(City Council)

PO2000-93

67th Regular Session

ORDINANCE NO. SP-944, S-2000

AN ORDINANCE PROVIDING FOR THE QUEZON CITY MARKET CODE REGULATING THE ESTABLISHMENT, CLASSIFICATION, OPERATION AND THE ADMINISTRATION OF GOVERNMENT AND PRIVATELY OWNED/OPERATED PUBLIC MARKETS AND ALL OTHER MARKET RELATED ACTIVITIES IN QUEZON CITY.

Introduced by Councilors JULIAN M.L. COSETENG, ERIC Z. MEDINA, JORGE L. BANAL, BAYANI V. HIPOL, MARCIANO P. MEDALLA, GODOFREDO T. LIBAN II, RAMON G. MATHAY, VINCENT P. CRISOLOGO, EUFEMIO C. LAGUMBAY, GEORGE M. CANSECO, ANTONIO L. SIOSON, ELIZABETH A. DELARMENTE, FERNANDO V. AVANZADO, JESUS C. SUNTAY, NANETTE CASTELO DAZA, MARCEL C. RILLO, MICHAEL F. PLANAS, ROMMEL R. ABESAMIS AND ANTHONY C. CASTELO

WHEREAS, the existing Market Code being implemented by Quezon City based on the Metro Manila Ordinance No. 02, Series of 1985 is already outdated.

WHEREAS, there is a need to improve the facilities, management and operation of public markets and all other market related activities such as slaughterhouses, hawkers, flea markets and talipapas in Quezon City to ensure the safety, comfort and convenience of stallholders, vendors and the buying public as well, by making them more responsive to the demands of the times and for a more accountable Market;

WHEREAS, Section 48 of Republic Act 7160, otherwise known as the Local Government Code of 1991, provides that the local legislative power shall be exercised by all Sangguniang Panlungsod to exercise its local legislative power to enact ordinances which include purposes as above-cited.

WHEREAS, Sec. 458 of the same Code, the Powers, Duties and Functions of the Sanguniang Panglungsod as cited in par. (a), (5), (ii) includes the establishment of markets, slaughterhouses or animal corrals and authorize the operation thereof by the City Government; and regulating the construction and operation of PRIVATE MARKETS, talipapas or similar buildings and structures;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED:

2000-460-1

CHAPTER I - DEFINING POWERS AND TERMS

SECTION 1. POWER TO ESTABLISH - This Ordinance shall govern the establishment, classification, administration, and operation of government or privately owned and/or operated public markets and other related market activities such as slaughterhouses, hawkers, private markets, talipapas, flea markets and others in Quezon City.

SECTION 2. DEFINITION OF TERMS/PHRASES - For the purpose of this Ordinance, the following terms shall be understood in the sense indicated hereunder:

a. **Public Market** refers to any structure, building or place of any kind which have been established, designated or authorized by the City Council, whether government or privately-owned and operated and shall embrace the whole plot of ground intended for or assigned to such market site, as delimited by their respective technical descriptions, location plans, subdivision surveys, building plans and other documents on file with the offices of the City Engineer, City Administrator and General Services Office.

Likewise, a public market is a place where buying and selling of wet and dry products such as meats, fishes, vegetables, flowers, canned and bottled products, eateries and special services are done and offered. It shall include all market stalls, kiosks, booths, tiendas, buildings, roads, subways, waterways and drainage and other connections, parking spaces and other appurtenance which are integral parts thereof.

a.1. **City Markets** are those government-owned and/or Operated Public Markets established out of public funds or those leased/acquired by any legal modes or means from persons, natural or juridical, to be operated by the government either thru its instrumentality, branch or political subdivision.

a.2. **Privately-owned and operated public markets** are those established by individual or group of individuals out of private funds and operated by private person, natural or juridical, under government franchise and permit.

b. **Market Stall** refers to any allotted stand, space, compartment, store or any place wherein merchandise is sold, offered for sale, or intended for such purpose in the public market.

c. **Stallholder** refers to the awardee of a definite space or spaces within a public market who pays a rental thereon for the purposes of selling his/her goods/commodities or service.

d. **Booth** refers to an enclosure built or erected on market space for the purpose of selling goods/ commodities/service.

e. **Market premises** refer to any open space in the market compound or part of the market parking lot consisting of bare grounds not covered by market building usually occupied by ambulant vendors especially during market days.

f. **Market Rental Fee** refer to the fee paid to and collected by the City Treasurer thru the market collectors for the privilege of using public market facilities.

g. **Ambulant, Transient or itinerant Vendor** refers to a vendor or seller who does not permanently occupy a definite place in the market but who comes either daily or occasionally to sell his/her goods.

h. **Market Awards Committee** refers to the body whose duty is to conduct the drawing of lots and opening of bids in connection with the adjudication of vacant or newly constructed stalls or booths in the city markets and to certify to the City Market Administrator/City Administrator/ City Mayor, as the case may be, the results thereof.

i. **Hawker** refers to a vendor or seller who occupies the sidewalks, street, usually not within the territorial jurisdiction of a public market but who comes either daily or occasionally to sell his/her goods.

j. **Slaughterhouse** refers to any place, building or structure of any kind, whether it be owned or operated by the government or franchisee granted by the Sangguniang Panlungsod to person/s, where all animals and fowls are being slaughtered.

Carcass – all parts including viscera of slaughtered cattle, sheep, goats or swine that may be used for human consumption.

Viscera – soft interior part of the animal body.

Plucking – dressing of poultry animals.

Scalding – cleaning and removal of hides, feather or hair accompanied with boiling water or steam.

Offal – the by-products, organs, glands and tissues other than meat of the food animal which may or may not be edible.

k. **Talipapa/Satellite Market** refers to a place wherein wet and dry commodities are being sold by the vendors/hawkers usually occupying a government/private lots and/or operated by individual or associations with a minimum required facilities.

l. **Tiangge/Flea Market** refers to a place where only dry goods are being sold with a minimum required facilities.

m. **Food Handler** any person who handles, stores, cooks, prepares, or serves food or drinks, who during the time of their service must wear gloves and hairnet.

SECTION 3. MARKET SECTIONS - Public and private markets shall be divided into various sections classified according to the kind of merchandise offered for sale therein. The following shall be the classification of market sections:

1. **Fish Section** refers to the area where only fresh fish, clams, oysters, crabs, lobster, shrimps, seaweeds and other sea foods and marine products shall be sold.

2. **Meat, Pork, and Dressed Chicken Section** refers to the area where only all kinds of meat and other meat products allowed by law and approved by competent authorities shall be sold provided that meat, pork and dressed chicken shall be separately displayed and properly labeled.

3. **Dry Goods section** refers to the area where only all kind of textiles, ready made dresses and apparels, native products, toiletries, novelties, footwear, laces, kitchen wares, utensils and other household articles, handbags, and school and office supplies shall be sold.

4. **Vegetable and Fruit Section** refers to the area where only all kinds of vegetables and fruits and root crops allowed by law, such as camote, cassava, ube and the like shall be sold.

5. **Poultry Products Section** refers to the area where only live chickens, ducks, suckling or piglets, and the like shall be sold.

6. **Flower Shop Section** refers to the area where only all kinds of flowers, whether fresh or artificial, flower pots, vases and other plants allowed by law and garden accessories and implements or tools shall be sold.

7. **Groceries Section and Sari-Sari Section** refers to the area where only all kinds of cakes, biscuits, pastries, crackers, butter, cheese, confections, candies, canned or bottled foods, beverages, soft drinks, cigarettes, flour, oatmeal, ham, bacon, sugar, nuts, sauce, all kinds of cereals, such as, rice, corn, mongo and the like, eggs, sausages, starch, smoked fish, dried fish, salt, feeds, soap and other household and food products including firewood and charcoal shall be sold.

8. **Eateries Section and refreshment parlors section** refers to the area where only all kinds of cooked foods, including refreshment parlors, cafeterias, and other delicacies are sold.

9. **Miscellaneous and other special services** refers to the area where any other business not classified herein above shall be allowed.

CHAPTER II

QUEZON CITY MARKET COORDINATING COMMITTEE

SECTION 1. COMPOSITION.

An advisory and a coordinating committee known as the "Quezon City Market Coordinating Committee" is hereby created composed of the following:

CHAIRMAN - City Administrator
EXECUTIVE OFFICER - Market Administrator
MEMBERS
- Chief, Business Permits & Licensing Office (BPLO)
- City Treasurer
- Q.C. Fire Marshall
- City Engineer
- City Prosecutor
- City Legal Officer
- Director, Central Police District Command
- Head, Dep't. of Public Order & Safety
- City Health Officer
- Chief, Barangay Operation Center
- City Planning and Development Officer
- Chairman, Committee on Trade, Commerce & Industry
- Chairman, Committee on Markets & Slaughterhouses
- One (1) Representative for the Eight (8) Q.C. Public Market Vendors to be designated by the City Mayor

SECTION 2. FUNCTIONS.

The Quezon City Market Coordinating Committee shall coordinate and monitor the activities required by various City government departments, offices and units in the implementation of the Code and all ordinances, orders, policies, guidelines, rules and regulations affecting the administration, management and operation of government owned/operated public markets and all other market related activities such as slaughterhouses, hawkers and talipapas.

SECTION 3. The Committee is authorized to call upon any unit of the City Government to render the necessary assistance and support to enable the Committee to perform its assigned tasks.

SECTION 4. The above Committee shall meet at least once a month to discuss problems affecting the efficient operation and take appropriate action thereon.

SECTION 5. The Committee shall submit to the City Mayor periodic reports on its activities.

CHAPTER III

CLASSIFICATION OF GOVERNMENT-OWNED AND OPERATED PUBLIC MARKETS AND COLLECTION OF FEES

SECTION 1. Classification

a. For the purpose of this Code, government-owned and /or operated public markets are hereby classified into:

CLASS A - those with an average monthly income of P100,000.00 or more during the preceding three months.

CLASS B - those with an average monthly income of P50,000.00 or more but less than P75,000.00 during the preceding three months.

CLASS C - those with an average monthly income of P30,000.00 during the preceding three months.

CITY MARKET STALL RATES PER SQUARE METER PER MONTH

SECTIONS	CLASS A	CLASS B	CLASS C
1. Meat	P 70.00	P 60.00	P 50.00
2. Fish	70.00	60.00	50.00
3. Dry Goods	45.00	35.00	25.00
4. Vegetables & Fruits	50.00	40.00	30.00
5. Rice, corn other cereals and/or dried salted fish	45.00	35.00	25.00
6. Poultry	60.00	50.00	40.00
7. Flower Shops	25.00	20.00	15.00
8. Groceries	45.00	35.00	25.00
9. Gen. Merchandise, glassware, chinaware, tableware and home appliances	45.00	35.00	25.00
10. Eateries & Refreshment Parlors	45.00	35.00	25.00
11. Special Services not subject to any market fees but shall pay rental fees for occupancy thereof.	70.00	60.00	50.00

Trucks or other conveyances, whether hired or not, parked within the 50 meter radius from the border of the market and disposing, discharging or advertising products/ merchandise therein shall also pay the following:

Kind of conveyances	Rate per entry
Jeep (regardless of load)	P 10.00
Truck (regardless of load)	15.00

PROVIDED, THAT for better located stalls, such as those front stall facing the market periphery or streets, and corner stalls, there shall be added to the above-prescribed fees, the following:

1. Front corner stall	20% of the rates imposed
2. Front stalls	15% of the rates imposed
3. Inside corner stalls	10% of the rates imposed

b. The size, numbering, designation or other forms of identification of market stalls, booths or kiosks shall conform with the standard plan approved by the Quezon City Market Development and Administration Department (QC MDAD)

The standard size of a stalls in the city markets shall not be more than one and a half size (1 ½) square meter for the table type; that market tiendas, kiosks or booth types shall have an area of not more than nine (9) square meters. However, stallholders who have been awarded stalls with an area in excess of that provided herein prior to the enactment of this Quezon City Market Code shall retain them until the expiration of their lease permit.

SECTION 2. NEW RATES FOR NEW STALLHOLDERS

In case the City government shall establish a new market or an existing market is re-constructed, new rates shall be imposed on new stallholders by the Sangguniang Panlungsod.

When a new award is granted as a result of or pursuant to a vacancy resulting from the death or incapacity of an existing stallholder the rates prescribed in the preceding section shall be increased by one hundred percent (100%) as provided for in Sec. 196 of City Ordinance No.-91, S-93, otherwise known as the Quezon City Revenue Code.

SECTION 3. HAWKERS PERMIT, FEES AND AREAS

Hawker's permit and vending fees are hereby fixed in accordance with Article 25, Section 95 of City Ordinance No. SP-91, S. 93, also known as the 1993 Quezon City Revenue Code.

SECTION 4. MARKET FEES FOR AMBULANT/TRANSIENT VENDORS.

Market fees for the occupancy of city market premises by ambulant/transient vendors shall be paid in accordance with the manner prescribed in Article 49, Section 194 of City Ordinance No. SP-91, S. 93 known as the 1993 Quezon City Revenue Code.

SECTION 5. RECLASSIFICATION OF MARKET RENTAL FEES

The City Council has the power upon the approval of this Code to review and fix the increase in the market rental fees every five years as may be deemed necessary to the demand of the times.

CHAPTER IV - AWARDING OF STALLS

SECTION 1. MARKET COMMITTEE ON AWARDS

Composition

There is hereby created a permanent Market Committee on Awards to be composed of the City Administrator or his authorized representative as Chairman, a representative of the City Treasurer, the City Legal Officer, two (2) members from the City Council namely, the Chairman, Committee on Markets & Slaughterhouses, Chairman, Committee on Health & Social Services and one (1) public market vendors representative who is a legitimate stallholder to be appointed by the City Mayor. The Committee shall have the following duties:

Functions

1. Conduct the drawing of lots and opening of bids for the adjudication of vacant or newly constructed stalls or booths in the city public markets subject to the guidelines adopted by the Quezon City Market Management Committee;
2. Certify to the City Market Administrator/City Administrator/City mayor the results thereof;
3. Adjudicate the transfer of stallholders from one section to another or from one stall to another; and
4. Recommend to the City Market Administrator/City Administrator/City Mayor such measures or actions as may be necessary in the resolution of problems in connection with the occupancy of stalls, booths or spaces in the public markets.

SECTION 2. ADJUDICATION OF VACANT STALLS TO APPLICANTS, VACANCY OF STALLS IN PUBLIC MARKETS.

Vacant stalls shall be leased to the applicant in the following manner:

a) Notice of Vacancy of the stall or booths shall be posted for a period of not less than ten (10) days prior to the date of actual award to qualified applicants to apprise the public of the fact that such stalls or booths are vacant and available for lease.

Such notice shall be posted in the bulletin board of the City Hall, in the vacant stall, as well as in a conspicuous place in the market concerned. This notice shall read as follows:

NOTICE

Notice is hereby given that the Stall/Booth No. _____ , _____ section of the _____ Market is vacant or will be vacant on _____, 20___). Any person who is a Filipino Citizen, 21 years of age or more and is not legally incapacitated, a resident of Quezon City, and desiring to lease this stall/booth, shall file an application therefor on the prescribed form (copies may be obtained from the Office of the City Market Administrator during office hours and before 12:00 noon of _____, 20___). In the event that no Quezon City resident applies or qualifies, interested parties from neighboring cities/municipalities in Metro Manila may apply. In case there are more than one applicant, the award of the lease of the vacant stall shall be determined thru drawing of lots to be conducted on _____, 20___, at 12 0' clock noon at the Office of the City Market Administrator/City Administrator by the Market Committee. This stall/booth is in the _____ section and is intended for the sale of _____.

_____
City Administrator/City Market Administrator

An application fee of P100.00 shall be collected from each applicant to cover the necessary expenses and any excess thereof shall form part of the general fund.

b) The application should be made under oath. It shall be submitted to the Office of the City Market Administrator concerned by the applicant either in person or through his/her representative.

c) It shall be the duty of the City Market Administrator to keep a registry book showing the names and addresses of all applicants for vacant stalls or booths, the number and description of the stall/booth applied for by them, and the date and hour of the receipt by the officer of each application. It shall also be the duty of the said officer to acknowledge receipt of the application setting forth therein the time and date of receipt thereof.

The application shall be in the following form:

The City Market Administrator/City Administrator
City of _____
Metropolitan Manila

Sir:

I hereby apply under the following contract for the lease of market stall / booth No._____of the_____market. I am____years of age,_____citizen, residing at _____
_____.

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

1. That while I am occupying or leasing this stall/booth (or these stalls/booths), I shall at all times have my picture and that of my helpers (or those of my helpers) conveniently framed and hung up conspicuously in the stall/booth.

2. I shall keep the stall/booth or (stalls/booths) at all times in good sanitary condition and comply strictly with all sanitary and market rules and regulations now existing or which may hereafter be promulgated.

3. I shall pay the corresponding rents for the stall/booth (or stalls/booths) or the fees for the stall/ booth (or stalls/booths) in the manner prescribed by existing ordinances.

4. The business to be conducted in the stall/booth (or stalls/booths) shall belong exclusively to me.

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

6. I shall not sell or transfer my privilege to the stall/booth (or stalls/booths) or otherwise permit another person to conduct business therein.

7. Any violation on my part or on the part of my helpers of the foregoing conditions shall be sufficient cause for market authorities to cancel this contract.

Very respectfully,

_____
AFFIANT

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

_____
APPLICANT

_____
T.I.N.

SUBSCRIBED AND SWORN TO BEFORE me, in the City/Municipality of _____, Philippines, this _____ day of _____, 20____. Applicant/Affiant exhibiting to me his/ her Community Tax Certificate No. A_____ issued at _____ on _____, 20____.

_____
Notary Public

_____
Official Title

CHAPTER V - SPECIAL MARKET ZONE AND NIGHT MARKETS

SECTION 1. DECLARATION OF SPECIAL MARKET ZONES AND NIGHT MARKETS.

In order to accommodate qualified applicants who fail to obtain an Award due to limited market stalls, when public interest so requires, the City Mayor thru the recommendation of the Market Administrator with the concurrence of the City Council, may declare specific areas belonging to the City government as Special Market Zones and/or Night Markets designating the duration of number of days and vending hours for the purpose.

SECTION 2. PERMANENT /TEMPORARY DURATION.

The City Council shall determine whether such duration shall be permanent or temporary after conducting a public hearing under the auspices of the QCMDAD.

CHAPTER VI - RESTRICTIONS

SECTION 1. LEASE SHALL BE FIVE (5) YEARS RENEWABLE CONTRACT

Any awarded lease in any form upon approval of this Code shall be five (5) years renewable contract subject to review, in case of renewal, by the Market Committee upon the recommendation of the City Market Administrator who will determine if the conditions of the lease/award are faithfully complied with by the stallholder/ awardee during his last five (5) years preceding contract. In case of violations, said stall shall be declared vacant and will be declared available for occupancy to any new qualified applicant. Persons who have been awarded with stalls in the City Markets, prior to the approval of this Ordinance are not covered by this section.

SECTION 2. LESSEES SHALL PERSONALLY ADMINISTER HIS / HER STALL.

No awardee of the lease of market stall shall sub-lease the same nor shall any privilege acquired be sold. A person other than the stallholder, his registered partner or helper found selling in the latter's stall is prima facie evidence of sub-leasing, and shall subject the stallholder to outright revocation of this lease by the City Market Administrator/City Administrator/City Mayor.

Partnership with stallholder - A market stallholder who enters into business partnership with any party after he had acquired the right to lease such stall shall have no authority to transfer to his partner or partners the right to occupy the stall; PROVIDED, HOWEVER, that in case of death or any legal, mental and physical disability of such stallholder to continue in his/her business, the surviving partner may be authorized to continue occupying the stall for a period of not exceeding sixty (60) days within which to wind up the business of the partnership. If the surviving partner is otherwise qualified to occupy a market stall under the provisions hereof and the spouse, parent, son, daughter or relative within the third degree by consanguinity or affinity of the deceased is not applying for the stall, he shall be given the preference to continue occupying the stall or booth concerned if he applied therefor.

SECTION 3. DEATH OF LESSEE; SUCCESSION.

If an adjudicated regular stallholder dies, or becomes physically incapacitated permanently for work, the surviving spouse, if living together, may succeed said adjudicated stallholder to the occupancy of the stall thereof; PROVIDED, HOWEVER, that if the stallholder leaves no spouse, or the spouse left is physically incapacitated, the eldest legitimate son or daughter, as the case may be, upon whom devolves the support of the family of the deceased or incapacitated stallholder shall be the one next in line to succeed said stallholder; PROVIDED, FURTHER, THAT in case of succession, such spouse, son or daughter is a citizen of the Philippines or not otherwise disqualified to apply for such stall.

SECTION 4. TRANSFER / ASSIGNMENT OF RIGHTS

Nothing in this Chapter shall prevent the adjudicated regular stallholder from transferring or assigning his/her rights to other interested parties provided the following conditions concur :

1. He/ she is not legally married;
2. The legal spouse or legitimate son/s or daughter/s of the adjudicated regular stallholder upon whom devolves the duty to support the family is not interested and will execute a written waiver of rights;
3. The transferee/ assignee of rights are Filipino citizens preferably a resident of Quezon City, has all the qualifications specified in Sec. 2, Chapter V of this code and not otherwise disqualified to apply for the stall;
4. The application of the transferee / assignee for acquisition of the stall/s concerned is duly processed and approved by the Committee on Awards.

SECTION 5. LIMITATION.

Stallholders shall not be allowed to occupy stall or spaces other that those leased to them, and it shall be the duty of the City Market Administrator or his authorized representative to see to it that the stallholders do not occupy other stalls or spaces.

No stallholder/person in the city public markets shall construct, repair, renovate or undertake any kind of construction of stalls without first securing a permit therefore from the City Market Administrator/City Administrator. Stalls constructed/repaired or renovated in violation of this section may summarily be removed or destroyed by the City Market Administrator/City Administrator or his agents and/or employees.

SECTION 6. APPEAL.

Any applicant who is not satisfied with the adjudication made by the Market Committee on Awards of the stall/booth applied for by him, may file with the City Administrator/City Mayor an appeal there from and the decision of the City Administrator/City Mayor on the appeal shall become final after the lapse of fifteen (15) days where no order to submit for purposes of review have been issued by the City Administrator/City Mayor.

SECTION 7. MARKET HOURS.

All public markets shall be operated from 4:00 a.m. to 8:00 p.m. daily. However, this provision shall be observed with maximum tolerance under meritorious cases such as night markets from 8:00 – 4:00 a.m.

SECTION 8. LOSSES OF STALLHOLDERS.

The City shall not be responsible for any loss or damage which stallholders may incur in the city markets by reasons of fire, theft or force majeure. Any merchandise, goods, wares or commodities left in the city markets during closure time shall be at the risk of the stallholders.

It shall, however, be the duty of the Market Supervisor and his subordinates to exercise utmost vigilance and care to prevent any loss in the city markets and for this purpose, the Market Supervisor and his subordinates shall have authority to apprehend and turn over to the police any person or person caught stealing or committing any offense in the city markets.

SECTION 9. ABANDONED STALL / ARTICLES.

Any stall/booth in any city public market which has been closed for thirty (30) consecutive days shall be considered abandoned and the lease to such stall/booth shall be automatically revoked by the City Market Administrator/City Administrator.

Any article abandoned in any city market in violation of any provision of this Code shall be deemed a nuisance, and it shall be the duty of the Market Master and his subordinates to take custody thereof. In case the articles are claimed within twenty-four (24) hours thereafter, they shall be returned to their owner 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 City Market Administrator/City Administrator/ City Mayor, who may also, at his discretion, cause the criminal prosecution of the guilty party, or merely warn him against future violation.

SECTION 10. PEDDLING, HAWKING AND SELLING.

No person shall peddle, hawk, sell, offer for sale, or expose for sale any article in the passageways or aisles used by purchasers in any city market.

To avoid unjust competition, peddlers or hawkers shall not be permitted to offer for sale in the city markets and their surroundings within a radius of 200 meters where goods are sold or exposed for sale in the stalls or booths of said markets. Neither shall they be permitted to expose or sell merchandise on the sidewalks, courts (patios) or places designated and/or intended for the passage of the public. Market officials and personnel and policemen detailed in the vicinity of the city market shall exercise strict vigilance on this matter and enjoin strict compliance with these provisions.

SECTION 11. LOAFING, LOITERING, BEGGING, AND CARRYING OF DEADLY WEAPON

No person, not having lawful business in or about any city market, shall idly sit, longer, walk or lie in or about the premises of the same, nor shall any person beg or solicit alms or contributions of any kind in any city market, carrying of deadly weapons is prohibited.

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

SECTION 12. INTOXICATING DRINKS; DISPENSING AND SERVING OF.

No person shall drink, serve or dispense liquor or any intoxicating drink within the premises of any city market. Any violation hereof, shall subject the offender to the penal provisions of this Code or his or her lease award shall at once be revoked.

SECTION 13. WEIGHTS AND MEASURES.

Any stallholder found violating the provisions of the 1993 Quezon City Revenue Code regarding weights and measures shall, for the first offense, be required to correct any deficiency in said weights/measures severely warned and/or reprimanded and for the second offense, his/her stall lease canceled/revoked, and shall be evicted from the stall/booth or stalls/booths, he/she occupies, or possesses, and shall be perpetually barred from applying for, leasing, and/or occupying any stall/booth or stalls/booths in any public market within the Quezon City for which blacklist shall be prepared for the purpose. These sanctions shall be in addition to the penalties imposed in the afore stated Codes and/or of this Code, at the discretion of the Court.

SECTION 14. LOOSE ANIMALS.

No dogs or other animals shall be left astray in any city market. The Market Supervisor or his authorized representative is hereby empowered to catch such astray animals and impound them in the City Pound.

SECTION 15. REMOVAL, CONSTRUCTION, AND ALTERATION OF STALLS/BOOTHS.

No lessee shall remove, construct, and alter the original structure of any booth or booths or electrical wiring or water connection without prior permit from the City Market Administrator/Market Supervisor.

SECTION 16. REVOCATION OF LEASE.

Failure to pay the rent or fees within fifteen (15) days in case of daily payments, or within twenty (20) days, in case of monthly payments, shall be sufficient cause for the revocation of the lease and for the ejectment of the stallholder from his stall/booth or stalls/booths in accordance with the law on due process, PROVIDED, That for the purpose of enforcing this section, the prosecution and conviction of a stallholder or his helper/s in a criminal case shall not be necessary.

SECTION 17. EJECTED STALLHOLDERS DISQUALIFIED TO PARTICIPATE IN THE DRAWING OF LOTS.

Should a stallholder be ejected from his/her stall/booth or stalls/booths, for cause, as provided in this Ordinance, he/she and his/her helper/s shall be disqualified from filing another application for the lease of said stall/booth in any public market of the City for a period of one year.

SECTION 18. PROHIBITIONS.

a. The peddling or selling outside the public market site or premises of foodstuffs, such as, vegetables, meat, fish and others of perishable nature or which easily deteriorate is hereby prohibited.

b. In no case shall anyone, stallholder/s or outsider/s convert the stall/booth or (stalls/booths) or any portion of the market premises into temporary or permanent dwelling place where they will eat, sleep and use the public toilets/baths as their own. Any violation of this specific provision shall subject the violator thereof to the penal provisions of Chapter IX, Section 2, in addition to summary ejection from the market premises if the violator is a stallholder and the stall/booth or stalls/booths shall be considered vacant and awarded to deserving applicants conformably with the Ordinance.

SECTION 19. NUMBER OF STALLS TO ONE PERSON NOT TO EXCEED TWO.

No person shall be allowed to lease more than two (2) stalls; PROVIDED, that when two stalls are leased to one person, such stalls shall adjoin one another and shall be located in the same section of the market, and PROVIDED, FURTHERMORE, that two (2) stalls can only be leased to one single person where there are no other applicants for the second stall; PROVIDED, FURTHERMORE, that it shall be a violation of this section for more than one member of a family consisting of father, mother, sons, daughters to hold stall in one market unless their sons and daughters are already married and with families of their own to support or when they are already living by themselves and independently of their mother or father.

SECTION 20. VACATION LEAVE OF STALLHOLDERS.

Permission to be absent for short duration because of illness or other justifiable cause may be given to a stallholder by the Market Administrator. However, if the absence is for more than seven (7) days, the stallholder shall submit to the Market Administrator, a written application therefore, to be forwarded to the City Administrator for approval. The leave of absence shall not exceed one (1) month for every year of occupancy of a stall, but in no case, to exceed three (3) months. During the stallholder's absence, one of his/her registered helpers shall be authorized by him/her in writing to continue the business.

Failure of a stallholder to resume his/her business after the expiration of the leave granted shall be sufficient cause for the cancellation of his/her lease contract by the City Administrator.

SECTION 21. PRICE TAGS

All consumer products sold in retail to the public shall bear an appropriate price tag, label or marking indicating the price of the article. Such consumer products shall not be sold at a price higher than that stated therein. Erasures or alterations can only be allowed in price reduction sales promotions campaigns. When a consumer product is too small or the nature of which makes it impractical to place a price tag thereon, a price list is allowed. (D.A. implementing rules and regulation and R.A 7394 better known as the Consumer Acts of the Philippines).

SECTION 22. HEALTH CERTIFICATES & IDENTIFICATION CARDS.

No person shall be employed in the market, who may handle, process and serve food materials, foodstuffs and food without an up-to-date health certificate issued by the local health authority. Moreover, every stallholder and helper should wear an I.D. from the QCMDAD whenever inside the market premises.

SECTION 23. BUSINESS PERMITS

a) Any person who shall conduct or operate business in the establishments mentioned in this Code, shall first secure a Business Permit and pay the corresponding fee in accordance with Article 21 of City Ordinance No. SP-91, S-93 known as the 1998 Quezon City Revenue Code.

A certification from the Market Administrator which is a prerequisite in obtaining such permit will be issued after he/she has attended a seminar on the market rules and regulations and Fair Trade Laws.

b) **RETIREMENT OF BUSINESS**

Any person who desires to retire his business may do so on or before the expiry date set forth in his permit. Full payment of the annual fee, however, must be made by the person retiring from such business, and under no circumstances shall refund be made corresponding to the unused period. Failure to surrender the permit on or before the expiration date shall be construed to mean that the business is being continued and taxes or fees corresponding to the succeeding quarter becomes due and payable.

SECTION 24. DECEPTIVE SALES ACTS AND PRACTICES

An act or practice shall be deemed deceptive whenever the producer, manufacturer, supplier or seller through concealment, false representation of fraudulent manipulation, induces a consumer to enter into a sales or lease transaction of any consumer product of service.

No stallholder/vendor shall take advantage of the consumer's physical or mental infirmity, ignorance, illiteracy, lack of time or the general conditions of the environment or surroundings, induces the consumer to enter into a sales or lease transaction grossly inimical to the interests of the consumer or grossly one sided in favor of the distributor, producer or seller.

The use of incandescent bulbs which produce yellowish and colored and glow any attached luminous reflectorized materials in all private, public and flea markets, talipapa stalls and other similar establishments selling fresh vegetables, fish and/or meat is prohibited. (Ordinance No. SP-773, S-99).

SECTION 25. SINGLE ENTRY

There shall only be a single entry point in all public and private markets in Quezon City for the delivery and distribution of meat, animal carcasses organs or parts thereof. (Ordinance SP-36, S-92).

CHAPTER VII - MAINTENANCE OF CITY MARKETS

The following provisions for the maintenance of city markets shall be carefully and strictly observed:

SECTION 1. CLEANING OF MARKET PREMISES.

The Market Administrator/ Supervisor / Master /Stallholders/Stallholders' Association shall see to it that the market is always clean and in good sanitary condition, 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 shall be made daily prior to the opening of market hours and shall have a continuous maintenance cleaner before the buyers start coming in to the market. The market building and grounds should at all times be kept free from garbage and rubbish, in accordance with the provisions of P.D. 856 otherwise known as "The Code on Sanitation of the Philippines".

SECTION 2. PUBLIC TOILETS AND WASHING FACILITIES.

Adequate number of toilet facilities shall be provided with two (2) compartments, one for men and one for women in accordance with the requirements set forth in Section 4.3, Part 1 (Markets) of the Implementing Rules and Regulations of Chapter IV, "Markets and Abattoirs" of the Sanitation Code of the Philippines (P.D 856).

The plan of each toilet shall be approved by the City Health Officer as recommended by the Sanitary Engineer in accordance with the Department of Health standards.

Table 1. Minimum Requirements for Toilet and Hand-washing Facilities for Personnel and Stallholders

Number of	Water Closet		Urinal	Wash-hand Basin	
Person	Female	Male		Female	Male
1-29	1	2	1	1	1
30-49	2	1	2	2	2
50-99	2	2	2	3	3
Note: Additional one (1) fixtures for each additional 50 person or a fraction thereof.					

Table 2. Minimum Requirements for Toilet and Hand-washing Facilities for Personnel and Stallholders

Number of	Water Closet		Urinal	Wash-hand Basin	
Person	Female	Male		Female	Male
1-49	1	1	-	1	1
50-100	2	1	1	1	1
Note: Additional one (1) water closet and one (1) urinal for each additional 100 males or a fraction thereof; additional one (1) water closet for each additional 50 females or a fraction thereof.					

Table 3. The Minimum Toilet Space Requirement

Unit	Sq.m./Unit	Sq.ft./ Unit
Water closet	1.5	16
Urinal	1.11	12
Lavatory	1.11	12

SECTION 3. GENERAL LIGHTING FACILITIES.

Adequate general lighting facilities shall be provided in the markets. However, stallholders shall provide their own light in their respective stalls at their own expense subject to existing regulations.

SECTION 4. GARBAGE RECEPTACLES / SEGREGATION

All markets shall be provided with receptacles of the fly and rat proof type for the collection of garbage and rubbish. These receptacles shall be placed in the most conspicuous and convenient places in the market. Individual stallholders shall provide themselves with their own receptacles in order to avoid littering in their premises. No stallholder/s or other person/s shall place refuse on the floor, stall/s or any place other than the garbage receptacles. Stallholders shall also be required to segregate their biodegradable and non- biodegradable wastes.

SECTION 5. COOKED/RAW FOODS PROTECTION FROM CONTAMINATION.

Cooked foods should be served hot and at all times protected against contamination by flies and other insects and dirt. Likewise, raw foods, such as beef, fish, etc., shall at all times be protected from flies and other insects.

SECTION 6. CONSTRUCTION/CARE OF STALLS/BOOTHS, TABLES AND OTHER FIXTURES.

All foods shall be sold from stalls, booths, tables or fixtures made of or constructed according to plans or designs approved by the City/Municipal Engineer and the City 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 7. CLEANING OF STALLS/BOOTHS/SPACES AT END OF BUSINESS DAY.

At the close of each day's business and before leaving, stallholders and transient vendors shall clean their stalls/s/booth/s/space/s. They shall also remove all dirty materials and place rubbish and garbage in containers placed for the purpose in the market.

SECTION 8. ABANDONMENT OF PERISHABLE GOODS.

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

SECTION 9. POSTING OF RULES AND REGULATIONS.

The City Market Administrator/Supervisor shall post in each City Market rules and regulations in English or Filipino concerning the sanitation and good order of the city markets, the manner of leasing of stalls therein, the privilege and obligations of stallholders, and such other rules and regulations as he may deem necessary in the operation and maintenance of the public market. He shall also furnish such stallholder with a copy, in English or Filipino, of the rules and regulations herein mentioned.

SECTION 10. AUTHORITY TO ARREST.

In pursuance of the avowed objectives of this Code, the City Market Administrator is hereby directed to deploy and authorize market guards to effect arrest of any person committing an unlawful act within the market premises pursuant to the provisions of Section 5, Rule 113 and Section 7, Rule 112 of the Rules of Court of the Philippines, to wit;

"Section 5. Arrest, without warrants when lawful – a peace officer or a private person may without a warrant, arrest a person:

a. When, in his presence, the person to be arrested has committed is actually committing, or is attempting to commit an offense;

b. When an offense has in fact just been committed, and he has personal knowledge of facts indicating that the person to be arrested has committed it; and

c. When a person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another."

SECTION 11. WHEN ACCUSED LAWFULLY ARRESTED WITHOUT WARRANT

When a person is lawfully arrested without a warrant for an offense cognizable by the Regional Trial Court, the complaint or information may be filed by the offended part, peace officer or fiscal without a preliminary investigation having been first conducted, on the basis of the affidavit of the offended party or arresting officer or person.

"However, before the filling of such complaint or information, the person arrested may ask for a preliminary investigation by a proper officer in accordance with the Rules of Court, but he must sign a waiver of the provisions of Article 125 of the Revised Penal Code, as amended, with the assistance of a lawyer and in case of non-availability of a lawyer, a responsible person of his choice. Notwithstanding such waiver, he may apply for bail as provided in the corresponding rule and the investigation must be terminated within fifteen (15) days from its inception."

"If the case has been filed in court without a preliminary investigation having been first conducted, the accused may within five (5) days from the time he learns of the filing of the information, ask for a preliminary investigation with the same right to adduce evidence in his favor in the manner prescribed in this Rules of Court. (15a)"

CHAPTER VIII

PRIVATELY -OWNED AND OPERATED PUBLIC AND FLEA MARKETS AND SLAUGHTERHOUSES

SECTION 1. ESTABLISHMENT

The establishment and operation of privately owned and operated public and flea markets and slaughterhouses shall be in accordance with the provisions of this Code, in so far as they are applicable, as well as the provisions of Articles 26, 27 and Article 13, Sections 31 to 35 of City Ordinance No. SP-91, S-93 known as the 1993 Quezon City Revenue Code.

No person, partnership, or corporation shall operate a private market, talipapa, flea market and/or vending area and slaughterhouse within Quezon City without first securing a franchise and/or permit from the City Council as provided for under Section 1, Chapter I of this Code, nor shall any person be permitted to engage in any form of business in any privately owned public market, slaughterhouse, flea market, talipapa and any vending area without first securing a permit and license from the Business Permits and Licensing Office (BPLO) and the Quezon City Market Development and Administration Department. All applications to operate a privately owned market and slaughterhouse shall be filed with the Quezon City Market Development and Administration Department.

SECTION 2. INSPECTION AND MONITORING

The City Market Administrator or his duly authorized representative shall conduct regular inspection and monitoring of operations of all private markets to ensure their strict compliance with the city business operations regulatory requirements, Fair Trade Laws, revenue laws and other related laws, rules and regulations, guidelines and policies.

The City Market Administrator or his duly authorized representative shall also have the power to inspect and monitor operations of all privately owned and operated slaughterhouses to see to it that the number of slaughtered animals and the corresponding fees as provided in Article 38, Section 162, 163 and 164 of City Ordinance No. SP-91, S-93 known as the 1993 Quezon City Revenue Code are strictly complied.

Any violation thereof shall subject the administrator/ operator to the penalties provided in this Code and to such other administrative remedies as may be deemed appropriate including supervision, or revocation of permit to operate/ franchise consistent with due process.

SECTION 3. BUTCHER'S PERMIT AND FEE

Butcher's permit and fee are hereby fixed in accordance with Article 22 of City Ordinance No. SP-91, S-93 known as the 1993 Quezon City Revenue Code.

SECTION 4. SANITARY PERMIT AND HEALTH CERTIFICATES

Every owner/ operator of privately owned and operated public and flea market and slaughterhouses shall secure a sanitary permit for the purpose of supervision and enforcement of existing rules and regulations on sanitation and safety of the public upon payment to the City Treasurer of an annual fee in accordance with Article 30, Section 131-N and 132 of City Ordinance No. SP-91, S-93 known as the 1993 Quezon City Revenue Code.

Likewise, all persons employed in the above-mentioned establishments engaged in food handling are required to undergo medical and physical examination for a Health Certificate as provided for in Article 30, Section 132 of the same Code.

SECTION 5. BUSINESS PERMIT

Any person who shall conduct or operate business in the establishments mentioned in this Code shall first secure a Business Permit and License from the Business and Licensing Office (BPLO) and pay the corresponding taxes and fees in accordance with Article 21 of City Ordinance No. SP-91, S-93 known as the 1993 Quezon City Revenue Code.

a. **Posting or Display to Public View - Mandatory Requirement** The Mayor's Permit issued to any business shall at all times be posted or displayed for public view. Business Permit Registration Plates issued to all operators of business establishments with fixed business address shall accompany the Mayor's Permit. If operators have no fixed place of business or office they shall keep the Mayor's Permit or copy thereof, in their person.

b. **Revocation of Permit** Upon proper and written notice, the City Mayor may revoke the permit and close the establishment for any of the following reasons:

1. Violation of any condition set forth in the permit;
2. Abuse of privilege to do business or pursue an activity to the injury of public morals and peace; and
3. When the place of business becomes a nuisance or is allowed to be used by disorderly characters, criminals or persons of ill repute.

c. **Abandonment or Closure of Business** When a business or occupation is abandoned or closed, the person conducting the same shall submit to the City Treasurer within twenty (20) days from the date of such abandonment or closure, a sworn statement to that effect, stating therein the date of abandonment or closure and the corresponding taxes due that must be liquidated, otherwise said business shall be presumed to be still in actual operation. All taxes due and payable for the corresponding quarter should be settled before a business is deemed officially closed or abandoned. All taxes already paid for the whole current year shall not, however, be subjected to a refund for the unused term.

d. **Retirement of Business** Any person who desires to retire his business may do so on or before the expiry date set forth in his permit. Full payment of the annual fee, however, must be made by the person retiring from such business, and under no circumstances shall refund be made corresponding to the unused period. Failure to surrender the permit on or before the expiration date shall be construed to mean that the business is being continued and taxes or fees corresponding to the succeeding quarter becomes due and payable. The herein requirements shall be made with the City Market Development and Administration Department and the Business Permit and License Office (BPLO) and the Taxes and Fees Division of the City Treasurer's Office.

e. **Death of a Permitee** When an individual paying a permit fee dies, and the same business is continued by his heirs or persons interested in his estate, no additional payments shall be required on the unexpired term for which the fee was paid.

SECTION 6. SEALING AND LICENSING OF WEIGHTS AND MEASURES

Every stallholder/ vendor using weights and measures shall have them tested/ sealed annually and pay the corresponding fees paid to the City Treasurer in accordance with Article 20, Chapter V of City Ordinance No. SP-91, S-93 known as the 1993 Quezon City Revenue Code.

SECTION 7. PRICE TAGS / DECEPTIVE SALES ACTS AND PRACTICES

Every stallholder/ vendor conducting business in the establishments mentioned in this Code shall comply with Sections 23 and 26, Chapter VI.

SECTION 8. CLEANING OF MARKET PREMISES.

The Market Administrator/Operator shall see to it that the market is always clean and in good sanitary condition, 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 in to the market. The market building and grounds should at all times be kept free from garbage and rubbish, in accordance with the provisions of the Code on Sanitation of the Philippines (PD 856).

SECTION 9. TOILETS AND HAND-WASHING FACILITIES

Adequate number of toilet facilities shall be provided with two (2) compartments, one for men and one for women in accordance with the requirements set forth in Section 4.3, Part 1 (Markets) of the Implementing Rules and Regulations of Chapter IV "Markets and Abattoirs" of the Sanitation Code of the Philippines (P.D 856).
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The plan of each toilet shall be approved by the City Health Officer as recommended by the Sanitary Engineer in accordance with the Department of Health standards.

Table 1. Minimum Requirements for Toilet and Hand-washing Facilities for Personnel and Stallholders

Number of	Water Closet		Urinal	Wash-hand Basin	
Person	Female	Male		Female	Male
1-29	1	2	1	1	1
30-49	2	1	2	2	2
50-99	2	2	2	3	3
Note: Additional one (1) fixtures for each additional 50 person or a fraction thereof.					

Table 2. Minimum Requirements for Toilet and Hand-washing Facilities for Personnel and Stallholders

Number of	Water Closet		Urinal	Wash-hand Basin	
Person	Female	Male		Female	Male
1-49	1	1	-	1	1
50-100	2	1	1	1	1
Note: Additional one (1) water closet and one (1) urinal for each additional 100 males or a fraction thereof; additional one (1) water closet for each additional 50 females or a fraction thereof.					

Table 3. The Minimum Toilet Space Requirement

Unit	Sq.m./Unit	Sq.ft./ Unit
Water closet	1.5	16
Urinal	1.11	12
Lavatory	1.11	12

SECTION 10. SLAUGHTERHOUSES whether owned or operated by the city government or franchise granted by the Sangguniang Panlungsod to person/s where food animals, fowls are slaughtered for commercial purposes shall be established, operated and maintain in a manner prescribed in the implementing rules and regulations of Chapter IV, "Markets and Abattoirs" of the Code on Sanitation of the Philippines (P.D. 856).

SECTION 11. SINGLE ENTRY, The provision of Sec. 27, Chapter VI is also applicable to private owned markets.

SECTION 12. PEDDLING, HAWKING AND SELLING.

No person shall peddle, hawk, sell, offer for sale, or expose for sale any articles in the passageways or aisles used by purchasers in any city markets.

To avoid unjust competition, peddlers or hawkers shall not be permitted to offer for sale in city markets and their surroundings within a radius of 200 meters where goods are sold or exposed for sale in the stalls or booths of said markets. Neither courts (patios) or places designated and/or intended for the passage of the public to the city market officials and personnel and policemen detailed in the vicinity of the city market shall exercise strict vigilance on this matter and enjoin strict compliance with these provisions.

SECTION 13. LOAFING, LOITERING,BEGGING ANDCARRYING OF DEADLY WEAPON

No person, not having lawful business in or about any city market shall idly sit, loiter, walk or lie or about the premises of the same norshall any person beg or solocit alms or contributions of any kind in any city market. Carrying of deadly weapons is prohibited

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

SECTION 14. INTOXICATING DRINKS: DISPENSING AND SERVING OF

No person shall drink, serve or dispense liquor or any intoxicating drink within the premise of any city market. Any violation hereof shall subject the offender to the penal provisions of this Code or his or her lease award shall at once be revoked.

SECTION 15. GARBAGE RECEPTACLES/SEGREGATION

All markets shall be provided with receptacles of the fly and rat proof type for the collection of garbage and rubbish. These receptacles shall be placed in the most conspicuous and convenient places in the market. Individual stallholders shall provide themselves with their own receptacles in order to avoid litteirng in their premises. No stallholder/s or other person/s shall place refuse on the floor, stall/s or any place other than the garbage receptacles. Stallholders shall also be required to segregate their biodegradable and non- biodegradable waste.

SECTION 16. AUTHORITY TO ARREST.

In pursuance of the avowed objectives of this Code, the City Market Administrator is hereby directed to deploy and authorize market guards to effect arrest of any person committing an unlawful act within the market premises under the provisions of **Section 5, Rule 113 and Section 7, Rule 112 of the Rules of Court of the Philippines**, to wit;

"Section 5. Arrest, without warrants when lawful – a peace officer or a private person may without a warrant, arrest a person:

a. When, in his presence, the person to be arrested has committed is actually committing, or is attempting to commit an offense;

b. When an offense has in fact just been committed, and he has personal knowledge of facts indicating that the person to be arrested has committed it; and

c. When a person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another."

SECTION 17. WHEN ACCUSED ARRESTED WITHOUT WARRANT

When a person is lawfully arrested without a warrant for an offense cognizable by the Regional Trial Court, the complaint or information may be filed by the offended part, peace officer or fiscal without a preliminary investigation having been first conducted, on the basis of the affidavit of the offended party or arresting officer or person.

However, before the filling of such complaint of information, the person arrested may ask for a preliminary investigation by a proper officer in accordance with this Rule, but he must sign a waiver of the provisions of Article 125 of the Revised Penal Code, as amended, with the assistance of a lawyer and in case of non-availability of a lawyer, a responsible person of his choice. Notwithstanding such waiver, he may apply for bail as provided in the corresponding rule and the investigation must be terminated within fifteen (15) days from its inception."

If the case has been filed in court without a preliminary investigation having been first conducted, the accused may within five (5) days from the time he learns of the filing of the information, ask for a preliminary investigation with the same right to adduce evidence in his favor in the manner prescribed in this Rule.(15a)"

CHAPTER IX - PENAL PROVISIONS

SECTION 1. SURCHARGES.

Any person occupying or using a space in the government-owned and operated public market without first paying the fees herein above provided, shall be subject to the payment of market fees in an amount equivalent to three times the regular rate fixed for the space occupied. Any person occupying more space than what is duly leased to him shall pay double the regular rate for such extra space and any person who fails to pay the monthly rent within the time fixed herein shall pay a penalty of twenty-five per centum (25%) of the rent due.

SECTION 2. FINES/IMPRISONMENT.

Any violation of this Ordinance shall be penalized with a fine of not less than P1,000.00 but not more than P5,000.00 or imprisonment of not less than one (1) month but not more than six (6) months or both at the discretion of the Court. If the violation is committed by a juridical entity, the president or person in-charge shall be penalized.

SECTION 3. CANCELLATION OF LEASE RIGHT AND EJECTMENT

Likewise, any stallholder, his/her or his/her duly designated representative who habitually fails to pay the monthly or daily fees herein prescribed and such other regulatory fees mandated by other laws or ordinances, or violates any provision of this Code shall be sufficient cause for the revocation of his lease right and his/her ejectment from the stall/booth or space so occupied in the government-owned and operated public markets. The revocation or cancellation of such lease right may be effected by the City Administrator/City Mayor upon recommendation of the City Market Administrator/ Supervisor after observance of the due process.

CHAPTER X - FINAL PROVISIONS

SECTION 1. REPEALING CLAUSE. - All Ordinances, issuances or circulars inconsistent with the provisions of this Code are hereby repealed.

SECTION 2. DATE OF EFFECTIVITY. - The provisions of this Code shall be made effective July 01, year 2000.

ENACTED : September 12, 2000

JORGE L. BANAL
President Pro-Tempore
Acting Presiding Officer

ATTESTED :

EUGENIO V. JURILLA
City Council Secretary

APPROVED : Oct. 12, 2000

ISMAEL A. MATHAY, JR.
City Mayor