Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
19th City Council

PO19CC-448

77th Regular Session

ORDINANCE NO. SP-2459, S-2015

AN ORDINANCE REVISING THE QUEZON CITY MARKET CODE REGULATING THE ESTABLISHMENT, CLASSIFICATION, OPERATION, AND ADMINISTRATION OF PUBLIC MARKETS AND ALL OTHER MARKET-RELATED ACTIVITIES IN QUEZON CITY.

Introduced by Councilors DONATO C. MATIAS, MARVIN.C RILLO, JESUS MANUEL C. SUNTAY, FRANZ S. PUMAREN and EUFEMIO C. LAGUMBAY.

Co-Introduced by Councilors Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Dorothy A. Delarmente, Lena Marie P. Juico, Victor V. Ferrer, Jr., Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Roderick M. Paulate, Ranulfo Z. Ludovica, Estrella C. Valmocina, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Jose Mario Don S. De Leon, Jaime F. Borres, Vincent DG. Belmonte, Raquel S. Malañgen, Jessica Castelo Daza, Bayani V. Hipol, Jose A. Visaya, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Marivic Co-Pilar, Rogelio "Roger" P. Juan, Melencio "Bobby" T. Castelo, Jr. and Ricardo B. Corpuz.

WHEREAS, the City Council, as the legislative body of the City and pursuant to the mandate of the Local Government Code of 1991, has enacted and approved ordinances including Ordinance No. SP-944, S-2000, otherwise known as the Quezon City Market Code, regulating the establishment, classification, operation and administration of public markets and all other market-related activities in Quezon City;

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WHEREAS, there is a need to integrate these laws and ordinances for a more efficient and organized system of regulation of public markets and market-related activities to safeguard the interests of consumers;

WHEREAS, there is a need to amend certain provisions of the Market Code to provide for a better public market management, maintenance and operations in order to enhance competitiveness, business and livelihood opportunities, and to ensure delivery of basic services to the community;

WHEREAS, the Market Development and Administration Department was created through City Ordinance No. SP-950, S-2000, specifically to implement the provisions of the Quezon City Market Code and regulate the operation of public markets and all other market -related activities.

NOW, THEREFORE,

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

ARTICLE I
GENERAL PROVISIONS

SECTION 1. TITLE – This Ordinance shall be known as the "Revised Quezon City Market Code" and shall be commonly referred to as the "Revised Market Code".

SECTION 2. COVERAGE – This Code shall govern the establishment, operation, management, administration, and regulation of public markets and market -related activities, such as flea markets/tiangges and street vending, within Quezon City.

SECTION 3. DEFINITION OF TERMS – As used in this Ordinance, the following terms shall be defined as:

3.1 MDAD – refers to the Quezon City Market Development and Administration Department.

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3.2 Public Market – refers to any structure, building or place of any kind which has been established, designated, or authorized by the City Council, whether government or privately-owned and operated, dedicated to the service of the general public, where wet and dry products may be bought and sold. It 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 and building plans, and shall include all market stalls, kiosks, booths, buildings, roads, subways, waterways and drainage and other connections, parking spaces, and other appurtenances, which are integral parts thereof.

It shall include the following, but excludes supermarkets, hypermarts, minimarts, groceries and establishments of similar nature:

3.2.1 City Market – refers to 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 City Government or through its instrumentality, branch or political subdivision.

3.2.2 Private Market - refers to public markets established by an individual or group of individuals out of private funds and operated by a private entity, natural and juridical, under government franchise and permit.

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3.2.3 Talipapa/Satellite Market - refers to a type of public market with less than 50 stalls and minimum required facilities and usually caters to a limited number of customers found in a small community.

3.2.4 Bagsakan - refers to a type of public market where fish, seafoods, livestock, fruits, vegetables and other food merchandise are sold on wholesale basis.

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

3.4 Market premises - refers to any open space in the market compound, the market lot consisting of bare grounds not covered by the market building, and the total area designated as the market place.

3.5 Stallholder - refers to the awardee of a stall within a public market, who has been granted the right or privilege to use the stall, and pays rentals thereon, for the purpose of selling his goods/commodities/service.

3.6 Market Sections - refer to the various sections to which stalls in public markets are grouped and classified:

3.6.1 Meat, Pork and Dressed Chicken Section - refers to the area where only all kinds of meat and other meat products allowed by law are sold, with meat, pork, and dressed chicken separately displayed and properly labeled;

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3.6.2 *Fish Section - refers to the area where only fish, clams, oysters, crabs, lobster, shrimps, seaweeds and other seafoods and marine products are sold;*

3.6.3 *Dry Goods Section - refers to the area where only all kinds 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 are sold;*

3.6.4 *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, are sold;*

3.6.5 *Poultry Products Section - refers to the area where only live chickens, ducks, suckling or piglets, and the like are sold;*

3.6.6 *Plants and Garden Section - refers to the area where only all kinds of plants and flowers, whether fresh or artificial, garden accessories and implements, or tools are sold;*

3.6.7 *Groceries/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 are sold;*

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3.6.8 *Eatery Section - refers to the area where only all kinds of cooked/ prepared food shall be sold. This includes carinderias, refreshment parlors, cafeterias, snack counters and kiosks where delicacies are sold;*

3.6.9 *Miscellaneous and Other Special Services Section - refers to the area where any other business not classified above is allowed, except the sale of flammable products such as liquefied petroleum gas (LPG).*

3.7 *Support facilities -refers to service areas directly supportive of market operations, including the "bagsakan" area, central collection station for wastes, poultry dressing area, ice storage facilities, cold storage and storage rooms, toilets, parking areas, ice-plants, warehouses and trading posts.*

3.8 *Vendor - refers to a natural person who sells goods as a means of livelihood.*

3.9 *Ambulant, transient or itinerant vendor - refers to a vendor who does not permanently occupy a definite place or stall in the public market but who comes either daily or occasionally to sell his/her goods within the market premises.*

3.10 *Hawker/ Peddler - refers to an ambulant or mobile vendor who sells his goods outside the premises of a public market, usually on sidewalks, streets, thoroughfares, government lot and other public spaces.*

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3.11 *Street Vendor -refers to a vendor who offers goods or services for sale on streets, sidewalks and other public areas; may be stationary by occupying space on the pavements or other public areas or may be mobile moving from place to place carrying their wares on push carts, in cycles or baskets on their heads, or may sell their wares in moving bus etc. The term includes hawkers, peddlers or sidewalk vendors.*

3.12 *Tiangge/Flea Market - refers to a place where goods or services are sold for a brief duration in a stall or outlet which is not permanently fixed to the ground and is normally set up in places like the shopping malls, hospitals, office buildings, hotels, villages or subdivisions, churches, parks and other private or public places except public roads and streets.*

3.13 *Tiangge Organizer - refers to the primary lessee of the entire space where the operations of a tiangge are held by virtue of a lease contract executed between the owner of the leased property and the organizer who subsequently sub-leases the same to exhibitors/ traders during the entire duration of the lease contract. In case the owner of the real property is the one directly leasing to the exhibitors/ traders, such owner shall be constituted as the organizer, for this purpose.*

3.14 *Tiangge Exhibitor/ Trader - refers to the person or entity sub-leasing from the organizer a space upon which stalls or booths are erected for the purpose of selling goods or services.*

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SECTION 4. RULES OF INTERPRETATION – In the interpretation of the provisions of this Code, the following rules shall apply, unless otherwise inconsistent with the manifest intent of the said provisions:

4.1 Common and Technical Words – Words and phrases shall be construed and understood according to their common and approved usages. Words and phrases which may require a technical, peculiar, and appropriate meaning under this Code shall be construed and understood according to such technical, peculiar, or appropriate meaning.

4.2 Gender and Number – Every word in the Code importing the masculine gender shall extend and apply to both male and female. Every word importing the singular number shall extend and apply to several persons or things as well. Every word importing the plural number shall extend and apply to one person or thing as well.

4.3 Computation of Time – The time within which an act is to be done as provided in this Code in any rule or regulation issued pursuant thereto, when expressed in days, shall be computed by excluding the first day and including the last day.

4.4 Conflicting Provisions – If the provisions of this Code conflict with each other, the provision of each chapter or article shall prevail as to specific matters and questions involved therein.

ARTICLE II
THE MARKET DEVELOPMENT
AND ADMINISTRATION DEPARTMENT

SECTION 1. MDAD – The Market Development and Administration Department, hereinafter referred to as the MDAD for brevity, is mandated to implement and enforce the Revised Market Code and other city ordinances and laws pertinent to the administration of city markets and regulation of the establishment and operation of public markets and all other market related activities in Quezon City, including tiangges and street vending.

SECTION 2. THE CITY MARKET ADMINISTRATOR

2.1 MDAD shall be headed by the City Market Administrator who shall have the authority to implement any or all parts of the provisions of the Revised Market Code and shall:

2.1.1 Exercise general supervision and control over the management, operation, maintenance, and development of city markets in accordance with the plans and programs of the City Government, including the allocation, adjudication, assignment/reassignment, resectioning /regrouping and construction of stalls;

2.1.2 Propose policies and prepare, execute and coordinate plans and programs for the improvement and enhancement of the operations of public markets and other market-related activities, including the designation of vending sites;

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2.1.3 *Enforce all laws, rules and regulations affecting the regulation of the establishment, classification and operation of public markets and all other establishments with market-related activities in Quezon City, including tiangges, and vending sites;*

2.1.4 *Conduct regular inspection and monitoring of public markets and other establishments with market-related activities covered by this Code, to ensure their strict compliance with the Revised Market Code, City business operations requirements, fair trade laws, revenue laws and other related laws, rules and regulations, guidelines and policies;*

2.1.5 *Cancel the market stall award, revoke the lease contract and cause the expulsion or ejection of stallholders in city markets for violation of the Revised Market Code, business operations requirements, fair trade laws, revenue laws and other related laws, rules and regulations, guidelines and policies;*

2.1.6 *Cause the clearing of vending sites, without prejudice to the filing of other legal complaints, for violation of the Revised Market Code, City business operations requirements, fair trade laws, revenue laws and other related laws, rules and regulations, guidelines and policies.*

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2.1.7 Recommend the revocation of business permits, suspension of business operations, issuance of cease-and-desist order or CDO, permanent or temporary closure of business establishment of any other persons covered by this Code.

2.2 The City Market Administrator shall have the power to delegate such authority, duties and responsibilities to any bona fide employee or any authorized representative of MDAD; Provided, That the delegation of authority is subject to issuance of Mission Order, Office Order, or similar order of assignment.

ARTICLE III
BASIC POLICIES AND REGULATIONS

SECTION 1. ESTABLISHMENT AND CONSTRUCTION OF PUBLIC MARKETS

1.1 Public markets shall be established only on sites in accordance with the Building Code, Sanitation Code, Quezon City Zoning Ordinance, and other applicable City ordinances.

1.2 The economic viability of the area, the number of existing public markets, and the needs of both consumers and traders in the area shall be considered in the establishment of public markets.

1.2.1 No private market shall be built or allowed to operate within a 500-meter radius of an existing city market.

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1.3 *The construction of public markets shall be in accordance with the provisions of the Building Code, and shall conform to standards prescribed by the Sanitation Code, Quezon City Green Building Code, and other applicable existing laws and ordinances.*

1.4 *No person, partnership, or corporation shall operate a private market within Quezon City without first securing a franchise from the City Council.*

1.4.1 *All franchise to operate granted to private markets shall be reapplied for renewal every five (5) years.*

1.4.2 *The franchise granted, being a mere privilege, may be withdrawn at any time by the City Government and subject to regulation, control and limitation of the provisions of the Revised Market Code, Quezon City Revenue Code and other applicable laws, rules and regulations.*

1.4.3 *The franchisee shall be levied a franchise fee and an annual franchise tax as prescribed by the Quezon City Revenue Code. The franchise fee of Ten Thousand Pesos (₱10,000.00) for new franchise and Five Thousand Pesos (₱5,000.00) for renewal of franchise shall be paid upon award/renewal of franchise while franchise tax shall be paid annually together with the regulatory fees.*

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1.4.4 *Failure to pay the franchise fee or tax shall be grounds for the revocation of the franchise/ permit to operate and closure of the private market, subject to payment of surcharges and penalties provided under the Quezon City Revenue Code.*

SECTION 2. OPERATION AND MAINTENANCE OF PUBLIC MARKETS

2.1. *Cleanliness and Sanitation - Public markets and other establishments covered by this Code, shall at all times be kept clean and in good sanitary condition, and shall be maintained and operated in accordance with the provisions of the Sanitation Code, Environmental Protection and Waste Management Code and applicable City ordinances.*

2.2 *Market Sections – Stalls in public markets shall be grouped into different sections according to the following kinds of merchandise offered for sale:*

2.1.1 *Meat, Pork and Dressed Chicken Section*
2.1.2 *Fish Section*
2.1.3 *Dry Goods Section*
2.1.4 *Vegetable and Fruit Section*
2.1.5 *Poultry Products Section*
2.1.6 *Plants and Garden Section*
2.1.7 *Groceries/ Sari-Sari Section*
2.1.8 *Eatery Section*
2.1.9 *Miscellaneous and Other Special Services Section*

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