



Republic of the Philippines
Province of Davao del Sur
Municipality of Hagonoy

OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 09
Series of 2008

“ENACTING AN ORDINANCE APPROVING THE MUNICIPAL MARKET CODE OF HAGONOY, DAVAO DEL SUR”.

Be it ordained by the Sangguniang Bayan of Hagonoy, Davao del Sur in session assembled, that;

SECTION 1. *Establishment, Administration and Operation of the Public Market of the Municipality of Hagonoy, Davao del Sur.* The Municipality of Hagonoy, Davao del Sur pursuant to the existing laws and legal procedures, shall have the authority to establish, maintain and operate a public market within its territorial jurisdiction.

SECTION 2. *Scope of Operation.* Within its jurisdiction, the Municipality of Hagonoy, Davao del Sur shall have the power to administer, operate, impose and collect reasonable market rentals, fees and other charges for occupancy and the use of stalls, booths, space and other facilities of the market.

SECTION 3. *Definition of Terms.* The following terms shall be understood in the sense indicated below:

- 1. Ambulant, transient or itinerant vendor** - refers to a vendor/seller who is moving, passing, and does not permanently occupy a definite place/stall in the market.
- 2. Animal feeds and veterinary products section** - refers to the place where all kinds of manufactured animal feeds and veterinary supplies are sold.
- 3. Auction day** - the designated day for the selling and buying of goods/products and be referred to as “TABO SA HAGONOY”.
- 4. Auctioneer** - the Market Administrator or any market staff on duty, assigned during Auction Day who records and awards price to successful buyers.
- 5. Bio-degradable materials** - refers to waste materials that has the ability to decompose naturally.
- 6. Bladed instrument** - refers to any sharp/pointed instrument used in the market place. The term includes butcher’s knife, kitchen knife, cutting blades, sharpening torque, etc.
- 7. Bonafide applicant** - refers to any individual who had the capacity to engage in business at the Public Market, and preferably a bonafide resident of the Municipality of Hagonoy, Davao del Sur.
- 8. Booth** - refers to an enclosure built or erected on certain market space for sale of goods/commodities/services.

9. **Brand** - any mark or stamp approved by the controlling authority and also includes any tags or labels bearing such mark or stamp.
10. **Butcher** - refers to any person engage in the slaughter of pigs, cows, poultry, and other livestock.
11. **Commercial Space** - refers to a space intended for individuals/corporation who would engage in business other than those in the market stalls.
12. **Contract Lease Restriction** - comprises set of rules and limitations governing the contract of lease for commercial spaces.
13. **Cultural/Halal Products** - goods of any kind that are culturally and religiously acceptable to Islam and other cultures/ethnic groups.
14. **Entrance Fee** - fees collected from the suppliers on all merchandise that enters inside the public market.
15. **Fit for Human Consumption** - referred to meat that has passed and appropriately branded by the slaughterhouse inspector or meat inspector and in which no changes due to diseases, decomposition, or contamination have subsequently been found.
16. **Flooring** - shall refer to the ground flooring of stalls in the market.
17. **Furniture** - refers to any movable articles, which includes among others, tables, chairs and benches, dividers, etc.
18. **Government Owned and/or Operated Public Markets** - refers to those established out of public funds of those leased/acquired by any legal modes or means from private persons, natural or judicial, to be operated by the government either thru its instrumentality or branch or political subdivision.
19. **Harboring** - an act whereby a person gives shelter and aid to an illegal vendor, or to covertly harbor support and improperly protect illegal vendors.
20. **Heavy/Large Motorized Vehicles** - refer to cargos, trailers, panel trucks, and the likes that exceed 4,500 kilograms.
21. **Hot Meat** - refers to meat that is unfit for human consumption without the awareness of the consuming public but was still sold for business.
22. **Identification Card** - a card that shows/signifies identity or an evidence of identity.
23. **Immediate Family Members** - refers to immediate members of a household dwelling under the same house/compound.
24. **Impervious Materials** - shall mean and refer to hardware materials that are impenetrable, not capable of being damaged and tarnished, not affected by harsh elements of nature such as mildew, algae, fungi, or moisture. These are materials that are durable and resistant to wear corrosion. Samples of impervious materials are stainless steel plates, ceramic tiles, formica sheets, porcelain plates, marble slabs, and other smooth- surfaced, non-porous, and water or moist resistant materials.
25. **Light Vehicles** - refer to vehicles such as cars, jeepneys, and the like that is not exceeding 4,500 kilograms.
26. **Market Committee** - a policy-making body that was created for the administration and operation of the Public Market.
27. **Market Building** - a constructed edifice enclosed by walls and supported by columns, and serving as a place for commercial or trade activities.
28. **Market Premises** - refers to any open space in the market compound.

- 29. Market Rental Fee** - refers to the fee required for the occupation and utilization of the public market facilities.
- 30. Rice and Corn Section** - refers to the place where rice and corn grains are sold.
- 31. Market Section** - refers to the subdivision of the public market with consideration to its utilization, to wit;
- a) **Barber Shop/Beauty Parlor** - refers to a place of business whose trade/business is to cut hair and provides services related to grooming.
 - b) **Carenderia/Cafeteria Section** - refers to a place where cooked delicacies/meals are served and refreshments are also made available.
 - c) **Dried Fish Section** - refers to the area where dried fish products are sold.
 - d) **Dry Goods Section** - refers to the area where all kinds of textile, ready to wear (RTW) dresses and apparels, native products, toiletries, novelties, footwear, kitchenware and utensils, household articles and appliances, school and office supplies, or similar products could be sold.
 - e) **Feeds/Fertilizer Section** - refers to the area where all kinds of animal feeds and plant fertilizers/chemicals are sold.
 - f) **Fish Section** - refers to the area where various kinds of fish, clams, oysters, lobsters, shrimps, seaweeds, seashells, and other sea/marine products are sold.
 - g) **Flower Shop Section** - refers to the area where all kinds of flowers, whether fresh or artificial, flower pots, vases, and other materials needed in floral arrangements, including services, are provided.
 - h) **Plants and Garden Section** - refers to the area where all kinds of plants and garden accessories, including gardening tools, are sold.
 - i) **Fruit Section** - refers to the area where fruits of any kind are sold.
 - j) **Groceries Section** - refers to the area where all kinds of canned and bottled goods, beverages, soft drinks, cigarettes, flour, frozen foods, detergents, and other grocery items are sold.
 - k) **Ice Storage Service Section** - refers to the area where the selling of ice, in whatever form, is made available.
 - l) **Meat and Dressed Chicken Section** - refers to the area where all kinds of meat and meat products shall be sold. Beef, pork, and chicken meat are separately displayed and properly labeled.
 - m) **Miscellaneous Section** - refers to the area where any other business, not classified in the Market Section, shall be allowed including ceramic wares, pots, vases, charcoal, milling of coconut, and other similar products.
 - n) **Gift Shop/Novelty Section** - refers to the area where articles for gift giving and novelty products are available.
 - o) **Poultry Products Section** – refers to the area where fowls such as chicken, ducks, and similar birds could be sold.
 - p) **Vegetable Section** - refers to the area where all kinds of vegetables, root crops, and other similar agricultural products could be sold.
 - q) **Rice and Corn Section** - refers to the area where grains suitable for consumption are sold.

- 32. Market Stall** - refers to any allotted stand, space, compartment, store or any place where merchandise are sold.
- 33. Market Vendor** - refers to person engaged in business at the Public Market.
- 34. Materials Recovery Facility** - refers to a storage facility for non biodegradable wastes.
- 35. Hagonoy Public Market Zone** - refers to all streets and thoroughfares within the vicinity of Hagonoy Public Market where vegetables, meat, fruits, goods, merchandise, and other wares are unloaded for the purpose of being sold, stored, or otherwise kept for the time being.
- 36. Motorized Vehicles** - refers to motorcycles, tricycles, trimotors and the like.
- 37. Non-Biodegradable** - refers to materials that do not have the ability to decompose naturally.
- 38. Occupancy Fee** – refers to the payment collected from stall applicants upon awarding of stalls.
- 39. Public Market** – refers to a building/structure that comprises stalls and sections intended for business of goods and commodities and was established under existing laws or Ordinance upon recommendation of the municipal government.
- 40. Recyclable** - refers to non-biodegradable wastes that can be recycled and put to another use.
- 41. Residual Waste** - refers to leftover of non-biodegradable waste that should be placed in the Materials Recovery Facility.
- 42. Scale House** - refers to the area where materials/goods/supplies are brought for weighing.
- 43. Stallholder** refers to the awardee of a definite space within the public market who pays rentals thereon for the purpose of engaging in business and is fully equipped with all the necessary license and permits.
- 44. Store** - a structure devoted exclusively for retail/sale of commodities.
- 45. Table and Display Counters** - shall refer to tables, cabinets, or racks in any form, that is used for display of market goods.
- 46. Tabo** - the designated day or Free Market Day for buying and selling of products. Auction Sale is also set on this day.
- 47. Trader** - a person whose business is purchasing and selling of commodities.
- 48. Underweighing** - refers to the act whereby a trader tampers his weighing scale used in the conduct of his/her business, in such manner as to defraud innocent purchasers.
- 49. Vending Area/Stall** - refers to a particular space/lot or any other similar structure where meat products, fish, and livestock are being sold.
- 50. Verification Fee** - refers to the fee imposed as payment to livestock transported to the Municipality of Hagonoy, Davao del Sur from other points of origin outside the Municipality.
- 51. Walls and Partitions** - shall refer to the walls separating the stalls in the market.
- 52. Waste Management-** Refers to the proper disposal of waste that includes both solid and liquid.

SECTION 4. For purposes of this Code, buying and selling of goods, in any place, except those made in duly licensed establishments, within a radius of one(1) kilometer from the market

zone of Hagonoy Public Market are considered made within the market premises and are subject to any market fees.

SECTION 5. Declaration of Market Day. Every Saturday of the week is hereby declared as “Municipal Market Day or TABO” in the Municipality.

SECTION 6. Officers of the Public Market. The Officers of the Public Market are as follows:

- a) **Market Supervisor.** He shall have supervisory authority over all personnel who are involved in the operation of the market. He is empowered to enforce the rules and regulations of the market. The supervisor is under the direct control and supervision of the Manager of the Economic Enterprises.
- b) **Market Collector.** He shall have the authority to collect or receive payments of rental and other fees from the regular vendors, stallholders, booth occupants, ambulant vendors and to collect fees and other charges. The market collector is under the direct control and supervision of the authorized collection officer. The collector shall remit daily his collections to the authorized collection officer.

SECTION 7. MARKET COMMITTEE. The Market Committee is hereby created to be composed of the following:

The Municipal Treasurer	Chairman
The Local Economic Enterprises Manager	Vice-Chairman

Members:

1. The Market Supervisor
2. Representative from the Legislative Department
3. MPDC
4. Sanitary Inspector
5. Duly authorized representative of the Market Vendors Association to be appointed by the Municipal Mayor.

SECTION 8. Functions of the Market Committee:

The Market Committee shall be vested with the powers, functions and responsibilities to wit:

1. To conduct the drawing of raffles and opening for the adjudication of vacant or newly constructed stalls or booths in the public market and to certify to the Municipal Mayor of the result thereof;

2. To recommend to the Sangguniang Bayan such measures or actions as maybe necessary in the resolution of problems, issues, concerns or measures in connection with the management of the Public Market;
3. To formulate specific detailed rules and regulations in the implementation of fees, system/guidelines for occupancy of stalls and other usable/rentable places/areas in the market and market premises/zone for the operation and maintenance of the public market;
4. To formulate guidelines on porterage and cargo handling at the market and recommend to the Sangguniang Bayan for approval of same;
5. To conduct meetings, dialogues and conferences to solve problems regarding market occupancy and others;
6. As the need arises, to recommend to the Sangguniang Bayan of any addition, revision and/ or deletion of the provisions stipulated in this Code;
7. To serve as the advisory body of the Local Chief Executive and the Sangguniang Bayan on matters affecting the overall management of the Public Market;
8. Shall propose adjustment and/or increase of any fees and rentals including amendments of this Code to the Sangguniang Bayan for a reasonable and justifiable cause;
9. To implement the penal provision of the Code;
10. To perform other functions as may be authorized by the Local Chief Executive and the Sangguniang Bayan for an efficient and effective management of the Public Market.

SECTION 9. Other pertinent provisions relative to the Market Committee.

1. The Market Committee shall have a tenure of two (2) years.
2. The Market Committee shall conduct a regular meeting once a month or as often as necessary.
3. Honorarium of the Market Committee shall be subject to legislation.

SECTION 10. *The Applicants of Stalls, Booths, and Space.* The applicants who are residents of the Municipality of Hagonoy, Davao del Sur shall have preference in the lease of market stalls or booths or space.

SECTION 11. *Requirements of the Applicants.* All applicants shall file their applications, in the prescribed form at the Office of the Market Supervisor. All applicants shall submit the following pre-qualification requirements:

- (a) Statement of capital investment(when applicable);
- (b) Barangay Clearance from the barangay where the applicant is residing;
- (c) Health Certificate;

- (d) Tax Clearance;
- (e) Community Tax Certificate;
- (f) Voter's ID; and,
- (g) Other clearances as maybe required.

SECTION 12. *Adjudication of Vacant Stall, Booth and Space.*

- a. Notice of Vacancy. A notice of vacancy of stall, booth, or space shall be posted for a period of ten (10) days prior to the date of actual drawing of lots or opening of bids to qualified applicants. Such notice shall be posted conspicuously in the vacant stall or booth, in the bulletin board of the Municipal Hall, and in a conspicuous place in the market.
- b. Drawing of Lots. Adjudication of vacant stall, booth or space shall be done through drawing of lots to be conducted by the Adjudication Committee. In case there is only one applicant for the vacant stall, booth, or space, it shall be awarded to him. If there are several applicants for the same stall, adjudication of the said stall shall be done through drawing of lots. The drawing of lots shall be done on the date and hour specified in the notice. If there is no applicant from the Municipality of Hagonoy until the last day set for filing of applications, the posting of the notice of vacancy shall be extended for another ten (10) days. Upon the expiration of the extended period and still there is no applicant from the Municipality of Hagonoy, the stall or booth shall be leased to non-resident who applied for the said vacant stall, booth, or space. In case there are several non-resident applicants, the adjudication of stall or booth shall be made through drawing of lots to be conducted by the Market Committee.

SECTION 13. *The Requirements of the Successful Applicants.* The successful applicants or awardees shall furnish the Office of the Manager of the Economic Enterprises the following items:

- (a) Two (2) copies (2x2) of his/her ID picture;
- (b) A deposit equivalent to one (1) month rental as a Guarantee. This deposit does not bear any interest.
- (c) Contract of Lease.

SECTION 14. *Time and Manner of Payment.* The fee for the rental of market stalls/booths/space shall be paid to the authorized Collection Officer or his duly authorized representative within the first twenty (20) days of each month. In case of a new lease, the rental due for the month in which the lease starts, shall be paid before the occupancy of the stall/booth/space.

- a) For Occupancy of Market Premises. The fee for the occupancy of market premises shall be paid daily, in advance, before any commodity or merchandise is sold within the market premises.
- b) For Market Entrance Fee. The market entrance fee shall be collected before the transient vendors are allowed to sell their goods.

SECTION 15. *Issuance of Official Receipt and Cash Tickets.* The Municipal Treasurer or his duly authorized representative shall issue an official receipt as evidence of payment of rentals of fixed stalls.

- a) A cash ticket shall be issued to an occupant of the market premises or transient vendor and his name shall be written on the back thereof. The cash ticket shall pertain only to the person buying the same and shall be good only to the person buying the same and shall be good only for the space of the market premises to which he is assigned. If a vendor disposes of his merchandise by wholesale to another vendor, the latter shall purchase new tickets if he sells the same merchandise, even if such sale is done in the same place occupied by the previous vendor.
- b) The cash tickets issued shall be torn in half, one half to be given to the space occupant or vendor and the other half to be retained by the Market Collector who shall deliver the same to the Municipal Treasurer for counter-checking against his record of cash tickets issued by him for that day.

SECTION 16. *Contract of Lease.* After complying with the requirements, the awardee shall execute a Contract of Lease. The Contract of Lease shall be accomplished in the prescribed form. The Municipal Mayor shall sign the Contract of Lease as the Lessor to represent the Municipality of Hagonoy.

SECTION 17. *Surcharge and Interest for late or non-payment of Fees.*

1. The Lessee of a stall, who fails to pay the monthly rental fee within prescribed period, shall pay a surcharge of twenty five percent (25%) of the total rent due and two percent (2%) percent per month from the unpaid amount until the fees are fully paid. Failure to pay the rental of the Contract of Lease of stall/booth/space, without prejudice to suing the Lessee for the unpaid rents at the expense of the Lessee. The stall/booth/space shall be declared vacant and subject to adjudication.

2. Any person occupying space in the market premises without first paying the fee imposed in this Code shall pay three times as much as the regular rate for the space occupied.

3. Any person occupying more space than what he has paid for shall pay the regular rate for such space.

SECTION 18. *Duration of the Contract of Lease.* The Contract of Lease of stalls, booth, or spaces, shall be for a period of one (1) year. It is renewable every year thereafter subject to the existing requirements and procedures provided under this Code. The Contract of Lease may be terminated or revoked, within the prescribed duration, for cause.

SECTION 19. *Renewability.* This Lease Contract shall be renewed on the option of the LESSOR upon its expiration subject to written request of the LESSEE within sixty(60) days before the expiration date of the Lease Contract.

SECTION 20. *Death of the Lessee.* Upon the death of the Lessee, the Contract of Lease shall be deemed terminated. However, if the deceased left a surviving spouse or legal heir, who is not disqualified under the provisions of this Code, who wants to continue the business of the deceased, the lease may be transferred to the deceased's spouse or legal heir upon application. The surviving spouse or legal heir shall notify the Manager of the Economic Enterprises within thirty (30) days, to be reckoned from the death of the original Lessee, of the desire of the legal spouse or heir to take over the business of the deceased. No occupancy fee shall be exacted if the transferee is the husband or wife or son or daughter of the deceased. If the husband or wife or son or daughter of the deceased is not interested to take over the business, the stall, booth, or space shall be declared vacant, and it shall be adjudicated in the manner set forth in this Code.

SECTION 21. *Transfer of Privilege.* Transfer of privilege over stall or booth, or space shall be allowed, provided the following terms and conditions shall be followed:

- a) The relinquisher/transferor shall pay the amount of One Thousand (P1,000.00) Pesos as Transfer Fee. This amount shall be used solely for the improvement of the operations of the Municipal Public Market,
- b) The transferee shall pay the amount of Twenty Thousand (P20,000.00) Pesos as Occupancy Fee. This amount shall be solely used for the improvement of the operations of the Municipal Public Market.

SECTION 22. *Cleanliness and Sanitation.* Stallholders, booth, and space occupants are enjoined to perform the following duties and obligations:

- a) All enterprises premises, buildings and offices must at all times be kept clean and in sanitary condition to safeguard the health and safety of the buying public and clientele as well as the stallholders, vendors, and occupants.
- b) Stallholders/vendors shall keep and maintain their stalls and booth clean and in sanitary condition. They shall likewise be responsible for the cleanliness of the passageways, alleys or spaces immediately in front or behind or by the side of their stalls, booths or spaces.
- c) A “No Littering” signs shall be posted in conspicuous places of the enterprises to warn vendors, buyers, and others that littering is punishable by law.
- d) Stallholders and vendors shall be required to have individual garbage receptacles. All garbage receptacles must be properly covered to keep them from becoming the breeding, places of flies, mice, rats, mosquitoes and other insects.
- e) It shall be the responsibility of the individual stallholder and vendor to dispose of their garbage at the end of each day by placing them in the designated garbage bins properly segregated. The final disposal of which shall be the responsibility of the sanitation personnel.
- f) Stallholders and booth occupants shall be required to provide and keep fire extinguishers or fire fighting equipment in their stalls or booths.

SECTION 23. *Cleaning of Market Premises.* The Market Supervisor shall see to it that the market is always clean and in excellent sanitary conditions, including the aisles, division, stalls, floors, walls and equipment as well as the whole tract of land belonging to the market. The cleaning of the market premises should be done before the buyers start coming into market. The

market building and grounds should at all times be kept from garbage and rubbish. General cleaning shall be done by stallholders every 1st Sunday of every month.

SECTION 24. *Cooked/Raw Foods Protection from Contamination.* Cooked foods (as may be applicable) should be served hot as possible and protected against contamination by flies and other insects. Raw foods shall likewise be protected from contamination.

SECTION 25. *Construction/Care of Stalls/Booths, Tables and other Fixtures.* All foods shall be sold from stalls, tables or fixtures made of or constructed according to plans or designs approved by the Municipal Engineer and Municipal Health Officer. All fixtures should be scrubbed nightly and their surfaces kept smooth always so that food or particles thereof will not lodge in cracks or in rough places to decompose.

SECTION 26. *Use of Impervious Materials.* The use of impervious materials on stall tables, display counters, walls partitions and floorings of stalls for meat, fish fruit, vegetables and cooked food sections in public markets, mini-markets and “talipapas” is prescribed by the Municipal Government of Hagonoy.

SECTION 27. *Cleaning of Stalls/Booth/Spaces at the end of Business Day.* At close of each day’s business and before leaving, stallholders and transient vendors shall clean their stall or space. They shall also remove all dirty materials and place rubbish and garbage in containers placed for the purpose in the market.

SECTION 28. *Abandonment of Perishable Goods.* Leaving of discarded or unsold highly perishable goods, such as meat, fish and other sea foods in the stalls or in any place within the market premises shall be unlawful and any person found to have abandoned such goods in the stalls shall be liable under the penal provisions of this Code without prejudice to the revocation of the Lease of Contract if the person is a stallholder.

SECTION 29. *Water and Electrical Lines.* All water supply and electrical lines, including bills and installation costs, shall be shouldered by the stallholders or booth occupants. Written consent of the Economic Enterprises Manager shall be secured before installation shall take place.

SECTION 30. *Price Tagging.* Stallholders and booth occupants shall be required to put price tags of every goods they sale, in accordance with the policy of DTI.

SECTION 31. *Posting of Rules and Regulations.* The Market Supervisor shall post in the Market Bulletin Board the rules and regulations in English or Bisaya concerning the sanitation and good order of the Municipal Public Market, the manner of leasing of stalls therein, the privilege and obligations of stallholders, and such other rules and regulations as deem necessary in the operation and maintenance of the public market. He shall also furnish stallholders and booth occupants a copy, in English or Bisaya, of the rules and regulations herein mentioned.

SECTION 32. *Loitering and Sleeping within the Public Market Premises.* Stallholders, booth occupants and other persons are not allowed to stay, loiter and sleep within the Public

Market premises after closing time, except when the operations of the particular section or unit of the Economic Enterprises is on a 24-hour basis.

SECTION 33. *Storage of Highly Combustible or Explosive and Toxic Materials.* Stallholders, booth occupants and vendors shall not be allowed to store gasoline, highly combustible or explosive materials or toxic substances such as agricultural insecticides, pesticides, and similar toxic chemicals, firecrackers and pyrotechnics within their stalls or booths, except those booth occupants or stallholders who are authorized to sell agricultural products and chemicals. The authorized dealers of agricultural inputs such as insecticides, fertilizers, and other chemicals shall be allowed to keep sufficient stocks of the aforementioned agri-inputs in their stalls or booths and authorized dealers of LPG provided they have a clearance from the Bureau of Fire Protection.

SECTION 34. *Illegal Construction.* The construction of living quarters within the Public Market premises or buildings shall not be allowed. Likewise, no Lessee shall remove, construct or alter the original structure of any stall, booth or space including electrical wiring or water connection without prior permission from the Economic Enterprises Management. Any unauthorized or illegal construction shall immediately be demolished by the Management at the expense of the Stallholder.

SECTION 35. *Subleasing of Awarded Stalls or Booths.* A Lessee or an Awardee shall not be allowed to sublease the stall or booth awarded to him. The Contract of Lease of stallholders or booth occupants shall be revoked if the Lessee is found guilty of subleasing.

SECTION 36. *Abandoned Stalls or Booths.* Unless requested in writing, any room or booth or stall in the public market which has been closed or abandoned for thirty (30) consecutive days shall be considered abandoned. The Contract of Lease to such stall or booth shall be automatically revoked.

SECTION 37. *The Use of Dummy.* The use of dummy or employing someone to represent another person in connection with the enjoyment of any privilege or entering into a Contract of Lease with the Management of the Economic Enterprises for another person shall not be allowed. Any stall, booth or space occupied by a dummy shall be closed automatically.

SECTION 38. *Ejected Stallholders or Booth Occupants.* After due notice of hearing, should stallholders or booth occupants be ejected from his/her stall, booth or space for cause, as provided in this Code, he/she shall be disqualified from subsequently filing another application for lease of any stall, booth or space in the Economic Enterprises of this Municipality.

SECTION 39. *Prohibition of Certain Inadequate Attire in the Market.* All vendors and business entrepreneurs in the Hagonoy Public Market Zone are required to wear their ID daily and proper clothes/ dresses herein below mentioned:

- 1) T-Shirt and Pants or knee- length walking shorts for men
- 2) T-Shirt or Sleeve blouse and skirt or knee-length walking shorts or any clothes/dress for women
- 3) Apron
- 4) Hair nets/brace as may be necessary

Vendors and business entrepreneurs within the Hagonoy Public Market Zone are prohibited from wearing sleeveless T-shirt (Sando), shorts, bare and naked half body, or wearing dirty clothes.

SECTION 40. *Transport and Sale of all types of shellfish.*

- a) The transport and sale of all types of shellfish in all public and private markets, talipapas and other marketing outlets within the Municipality of Hagonoy, which have been declared of red tide contamination is strictly prohibited.
- b) To enhance public safety and protect consumers, the banned shellfish shall be confiscated and shall be destroyed or disposed in a manner prescribed by the Department of Health (DOH) or Department of Agriculture.

SECTION 41. *Harboring or Accepting Illegal Vendors.* The act of harboring street and sidewalk vendors within the market premises is hereby declared illegal and strictly prohibited.

SECTION 42. *Bladed Instruments.*

- a. Carrying of any bladed instrument/s by any market vendors away from designated stall premises or outside his place of work or vending area in any public or private market is hereby prohibited unless purposely transported for sharpening, safekeeping and/or repair.
- b. The utilization of butcher's knives, cutting knives and bladed instruments, when not in use, shall be kept in wooden or steel boxes and/or containers with locks whose keys shall be at the disposal and/or access of the stallholder/user. Said boxes/containers shall always be locked when the instrument is not in use.
- c. If, for compelling reasons, these bladed instruments need to be transferred from one stall to another or from one slaughter house to another, the same shall be carried with appropriate non-see through coverings
- d. This provisions shall not apply to those persons or entities engaged in the selling of utensils and kitchenware, where the selling of kitchen items like knives, cutting blades and similar items must be displayed as a matter of commercial practice.

SECTION 43. *Fish, Livestock and Poultry Products.*

The injection of water and application of coloring agents to livestock and poultry products is strictly prohibited.

Covering of the bulb with silver and colored paper/cellophane to deceive buyers and disguise the real color of the fish products is strictly prohibited.

Selling/displaying of hot meat is strictly prohibited.

SECTION 44. *Movable Stores, Stalls, Trolleys and the like.* Selling and vending on movable stores, stalls trolleys and the like; within the market area is strictly prohibited.

SECTION 45. *Wooden Furniture.* The use of wooden furniture for any purpose within the wet section of the Public Market except chopping boards and chairs is prohibited. All crates, boxes or any wooden container, should be supported on pallets or stand and should have a clearance of at least six (6) inches from the floor.

SECTION 46. *Limitations.* Stallholders shall not be allowed to occupy stalls, booths or spaces other than those leased to them, and it shall be the duty of the Market Supervisor or his authorized representative to see to it that the stallholders do not occupy other stalls or spaces other than the one they leased.

SECTION 47. *Peddling and Hawking.*

No person shall be allowed to peddle, hawk, sell or offer for sale or expose for sale of any article in the passageways or aisles in the Hagonoy Public Market.

To avoid unjust competition, peddlers or hawkers shall not be permitted to offer for sale, in the public market and its surroundings within the market and terminal premises where goods are sold or exposed for sale. Neither, shall they be permitted to expose or sale merchandise on sidewalks, courts (patios) or place designed and/or intended for passage of the market-goers to the Hagonoy Public Market. Market officials and personnel, and policemen detailed in the vicinity of the Hagonoy Public Market shall exercise strict vigilance on this manner and enjoy strict compliance with these provisions.

SECTION 48. *Loafing, Loitering, Begging and the like.*

No person, not having lawful business in the Hagonoy Public Market, shall be allowed to idly sit, lounge, walk or lie in the premises of the market, nor shall any person be allowed to beg or solicit alms or contributions of any kind in the Hagonoy Public Market.

No person shall resist, obstruct, annoy or impede any market employee or personnel in the performance of their duties.

SECTION 49. *Dispensing and Serving of Intoxicating Liquor.* No person shall engage in drinking, serving or dispensing of liquor or any intoxicating drinks within the premises of the Hagonoy Public Market except on special occasion/s that involves the entire market like Market Anniversary and the like. Any violation hereof, shall subject the offender to the penal provisions of this Code, his or her lease award shall at once be revoked.

SECTION 50. *Loose Animals.* No stray animals shall be allowed in the Hagonoy Public Market premises. The Market Supervisor or his authorized representative is hereby

empowered to catch such stray animals and impound them/turnover to the Municipal Veterinary Office.

SECTION 51. *Market Hours.* Unless a different time is fixed by the Sangguniang Bayan and subject to the recommendation of the Market Committee, the public market shall be opened/permitted for sale of articles from 5:00 o'clock in the morning until 8:00 o'clock in the evening everyday. The use of any stall or place in the market as living room and/or sleeping quarter is strictly prohibited and no vendor or stallholder shall remain inside the market building after the same has been closed.

SECTION 52. *Losses of Stallholders.* The municipal government shall not be responsible for any loss or damage which stallholders may incur in the Hagonoy Public Market by reasons of fire, theft or force majeure. Any merchandise, goods, wares or commodities left in the Municipal Public Market after closure time shall be at the risk of the stallholders.

It shall, however, be the duty of the Market Supervisor or his authorized representative to exercise utmost vigilance and care to prevent any loss in the Hagonoy Public Market and for this purpose, the Market Supervisor or his authorized representative shall have authority to apprehend and turn-over to the proper authority/ies any person or persons caught stealing or committing any offense in the Hagonoy Public Market.

SECTION 53. *Abandoned Articles.* Any articles abandoned in the Municipal Public Market in violation of any provisions of this Code shall be deemed a nuisance; it shall be the duty of the Market Supervisor and his fellow permanent Market employees to take custody thereof. In case the articles are claimed within twenty four (24) hours thereafter, such shall be returned to the owner/s upon payment of actual expenses incurred in their safekeeping unless they have so deteriorated as to constitute a menace to public health, in which case, they shall be disposed of in the manner directed by the Municipal Mayor, who may also at his discretion cause the criminal prosecution of the guilty party, or merely warn him against future violation. If the articles have not deteriorated and are not claimed within the time herein fixed, said articles shall be sold at public auction and the proceeds thereof shall be part of the market income.

SECTION 54. *Restrictions.*

- a) In no case shall anyone, stallholder/s or outsiders convert the stall or any portion of the public market premises into a temporary/permanent dwelling where they sleep and use the public toilets/baths as their own. Any violation of these specific provisions shall subject the violators thereof to the penal provision, in addition to summary ejection from the market premises if the violator is a stallholder. The stall shall be considered vacant and be awarded to deserving applicant in conformity with this Code.
- b) Operation of businesses related to gambling is strictly prohibited in the premises of the market.
- c) Operation of businesses such as videoke, karaoke/token, video kareras, computer games, and the likes are strictly prohibited within the public market area.

SECTION 55. Comfort Rooms. The Public Market shall have comfort rooms, with separate compartment for each gender. Each compartment shall be equipped with facilities and accessories installed in strict compliance with the requirements of the Sanitation Code. These comfort rooms shall have the facilities that will serve the needs of the disabled persons.

SECTION 56. Operation and Maintenance of the Public Comfort Rooms. The operation and maintenance of the Public Comfort Rooms shall be under the Management of the Economic Enterprises. The comfort rooms shall be kept clean and sanitary at all times.

SECTION 57. Fees of the Public Comfort Rooms. The fees of the Comfort Rooms are as follows:

Disposal Php5.00 per use
 Urination Php2.00 per use

SECTION 58. Stall Rentals and Booth Fees and Space Rentals

Type of Stalls	No. of Stalls	Size of Stalls	Rate of Stall per sq.m./day	Total amount/day /stall	Total amount/month/Stall
A. New Building					
I. Bldg. No 3					
a) Wet Section					
1) Meat Section	5	2.4 sq.m.	10.00	24.00	720.00
2) Fish Section	5	2.4 sq.m.	10.00	24.00	720.00
3) Dressed Chicken	5	2.4 sq.m.	10.00	24.00	720.00
TOTAL	15				
b) Dry Section					
1) Vegetables	5	2.4 sq.m.	5.00	12.00	360.00
2) Fruits	5	2.4 sq.m.	5.00	12.00	360.00
TOTAL	10				
II. Bldg. No 1					
a) Dry Section					
1. Gen. Mdse					
a. Corner	4	12 sq.m.	5.00	60.00	1,800.00
b. Inner	10	12 sq.m.	3.00	36.00	1,080.00
TOTAL	14				
2. Rice and Corn					
a. Inner	2	12 sq.m.	3.00	36.00	1,080.00
TOTAL	2				
3. Spare Parts					
a. Inner	2	12 sq.m.	3.00	36.00	1,080.00
TOTAL	2				
4. Fert./Chemicals					
a. Inner	1	12 sq.m.	3.00	36.00	1,080.00
TOTAL	1				
5. Novelty/Gift Items					
a. Inner	1	12 sq.m.	3.00	36.00	1,080.00
TOTAL	1				
TOTAL	1				

SECTION 59. Increase of Stall Rentals. Increase of stall rental shall be made after one(1) year from the effectivity of this Code, and shall increase every year thereafter; Increase of stall rental shall be determined upon recommendation by the Market Committee to the Local Finance Committee and approval by the Sangguniang Bayan.

SECTION 60. Market Entrance Fees for Ambulant/Transient Vendor/s. On space occupants of market premises without booths (non- fixed stalls) – the rate is P 3.00 per square meter and/or any fraction thereof per day for a minimum of two square meters. Ambulant/transient vendors shall be confined or limited to areas not earmarked and utilized for passageway and/or entrance to the market building.

SECTION 61. Market Entrance Fee:

A. FISH AND OTHER SEAFOODS	
a) Fresh fish or seafood	0.10 per kilogram
b) Dried, salted or sacked fish	0.10 per kilogram
B. FRUITS AND VEGETABLES	
1) Banana, per sipi	Php 1.00
2) Indian Mango, per sack	Php 2.00
3) Mango, per kaing, big	Php 2.00
4) Mango, per kaing, small	Php 1.00
5) Mango, per bukag	Php 5.00
6) Garlic, per sack	Php 5.00
7) Peanut, per sack	Php 5.00
8) Corn (fresh), per sack	Php 2.00
9) Sweet Potato, per sack	Php 5.00
10) Cassava, Camote per sack	Php 5.00
11) Ampalaya, per basket	Php 1.00
12) Melon, per piece	Php 1.00
13) Others, per sack	Php 2.00
C. MISCELLANEOUS COMMODITIES	
1) For every sack of rice, milled corn	Php 1.00
2) For every sack of coffee, soybeans(utaw) peanuts, balatong, kibal, and the likes	Php 2.00
3) For every sack of salt	Php 2.00
4) For every sack of rice bran (ipa), trigo, palay, and the likes	Php 1.00
5) For every sack of sugar	Php 2.00
6) For every head of chicken, duck goose, turkey, and the like	Php 0.50
7) For every head of fighting cock	Php10.00
8) For every jeepload of pots and jars	Php20.00
9) For every tray of eggs of chicken or duck	Php 2.00
10) For every sack of Ukay-ukay clothings	Php 2.00
11) For every sack of Ukay-ukay shoes, etc.	Php 5.00
12) For every box of RTWs	Php 5.00

- 13) For all other similar items not specified above, the fee shall be equivalent to three percent (3%) of its selling or prevailing market price.

SECTION 62. Fees for the Use of Designated Parking Areas within the Hagonoy Public Market Zone. All motor vehicles, whether passenger cars or jeepneys, four wheels elf-size vehicles, cargo trucks, delivery trucks and other vehicles using the designated parking areas within the Hagonoy Public Market Zone shall pay a corresponding fee as specified herein:

- a) Php 5.00 for Motorized Vehicles
- b) Php 10.00 for Light Vehicles
- c) Php 20.00 for Heavy Vehicles

SECTION 63. Fruit and Vegetables Dropping Zone “Bagsakan”. There shall be one designated area within the Hagonoy Public Market which shall be the dropping zone or bagsakan of all vegetables, fruits, and other related products intended for sale within the Market or which is intended for resale later to other markets outside of Hagonoy Public Market.

SECTION 64. The Bagsakan is designed exclusively for legitimate farmer producers to sell their products directly to licensed vegetable and fruit dealers. Only licensed vegetable/fruit dealers can transact business at the Bagsakan.

SECTION 65. The marketing day for Bagsakan of vegetables and fruits shall fall on Saturdays and Sundays of the month.

SECTION 66. It shall be unlawful for any person to intercept or stop a vegetable and fruit producer who is on his/her way to Hagonoy Public Market or Bagsakan Area, or to buy all or part of his/her vegetables, fruits and other products for the purpose of reselling those goods at the Bagsakan.

SECTION 67. Vendors at the Bagsakan shall pay the following rates of fees:

- a. One Peso (Php 1.00) for every Fifty (50) kilograms of a sack, bukag or whatever product container of the same weight, and Five Centavos (Php 0.05) per kilo in excess of 50 kilograms;
- b. A storage fee of One Peso and Twenty–Five Centavos (Php1.25) per sack or bukag or box, per day for the use of Bagsakan storage.

SECTION 68. Due Process of Law. The person or Lessee accused of violating any provision of this Code shall be accorded due process of law. He shall be given the opportunity to be heard. Judgment shall be rendered only after lawful hearing.

SECTION 69. Procedure in the Adjudication of Cases. The resolution of cases shall be done in the following manner:

(a) **Filing of a Case.** The complaint against a Lessee or party shall be lodged at the Office of the Manager of the Economic Enterprises. If the complaint is sufficient in form and substance, the same shall be forwarded to the Chairman of the Market Committee.

(b) **Notice of Hearing.** The Chairman of the Market Committee, upon receipt of the complaint, shall notify the respondent of the case filed against him and the schedule of hearing. For the sake of justice, the hearing shall be conducted and resolved at the soonest possible time.

SECTION 70. Penal Provisions. Any violation of the provisions of this Code shall be penalized with a fine of not less than One Thousand(P1,000.00) Pesos but not more than Five Thousand Pesos (P5,000.00) or imprisonment of not less than One (1) month but not more than Six (6) months, or both such fine and imprisonment, at the discretion of the Court.

SECTION 71. Applicability Clause. Any resolutions, rules/regulations, ordinance or law pertaining with this Code, shall continue to be in full force and effect.

SECTION 72. Separability Clause. If for any reason or reasons, any part or provision of this Code which shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 73. Repealing Clause. All existing ordinances, resolutions, orders, and rules/regulations, relative to or covering the operations of the public market of the Municipality prior to the enactment of this Code which are inconsistent with any of the provisions of this Code are hereby repealed or modified accordingly.

SECTION 74. Effectivity. This Code shall take effect after its approval.

ADOPTED. October 22, 2008.

CERTIFIED CORRECT:

(Sgd) ERICSON S. REZANE
Secretary to the Sanggunian