use and thereafter, on or before the anniversary date thereof.

The official receipt serving as license to use the instrument is valid for one (1) year from the date of sealing unless such instrument becomes defective before the expiration period. Failure to have the instrument re-tested and the corresponding fees therefor paid within the prescribed period shall subject the owner or user to a surcharge not exceeding twenty-five (25%) of the amount of taxes, fees or charges not paid on time and an interest at the rate not exceeding two percent(2%) per month of the unpaid taxes, or charges including surcharges, until such amount is fully paid but in no case shall the total interest on the unpaid amount or portion thereof exceed thirty-six (36) months.

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OFFICE OF THE SANGGUNIANG BATAN

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Section 58. PLACE OF PAYMENT. The fees herein levied shall be paid in the Municipality where the business is conducted by perso is conducting their business therein. A peddler or itinerant vendor using only one (1) instrument or weight and measure shall pay the fee in the Municipality where he maintains his residence.

Section 59. EXEMPTIONS. (a) All instruments for weights and measures used in government work of or maintained for public use by any instrumentality of the government shall be tested and sealed free.

(b) Dealers of weights and measures instruments intended for sale.

Section 60. ADMINISTRATIVE PROVISIONS.

- (a) The official receipt for the fee issued for the sealing of a weight or measure shall serves as a license to use such instrument for one year from the date of sealing, unless deterioration or damage renders the weight or measure inaccurate within that period. The license shall expire on the day and the month of the year following its original issuance. Such license shall be preserved by the owner and together with the weight or measure covered by the license, shall be exhibited or demand by the Municipal Treasurer or his deputies.
- (b) Municipal Treasurer is hereby required to keep full sets of secondary standards, which shall be compared with the fundamental standards in the Department of Science and Technology annually. When found to be sufficiently accurate, the secondary standards shall be distinguished by label, tag or seal and shall be accompanied by a certificate showing the amount of its variation from the fundamental standards. If the variation is of sufficient magnitude to impair the utility of instrument, it shall be destroyed at the Department of Science and Technology.
- (c) The Municipal Treasurer or his deputies shall conduct periodic physical inspection and test weights and measures instruments within the locality.
- (d) Instruments of weights and measures found to be defective and such defect is beyond repair shall be confiscated in favor of the government and shall be destroyed by the Municipal Treasurer in the presence of the Provincial Auditor or his representative.
- (e) The Municipal Treasurer shall strictly enforce the provisions of the Regulation of Practices Relative to Weights and Measures, as provided in Chapter II of the Consumer Act, Republic Act No. 7394

Section 61. FRAUDULENT PRACTICES RELATIVE TO WEIGHTS AND MEASURES

The following acts related to weights and measures are prohibited:

- a) 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;
- 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;
- c) 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 tested, calibrated, sealed or inspected;
- d) 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 characteristics sign used to indicate that such instrument of weight or measure has been officially tested, calibrated, sealed or inspected;



- e) 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 or issued;
- f) 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;
- g) 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;
- For any person to fraudulently alter any scale, balance, weight or measure after it is officially sealed;
- For any person to knowingly us any false scale, balance, weight or measure, whether sealed or not;
- j) For any person to fraudulently give short weight or measure in the making of a scale;
- 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
- For any person to procure the commission of any such offense abovementioned by another.

Instruments officially sealed at some previous time which have remained unaltered an 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 25% of the regular fee fixed by law for the sealing of an instrument of its class, this surcharge to be collected and accounted for the Municipal Treasurer in the same manner as the regular fees for sealing such instrument.

Section 62, LOOSE ANIMAL

No animals shall be left astray in the Public Market of the Municipality of Bayambang. The Market Supervisor V is hereby empowered to catch stray animals and impound them for disposition.

Section 63. PEACE AND ORDER IN ANY PUBLIC MARKET

No person within the Public Market premises shall commit any nuisance, or shall be found to have committed a disorderly behavior or do any act that is calculated to lead to a breach of peace and disturb the good order and decorum therein.

Section 64. MAINTENANCE OF PUBLIC MARKET

The Market Supervisor V shall see to it that the market is always kept clean and in a perfect sanitary condition, including the aisle, division, stall floors walls, and equipment as well as the whole tract of land belonging to the Market. The Market building and the grounds should at all times be kept free from garbage and rubbish.

Section 65, PUBLIC COMFORT ROOMS IN THE PUBLIC MARKET

Every Public Market shall provide with public comfort rooms, one for men and another for women which shall be at all times cleaned and sanitized.

Section 66. LIGHT, VENTILATION, DRAINAGE, FAVING, ETC.

Every Public Market shall be adequately lightened and ventilated, the grounds surfaces shall be properly drained and paved. All table-stands, stalls and market fixtures shall be constructed in such a manner as the Municipal Mayor may approve.





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Each stall, booth, and/or comfort room may install his/her individual electric or water meter in the stall under lease for personal use thereto, and the stallholder shall be responsible for the payment of his/her individual electric and/or water consumption.

Section 68. GARBAGE RECEPTACLE IN THE PUBLIC MARKETS

All Public Markets shall be provided with garbage receptacles, for the collection and disposal of garbage and rubbish, situated in conspicuous places. No stallholders or other persons shall place refuse on the floor, stalls, booths, and/or comfort rooms other than a garbage receptacle.

Section 69. SALE OF COOKED FOOD IN THE PUBLIC MARKETS

No cooked food shall be served in the Public Markets unless otherwise inspected by the Municipal Health Office. The Market Supervisor shall cause the inspection of all entries in the Public Markets with the assistance of the Sanitary Inspectors of the Municipal Health Office in the Municipality. Eateries and Carenderias shall secure a Certificate of Health from the Municipal Health Officer, and a regular inspection shall be conducted at all times.

Section 70. LEAVING PERISHABLE UNSOLD AND DISCARDED LEFTOVER

Leaving discarded leftover or unsold perishable goods such as meat, fish and other seafcods in the stalls, booths, and/or comfort rooms or in any place within the Market Premises shall be unlawful. Any person found to have abandoned such foods in said areas shall be liable under the penal provision of this Code, without prejudice to the revocation of the lease award to the stallholders.

Section 71. REMOVAL, ALTERATION AND DISFIGURATION OF THE ORIGINAL STRUCTURE OF THE PUBLIC MARKETS

No lessee shall remove, alter, disfigure, add to the original structure of any stall, booth, and/or comfort room or tamper electrical wiring or water connection without prior approval of the Municipal Mayor.

Section 72.PUBLIC MARKET NOT A DWELLING PLACE.

Dwelling in a stall, booth, and/or comfort room or any place within the market premises is strictly prohibited. No shanty structure in the future of an independent room shall be constructed in the public market.

Section 73. DEATH OF LESSEE: SUCCESSION

The stall, booth, and/or comfort room may be declared ipso facto vacant upon the death of the lessee. However, if the deceased leaves a surviving spouse or legal heir who is not qualified under this Code, and who desires to continue the business of the deceased, the legal heir is qualified to lease the stall, booth, and/or comfort room, upon application and upon payment of all necessary rents or fees due at the time of death of his predecessor, on the stall prescribed by the Code. Provided, the Market Supervisor V shall have been notified within the reasonable time relative to the desire of the heirs to take over the subject stall.

Section 74. SURCHARGES AND INTEREST ON UNPAID RENTAL CHARGES. – There is hereby imposed a surcharge of twenty-five percent (25%) of rentals for market stalls, booths, and/or comfort rooms in the market premises not paid on time and an interest of two percent (2%) per month on unpaid rentals until such amount is fully paid, but in no case shall the total interest on the unpaid amount or portion thereof exceed thirty-six (36) months.





Republic of the Philippines PROVINCE OF PANGASINAN MUNICIPALITY OF BAYAMBANG OFFICE OF THE SANGGUNIANG BAYAN

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April 4, 2014

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Failure to pay the rental charges for three (3) consecutive months shall be a ground for the revocation of the lease contract and the stall, booth, and/or comfort room shall be declared vacant and advertised for lease in the manner provided in this Code.

Any person occupying space in the market premises without first paying the fee imposed in Section 13 shall pay three (3) times as much as the regular rate for the space occupied.

CHAPTER VII. PENAL PROVISIONS

Section 75. PENALTY FOR VIOLATION OF THE ORDINANCE: GENERAL. Any person who violates any provision of this Ordinance shall, upon conviction be punished by a fine of not less than Five Hundred Pesos (P500.00) but not more than Two Thousand Five Hundred Pesos (P2,500.00), or imprisonment of not more than six (6) months, or both at the discretion of the court.

If the violation is committed by any juridical entity, the President, General Manager, or any individual entrusted with the administration thereof at the time of the commission of the violation shall be held responsible or liable therefor.

Punishment by a fine or imprisonment as herein provided for, shall not relieve the offender from the payment of the tax, fee or charge imposed under this Ordinance.

Section 76. CANCELLATION OF LEASE RIGHT AND EJECTMENT. Any lessee, his helper, or his duly designated representative, that habitually fail to pay the monthly or daily rentals herein prescribed, or such other regulatory fees mandated by other laws or ordinances, or violates any provision of this Code, shall be sufficient ground for the revocation of the lease privilege and ejectment from the stall or both occupied. The revocation and cancellation thereto, shall be upon the ORDER of the Municipal Mayor with the proper recommendation of the Market Supervisor after observance of due process.

Section 77. PROVISIONS OF THIS CODE WHICH ARE NOT COVERED BY THE ABOVEMENTIONED PENALTY

- a) Any person who shall violate the provisions of paragraph (a) to (f) and paragraph (i) of Section 61, Chapter VI shall, upon conviction, be subject to a minimum fine of not less than Two Hundred Pesos (P200.00) but not more than One Thousand Pesos (P1, 000.00) or by imprisonment of not more than six (6) months, or both, upon the discretion of the court.
- b) Any person who shall violate the provisions of paragraph of (g) of Section 61, Chapter VI shall, upon conviction, be subject to a minimum fine of not less than Two Hundred Pesos (P200.00) but not more than one thousand five hundred (P1,500.00) pesos or an imprisonment for a period not exceeding six (6) months, or both in the discretion of the cour'.
- c) Any owner-possessor or user of in trument of weights and measure enumerated in paragraph (h) to (k) of Section 61, Chapter VI shall, upon conviction, be subject to a minimum fine of Three Hundred (P300.00) pesos but not more than one thousand (P1,000.00) pesos or imprisonment not exceeding six (6) months or both, upon the discretion of the court.

The provisions of the Consumer Act of 1992, Republic Act No. 7394 are herein adopted as an integral part of this code.

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d) For violations of Sections 70 and 73 of Chapter VI of his code the penalty shall be as follows:

i. First Offence Administrative Fine of Five Hundred Pesos (P500.00)

Second Offence Suspension of Business License

For two (2) months

Third Offence Cancellation of Permits and Closure of the establishment

e) For violations of Sections 53 and 71 of Chapter VI of his code the penalty shall be as follows:

i. First Offence Administrative Fine of

Two Hundred Pesos (P200.00)

ii. Second Offence Administrative Fine of Five Hundred Pesos (P 500.00)

iii. Third Offence Administrative Fine of P1,000.00

The Market Supervisor V shall at all times implement the provisions provided for under the preceding sections and must maintain that the Market Operations in Bayambang are appropriately performed

CHAPTER VIII. FINAL PROVISIONS

Section 78. Separability Clause. - If for any reason, any section or provision of this Code shall be held to be unconstitutional or invalid by competent authority, such judgment or action shall not affect or impair the other sections or provisions thereof.

Section 79. Applicability Clause. - All other matters relating to the impositions in this Code shall be governed by pertinent provisions of existing laws and other ordinances.

Section 80. Repealing Clause. - All ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

Section 81. Effectivity. - This Ordinance shall take effect upon the approval of the Sangguniang Panlalawigan and compliance with the publication requirements.

ENACTED this 24th day of July 2017.

Certified to be duly adopted and approved:

JOHL V, CAMACHO Secretary to the Sanggunian

ATTESTED:

HON. MYLVIN T. JUNIO Acting Presiding Officer



Republic of the Philippines PROVINCE OF PANGASINAN MUNICIPALITY OF BAYAMBANG OFFICE OF THE SANGGUNIANG BAYAN



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AN ORDINANCE ENACTING THE MARKET CODE OF THE MUNICIPALITY OF BAYAMBANG.

> WE CONCUR: SANGGUNIANG BAYAN MEMBERS

HON. JOSEPH VINCENT E. RAMOS

HON. PHILIP R. DUMALANTA

HON. BENJAMIN PRANCISCO S. DE VERA

HON. JUNIEJ. ANGELES

HON. MARTIN E. TERRADO H

HON. MA. CATALINA E. DE VERA

HON. AMORY M. JUNIO

HON. ROGELIO P. DUMALANTA Pangulo, Liga ng mga Barangay (absent)

APPROVED:

HON. CEPAR T. QUIAMBAC