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AN ORDINANCE REGULATING THE OPERATION OF PUBLIC MARKETS AND PRESCRIBING FEES FOR THE RENTALS OF STALLS AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

Be it ordained by the Municipal Board of the City of Manila, that:

SECTION 1. Definition - "Public Market" refers to any place, building or structure of any kind designated as such by the Municipal Board except public streets, parks, plazas and the like.

SEC. 2. Scope of this Ordinance - This ordinance shall govern the administration and operation of City public markets and the imposition and collection of rental fees for the occupancy or use thereof.

SEC. 3. Preference in the occupancy of public markets and premises. - Only citizens of the Philippines shall have privilege to the occupancy of public market stalls and premises.

SEC. 4. Payment of fees. - Unless otherwise provided herein, market fees shall be paid in advance before any person can sell, or offer to sell, any commodity or merchandise hereinafter specified within the public market and its premises.

SEC. 5. Designation and subdivision of market building: rates of fees and rentals therefor. - In case there are several market buildings, or pavillions, each one of them shall be given a number or other designation subdivided into sections, with each section housing one class or group of allied goods, commodities or merchandise and provided a fixed rate of fee or rental per square meter of space occupied if paid per month and/or per day.

SEC. 6. Classification of Markets - The Municipal Board shall, upon recommendation of the Market Committee, classify public markets into first, second and third class public markets and shall prescribe the rental fees thereof based on a resectioning of the markets authorized under P.D. 231; provided however, that pending said classification and resectioning of the markets the fees that may be collected per square meter in the different markets shall be in accordance with the following schedule:

<u>NAME OF MARKET</u>	<u>CURRENT RATE PER STALL</u>	<u>RATE PER SQUARE METER</u>
1. Arranque	P.40	P.60
2. Bambang	.30	.50
3. Central (Major Market)	.40	.60
4. Dagonoy	.20	.30
5. Divisoria (Major Market)	.50	.75
6. Obrero (Major Market)	.30	.50
7. Paco (Major Market)	.40	.60
8. Pampanga	.25	.35
9. Pandacan (Old)	.10	.15
10. Pavia	.25	.40
11. Quinta (Major Market)	.45	.70
12. Sampaloc	.35	.55
13. San Andres	.20	.30
14. Sta. Ana	.20	.30
15. Tondo	.25	.40
16. Trabajo	.20	.30

<u>NAME OF MARKET</u>	<u>CURRENT RATE PER STALL</u>	<u>RATE PER SQUARE METER</u>
(Privately Operated Markets & Talipapas)		
17. Abucay	P.30	.45
18. Asuncion	.25	.40
19. Balut	.10	.15
20. Basilio	.20	.30
21. Dapitan	.20	.30
22. Elcano	.25	.40
23. Fdo. Ma. Guerrero	.20	.30
24. G. Tuzzon	.20	.30
25. Loreto	.20	.30
26. Manotok	.35	.55
27. P. Rada	.25	.40
28. Wagsa	.25	.40
29. Pingkian (G. Perfecto)	.25	.40
30. Pinoy	.30	.45
31. Soriano (Paco Annex)	.20	.30
32. Sta. Mesa	.20	.30
33. Sulu	.30	.45
34. Tayabas	.25	.40

SEC. 7. Rates of rentals for fixed stalls, booths and tiendas. - The rates of rentals for fixed stalls, booths and tiendas shall be fixed by the month and the rentals for any month shall be paid within the first twenty days thereof. In fixing the said rates, the fixed stalls, booths and tiendas situated in the best locations shall be assigned higher rates per square meter than those less favorably located, as long as said higher rates per square meter, are within the range of rates provided above under Section 5 of this Ordinance.

SEC. 8. Market fees for the occupancy of market premises. The market fees for the occupancy of market premises shall be fixed at the rate of one peso (P1.00) per day for every square meter or a fraction thereof, of space occupied therein.

SEC. 9. Market entrance fee. - The rates of market fees are generally fixed on the basis of space occupied. However, a market entrance fee shall be imposed instead on all transient vendors of any commodity or merchandise being brought into the public market for sale on the basis of weight, bundle, sack, can, cartload, or any other convenient unit of measure.

The amount of entrance fee to be imposed, however, shall not exceed the amount of market fee collectible where the fee charged is on the basis of space occupied by the said commodity or merchandise, as provided in the next preceding subsection.

In case the vendor from whom such entrance fee was collected occupies any table, cubicle, or other space with an area in excess of what he paid for, he shall be required to pay the correct amount of fee due thereon less what he may have already paid as entrance fee. Duly-licensed duly permitted supplier or distributors of goods, commodities or general merchandise of permanent occupants of market stalls, booths, tiendas or other space, as well as the same occupants when they bring in goods, commodities or merchandise to replenish or augment their stock, shall not be considered as transient vendors required to pay the market entrance fees herein authorized.

SEC. 10. Vacancy of stalls; adjudication to applicants. - Vacant stalls shall be leased to the applicants thereof in the following manner:

(a) Notice of vacancy of the stall or booths shall be hung for the period of not less than ten (10) days immediately preceding the date fixed for their award to the applicants above the vacant or newly established stalls or booths, or otherwise so placed therein as to apprise the public of the fact that such stalls or booths are unoccupied and available for lease.

Such notice shall also be posted on the bulletin board of the market concerned. This notice of Vacancy shall be written on cardboard or any thick paper and shall conform to the following form :

NOTICE

Notice is hereby given that Stall No. _____, Building or Pavilion No. _____ of the _____ market is vacant (or will be vacated on _____, 19_____) Any person, 21 years of age and is not legally incapacitated, desiring to lease this stall, shall file an application therefor on the prescribed form (copies may be obtained from the Office of the City Treasurer during office hours and before 12:00 o'clock noon of _____, 19_____) . 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 _____, 19_____, at 12 O'clock noon at the Office of the City Treasurer by the Market Committee. This stall is in the Section of _____ and is intended for the sale of _____ .

City Treasurer

(b) The application shall be under oath. It shall be submitted to the Office of the City Treasurer concerned by the applicant either in person or through his or her attorney.

(c) It shall be the duty of the City Treasurer to keep a register book showing the name and addresses of all applicants for vacant stalls or booths, the number and description of the stall applied for by them, and the date and hour of the receipt by the treasurer of each application. It shall be also the duty of the treasurer to acknowledge receipt of the application setting forth therein the time and date of receipt thereof.

The application shall be substantially in the following form:

APPLICATION TO LEASE MARKET STALL

The City Treasurer
City of _____
Province of _____

S i r :

I hereby apply under the following contract for the lease of market stall No. _____ of the Market. I am _____

years of age, _____ citizen of the _____ and
residing at _____.

Should the above mentioned stall be lease 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 (or these stalls), I shall at all times
have my picture and that of my helper (or those of
my helpers) conveniently framed and hung up cons-
piciously in the stall.

(2) I shall keep the stall (or stalls) 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 booth (or booths) or the fee for the stall (or
stalls) in the manner prescribed by existing ordinances.

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

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

(6) I shall not sell or transfer my privilege,
to the stall (stalls or 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 suf-
ficient cause for market authorities to cancel this
contract.

Very respectfully,

Applicant

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 own knowledge.

Applicant

T. A. No. _____

SUBSCRIBED AND SWORN TO BEFORE ME, in the City of M
Philippines, this _____ day of _____
19____. Applicant-affiant exhibiting to me his/her Res.
Cert. No. A _____ issued at _____ on _____

Official Title

SEC. 11. Vacancy of stall before expiration of the lease. - Should, for any reason, a stall holder or lessee discontinue or be required to discontinue his business before his lease of the stall expires, such stall shall be considered vacant and its occupancy thereafter shall be disposed of in the manner herein prescribed.

SEC. 12. Partnership with stallholder. - A stall holder 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 or any legal disability of such stall holder to continue in his 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 thereof, 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 applies therefor.

SEC. 13. Lessee to personally administer his stall. - 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 stall or stalls, booth or booths: Provided, however, That he may employ helpers who must be citizens of the Philippines, including but not limited to the spouse, parents, and children of the stall holders who are actually living with him and who are not disqualified under the provisions hereof: And Provided, further, That the persons to be employed as helpers shall, under no circumstances, be persons with whom the stall holder has any commercial relation or transaction.

SEC. 14. Dummies, sub-lease of stalls.- In any case where the person, registered to be the holder or lessee of a stall or stalls, booth or booths, in the public market, is found to be in reality not the person who is actually occupying said stall or stalls, booth or booths, the lease of such stall or stalls, booths or booths, shall be cancelled if upon investigation such stallholder shall be found to have sub-leased his or her stalls or stalls, booth or booths, to another person or to have connived with such person so that the latter may for any reason be able to occupy the said stall or stalls, or booth or booths.

SEC. 15. Appeals - Any applicant who is not satisfied with the adjudication made by the City Treasurer or the market committee of the stall applied for by him, may file with the local board or council, an appeal therefrom thru the City Mayor, who may submit such comment and recommendation as he may desire to make on the matter. The decision of the local board or council in such cases shall be final.

SEC. 16. Duties and powers of the City Treasurer.- Except as otherwise provided in the respective charters of chartered cities, the City Treasurer shall, in accordance with local ordinances, exercise direct and immediate supervision, administration and control over public markets and the personnel thereof including those whose duties concern the maintenance of sanitary conditions of the market premises.

SEC. 17. Market Committee - There is hereby created a market committee, whose duty shall be to conduct the drawing of lots and opening of bids in connection with the adjudication of vacant or newly created stalls or booths in the City markets as prescribed herein, and to certify to the City Treasurer the result thereof. The City Treasurer shall be the Chairman, and a representative of the City Mayor, a representative of the council, and a representative of the market vendors to be chosen or elected, from among themselves, by them as members. In any case in which the deliberation of the market committee results in a tie vote, the decision of the City Treasurer shall prevail.

SEC. 18. Penalties - Any person occupying or using space in the public market without first paying the fees hereinabove provided, shall be subject to the payment of market fees in an amount equivalent to three times as much as regular rate for the space ~~of~~ 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 of the rent due. The lease of any person who shall be found habitually incurring the foregoing violations shall be cancelled.

SEC. 19. Prohibition.- The peddling or sale 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.

SEC. 20. Issuance of cash tickets to transient vendors; prohibition on transfer thereof. - Cash tickets shall be issued in the name of the vendor buying the same and the name of such vendor shall be written on the back thereof. The cash tickets shall pertain only to the person buying the same and shall be good only for the space or spaces of the market premises to which they are assigned while in the hands of the original purchaser. If a vendor disposes of his merchandise by wholesale to another vendor the latter shall purchase new tickets if he desires to sell the same merchandise even in the same place occupied by the previous vendor.

SEC. 21. Any violation of this ordinance shall be penalized with a fine of not more than P1,000.00 or imprisonment of not more than 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.

SEC. 22. All ordinances or parts thereof inconsistent with this ordinance are hereby repealed and/or amended or modified accordingly.

SEC. 23. This Ordinance shall take effect upon its approval.

Enacted by the Municipal Board during the special session on June 12, 1974.

Approved by His Honor, the Mayor, on

APPROVED:

RAMON D. BAGATING
Mayor
City of Manila

MARTIN B. TIEDRO
Vice-Mayor and
Presiding Officer, Municipal Board

ATTESTED:

NORMAN G. GARCANTIEL
Secretary to the Mayor

RODOLFO S. MARINO
Secretary, Municipal Board