



Excerpt from the minutes of the regular session of the Sangguniang Panlungsod of the City of Naga, Cebu held on July 06, 2015 at the Session Hall, City of Naga, Cebu.

Present:

HON. DELFIN R. SEÑOR
HON. ALEXANDER R. LARA
HON. VENCI R. DEL MAR
HON. OTHELLO M. CHIONG
HON. VIRGILIO M. CHIONG
HON. ELMER Q. LAPITAN
HON. NILO B. ALINSONORIN
HON. CARMELINO N. CRUZ
HON. AFSHIN MARK K. SEÑOR
HON. LETECIA F. ABANGAN
HON. AURELIO B. ALINSONORIN

- Vice Mayor/Presiding Officer
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- ABC President



Absent:

HON. RODRIGO A. NAVARRO

- Sangguniang Panlungsod Member

ORDINANCE NO. 2015-008

AN ORDINANCE ENACTING THE 2015 MARKET CODE OF THE CITY OF NAGA, CEBU

CHAPTER I. PRELIMINARY PROVISIONS

SECTION 1. **TITLE.** *This Ordinance shall be known as the "2015 Market Code of the City of Naga, Cebu".*

SECTION 2. **NAME.** The new public market located at the Reclamation Area, adjacent to the Enan Chiong Activity Center, City of Naga, Cebu, owned and managed by the City Government of Naga, Cebu, shall be officially named as the **NAGA PEOPLE'S MARKET.**

SECTION 3. **Declaration of Policy and Objectives.** It is a policy of the City Government of Naga, Province of Cebu to:

- 3.1. establish a self-reliant and viable public market equipped with modern building facilities, systems and structures for service of the buying public;
- 3.2. provide business opportunities for the enhancement and economic well-being of the City of Naga residents; and
- 3.3. spur economic development of the City.

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SECTION 4. **AUTHORITY TO ESTABLISH PUBLIC MARKETS.** The City Government of Naga, Cebu, pursuant to Art. IV, Sec 11, (5), (ii) of the Charter of the City of Naga otherwise known as Republic Act No. 9491, shall have the authority to establish, maintain and operate public markets within its territorial jurisdiction upon the approval by the Sangguniang Panlungsod of the City of Naga, Cebu.

SECTION 5. **TRANSFER OF COMMERCIAL, TRADING AND ECONOMIC ACTIVITIES FROM THE OLD PUBLIC MARKET TO THE NAGA PEOPLE'S MARKET.** Upon approval by the City Mayor for the occupancy of the new public market - *Naga People's Market*, all commercial, trading and economic activities at the old public market shall be transferred to the new market - Naga People's Market. To ensure a systematic and orderly transfer of stallholders, the City of Naga Market Authority (CONMA) shall determine the procedure of the transfer, assignment and awarding of market stalls to existing stall holders/occupants of the old public market

SECTION 6. **COVERAGE.** The provisions of this Code shall govern the establishment, administration and operation of the New Public Market – the Naga People's Market of the City of Naga, Cebu, and the imposition and collection of market rental fees for occupancy or use thereof.

SECTION 7. **Definition of Terms.** When used in this Code, the following terms shall mean:

- a. Ambulant/Transient Vendors - vendors who sell their merchandise by moving from one place to another and are not occupying a permanent stall or space in the public market.
- b. Bagsakan/Trading Center –is an open area declared by the Market Authority as such, which serves as a service landing area for goods in bulks delivered by suppliers and producers for wholesale marketing to vendors and consumers alike.
- c. Code - refers to the 2015 Market Code of the City of Naga, Cebu which governs the administration and operation of the Naga People's Market.
- d. Government-owned or operated public market - those established through public funds, leased, or acquired by any other legal mode or means from persons and operated by the government.
- e. Lease - a written agreement through which the City of Naga conveys possession and occupancy of its market buildings or spaces or any portion to another person who binds and accepts the same for a specified period of time.
- f. Lease Rights - a right of a stallholder to possess and occupy a stall for a specific period of time, subject to the compliance of the existing



- laws, rules and regulations and the submission of the documents and papers required by the City Government of Naga.
- g. Lessee - a person having in his/her possession a duly executed contract of lease for a specified stall, space or booth, granted in his/her favor by the City of Naga.
 - h. Lessor – the City of Naga or its authorized representative who transfers, conveys and assigns the temporary possession and occupancy of any real property of any portion thereof, for a specified stall or space or booth and period by an agreement or contract of lease.
 - i. License or Permit – a privilege or permission granted to a person to engage in business, occupations or transactions in accordance with law or ordinance by a competent authority.
 - j. Manual of Operations - a translation of the Market Code into standard operating procedures which spells out the steps, procedures and processes of market rules, regulations and guidelines as discussed in the Market Code. The Manual is designed in such a way that it provides an easy reference for those who are directly responsible for the implementation and maintenance of the market.
 - k. Market Authority - refers to the City of Naga Market Authority, a body created as enunciated by the Market Code, to ensure that the objectives of the Public Market are attained.
 - l. Market Premises - the spaces in the market compound and part of the market lot mentioned above consisting of bare grounds not covered by market buildings, especially occupied by transient vendors and the spaces covered by buildings and structures, up to a radius of 200 meters from the market building.
 - m. Market Section - a subdivision in the market, housing one class or group of allied goods, commodities or merchandise.
 - n. Market Stalls - any allotted spaces or booths in the public market where merchandise of any kind is sold or offered for sale or intended for such purpose in the public market
 - o. Marine Products – fresh, processed and dried fish, seaweeds, shells, mussels, clams, shrimps, lobsters and the like
 - p. Meat - fresh meat from city slaughterhouse.
 - q. Peddler - a person who, either for him/her or on commission travels from one place to another in order to sell his goods
 - r. Public Market - one which has been established, designated by the Sanggunian and shall embrace the whole plot of ground including parking areas intended for or assigned to such market site as limited by its respective technical description, location plan, subdivision survey, building plan and other document on file in the offices of the City Mayor, City Treasurer and City Engineer
 - s. Public utility vehicle - a vehicle for hire with gross weight of below 4, 600 kilograms

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- t. Pub-mini bus – a passenger bus with gross weight of 4,600 kilograms and above
- u. Rental Fee - the fee paid to and collected by the City Treasurer for the privilege of using public market spaces and facilities
- v. Slaughterhouse - a place designated by law where animals for human consumption are to be slaughtered, cut-up and cleaned
- w. Slop – any specified and assigned area or booth in the Public Market which is smaller than a regular stall;
- x. Stallholders – those who have been granted the right to use stalls or booths, where they can display and sell their goods and pay rentals thereon
- y. Support Facilities – service areas provided to support the operations of the market including the Bagsakan, waste collection station, poultry dressing area, ice and cold storage facilities, warehouse and storage rooms, toilets, parking area, slaughterhouses, trading posts, etc.
- z. Tricycle - the mode of transportation powered by a motorcycle attached to a built-in cab
- aa. Trisikad – the mode of transportation powered by a bicycle attached to a side car
- bb. Vendor- a person who sells goods, commodities or foodstuff

CHAPTER II. ADMINISTRATION, SUPERVISION AND CONTROL

SECTION 8. ***General Supervision and Control.*** The City Mayor shall exercise direct and immediate supervision, administration and control over the operation of the public markets, and the personnel assigned therewith, including those whose duties concern the maintenance, upkeep of, and ensuring peace and order in the market premises, in accordance with laws, rules, and regulations governing the operations of the public markets, and ordinances pertaining thereto.

SECTION 9. ***The City of Naga Market Authority.*** To ensure the attainment of the objectives enunciated by this Code, a body is hereby created which shall henceforth be known as the City of Naga Market Authority (CONMA).

- a. The City of Naga Market Authority shall be composed of the City Mayor as Chairperson, and the following as members:
 - City Administrator
 - City Legal Officer
 - City Treasurer
 - SP Chairperson, Committee on Market and Abattoir
 - SP Chairman, Committee on Appropriations, Budget & Finance
 - Market Administrator
 - City Veterinarian




- City Agriculturist
 - Market Vendors' Representative
- b. The Market Administrator shall act as the Secretary to the City of Naga Market Authority (CONMA)
- c. Powers and Functions. The City of Naga Market Authority shall
- i. formulate the City of Naga Manual of Operations;
 - ii. conduct periodic review of City Market operations;
 - iii. recommend market rates and fees at levels in order to render market operations economically viable and self-reliant;
 - iv. hear and settle grievances arising from market operations and administration;
 - v. declare the temporary or permanent closure of the public market for cause;
 - vi. conduct the drawing of lots and opening of bids in connection with the adjudication of vacant or newly constructed stalls or booth in the public market and award market stall to qualified parties, in the presence of the market vendors;
 - vii. screen applicants for occupancy of stalls on a first come-first-serve basis;
 - viii. certify the results of the screening of stallholders; and
 - ix. conduct a study on the transfer of stallholders from one section or stall to another.
- d. Term of Office. All members of the City of Naga Market Authority shall hold office for the duration of the terms of the office to which they were elected or appointed. In the case of the Sangguniang Panglungsod representatives, they shall hold office for as long as they are still the Chairpersons of the respective committees which they chair. The market vendors' representative shall hold office for one (1) year and elect a new representative every year thereafter.
- e. Regular Meeting. The City of Naga Market Authority shall have its regular meeting at least once a month, however, the Chairperson may call for a special meeting any time for the purpose of discussing specific or urgent matters upon request from any of its members.
- f. Honorarium. Each member or his/her authorized representative shall receive an honorarium of FIVE HUNDRED (PhP 500.00) PESOS for every regular and special meeting attended, subject however to a maximum of two (2) meetings a month. The granting of honorarium is also subject to the availability of funds and government rules and guidelines.
- g. Excerpts of Meetings. Result/s of proceedings in every meeting must be fully documented and a copy shall be furnished to each member not later than five (5) working days after the conduct of each meeting.



SECTION 10. ***Delineation of Tasks and Functions.*** The management and administration of the public market shall be delineated according to two (2) major functions, i.e. operation and administration and financial management.

10.1 Operation and Administration

There shall be a Market Administrator, who shall be under the direct supervision and control of the City Mayor, and shall exercise immediate supervision and control over the operation and administration of the public market. He/She shall enforce all ordinances and regulations in all matters relative to the operation and administration thereof. All personnel are required to obey all legal orders and directions of the Market Administrator, or his/her authorized representative in all such matters.

The operation and administration functions of the public market are further delineated into three(3) sections, namely: Maintenance and Sanitation, Monitoring and Enforcement, and General Services.

10.1.1 The Market Administrator shall:

- i. implement and execute the plans and policies of the City Mayor as specified in the Manual of Operations;
- ii. secure periodic collection reports from the City Treasurer to include comparative statements of collection of market revenues and to secure statistical data on prevailing prices of goods in the market;
- iii. supervise and evaluate activities and performance of the market inspector and subordinates, and investigate complaints involving their public performance and attitudes and recommend to the City Mayor on proper actions to be taken;
- iv. supervise, evaluate and administer market properties including the acquisition, utilization, maintenance, losses and disposal thereof;
- v. recommend to the City Mayor the opening of necessary positions in the public market for effective and efficient delivery of the needed services in its operation; and
- vi. be responsible for numbering or other forms of identifying the market sections.

10.2 Financial Management

The City Treasurer shall exercise direct and immediate supervision and control over the financial management function of the market, He/She shall oversee the collection of all taxes, fees, rents and revenues from



the public markets within the territorial jurisdiction of the City of Naga. He/She shall designate Market Collectors who will perform daily collection tasks in all sections of the market.

SECTION 11. **Other Market Personnel.** There shall be other market personnel who shall perform regular duties in the public market where they are assigned to maintain the good sanitary condition of public markets, and efficient service to the general public having business in the public market. The SangguniangPanlungsod shall determine in accordance with existing laws, regulations, the other market officials and employees of the public market.

CHAPTER III. MARKET SECTIONS, FEES AND RENTALS

SECTION 12. **Market Sections.** There shall be in the public market, designated sections where a class or group of allied goods, commodities or merchandise, shall be sold or offered for sale.

SECTION 13. **Designation of Market Sections.** There is hereby designated the following market sections of the public market:

Section	Products/Goods/Commodities
Dry Goods	groceries, rice and corn cereals, appliances, and other related products are being sold
Eatery	all kinds of cooked foods, including refreshments, drinks and similar products
Grocery and Sari-sari	canned and bottled goods, bakery products and other similar products
Marine Products	fresh fish, clams, oysters, crabs, lobsters, shrimps, seaweeds and other sea foods and similar products
Meat and Meat Products	all kinds of fresh meat
Processed Marine Products	processed marine products, such as salted or dried fish
Services	beauty parlors, tailoring shops, dress shops, barber shops, newspaper and magazine stands, radio and watch repair shops, photo studios, video shops, financial institutions and the like
Vegetables, Fruits & Flowers	vegetables, fruits and flowers and other similar products
Other Services	Services not found in the above sections



SECTION 14. **Collection of Fees and Rentals.**

14.1 Any person or entity, who desires to establish any business or occupy any place in the public market, shall pay the market fees and rentals as provided in this Code;

14.2 It shall be unlawful for any seller or vendor to occupy space in the public market in excess of what has been awarded to her/him.

SECTION 15. **Application Fee.** A non-refundable application fee of PhP 300.00 shall be collected from each applicant for occupancy of market to cover the necessary expenses in the processing of application documents.

SECTION 16. **Market Rentals.** There shall be collected market fees and rentals in accordance with the following:

Section/Description	Floor Area (in sq. m.)	Stall / Slop		Fee/Stall (PhP)
		No.	Qty/Spaces	
Dry Goods				
Groceries, Rice & Corn Cereals, Appliances, Pharmacy, and other related products	16.00	1 - 25	25	4,500.00/mo.
Services				
Salon, Tailoring, Repairs, VideoShops, photography Studio and other related services	16.00	26 - 40	15	4,500.00/mo.
Eatery				
Refreshments, <i>Carenderia</i> , Bakery, Snack Bars and other related products	16.00	41 - 49	9	4,500.00/mo.
Meat and Meat Products				
Pork	11.00			3,000.00/mo.
Beef	11.00	50 - 55	6	3,000.00/mo.
Dressed Chicken	11.00	56 - 57	2	3,000.00/mo.
	11.00	58 - 65	8	

Fruits, Flowers, Vegetables & Sari-Sari				
Fruits	5.5	95 -108	8	1,500.00/mo.
Lechon	5.5	124 132 140 148	4	1,500.00/mo.
Sari-sari	5.5	109-116 117-123 125-131 133-139 141-147	36	1,500.00/mo.
Slops for Transient and Other Farm Products	1.3	155-165 169-179	22	10.00/day
Slops for Delicacies (<i>puso, puto, etc.</i>)	1.3	166-168 180-182	6	10.00/day
Marine Products				
Fish, Prawns, Crabs, Shrimps and all other similar products	5.5	66 -94	29	1,500.00/mo.
Slops for Transient Marine Products	1.3	183-212	30	10.00/day
Processed Marine Products				
Dried Fish, Salted Fish, and other similar products	10.0	149-154	6	2,750.00/mo.
Other Services				
Other services not found in the above i.e. Coconut Grater and Meat Grinder , etc.	5.5	95-100	6	1,500.00/mo.




SECTION 16-A: **Financial Institutions.** Banking and Non-banking financial institutions will be subjected to a different rental rate as may be imposed upon by the Market Authority.

SECTION 17. **Imposition of Market Entrance Fees.** In addition to the regular market rental charges as provided for in this Code, a market entrance fee is hereby imposed on all transient vendors of any commodity or merchandise being brought into the public market which may be displayed for sale on the basis of weight, bundle, sack, can or any other convenient unit of measure.

The amount imposed by way of market entrance fee shall be as follows:

Commodities/Merchandise	Unit of Measure	Fee (PhP)
Marine Products		
• fresh fish of any kind	<i>bañera</i> or fraction	10.00
• prawns, crabs, shrimps and all other similar species	pail or fraction	10.00
• sea shells and all other similar species	pail or fraction	10.00
• dried fish	box or fraction	10.00
• salted fish	can or fraction	10.00
• smoked fish	bundle or fraction	4.00
Meat and Meat Products		
• cow-beef	Head	10.00
• carabao-beef	Head	10.00
• pig-pork	Head	10.00
• chicken	Head	2.00
• eggs	Tray	2.00
• lechon	Head	10.00
Vegetables and Spices	basket or fraction	2.00
Cereals, Rice & Corn	Sack	2.00
Animal Feeds	Sack	5.00
Forest Products		
• firewood per bundle		0.50
• charcoal		2.00
Fruits		

• Local Fruits	box/basket	2.00
• Imported Fruits	box/basket	4.00
Noodles, <i>sotanghon</i> , <i>miki</i> , et al	Bag	1.00
Novelties, Farm Implements, Kitchen Utensils, Fashion Accessories and Similar Products	Box	4.00
Edible Oil	Can	3.00
Canned Goods	Box	2.00
Softdrinks	Case	2.00
Liquors	Case	3.00
Tuba, Bahalina and Other similar products	Container	2.00
Flowers and Ornamental Products	Basket	3.00

SECTION 18. ***Fees for Transient Vendors and Salesmen.*** Ambulant/transient vendors shall be permitted on a day to day basis and confined to areas not designated for passageways, parking areas, entrance to the market premises. Market Fees for ambulant/transient vendors shall be at the rate of P30.00/square meter/day in addition to fees imposed on Section 17 herein.

SECTION 19. ***Time and Manner of Payment of Market Fees, Rebates and Penalties.***

19.1 The rental fees imposed in this Code shall be paid to the City Treasurer or his/her authorized representative, due and demandable on the last working day of every month.

19.2 As an incentive, a 10% discount of the rental fee shall be granted to the space holder who can render payment before the due date or before the last working day of the month. A grace period of five calendar days after the due date or last working day of the month shall be extended to space holders who failed to pay the monthly rental fee, without any surcharge or penalty. However, payments rendered after the given grace period shall bear a 10% surcharge/penalty, which shall be added to the rental fee due.

19.3 Advance payments in longer periods, not to exceed the term of the Contract, shall be accepted and the corresponding official receipt be issued.

19.4 Every permanent space holder shall deposit an amount equivalent to two months rental. The paid deposit shall not be converted to payment of rental delinquency unless the space holder shall cease to operate his/her business and terminate his lease contract.

- 19.5 The space holder shall be considered as delinquent if he/she fails to pay the rental fee within one (1) month from its due date and shall be construed as forfeiting all his/her right to the occupancy of the space rented to him/her. Provided further, that in consequence thereof, such space shall be declared vacant and a notice of vacancy shall be posted.

CHAPTER IV - AWARDING OF STALLS AND CANCELLATION OF AWARDS

SECTION 20. *Awarding or Selection of Vacant Stalls to Qualified Applicants.*

- a) Vacant and newly-constructed stalls or booths shall be awarded in the following manner:
- i) Notices of Vacancy shall be placed or hung above the vacant or newly-constructed stalls or booths to advise the public of the fact that such stalls are vacant. Provided, the notice shall specify the number of the stall or booth, the specimen where it is located, and the last day of filing of application for occupancy thereof. The notice shall be printed on stiff cardboard or other similar materials, and should be in the form as prescribed by the CONMA.
 - ii) The above notice shall remain where it is hung or posted, for a period not less than ten (10) days immediately preceding the date of the award. A copy of this notice shall also be posted on the bulletin board within the Market compound and in the City Hall.
 - iii) The application shall be signed by the applicant and submitted to the City of Naga Market Authority and accompanied with two (2) copies of his/her picture, one to be posted on the application, and the other on the record card. In case the application is approved, it shall be the duty of the Market Administrator to acknowledge the receipt of the application, setting forth therein the time and date of receipt and keep a record book or register showing the names and addresses of all applicants of vacant stall or booths.
- b) Qualifications of Applicants to Lease Market Stalls or Booths:
- must be a Filipino citizen, *provided*, preference shall be given to applicants who are registered and actual residents of the City of Naga, Cebu;
 - must at least be 18 years old and above;
 - has not been an occupant of any stall in the public market, whose contract was cancelled due to violations of Market rules and regulations;
 - has not been convicted of any criminal or civil offense or has no pending criminal case; and



- must submit a Certificate of Good Health issued by the City Health Office, Department of Health.

c. Awarding of stall/space to a qualified applicant shall be determined by the City of Naga Market Authority in accordance with the procedure stated in Section 8.3.6 hereof.

SECTION 21. **CONTRACT OF LEASE.** Upon awarding of stall/space to a qualified applicant, a Contract of Lease shall be executed by and between the space awardee and the City Government of Naga, Cebu. The awardee shall pay the one (1) month advance rental and the two (2) months deposit as a requisite to the signing of the Contract. The City Mayor is hereby granted authority to sign the Contract of Lease (new or renewal), in behalf of the City Government of Naga, Cebu.

Failure of the space awardee to execute the Contract of Lease within ten (10) days after the awarding of the stall/space shall be construed as forfeiting all his/her right to the occupancy of the awarded space. In consequence thereof, such space shall be declared vacant and a notice of vacancy shall be posted.

SECTION 22. **Term of Contract.** The term of contract shall automatically expire at the end of the year, renewable every first working day of the following year. Renewal of the Contract of Lease shall be initiated by the Stall Owner/Business Permittee. The Contract of Lease (new & renewal) shall be one of the requirements for business permit application.

SECTION 23. **Death of Lessee/Succession.** When an awarded regular stallholder dies, or becomes permanently incapacitated for work, the surviving spouse, if living together, has the right to succeed said awarded stallholder to the occupancy of the stall thereof, but shall not relinquish, cede, or transfer such right, to any other person, except as provided in this Code. Provided, that when the said stallholder 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 incapacitated stallholder. Provided further, that in case of such succession, such spouse, son or daughter is a citizen of the Philippines, if not otherwise disqualified to occupy such stall, subject to the other provisions of this Code.

SECTION 24. **Partnership with a Stallholder is Not Allowed.** Henceforth, no partnership with a stall holder will be allowed or recognized.

SECTION 25. **Personnel Administration of Stall by Lessee.** Any person who has been awarded the right to lease a market stall in accordance with the provisions hereof, shall occupy, administer and be present personally at his/her stall or both. Provided, that helpers employed are citizens of the Philippines, including but not limited to the spouse, and children of the lessee who are actually living with him/her and who are not disqualified under the provisions hereof. Provided,



further that the persons employed as helpers under any circumstances shall be persons with whom the lessee has no commercial relation or transaction.

SECTION 26. **Stall Utilities.** Power, water, telephone and other services consumption bills shall be shouldered by the stall holders.

SECTION 27. **Dummies or Sub-Leasing or Selling of Stalls.** The lessee shall not directly or indirectly sublease, assign, transfer, convey, mortgage, or in any way encumber its rights of lease over the leased premises or any portion thereof under any circumstances whatsoever. Any contract that may be made in violation of this clause shall be null and void. Provided, the Contract of Lease for any stall, entered into by and between the City of Naga and an adjudicated stallholder, shall be declared null and void from the very beginning should the said stallholder be found out to be a dummy or another person. Provided further, that any person who shall be found to have connived with another person so that the latter may for any reason be able to occupy a stall or booth or space in the public market in violation of this provision shall be penalized in accordance with the penalties imposed in this Code.

SECTION 28. **Dwelling in Stalls.** Nobody shall be allowed to use the stalls or booths or any space within the market premises as his/her dwelling place or living quarters.

CHAPTER V. GENERAL PROVISIONS

SECTION 29. **Carriers (Kargadores) in the Public Market.**

29.1 No person shall engage in the calling of carriers in the public market unless he/she is a Filipino citizen, of a good moral character, resident of the city, duly registered and recognized by the office of the City Mayor and has not been convicted of any crime against any person or property;

29.2 Each Carrier should be guided by the following:

- a. should be provided by the City Mayor with a registration certificate and an identification card which shall be worn conspicuously while working as Carrier.
- b. any registered Carrier convicted of crime against any person or property subsequent to his/her registration shall be automatically disqualified as Carrier and his/her name shall be dropped from the list of Carriers maintained by the Office of the City Mayor.
- c. submit to a bi-annual check-up with the City Health Office, Department of Health (DOH), and submit such medical certificate to the Office of the City Mayor.

29.3 There shall be collected a registration fee of Fifty Pesos (PhP 50.00) per year and renewable on or before January 20 of each year for Carriers duly registered and recognized by the Market Administrator.



SECTION 30. **Abandoned Articles.** Any articles abandoned in the City Market in violation of any provisions of this Code shall be deemed a nuisance and it shall be the duty of the Market Administrator and his subordinates to take custody thereof. In case the articles are claimed within twenty four (24) hours thereafter, they shall be returned to the owners upon payment of actual expenses incurred in pulling out and in 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 Mayor. 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 in favor of the City Government of Naga, Cebu.

SECTION 31. **Peddling and Hawking.** No person shall be allowed to peddle, hawk, sell or offer for sale or expose for sale any article in the passageway used by purchasers in the market.

SECTION 32. **Loafing, Loitering, Begging and the Like.**

32.1 No person, not having lawful, business in or about the public market shall idly sit, walk or lie in or about the premises of the same, nor beg or solicit alms or contributions of any kind in the Public Market.

32.2 It shall be unlawful for any person to resist, obstruct, annoy or impede any market employee or personnel in the performance of his/her duties, nor shall parents allow their children to play in or around their stalls or in the market premises.

32.3 It shall be unlawful for any stallholder or vendor in the public market to expose, hang or place any article for sale or for any other purposes in aisles and any other places in the market not specifically utilized as a stall.

SECTION 33. **Loose or A stray Animals.**

33.1 Dogs and other animals shall not be left astray in the market.

33.2 The Market Administrator is empowered to effect the impounding of astray animals found in the market in coordination with the City Veterinarian Office.

33.3 Any person found guilty of violating this particular provisions shall be penalized in accordance with the penal provision of this Code. Provided, the impounding of such stray animals shall be effected in accordance with the provisions of existing ordinance on the impounding of animals.

SECTION 34. **Weights and Measures.**

All instruments for determining weights and measures shall be subject to the provisions of Chapter II of the Consumer ACT - Republic Act No. 7394, Article B, Chapter III of the Revenue Code of the City of Naga, Cebu (*Sealing and Licensing of Weights and Measures - All instruments for*



determining weights and measures in all consumer and consumer related transactions shall be tested, calibrated and sealed every six (6) months by the official sealer who shall be the City Treasurer or his duly authorized representative)

34.1 Any stallholder found violating the provisions of the Local Tax Code or the National Internal Revenue Code regarding weights and measures, shall in addition to the penalties imposed by said Codes, be penalized as follows:

OFFENSE	FINE (PhP)
First	200.00 and reprimand
Second	300.00 and written warning
Third	500.00 and cancellation of his/her Business Permit and Contract of Lease, and shall be barred from applying for lease of any stall, or space in the Public Market within the City of Naga. Provided, that a blacklist shall be prepared for the purpose and maintained at the Office of the Mayor

SECTION 35. Maintenance of Order in Market.

35.1 No person within the premises of the public market shall be allowed to commit any nuisance, any disorderly conduct, make any loud or boisterous voices, use any profane or vulgar language, stand without business and obstruct the passageways of the market, or do any act which is calculated to lead to a breach of peace and tends to disturb the good order and decorum therein.

35.2 No person shall carry in his/her possession deadly weapons such as knives, bolos, axes, ice picks, darts and firearms within the premises of the public market. Except, those who are authorized by competent authorities to carry firearms, and for reason of the nature of their jobs and livelihood in the market are obliged to bring along with them bladed or pointed instrument considered as deadly weapons. Provided that, vendors and their helpers shall not carry such instruments outside of their stall or booths, or spaces inside the camarin. Provided further, that vendors occupying other spaces inside the premises of the public market shall not carry with them such similar bladed or pointed instrument away from their assigned places.

SECTION 36. Construction, Alteration and Renovation of Stalls and Fixtures.

No stall holder in the market shall construct, repair, renovate, add, alter or change the structure of any stall or market fixture, without first securing the written permission therefore, from the City Mayor. Stalls constructed, repaired or renovated, or violation of this section, shall be removed or destroyed by the Market Administrator. All permanent improvements and fixtures made by the stallholder within the premises of the stall shall form part of the market property and shall not be removed, destroyed nor altered without the written permission of the City Mayor.

SECTION 37. **Limitation.** Stallholders shall not occupy stalls or spaces other than those leased to them.

SECTION 38. **Display of any Wet or Dry Goods Other Than the Areas Already Specified.** No person shall use any of the pathways or any other space of the public market for the display of any wet or dry goods and commodities other than those areas specified for.

SECTION 39. **Cooking of Food.** Cooking is strictly prohibited. Heating of food shall only be allowed in designated places or in the *carenderia*.

SECTION 40. **Food Providers.** The food providers should observe proper food handling, food safety and sanitation practices at all times in observance with the existing laws and regulations on the matter.

SECTION 41. **Spoiled Food.** Spoiled foods or in bad taste or calculated to be contaminated shall not be sold or offered for sale in the public market and shall be condemned or destroyed by the Market Administrator. Provided, that the dynamited or poisoned fish or any kind of meat or goods calculated to be in a state of decomposition shall be condemned or destroyed by the Market Administrator or the Meat Inspector, as the case may be.

SECTION 42. **Food Handlers.**

42.1 All persons engaged in the sale and handling of cooked, baked and preserved foods, or refreshment drinks, shall at all times be neat and clean and shall provide themselves with plastic mouth cover, clean towels and cloths for the cleaning of the tables, stalls and fixtures. Provided, that restaurants and eateries shall provide wash bins of boiling water for cleaning of utensils.

42.2 All persons engaged in the sale of foods and drinks mentioned in the preceding paragraph, shall first secure a health certificate from the City Health Office, before securing a Mayor's Business Permit, and which shall be renewable every six months. Provided, that the City Health Office shall certify to the effect, that those requesting for health certificates for the purpose stated hereof, are not carriers of communicable diseases and have them vaccinated against small pox, cholera and typhoid fever. Provided further, that applicants of Mayor's Business Permits for the purpose hereof, shall each submit the original copy of such health certificate to the Office of the Mayor.

SECTION 43. **Posting of Rules and Regulations.** The Market Administrator shall post in a conspicuous place inside the market, copies of this Code. Copies of this Code shall be furnished to each stallholder upon request and payment of appropriate fees at the City Treasurer's Office.



CHAPTER VI - MAINTENANCE OF MARKET

SECTION 44. **Cleanliness and Sanitation.** The public market and its premises must at all times be kept clean and in sanitary condition to safeguard the health and safety of the buying public as well as the stall owners, vendors and market personnel.

SECTION 45. **Maintenance and Sanitation Unit.** The public market must have a maintenance and sanitation unit with an adequate number of personnel to ensure efficiency in the maintenance of cleanliness and sanitation of the public market and its premises. The cleaning of the public market and its premises shall be done daily and as may be necessary.

SECTION 46. **Responsibility of Individual Stall Owners and Vendors.** Individual stall owners and vendors shall keep and maintain their stalls in clean and sanitary condition. They shall likewise be responsible for the cleanliness of the passageways, alleys or spaces immediately in front, behind or beside their stalls. Together with the local market authorities and personnel, stall owners and market vendors shall be responsible for the general cleanliness and sanitation of the public market and its premises.

SECTION 47. **Garbage Receptacles.**

47.1 Stallholders or vendors shall provide their stalls or booths or spaces in the public market with garbage receptacles for the collection of garbage and rubbish. Provided, that such garbage receptacles, shall be of the fly and rat proof type. Provided further, that transient vendors shall bring their garbage back to their place of residence.

47.2 Failure to comply with the provisions of this particular section, the stallholder or vendor shall be penalized as follows:

Offense	Fine
First	500.00
Second	1,000.00
Third	2,000.00

SECTION 48. **Segregation and Disposal of Garbage.**

48.1 Stallholders or vendors should practice waste segregation, i.e. biodegradable and non-biodegradable, hence, two (2) garbage receptacles should be provided for and properly labeled for the purpose;

48.2 Failure to comply with the provision of this particular section, the stallholder or vendor shall be penalized as follows:

Offense	Fine
First	500.00
Second	1,000.00
Third	2,000.00

SECTION 49. **Number of Garbage Receptacles.** The public market shall be provided with large garbage receptacles for the collection of all the garbage and rubbish (both biodegradable and non-biodegradable) in the market and its premises. In addition, an adequate number of garbage cans shall be placed at strategic places in the Public Market for the garbage and rubbish of buyers, ambulant vendors and market personnel.

SECTION 50. **Disposal of Garbage.** It shall be the responsibility of the individual stall owners and vendors to dispose their garbage at the end of each day by placing them in the receptacles referred to in Section 48 thereof. However, the disposal of the garbage of the buying public, ambulant vendors and market personnel shall be the responsibility of the local market authorities. No person shall be allowed to dump garbage at the garbage receptacles at the public market except those who have business in said market. A disposal area shall be provided for each floor of the market and shall be located at a convenient place accessible to garbage collectors/trucks. The solid waste accumulated from the stalls and market in general shall be transferred to the City of Naga Ecology Center to facilitate efficient solid waste management.

SECTION 51. **Disposal and Collection Schedule.** All the garbage and rubbish of the public market must be collected and disposed of at appropriate schedules determined by the local market authorities.

SECTION 52. **Facilities Required to be Provided.** There shall be proper and adequate drainage and sewerage system in the public market to ensure cleanliness and sanitation. Appropriate facilities to abate pollution shall be installed.

SECTION 53. **Meat and Meat Products.** All meat and meat products shall be inspected pursuant to existing laws and ordinances. No meat shall be allowed for display inside the public market without having been inspected by the Meat Inspector, and must bear the specific sign that such has already been inspected.

SECTION 54. **Sale of Marine Products.** Only fresh, live and wholesome fish, and marine products or dried, salted, smoked, or fermented fish/marine products which are safe for consumption shall be sold at the public market. Fish and other marine products caught in radio-active zones as well as in areas contaminated by toxic substances or high in mercury count as determined by the Department of Health (DOH) through the Bureau of Food and Drugs in coordination with the Bureau of Fisheries (BFAR), shall be condemned and shall not be allowed for sale.

SECTION 55. **Protection and Preservation of Foods.** All kinds of food which require no further cooking shall be wrapped, covered or enclosed in containers to preserve their freshness and prevent contamination.

SECTION 56. **Water and Drinking Facilities.** The public market shall have available ample water for cleaning and drinking. There shall be separate drinking facilities to prevent contamination.



SECTION 57. **Electrical Services.** The public market shall be provided with lighting system in open spaces and alleys while stalls will be installed with individual electric meters.

SECTION 58. **Public Toilets.** Public toilets with adequate lavatories, one for men and another for ladies, shall be provided in each floor and installed in strict conformity with the sanitation of the public market and its premises.

58.1 To regulate the sanitation and use of the market comfort rooms, the following are the imposed fees for users who avail of toilet services. Payments shall be acknowledged by a cash ticket.

Service	Fee
Urinating	2.00
Defecating	4.00

SECTION 59. **Applicability of the Code on Sanitation.** All provisions of the Code on Sanitation shall, whenever applicable, be observed by and enforced upon the public market and all establishments therein and their respective personnel. Special efforts shall be exerted to strictly enforce the provisions of said Code of Sanitation relating to water supply, food establishment, sewage collection and disposal, excrete disposal and drainage, and refuse disposal.

SECTION 60. **Signages.** "No Littering" (Anti-Littering Ordinance), "Dispose Your Garbage Properly" and other relevant signages shall be posted in conspicuous places, e.g. at the entrance and the passageways to warn stall owners, vendors and buyers that the same is punishable by law.

CHAPTER VII. SECURITY AND SAFETY

SECTION 61. **Market Hours.** In accordance with the requirements for security and safety in the public market, the following will be enforced:

61.1 Business Hours.

Business Hours	Day/Time
Market Hours	Daily, Monday to Sunday
Opening Hour	4:00 in the morning
Closing Hour	10:00 in the evening

61.2 Curfew Hours. The curfew hours inside the public market shall be from 10:00 in the evening to 4:00 in the morning. Unauthorized persons shall not be allowed inside the public market during the specified hours.

SECTION 62. **Proper Identification.** All market personnel shall be required to display conspicuously an identification card or other means of identification prescribed by the City Government.

SECTION 63. **Security Unit.** The City Government shall provide adequate security for the protection of traders and consumers within the vicinity of the market area.

SECTION 64. **Losses of Stallholders.** The City Government shall not be responsible for any loss or damage which the stallholders may incur in the public market, by reason of fire, theft or robbery or force majeure.

It shall be the duty of the Market Administrator to exercise utmost vigilance and care to prevent any loss in the public market. For this purpose, the Market Administrator shall have the authority to apprehend and turn over to the Police any person caught stealing or committing any offense in the Public Market and file appropriate legal action/complaint for the prosecution of the offender.

SECTION 65. **Fire Zone.** The market site where the market building is located, and the land within thirty (30) meters radius of the market site shall be declared a fire zone, hence, fire protection and prevention guidelines and measures will be employed.

CHAPTER VIII. SERVICE AREAS AND FACILITIES

SECTION 66. **Service Area.** Storage facilities and other support and auxiliary market facilities, such as those intended for ice storage shall be appropriately situated to facilitate distribution/sale of ice in the public market.

SECTION 67. **Parking Area.** Ample parking space shall be provided within the vicinity of the public market. The City Government shall charge reasonable fees for the use of such parking spaces at rates fixed by the City Council.

67.1 The following parking fees are hereby imposed:

Type of Vehicle	Fee
Two-wheeled	Php 5.00 for the first two (2) hours and 1.00 for every succeeding hour or fraction thereof
four - wheeled	PhP 10.00 for the first two (2) hours and PhP 5.00 for the succeeding hour or fraction thereof
six - wheeled	PhP 20.00 for the first two (2) hours and PhP 10.00 for the succeeding hour or fraction thereof

67.2 The fees shall be collected by the Market Collectors assigned to the parking area as declared by the City of Naga Market Authority through a resolution, and which shall be duly acknowledged through cash tickets. Overnight parking shall be strictly prohibited.

SECTION 68. **Ramps and Stairways.** Ramps shall be placed in strategic visible locations near the approach points to the market structure and shall conform to the provisions of the existing accessibility law which requires buildings, institutions, establishments and public utilities to install facilities and devices to enable the mobility of persons with disabilities. These shall provide convenient linkage to the adjacent market functional areas. Regular stairways shall complement the ramps installed in the public market.

CHAPTER IX. FINAL PROVISIONS

SECTION 69. **Second Floor of the Market Facility.** The second floor of the market facility is open for future developments according to terms and conditions as may be agreeable to the City Government.

SECTION 70. **Manual of Operations.** A Manual of Operations for the public market spells out the steps, procedures and processes of the rules and regulations as discussed in this Code. The Manual is formulated to provide an easy reference for those who are directly responsible for the implementation and maintenance of the market which includes all stakeholders.

70.1 A copy of the Manual of Operations is placed in active file for reference when needed by the Offices of the City Mayor, Sangguniang Panglungsod, City Administrator, Market Administrator and all other LGU departments and offices involved in the operation, administration and management of the public market.

70.2 Should there be a need to revise portions of the Manual, these should be according to and aligned with the provisions of the Market Code.

SECTION 71. **Repealing Clause.** All ordinances or parts thereof or any rules and regulations which are inconsistent or contrary with any of the provisions declared in this Ordinance are hereby deemed repealed, amended or modified accordingly.

SECTION 72. **Separability Clause.** If, for any reason or reasons, any part or provisions of this Code 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. **Effectivity Clause.** This Ordinance shall take effect immediately after its posting at a conspicuous place in the City Hall for three (3) consecutive weeks and after its mandatory publication in a newspaper or general circulation as mandated under Section 511 of Republic Act 7160 otherwise known as the Local Government Code of 1991.

UNANIMOUSLY APPROVED this 6th day of July 2015, on motion of Hon. Afshin Mark K. Señor, seconded by Hon. Carmelino N. Cruz, Jr..


July 10, 2015

I HEREBY CERTIFY to the correctness of the afore-quoted Ordinance taken from the minutes on file.

ATTESTED BY:


DELFIN R. SEÑOR

Vice Mayor/Presiding Officer


DELZA T. ARELLANO
Secretary to the Sanggunian

APPROVED BY:


VALDEMAR M. CHIONG
Mayor