



Republic of the Philippines  
Province of Aurora  
MUNICIPALITY OF BALER

*Office of the Sangguniang Bayan*

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**MUNICIPAL ORDINANCE No. 04-2008**

**AN ORDINANCE ENACTING THE REVISED MARKET CODE OF BALER, AURORA**

Be it enacted by the Sangguniang Bayan in session, that:

**TITLE I – PRELIMINARY PROVISIONS**

Section 1. **Name of Code** – This ordinance shall be known and referred to as the Revised Market Code of the Municipality of Baler.

Section 2. **Declaration of Policy and Objectives**

2.1 It is hereby declared the policy of the Municipality of Baler that it shall provide within its territorial jurisdiction varied business opportunities to all kinds and classes of legitimate businessmen spur the economy of the Municipality and promote or enhance the economic well-being of its constituents.

2.2 One of the ways or means by which this policy may be implemented is for the Municipality to construct or provide market buildings, spaces and its attendant facilities within its territorial jurisdiction wherein merchants of any and all kinds or classes may bring in their goods and services for sale to customers. This will include special attention to special markets, such as but not limited to livestock market, auction markets, among others.

2.3 The creation, operation, maintenance and expansion of reliable and economically viable markets as a service and economic enterprise are hereby declared as objectives of high priority.

2.4 The strategy of adopting vendors' plazas in the central business district and encouraged to decongest busy streets and sidewalk crowded by ambulant vendors.

Section 3. **Scope of Application** – This Code shall apply to and govern the administration and operation of government owned and or operated markets of any kind and classification of market rentals and other fees for the occupancy of any part thereof.

Section 4. **Definition of Terms** – The following definition of terms shall be applicable in the interpretation of the provisions of this Code.

4.1 Agricultural and/or Marine Product – yield of the soil and/or water, such as corn, rice, wheat, coconuts, sugarcane, tobacco, root crops, vegetables, fruits, flowers, etc. and their by-products; ordinary salt all kind of fish, poultry, livestock and animal products, whether in their original form or when preserved in a more convenient and marketable form through the simple process of freezing, drying, salting, smoking and stripping.

4.2 Ambulant/Transient or Itinerant Vendors – are those vendors who are not renting or occupying a definite or permanent stall or place in the public market and who sell their merchandise by staying in any place or by moving from one place to place within the market premises.

4.3 Break-even Point – it is a condition in a market operation wherein all receipts derived from market revenues will be equal to the total overhead expenses required and necessary in the conduct of the business operations wherein such profits are realized.

4.4 Carenderia – refers to any public eating place where pre-cooked foods are served.

4.5 Charge – refers to pecuniary liability, such as rent or fees against property, persons or organizations.

4.6 Carrier (cargador) – any person who carries goods and merchandise from one place to another for a fee.

4.7 Dealer – means one whose business is to buy and sell merchandise, goods, and chattel as a merchant. He acts as a middleman between the producer or manufacturer and the customer.

4.8 Government Owned/or Operated Markets – are those markets established out of public funds or those leased or acquired by the government from private persons, through its instrumentality, branch or political subdivision.

4.9 Gross Receipt – includes all monies and properties received in consideration for services rendered or article sold, exchanged or leased without any deduction; the whole amount of the receipts of the business before the cost of production or requisition is deducted there from.

4.10 Lease – A written agreement through which the Municipality conveys possession and occupancy, for a specified period and for a specified rent of any

portions of market buildings or spaces to and its favor by the Municipality of Baler.

4.11 Lessee – is a natural person, having in his/her possession, a duly executed contract of lease for a specified rental, granted in his/her favor by the Municipality of Baler.

4.12 Lessor – the Municipality of Baler or any other authorized juridical or natural person or entity who transfers, conveys and assigns the possessions and occupancy of real property to any person thereof, for a specified rental, by an agreement or contract of lease duly executed in writing.

4.13 License or Permit – is a privilege or permission granted in accordance with law by competent authority to engage in some business or occupation or to engage in some transaction.

4.14 Market Premises – refers to any space in the market compound including the bare ground not covered by market buildings.

4.15 Market Section – refers to classification of stalls or spaces in market according to the kind of merchandise and services sold therein.

4.16 Market Service Area – is any given political and/or geographical area in the Municipality of Baler which may be comprised of different barangays, the residents of which regularly or habitually purchase their household and/or service needs in a specified public market situated within the said area. The marketing frequency must be consistent, cumulative and not occasional.

4.17 Market Stall – refers to any specific and assigned space or booth in the public market where merchandise or services of any kind is sold or offered for sale.

4.18 Occupancy Fee – fee imposed on stall owners or occupant representing his right to lease the market stall at a specified period of time intended for the maintenance and repair, infrastructure development and for the improvement of the public market such as buildings, light and water supply, vehicles and related equipment and other facilities such as cold storage, parking and garbage areas and others for the benefit of the occupants and consumers.

4.19 Public Market – refers to any space, building or structure of any kind, owned and/or operated by the Municipality of Baler, reserved, designated or constructed for the purpose of providing space and/or stalls where goods of any kind and description and services maybe sold or auctioned.

4.20 Regular Stall Lessees – are natural or juridical persons, associations/cooperatives in whose favor a duly executed contract of lease is given by the Municipality of Baler over the stall or stalls situated inside any public market building.

4.21 Retail – means a sale where the purchaser buys the commodity for his own consumption, irrespective of the quantity of the commodity bought.

4.22 Stalls-sales Area Stratification – classification of stalls according to sales potential as determined by their floor level and strategic location in the market.

4.23 Tax – means an assessment or imposition, usually monetary in form, levied by the law making body on persons and property subject to its jurisdiction for the purpose of supporting government expenditures.

4.24 Wholesale – means a sale where the purchaser buys the commodity for resale, regardless of the quantity of the goods bought.

4.25 Auction Market – a local or regional wholesale market which employs open public bidding as the means of trading and/or transaction.

4.26 Auction – means a public sale of commodities through open public bidding which will be undertaken by the auctioneer, who will mediate between the supplier and bidders (potential buyers).

4.27 Compostable or biodegradable waste – shall refer to any material that can be reduced into four particles, degraded or decomposed by microbiological or enzymes.

4.28 Composting – shall refer to the controlled decomposition of organic matters (biodegradable waste) by microorganism, mainly bacteria, fungi and activators under controlled conditions.

4.29 Disposal – shall refer to the discharge, deposit, dumping, spilling, leaking or placing of any solid waste into or in any land.

4.30 Food waste – shall refer to organic wastes generated from restaurants, canteens, eateries and similar establishments.

4.31 Generation – shall refer to the act or process of producing solid waste.

4.32 Generator – shall refer to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling.

4.33 Material Recovery Facility – includes a solid waste transfer station or sorting station, dropped off center, a composting facility and recycling facility.

4.34 Receptacles – shall refer to individual containers used for source separation and the collection of recyclable materials.

4.35 Recyclable materials – shall refer to any material retrieved from the waste stream and free from contamination that can still be converted into suitable beneficial use or for other purposes, including but not limited to newspapers, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum glass, office papers, tin, cans, and other materials.

4.36 Residual wastes – refer to any material which has no more use at all and therefore are disposed off from source.

4.37 Segregation – shall refer to a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.

4.38 Solid waste – shall refer to all discarded household and commercial waste, non-hazardous, institutional and industrial waste, street sweepings, construction debris, agricultural waste and other non-hazardous/non-toxic solid waste.

4.39 Special waste – shall refer to hazardous waste such as paints, thinners, batteries, lead acid, spray canisters, consumer's electronics, white goods, yard waste, batteries oil and tires that are usually handled separately from other residential and commercial wastes.

4.40 Solid Waste Management – shall refer to the discipline with control on generation, segregation, storage, collection, transfer, processing and disposal of solid waste in a manner that is in accord with the best principles of public health, economics, engineering, conservation, and other environmental considerations that is also responsive to public attitudes.

## **TITLE II. SECTIONING AND STRATIFICATION OF PUBLIC MARKET**

### **Section 5. Sectioning in the Municipal Public Market of Baler**

A. The public market of Baler are divided into sections as follows:

5.1 Carinderia/Eatery Section – is the market section which serves all kind of cooked foods, including refreshments, coffee and other non-toxicating drinks;

5.2 Dry Goods Section – is the market section which sells all kind of textiles, readymade dresses and apparels, toiletries, novelties, shoes, laces, kitchen wares, utensils and other household articles, handbags, school and office supplies;

5.3 Fish Section – is the market section which sells fish, clams, oysters, crabs, lobsters, shrimps, seaweeds and other marine products;

5.4 Fruits and Vegetables Section – is the market section which sells all kinds of fruits and native delicacies and all kinds of vegetable, root crops, and all kind of species and for grinding of coconut meat, rice, corn, coffee, cacao and other agricultural products;

5.5 Dressed Poultry Shop Section – is the market section which sells dressed turkeys, chicken, ducks, birds, and other fowls;

5.6 Meat Section – is the market section which sells all kinds of meat including processed meat product and for grinding of meat.

5.7 Service Section – is the market section which renders services such beauty parlor, tailoring, shoe repair and other allied products and services such as microfinance and lending institutions;

5.8 Variety and Rice Section – is the market section which sells canned goods, confectionary products, preserved foods, all kind of grocery items except those sold at the dry goods section and grains such a rice, corn and other cereal products;

5.9 Dried and Salted Fish Section – is the market section which sells any kind of dried and salted fish products;

Bagoong or other salted products shall be kept in receptacles properly maintained in a sanitary condition to avoid contamination with vermin, flies, or other insects.

B. Stallholders shall only sell articles, wares or commodities as specified in the sectioning of the municipal market.

## **Section 6. Stratification of Stalls According to Sales Potentials**

These are:

6.1 Primary Sales Area Stalls – are those which are immediately facing a busy thoroughfare and those that are along the entrance and exit areas of the market where the merchandise sold thereat are immediately exposed to the buying public.

6.2 Secondary Sales Area Stalls – are those which are next in line to the Primary Sales Area Stalls where the merchandise sold thereat are not immediately exposed to the buying public.

6.3 Tertiary Sales Area Stalls – are those which are located in the inner portion of the market where the buying public has to go further inside in order to have a view of the merchandise sold thereat.

6.4 Socialized Sales Area Stalls – are those located in open space outside the market building and are usually intended for temporary ambulant vending and declared as such by the Market Authority.

### **TITLE III – MARKET MANAGEMENT AND REVENUE OPERATION**

#### **Section 7. Market Authority**

7.1 Creation – To attain the objectives enunciated by this Code, there is hereby created a body which shall henceforth be referred to as the “Market Authority”.

7.2 Powers and Function – The Market Authority shall have the following powers and functions:

- a) Prepare and/or approved strategic development and action plans to ensure that market are fully developed and truly serving the general public;
- b) Formulate policies, rules and guidelines for market operations and administration;
- c) Conduct periodic review of market operation;
- d) Coordinate with the Municipal Budget Officer in the preparation of the budget for the market;
- e) Adjudicate market stalls to qualified parties;
- f) Hear and settle grievance arising out of market operations;

- g) Conduct in-depth study, extensive research, and situational analysis before opening any additional market site. Recommend the opening of any additional market sites upgrading, transfer or closure of existing market;
- h) To determine and recommend to the Sangguniang Bayan market rates and fees at levels in order to render market operations economically viable;
- i) Determine the classification of stalls according to sale potentials.

7.3 Composition – The Market Authority shall be composed of the Municipal Treasurer as Chairman, the Municipal Planning and Development Coordinator as Vice-Chairman, with the following members: Municipal Accountant, Municipal Health Officer, Municipal Engineer, Municipal Environment and Natural Resources Officer, SB Chairman on Committee on Market, Philippine National Police Chief, the President or duly authorized representative of Market Vendor’s Association of the public market and the Mayor’s Representative.

7.4 Meeting – The Market Authority shall have its regular meeting on the first Monday of every quarter. However, the Mayor or the Chairman may call a special meeting anytime for the purpose of taking up specific matters that requires immediate attention or resolution upon request of any of its members.

7.5 Administrative Support – The Municipal Mayor upon the majority recommendation of the Market Authority shall have the power to appoint Market Administrator and shall act as the ex-officio Executive Officer and head of the Secretariat of the Market Authority. The Market Administrator shall receive a per diem of P500.00 for every meeting attended. This is subject to limitation of two (2) paid meeting a month. Funds for this purpose shall be charged to the appropriation of maintenance and operation of the Public Market.

## **Section 8. Market Administration**

8.1 Creation – There shall be a Market Administration Office which is a division under the supervision of the Office of the Municipal Mayor, subject to Civil Service Law, rules and regulations.

8.2 Composition – There shall be a Market Administrator, Market Supervisor, Market Inspector, Security Officer, Administrative Aide/Staff, Utility workers and other administrative support and services staff who shall be appointed/designated by the Municipal Mayor, subject to Civil Service Law, rules and regulations.



8.3 Qualification – No persons shall be appointed to the above stated positions unless they are citizens of the Philippines of good moral characters, with educational attainment required for specific positions and as mandated by the Civil Service Law rules and regulations.

#### 8.4 Position Description and Functions

##### a) **Market Administrator**

a.1 Submit plans and programs for better market management operation to the Market Authority;

a.2 Implement such plans and programs approved by the Market Authority;

a.3 Submit to the Market Authority yearly budget proposal;

a.4 Submit monthly reports to the Authority including statistical data on market operation and such other reports as maybe required by the Market Authority;

a.5 Exercise immediate supervision over Market Supervisor and accepts, and takes appropriate action on complaints filed against them in their official capacities;

a.6 Enforce ordinances and resolutions set forth by the Sangguniang Bayan and/or the Market Authority;

a.7 Be primarily responsible for the maintenance and upkeep the public market and their surrounding premises; and

a.8 Perform such other duties and functions as may be assigned by the Authority and/or the Municipal Mayor.

##### b. **Market Supervisor**

b.1 Assist the Market Administrator concerned in the proper administration and implementation of the provision of the Code;

b.2 Supervise and elevate the activities of Market Inspector and investigate complaints affecting their public performance and behavior that are brought to his attention; and

b.3 Perform such other duties and functions that may be assigned to him from time to time by the Market Management.

##### c. **Market Inspector**

- c.1 Re-assess tax due based on volume and kind of commodities;
- c.2 Inspect the official receipts and/or tickets issued to vendors;
- c.3 Investigate violations and appropriate charges imposed/collected;
- c.4 Exercise utmost vigilance and care to prevent any losses in the area where he is assigned;
- c.5 Assist the Market Administrator in enforcing the provision of this Code and other rules and regulations governing the operations of the public market; and
- c.6 Perform such other duties and function that may be assigned from time to time by the management.

**Section 9. Market Revenue Generation**

9.1 The Municipal Treasurer shall exercise direct and immediate supervision, administration and control over the collection of market fees.

9.2 There shall be Local Revenue Collection Officers assigned in the public market.

9.3 The duties and obligations of Local Revenue Officers are as follows:

- a. Recommend/implement measures for effective collection of stall rentals and other fees;
- b. Submit to the Market Authority revenue reports on a monthly, semi-annual and annual basis with comparative statement, e.g. actual collection versus collectibles from rentals and other fees; and
- c. Perform such other functions as may be assigned by the Municipal Treasurer and/or Market Authority.

9.4 The Market Fees, Entrance Fees, and other fees as prescribed in the Revised Revenue Code Tax Ordinance No. 01-2004 and subsequent pertinent tax ordinance shall be the basis of collection and/or charges.

9.5 The rate of Occupancy Fee that shall be paid by the stallholder upon signing of the leasehold contract shall be as follows:

- |                                  |                         |
|----------------------------------|-------------------------|
| a. Carinderia/Eatery Section     | P2,000.00 per sq. meter |
| b. Dry Goods Section             | P3,000.00 per sq. meter |
| c. Fruits and Vegetables Section | P2,000.00 per sq. meter |
| d. Fish/Poultry & Meat Section   | P2,000.00 per sq. meter |

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|-----------------------------|-------------------------|
| e. Service Section          | P2,000.00 per sq. meter |
| f. Variety and Rice Section | P3,000.00 per sq. meter |

9.6 The Municipal Public Market shall generate revenues to be able to sustain its operation.

9.7 The use of Official Receipt (OR) shall be required for payments of revenues and other fees.

9.8 There shall be an individual index card for every stall/space holder to be maintained by the Municipal Treasurer which indicates among others the collectibles from space rentals and the actual payments made by the stall/space holder.

#### **TITLE IV- STALL/SPACE MANAGEMENT**

##### **Section 10. Stalls/Spaces Vacancy, Adjudication, Award and Occupancy**

10.1 Qualifications – Natural persons are qualified to participate in the adjudication of market stalls and spaces, provided that, they meet the following requirements:

- a. Must be a Filipino citizen;
- b. Preferably resident of Baler, Aurora;
- c. Show evidence that they are taxpayers of good standing;
- d. Have no record of violation of market rules and regulations;
- e. Pay the corresponding application fee and occupancy fee.

10.2 Stall/Space Vacancy – A market space/stall is deemed vacant under any of the following circumstances:

- a. When it is newly constructed and not yet leased;
- b. When it is declared vacant by the Market Authority for the reasons/causes:
  - b.1 Abandonment by the lessees;
  - b.2 Violation by the lessee of any of the terms and conditions of the contract of lease, policies, rules and regulations promulgated by the Market Authority.
- c. Death of lessee;
- d. Voluntary surrender by the lessee; and
- e. Physical incapacity of the lessee and members of his nuclear family to personally administer the stall/space.

10.3 Adjudication and Occupancy – Stall/space adjudication and right of occupancy shall be determined by the Market Authority in accordance with the provisions of this Ordinance.

10.4 Manner of Adjudication – A notice of stall/space vacancy shall be posted for ten (10) consecutive days in a conspicuous place in the market premises. The notice shall contain the area of the vacant stall/space, and section. It shall likewise, contain information that will afford the prospective applicant enough knowledge of the adjudication procedure, minimum guiding rate, terms and contracts, date, time and place of the raffle.

10.5 Award – The Market Authority shall award to the winning qualified applicant the contract of lease over the market stall/space subject to the final action on a protest, if any. Any applicant who feels aggrieved by the decision of the Market Authority shall, within five (5) days from the date of publication of the winning qualified applicant, file his/her protest to the Authority. The Authority, in accordance with its procedure, shall decide said protest within fifteen (15) days from actual receipt thereof.

10.6 Only two stalls/spaces shall be awarded to one nuclear family which shall consist of parents and their married children who are below 21 years old. Lessees shall manage stall/space themselves and not allow proxies/dummies to manage the same.

In case the lessees shall hire helpers, it shall be registered with the Market Administrator for proper identification and security reason.

10.7 Special Award and Adjudication - The Market Authority may seek approval of the Sangguniang Bayan as the need arises to grant special awards to people who have assisted the Market Administration in the curtailment of any and all forms of anomalous practices involving market operations and/or violation of this Code.

## Section 11. **Contract**

11.1 The Authority shall recommend to the Municipal Mayor the contents of the contract and any changes thereafter. The terms of contract of lease shall be for a period of three (3) years renewable under such terms and conditions as the Authority may determine.

11.2 Stall and/or space administration – Any persons who has been awarded the right to lease a market stall/space in accordance with the provision hereof, shall actively run or and be present at his/her stall/space, otherwise,

his/her stall/space shall be considered abandoned. Prior written notification to the Market Administrator must be made by the stallholders/space occupants regarding employing helpers. No persons shall be allowed to administer a stall/space unless he shall have undergone the orientation on market rules and regulations.

11.3 Stallholders/space occupants shall not be allowed to display and sell their merchandise beyond limits of their stalls.

11.4 Manner of paying rentals – The stallholders/space occupants shall pay the rent for the lease of the market stall/space on monthly basis.

11.5 A stall/space in a government market must continuously serve the public and generate revenue for the government. Any stall/space that shall be idle for seven (7) consecutive days for whatever reason shall be declared abandoned or vacant, unless otherwise decided by the Market Authority.

11.6 Death of lessee, permanent physical incapacity succession – If a lessee dies, or become physically incapacitated permanently, the surviving and physically able spouse, except when legally separated, may succeed said lessees to the occupancy of the stall space. Provided, however, that if the stallholders/space occupants leaves no spouse or the latter is physically incapacitated, the oldest unmarried child living with the family shall succeed or waives his/her right to succeed, the next oldest unmarried child shall succeed the same. Provided, that if no unmarried children shall qualify in the older succession, the oldest married child exercise such right, and if said child is not qualified or waives his/her right to succeed, the same shall be exercised by the next oldest child and so on and so forth. If the stallholder/space occupant is unmarried succession shall be determined in accordance with the pertinent provision of the Civil Code.

## Section 12. **Security**

12.1 Losses of Stallholders – The Municipality of Baler shall not be responsible for any loss or damage which stallholders may incur in the Public Market, by the reasons of fire, theft or robbery, “force majeure”, or any other cause. Any merchandise, goods, wares of commodities left in the public market during closure time shall be at the risk of the stallholders. It shall, however the duty of the Market Supervisor and his/her subordinate that have the authority to apprehend and turn over to the police any person caught stealing or committing any offense in the Public Market.

12.2 Market Hours – Unless a different time is fixed by the Sangguniang Bayan, the public market shall be opened for sale of articles permitted for sale therein from 4:00 o'clock in the morning until 8:00 o'clock in the evening everyday.

However, on the 24<sup>th</sup> day and 31<sup>st</sup> day of December of every year, the public market may be open for 24 hours. Any request for the extension of time shall be subject to the approval of the Market Authority.

12.3 The use of any stall or place in the market as living quarter rooms and/or sleeping quarter is strictly prohibited and no vendor or stallholder shall remain inside the market building after the same has been closed.

12.4 Security Arrangement – The security guard and or watchman assigned to the Public Market shall at all time wear a proper uniform and identification card during his duty and must always be on his specific designated area.

12.5 In addition to the security guard/watchman, the Philippine National Police (PNP) officer on duty shall provide inspection and routinary patrolling within the premises of the Public Market especially during night time.

12.6 Drinking of liquor and other intoxicating beverages of the security guard/watchman during his duty are strictly prohibited.

### **Section 13. Solid Waste Management in the Public Market**

13.1 All stallholders/space occupants shall be responsible for the cleanliness and orderliness of the immediate surroundings and including one-half of the passageways and aisles of their stall/space at all times. Likewise, orderly and proper arrangement of stall/space is the principal responsibility of the stallholders/space occupant.

13.2 Mandatory segregation of solid waste – the segregation of solid waste shall be mandatory in the Baler Public Market. Segregation shall primarily be conducted by the concerned stallholders/space occupants.

13.3 Categories of solid waste – solid waste shall be segregated into the following categories:

- a) Compostable or biodegradable
- b) Recyclable
- c) Residual waste
- d) Special waste

13.4 Requirements for segregation and storage of solid waste – the sources of solid waste as listed above shall have separate receptacles or containers (i.e. sacks, bins, boxes, cans, bags, etc.) for each type of solid waste. Solid waste shall be properly marked or identified for on-site collection as compostable, recyclable, residual or special waste and properly sealed or tied for easy handling and collection. The receptacles shall be properly covered, secured or protected to prevent spillage or scattering of the waste and to ensure its containment.

13.5 Non-collection of unsegregated waste – only segregated waste and only the type of waste that are scheduled for collection on a particular day and time shall be collected.

13.6 The stallholders shall provide a designated area and containers in which to accumulate source separated recyclable materials for collection. In addition, the stallholder shall notify his/her workers, working in the premises of the requirements of segregation. No scavenging or unauthorized collection in designated segregation containers or areas shall be allowed.

13.7 Organization/strengthening of Solid Waste Management Committee – the stallholders/space occupants thru the Market Vendor's Association shall spearhead to organize Solid Waste Management Committee within the Public Market. The Committee shall be responsible for the implementation of the proper solid waste management within the premises of the public market and will help the Municipality of Baler in promoting the implementation of programs and activities in compliance with the provisions of RA 9003.

13.8 A Material Recovery Facility (MRF) with a minimum size of 1m x 3m shall be established within the premises of public market. The MRF will house the recyclables that will be collected from the market before being transferred to the central MRF. The MRF will also be the composting site for the biodegradable collected from the public market. An area within the MRF will also be utilized as the collection point for residual and special waste from the public market.

#### Section 14. **Orderliness within the Public Market**

14.1 Upon recommendation of the Market Administrator, the Authority shall designate a permanent landing area for goods to be brought into the market premises. Wholesale and auction activities shall be conducted in the area so designated by the Market Authority to maintain orderliness, systems and procedures.

14.2 Upon recommendation of the Market Administrator and the PNP Department, the Market Authority may designate the proper/appropriate use of perimeter streets of the public market including traffic management within the premises of the Public Market.

## **TITLE V – MARKET MAINTENANCE AND PROHIBITION**

### **Section 15. Prohibition**

15.1 To loiter, loaf, beg, gamble, etc., are strictly prohibited within the market premises. Any offender shall be dealt with accordingly.

15.2 To peddle, hawk and/or sell at the passage ways and/or aisles within the market building are strictly prohibited. Any such person violating this provision shall be apprehended and charged accordingly. Likewise, the articles or wares sold by the offenders shall be confiscated and be declared property of the Municipality of Baler.

15.3 Drinking alcohol or intoxicating beverages along the aisles and sidewalks in the public market are strictly prohibited. Drunkenness within the public market is likewise prohibited. Any violation hereof, shall subject the offender to the penal provision of this Code.

15.4 Weights and Measures – Violation by any vendor of the provision of the National Revenue Code and the Revised Revenue Code of 2004 of Municipality of Baler regarding weight and measures shall automatically caused the termination of his privilege to engage in business in the public market in addition to penalties imposed in this Code.

15.5 Loose Animals – No dogs or other animals shall be left astray in the public market. The Market Supervisor or his authorized representative is hereby empowered to catch such astray animals and impound them.

15.6 The use of any portion of the public market as habitation and/or sleeping quarters is prohibited. Any offender shall be subjected to the penal provision of this Code.

15.7 The keeping of live animals inside the public market is prohibited. Food animals can be allowed in a place so designated or assigned by the Market Supervisor.

15.8 The sale of any article in alleys, sidewalks or in any space other than the designated for such article shall be prohibited. The placing of unnecessary



boxes, crates or containers or any other articles which will obstruct the free passage of customers or buyers shall be strictly prohibited. Items found in the said areas shall be confiscated while the violators shall be apprehended and charged accordingly.

15.9 There shall be no extension of stalls by the stallholders/space occupants and/or his/her authorized helpers other than those already covered by plans previously approved by the Market Authority. Putting of chopping blocks along the aisles or passageways is strictly prohibited.

15.10 Stallholders/space occupants shall be advised to remove such extension within three (3) days from receipt of notice or order. Failure to comply with such notice/order, the Market Authority shall remove or cause the removal of said extension and recommend for the revocation of the business permits and cancellation of the contract of lease. Any expenses incurred in the removal of said extension shall be charged to the stallholders/space occupants concerned.

#### **Section 16. Market Fund:**

16.1 A separate account for the public market as provided in the DILG Memorandum Circular No. 93-81, dated July 5, 1993 shall be created and shall be used for the purpose as provided under said circular and other related laws, rules and regulations.

### **TITLE VI – VENDORS AND CARRIERS IN BALER PUBLIC MARKET**

#### **Section 17. Vendors Association and Cooperatives**

17.1 The Municipality of Baler recognizes the need of the vendors to form their own association/cooperatives which will enable them to rationalize and integrate their diverse interests and serve as a forum for the market management to relate to in resolving operational problem and to foster a more functional relationship in the administration of the public market.

17.2 For a vendors association to be recognized by the market management, such association shall comply with the following requirements:

- a) There shall be only one (1) association or cooperative in each market unit in Baler;

- b) The association/cooperative shall secure a certificate of recognition from the Market Authority.
- c) The association/cooperative pledges to abide with the rules and regulations prescribed by the Municipal Market Code and with other supplementing instructions of the market management approved by the Municipal Mayor.

17.3 To enable the vendors association/cooperative to exercise and demonstrate their sense of social responsibility and to provide them with the opportunity to participate to a certain extent in the management of the facilities of the public market in which they are situated, the Municipality of Baler may define the areas of management participation and enter into a memorandum of agreement with the vendors association/cooperative concerned. Any violation of the terms and conditions of the agreement by the vendors' association/cooperative shall mean the automatic cancellation of the memorandum of agreement.

17.4 The vendors' association/cooperative shall not allow its officers and members to use the association for any purpose or activity other than those specified in their by-laws, otherwise, the Municipality of Baler will withdraw its certificate of recognition.

#### **Section 18. Carriers (Cargadores)**

18.1 A carrier in municipal public market must be a Filipino citizen, of good moral character, and registered as such at the Office of the Market Administrator. Each carrier shall be provided with a registration certificate and identification card which shall wear conspicuously while working within the premises of the public market. The vendors and cargadores association shall have the power to fix the number of carriers in each public market upon the recommendation of the Market Supervisor who shall certify as to the actual number of carriers needed in the public market.

### **TITLE VII – SANITARY RULES AND REGULATION**

#### **Section 19. General Provisions**

19.1 All persons engaged in the sale and handling of articles of food in the public market shall be provided with health certification valid for six (6) months from the date of issue by the Municipal Health Officer or his/her duly authorized representative.

19.2 All persons engaged in the handling of foods for sale in public market shall be neat in appearance. They shall provide themselves with the necessary towel for hands and cleaning rags for wiping of stalls, tables, shelves, etc.

19.3 All kinds of cooked, prepared or processed food shall not be handled with bare hands by sellers or buyers and shall be served by means of forks, spoons, dippers or similar utensils.

19.4 The use of printed papers like newspaper and the like or paper already used as well as banana leaves or leaves of other trees for wrapping or covering any kind of foodstuff, bakery or confectionery products or other articles similar in kind is strictly prohibited, except however, food that are by nature of their cooking, needs banana leaves, e.g. suman or puto.

19.5 The sale of damaged or any spilled or stale food or foods in bad state or preservation shall not be allowed in the public market. Spoiled, state or damaged food or foods shall be condemned and destroyed by the health authorities who shall issue to the owner a receipt stating the quantity of the confiscated food.

19.6 The placing of articles of food on the ground floor shall be prohibited. Under no circumstances shall articles of food be displayed on the floor, but the same shall be placed on a “tarima” or platform at least one half meter from the ground.

19.7 The stalls/spaces shall be well lighted and ventilated.

19.8 Specific provisions in the Sanitary Code of Baler when applicable shall be part and parcel of this title.

## Section 20. **Specific Regulations**

### 20.1 Carinderia Section

- a) Cooked food being sold shall be kept free from any flies or other insects, vermin as well as dirt. It shall be covered with a wide screen receptacle or displayed inside a showcase.
- b) The kitchen or cooking place of the carinderia should be adequately provided with tap running water and sanitary drainage and disposal system and fire extinguisher.
- c) Any restaurant or public eating place operated in the municipal public market shall be provided with hot water facilities and/or any sanitizing solution recommended by the Municipal Health Officer or his duly authorized representative for washing plates, glasses, cups, dishes, forks, spoons and other similar equipment,

and water or sanitizing solution once used should not be used again.

## 20.2 Variety Section

- a) Bread, cakes and other unwrapped food shall not be handled by hands. Tongs, forks, spoons forceps shall be provided by every sari-sari store for the handling of this articles.
- b) All vendors of muscovado or refined sugar must provide themselves with screened fly-proof showcase which shall be maintained in a clean and sanitary manner. Sugar offered for sale in the market shall be placed inside fly-proof containers.
- c) All measuring receptacles used for this purpose of selling sugar shall at all times be kept clean. The handling of sugar should not be by bare hands, but by ladles or spoons or any device than bare hands.

## 20.3 Meat Section

- a) All tables shall be kept clean all the times.
- b) All chopping blocks shall be kept clean and sealed with boiling water after use everyday.
- c) The meat grinders shall be kept clean free from dust, rust and other contamination. Meat grinders must be heated or sealed with boiling water daily or an often as possible.
- d) Only meat which has been duly inspected and certified as fit for human consumption shall be allowed to enter the Meat Section of Baler Public Market. Meat inspection certificate duly issued by the Municipal Meat Inspector shall be prepared prior to entry of meat into the meat section in public market. All meat deemed unfit for human consumption or not bearing the certification of the meat inspector office shall be confiscated and disposed as per existing disposal regulations.
- e) Each meat section in Baler Public Market must have during operations a Market Inspector to check and monitor the entry of meat products, as well as, to prevent the entry of uninspected meat.

## 20.4 Fish Section

- a) The floor areas surrounding and under those tables or stalls shall have no structures, permanent or temporary, to facilitate cleaning and the drying floor space. The stallholders must have proper water container and paraphernalia used in drying the said areas.
- b) Smoked fish sold or offered for sale in public markets shall displayed in screened fly-proof containers provided by the vendors.
- c) No raw fish shall be displayed in baskets or any container other than the stall provided for the purpose. Raw fish shall be laid on

the stalls only and no other container shall be made as a substitute of the stalls provided for the purpose.

#### 20.5 Vegetables and Fruit Sections

- a) All tables or stalls used in this section shall be maintained and kept clean in sanitary condition at all time;
- b) The stallholder or vendor authorized to sell in this section, is only allowed to stockpile or keep in the stall a quantity just enough for the capacity of the space of the stall. Any amount in excess of the capacity and the placing of unnecessary sacks, containers and other obstructions are strictly prohibited.

#### 20.6 Rice and Corn Section

- a) The tables or stalls used in this section shall be maintained and kept in clean and sanitary condition at all times.

a.1 For every three (3) square meters of selling space allotted to any stallholder or vendor authorized to sell in this section, only ten (10) cavans of all cereals of whatever kind and quantity shall be allowed to be stockpiled or kept in store in addition to those displayed for sale therein. Any amount in excess, of this number and the placing of unnecessary sacks, containers and other obstructions shall be strictly prohibited. No cereal shall be placed or stored in such manner as to obstruct the passageways.

20.7 Adulterated Food - Selling of adulterated food is prohibited. A food shall be deemed to be adulterated:

1) If it bears or contains any poisonous or deleterious substances such as cyanide and formalin, among others, which may be injurious to health; but in case the substance is not an added substance, such food shall not be considered adulterated under this clause if the quantity of such substance does not ordinarily render it injurious to health;

2) If it bears or contains any added poisonous or deleterious substances other than one which: (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive, for which tolerances have been established and it conforms to such tolerances;

3) If it consists in whole or in part of any filthy, putrid or decomposed substance, or if it is otherwise unfit for food;

4) If it has been prepared, packed or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby, it may prove to be injuries to health;

5) If it is, in whole or in part, the product of a diseased animal or of an animal which has died other than by slaughter;

6) If its container is composed, in whole or in part, of any poisonous or deleterious substance this may cause the contents to be injurious to health;

7) If it has exceeded its expiry date;

8) If any valuable constituent has been, in whole or in part, omitted or abstracted there from and the same has not been substituted by any helpful equivalent of such constituent;

9) If any substance, not valuable constituent, has been added or substituted wholly or in part therefore;

10) If damage or inferiority has been cancelled in any manner;

11) If any substance has been added thereto or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or to make it appear better or of greater value than it is;

12) If it bears or contain a color additive which is unsafe under existing regulation promulgated by concerned government agencies;

13) If it is confectionery, and it bears or contains any alcohol or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glass not in excess of four-tenths of one per centum, natural gum and pectin; Provided, that this clause shall not apply to safe non-nutritive article or substance if, in the judgment of the concerned government agency as provided by regulations;

a. such article or substance is of practical functional value in the manufacture, packaging or storage of such confectionery;

b. if the use of the substance does not promote deception of the consumer or otherwise results in adulteration or mislabeling in violation of any provision of the Consumers Welfare Act; and

c. would not render the product injurious or hazardous to health;

Provided further, that this paragraph shall not apply to any confectionery by reason of its containing less than one-half of one per centum by volume of alcohol, derived solely from the use of flavoring

extracts, or to any chewing gum by reason of its containing harmless non-nutritive masticatory substance.

14) If it is oleomargarine, margarine or butter and any of the raw materials used therein in whole or in part of any filthy, putrid or decomposed substance, or such oleomargarine, margarine or butter is otherwise unfit for food;

15) If it has been prepared not in accordance with current acceptable manufacturing practices.

## **TITLE VIII – FINAL PROVISIONS**

### **Section 21. Action by the Municipal Mayor**

The Municipal Mayor, acting on the results of the investigation and recommendation of the Market Authority or its Legal Counsel on violations of the provisions of this Ordinance, shall impose the administrative penalty as hereunder provided upon the erring stall/space holder as follows:

- a) First Violation – compromise penalty in an amount equivalent to three (3) months rental.
- b) Second Violation – compromise penalty in an amount equivalent to five (5) months rental.
- c) Third Violation – administrative penalty of cancellation of contract of lease and closure of the establishment.

Violators who have been meted the penalty of cancellation of contract of lease and closure shall be ineligible to any future awards of stalls/spaces in any Municipal-owned public markets.

### **Section 22. Penalties**

Without prejudice to the administrative penalties provided in the immediately preceding section, all persons responsible for the violation of any of the provisions of this Ordinance, shall be prosecuted and be penalized by a fine of not less than TWO THOUSAND PESOS (P2,000.00) nor more than FIVE THOUSAND PESOS (P5,000.00) or imprisonment of not less than SIX (6) MONTHS nor more than ONE (1) YEAR or both such fine and imprisonment at the discretion of the Court.

### **Section 23. Separability Clause**

If for any reason or reasons, any part or provision of this Ordinance is declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall remain to be in full force and effect.

**Section 24. Repealing Clause**

Any Ordinance or parts thereof or any rules and regulations and other executive orders which are inconsistent with this Ordinance are hereby repealed, amended or modified accordingly.

**Section 25. Effectivity**

This Ordinance shall take effect upon approval.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance No. 04-2008- otherwise known as “Revised Market Code of Baler, Aurora” which was duly enacted by the Sangguniang Bayan of Baler, Aurora during its regular session held at the SB Session Hall, New Legislative Building on July 23, 2008.

**GLORIOSO A. VILLAFRANCA**  
SB Secretary

ATTESTED AND CERTIFIED  
TO BE DULY ENACTED:

**NELIANTO C. BIHASA**  
Vice Mayor-Presiding Officer

APPROVED:

**ARTURO J. ANGARA, DMD**  
Municipal Mayor