



REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Sangguniang Panglungsod

ORDINANCE NO. 07-132

AN ORDINANCE TO BE KNOWN AS THE MARKET CODE OF
MUNTINLUPA CITY

Sponsored by: Hon. Melchor R. Teves
Hon. Engr. Mamerto T. Sevilla, Jr.
Hon. Allen F. Ampaya
Hon. Allan Rey A. Camilon
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Hon. Atty. Icasiano M. Dela Rea
Hon. Francis Ian T. Bagatsing
Hon. Ma. Luisa Baharan-Echavez, MD
Hon. Kevin B. Delgado
Hon. Christian Glenn D. Lorica

WHEREAS, Republic Act 7160 empowers the Sangguniang Panlungsod as the legislative body of the city to enact ordinances and appropriate funds for the general welfare of the city;

WHEREAS, the City of Muntinlupa, one of the fastest rising cities in the south, is home to various commercial and business activities including markets;

WHEREAS, to regulate the operation and establishment of markets in the city the herein Market Code is hereby adopted;

NOW THEREFORE BE IT ORDAINED AS IT HEREBY ORDAINED BY the Sangguniang Panlungsod duly assembled :

CHAPTER 1

GENERAL PROVISIONS

Section 1. *Title.* - This ordinance shall be known as the "MARKET CODE OF MUNTINLUPA CITY".

Section 2. *Scope and Coverage.* - This Code shall govern the establishment, administration, and operation of the Muntinlupa City Public Market and all other City public markets to be hereinafter established or created; the imposition and collection of rental/occupancy and other relevant market fees and charges; and, the regulation of the operations of both privately-owned and operated public markets and City public markets.

Section 3. *Authority to Establish Public Markets.* - The City Government of Muntinlupa, pursuant to Section 447 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, shall, by ordinance duly approved by the Sangguniang



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Panlungsod, have the authority to establish, maintain, and operate public markets within its territorial.

Section 4. Declaration of the Muntinlupa City Public Market as an Economic Enterprise. - The Muntinlupa City Public Market is hereby recognized and declared as an Economic Enterprise in accordance with the provisions of the Local Government Code of 1991. It is owned and managed by the City Government of Muntinlupa.

Section 5. Definition of Terms. - For purposes of this Code, the following terms shall be understood to mean as follows:

- a. **PUBLIC MARKET** – refers to any structure, building, or place of any kind, whether government or privately-owned and -operated, which has been established, designated, or recognized as such under existing laws or ordinances, and those to be established by the local government. It is a place where the buying and selling of wet and dry products such as meat, fish, vegetables, flowers, and canned/ bottled products are done, and where eateries or special services are found or offered. It shall include all market stalls, kiosks, booths, tiendas, buildings, roads, subways, waterways, drainage and other connections, parking spaces and other appurtenances, which are integral parts thereof.
- b. **CITY PUBLIC MARKETS** – are those local government-owned and operated public markets established out of public funds or leased/acquired by any legal mode or means from persons, natural or juridical. It refers to the “Muntinlupa City Public Market” and all the other public markets to be hereinafter created by ordinance duly-enacted by the Sangguniang Panlungsod.
- c. **PRIVATELY-OWNED AND -OPERATED PUBLIC MARKETS** – are those established by individuals or groups of individuals out of private funds and operated by private persons, natural or juridical, under local government franchise and permit.
- d. **MARKET PREMISES** – refers to the market stalls, pathways, entrances and exits, delivery areas, parking areas, driveway leading to the delivery and parking areas, and any other open space in the market compound or part of the market lot consisting of bare grounds not covered by market buildings usually occupied by ambulant vendors especially during market days.
- e. **MARKET BUILDING** - is a constructed edifice designed to stand more or less permanently, covering space of land, usually covered by a roof, enclosed by walls and supported by columns, and serving as a place for commercial activities.



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- f. 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.
- g. MARKET BOOTH – refers to any enclosure built or erected on the market space for the purpose of the sale of goods, merchandise, commodities or services.
- i. MARKET SECTIONS – refers to the division of the public markets according to the kind of merchandise offered for sale therein. The following shall be the classification of market sections:
- i. Fish Section – refers to the area where only fresh fish, clams, oysters, crabs, lobster, shrimps, seaweeds and other seafoods and marine products shall be sold.
 - ii. Meat and Poultry 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 and properly labeled.
 - iii. Dry Goods Section – refers to the are 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.
 - iv. 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*, *ube* and the like, shall be sold.
 - v. Flower Section – refers to the are 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.
 - v. Grocery Section – refers to the are where only all kinds of cakes, 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, mungo 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.
 - vi. Canteen Section – refers to the area where only all kinds of cooked foods, including refreshment parlors, cafeterias, and other delicacies are sold.



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- vii. Miscellaneous and other Special Services – refers to the area where any other business not classified herein above shall be allowed.
- i. MARKET COMMITTEE – refers to the body whose duty is to conduct the drawing of lots and processing of application in connection with the adjudication of vacant or newly-constructed stalls or booths in the City public markets, and to certify the results thereof.
- j. LEASE/AWARD – shall mean the document that grants to lessee/tenant the right to occupy the stall. Lease or award may be used interchangeably and shall mean the same.
- k. LESSEE – shall mean any person, natural or juridical, who is a recipient of an Award or Lease.
- l. MARKET RENTAL/OCCUPANCY FEE – refers to the fee paid to and collected by the City Government thru the market collectors for the privilege of using public market facilities.
- m. MARKET VENDOR – refers to any person, engaged in business at any public or private market in the City of Muntinlupa.
- n. VENDING AREA – refers to a particular lot, space, building or any similar structure where animal meat, fish, poultry, and livestock are being sold.
- o. HAWKER – refers to a vendor or seller who occupies the sidewalks, streets and other public thoroughfares close to a public or private market who comes either daily or occasionally to sell goods or services, or who conducts business inside a market without the necessary permit from the City; or without being necessarily related to a market activity, conducts business on a public street, lot or property which is being maintained by the City.
- p. HARBORING – an act whereby a person gives shelter and aid to an illegal vendor, or to clandestinely shelter, succor and improperly protect illegal vendors.
- q. BLADED INSTRUMENT – refers to any sharp pointed implement used in the market to cut, strip, or otherwise mutilate animal carcasses. The term includes butcher knife, kitchen knife, cutting blade, sharpening torque otherwise known as “panghasa”, and similar instruments.
- q. BUTCHER – refers to any person engaged in slaughtering pigs, beef, poultry, and other livestock.



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- r. IMPERVIOUS MATERIALS – shall mean and refer to hardware materials that are impenetrable, not capable of being damaged and tarnished, not affected by harsh elements of nature, such as mildew, algae, fungi, or moisture, with plain and smooth surface that are durable and resistant to wear corrosion. Samples of impervious materials are stainless steel plates, ceramic tiles, formica sheets, porcelain plates, marble slabs, and other smooth surfaced, non-porous, and water or moist resistant materials.
- s. SATELLITE MARKET (“TALIPAPA”) – 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 minimum required facilities.
- t. FLEA MARKET (“TIANGGE”) – refers to a place wherein dry commodities are being sold with minimum required facilities.

CHAPTER 2

SUPERVISION AND CONTROL: CITY MARKET OFFICIALS

Section 6. City Mayor. - The City Mayor shall exercise overall supervision, control, and administration over the Muntinlupa Public Market and all other City public markets to be hereafter established or created, along with the personnel thereof, to ensure their maintenance, upkeep, and peace and order, in accordance with laws, local ordinances and other pertinent rules and regulations.

Section 7. City Market Administrator. – There shall be a City Market Administrator under the office of the City Mayor, who shall oversee the operations of both privately-owned and operated public markets and City public markets, to perform the following functions: (1) to monitor and enforce all laws, ordinances or regulations dealing with public markets and/or their operations; (2) to implement and execute the plans and policies of the City Mayor in regards to market operations, to include sanitation, cleanliness, security, and deportment inside the market premises; (3) to make periodic reports to the City Mayor on the status of collection and/or revenues of the Muntinlupa Public Market, as well as furnish him with statistical data on prevailing prices of goods at the Muntinlupa Public Market and all public markets in the City; (4) supervise and evaluate the performance of the Public and Private Market Masters and investigate complaints involving the operations of the Muntinlupa Public Market and/or the conduct and attitudes of its officials and employees; (5) exercise administrative authority over public markets within the territorial jurisdiction of the City; (6) monitor and implement or recommend policies on health, sanitation, avoidance of fraudulent commercial practices



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such as short-selling, tampering or weighing scale, and all matters relative to proper garbage and waste disposal, and, other matters that affect the welfare of the general public; and, (7) perform such other duties and functions as may be required by law, ordinance, or the City Mayor.

Section 8. Private Market Master. - The Private Market Master shall be appointed by the City Mayor, report directly to the City Market Administrator, and perform the following functions, duties and responsibilities: (1) monitor and oversee, and for this purpose, exercise visitorial powers, over the operations of all the privately-owned and operated public markets in Muntinlupa City, as herein defined, to ensure compliance by the owners thereof and/or their lessees or tenants with existing laws, ordinances, and regulations on health, sanitation, trade and consumer protection, etc., and to report violations thereof to concerned offices or departments of the City for appropriate action; (2) prepare weekly statistical data on the prevailing prices of goods in all the privately-owned and operated public markets for the information of the City Mayor; (3) act as liaison officer for the City in the implementation of programs and policies for the upkeep, improvement and development of the premises of the privately-owned and operated public markets; (4) recommend measures to better implement market-related laws, ordinances or regulations or such other matters necessary for the improvement of the operations of privately-owned and operated markets; and, (5) perform such other functions as may be assigned to him by the City Mayor or City Market Administrator.

Section 9. Public Market Master. - There shall be a Public Market Master for the Muntinlupa Public Market and for each City public market owned and operated by the local government to be hereinafter created. He shall be the custodian of the City public market, have immediate administrative supervision and control over all subordinate market personnel, and perform the following duties and responsibilities: (1) execute and implement directives and policies emanating from the City Market Administrator, as promulgated by the City Mayor, pertaining to the operation of the City public market, including those on sanitation, cleanliness, security, order and conduct inside the market premises and its immediate environs; (2) administer the lease of all the market stalls thereat and prepare the documents in connection therewith; (3) ensure that market fees and charges are properly collected, remitted and reported; (4) prepare weekly statistical data on the prevailing prices of goods in the City public market for the information of the City Mayor; (5) submit to the City Market Administrator, for the information of the City Mayor, weekly summary of collection and/or revenues; (6) supervise and administer market property, facilities and supplies, including the acquisition, utilization, maintenance, losses and disposal thereof; (7) supervise and evaluate the performance of all subordinate market personnel and investigate complaints relating to their performance and/or attitude/conduct; and, (8) perform such other functions and duties as may be assigned by the City Mayor or City Market Administrator.



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Section 10. Other Market Personnel. - Other Market Personnel as may be deemed necessary shall be appointed in accordance with existing Civil Service laws, rules and regulations, and approved by appropriate ordinance.

CHAPTER 3

MARKET FEES AND CHARGES

Section 11. Stall Rental/Occupancy Fees. - There shall be imposed and collected a *Rental Fee* for the use and occupancy of the awarded stalls inside the Muntinlupa City Public Market based on the following classification and schedule, which shall be payable on a daily basis:

SECTION	Rate/Day*
Meat	P42.00
Chicken	P42.00
Fish	P42.00
Vegetables	P30.00
Dried Fish, Eggs, and Coconut	P30.00
Delicacies (puto, bibingka, sago)	P30.00
Cold Storage (Ice)	P45.00
Rice	P90.00
Groceries	P39.00
Dry Goods	P24.00
(or we could specify textile, footwear, general merchandise, services and miscellaneous)	
Porcelain, Glassware, Optical	P75.00
Food/Canteen	P42.00

The foregoing rental rates, along with those provided for in Section 12, shall be subject to **automatic increase every two (2) years** at the rate equivalent to ten percent (10%).

For new City public markets to be established by the local government, the Sangguniang Panlungsod may prescribe a different schedule of rental rates.



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Section 12. *Special Stall Rental Fees.* - The *Rental Fees* for the *Special Stalls* located at the Montillano Section and Bay Section of the Muntinlupa Public Market shall be as follows:

<i>STALL NO.</i>	<i>Rate/Month</i>
<i>Montillano Section (Stall Nos.)</i>	<i>P100.00</i>
<i>Bay Section (Stall Nos.)</i>	<i>P250.00</i>

Section 13. *Surcharge for Late Payment.* The lessee of an awarded stall who fails to pay the daily stall rental for a total of fifteen (15) days or more, whether consecutive or cumulative, shall be subject to a surcharge equivalent to twenty five percent (5%) of the total rent due.

Section 14. *Delivery Fees.* - A *Delivery Fee* shall be collected from every delivery vehicle entering the Muntinlupa City Public Market, other than those private vehicles owned by the stallholders, based on the following prescribed fees:

<i>Type of Vehicle</i>	<i>Rate</i>
<i>Three-wheeler (tricycles)</i>	<i>P20.00</i>
<i>Four-wheeler (cars, jeeps, close van, L300)</i>	<i>P70.00</i>
<i>Six-wheeler (trucks, jeep w/top load)</i>	<i>P150.00</i>

Pushcarts, trolleys, "karitons" and other similar forms of conveyances are not covered by this provision.

Section 15. *Entry Fee.* - There shall be charged and collected from every Public Utility Jeepney (PUJ) entering or passing through the Muntinlupa City Public Market for purposes of loading passengers an *Entry Fee* of *Five Pesos (P5.00) per entrance per jeepney.*

Section 16. *Business Signs and Fee on Promotional Displays.* - Except for the business sign of the lessee of the awarded stall, duly approved and authorized by and posted in accordance with the regulations of the Public Market Master, no notice, sign, streamer, banner or other advertising medium may be displayed, posted, affixed, inscribed or painted within or outside the stall premises or on any part of the Market Premises, except as authorized in writing by the Public Market Master. Further, all promotional displays to be installed or set-up on any part of the Market Premises outside



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of the confines of the leased stall shall require the prior written approval of the Public Market Master and shall be subject to the payment of the following *Promotional Display Fee**:

Section 17. Other Market Fees and Charges. - The foregoing sections shall be without prejudice to the power and authority of the Sangguniang Panlungsod to impose and collect other relevant market fees and charges as it may deem necessary or to amend, revise or modify the rates prescribed herein.

Section 18. Collection. - Collection of the foregoing stall rental fees, delivery fees, entry fee and promotional display fees shall be undertaken by the responsible market personnel, who shall be a duly authorized representative of the City Treasurer's Office, to be evidenced by the necessary official receipts. All collections shall be remitted daily to the City Treasurer's Office for deposit in the special account of the Muntinlupa City Public Market.

Chapter 4

AWARD/ADJUDICATION OF STALLS, CONDITIONS OF LEASE

Section 19. Applicability. - This chapter shall apply only to new stall vacancies occurring after the enactment of this Code and shall not in any way affect the existing stall assignments at the Muntinlupa City Public Market.

Section 20. Market Committee. - There is hereby created a permanent Market Committee to be composed of the City Mayor, as Chairman, and the City Market Administrator, Public Market Master, Market Committee Chairman of the Sangguniang Panlungsod, and a representative of the Market Vendors Association to be appointed by the City Mayor, as members. The Market Committee shall decide on the award/adjudication of vacant or newly-constructed stalls in all City-owned public markets to qualified applicants and shall perform the following functions: (1) conduct the drawing of lots and certify the results thereof to the City Mayor, based on the rules and regulations to be adopted by it; (2) adjudicate the transfer of lessee-stallholders from one section to another, or from one stall to another within the same section; and, (3) recommend to the City Mayor such measures or actions as may be necessary for the resolution of issues concerning the occupancy of stalls, booths or spaces in the City public markets.

Section 21. Adjudication of Stalls. - (a) **Notice of Vacancy.** The Market Committee shall cause a Notice of Vacancy of any stall, booth or space in the Muntinlupa City Public Market or in any other City Public Markets to be hereafter established to be posted at the vacant stall, in the bulletin board of the City Hall, and in any conspicuous space within the Market Premises for a period of not less than ten (10) days prior to the date of



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award to apprise the public of the fact of vacancy of the subject stall, booth or space that is available for lease. This notice shall read as follows:

“NOTICE

Notice is hereby given that Stall/Booth No. ____, _____ Section of the Muntinlupa City Public Market (or other City Public Market) is VACANT (or “will be VACANT on _____”).

Any Filipino citizen who is of legal age, not legally-incapacitated, and a resident of Muntinlupa City for at least six (6) months, and desiring to lease this stall/booth shall file an application therefor in the prescribed form, copies of which may be obtained from the Market Committee secretariat, on or before _____. In case there is more than one (1) applicant, the award of the lease of the vacant stall/booth shall be determined thru drawing of lots to be conducted on _____ at _____ to be conducted by the Market Committee.

City Mayor”

(b) **Application to Lease Market Stall.** All applicants for vacant or newly-constructed market stalls shall have the following minimum qualifications: (1) Filipino citizen; (2) eighteen (18) years of age; (3) not legally incapacitated; and, (4) resident of Muntinlupa City for at least six (6) months prior to his application as shown by the requisite Barangay Certification.

An *Application Fee of Twenty Thousand Pesos (Php20,000.00)* shall be collected from each applicant to cover the necessary expenses relative to the award and lease of the stall and any excess thereof shall form part of the general fund. An application shall be furnished to the applicant who shall accomplish and submit the same to the Market Committee secretariat together with his Barangay Certification and two (2) pieces of ID picture. The application shall be made under oath and shall be submitted to the Market Committee secretariat. It shall be the duty of the Market Committee secretariat to keep a registry book showing the names and addresses of all applicants for vacant or newly-constructed stalls, the number and description of the stall/booth applied for, and the date and time of the receipt of the each application. It shall also be the duty of said officer to acknowledge receipt of the all applications and to issue the order of payment for the application fee.

The application form to be issued by the Market Committee secretariat shall be in the following form:



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“APPLICATION TO LEASE MARKET STALL/BOOTH

The Hon. City Mayor
Muntinlupa City

Sir:

I have the honor of applying for the lease of Market Stall/Booth No. _____
at the _____ Section of the Muntinlupa City Public Market (or other City
Public Market). I am _____ years of age, _____ citizen, and a resident of
_____ for _____ months/years.

Should the above-mentioned stall be awarded to me for lease in
accordance with the Market Code of Muntinlupa City and the rules and
regulations of the Market Committee, I promise to hold the same under the terms
and conditions of the contract of lease and subject to the following undertakings:

- (1) That while I am occupying the stall, I shall at all times have my Certificate of Award/Occupancy, on which is affixed my picture, as well as the pictures of those my helpers conveniently displayed at a conspicuous place inside the stall;
- (2) That I shall keep the stall at all times in good, clean and sanitary condition, and comply strictly with all market rules and regulations on sanitation now existing or which may hereafter be promulgated;
- (3) That I shall pay the corresponding rent for the stall in the manner prescribed herein or in other pertinent ordinances;
- (4) The business to be conducted in the stall shall belong exclusively to me and in case I engage helpers, I shall nevertheless personally conduct my business and be present at the stall. Further, I shall promptly notify the market authorities of any absence, giving the reason/s therefor; and,
- (5) That I shall not sell or transfer my privilege to lease the stall, or otherwise permit other persons, to conduct business therein;

Any violation on my part or on the part of my helpers of any of the foregoing undertakings shall be sufficient cause for the market authorities to cancel or revoke the contract of lease to be executed in my favor.

Respectfully yours,

NAME OF APPLICANT



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SUBSCRIBED AND SWORN To before me this ___ day of _____ in Muntinlupa City, applicant exhibiting to me his/her Community Tax Certificate No. _____ issued in Muntinlupa City on _____.

Officer Authorized to Administer Oaths”

(c) **Manner of Awarding.** The awarding of stalls to applicants shall be done by drawing of lots in accordance with the rules and regulations to be adopted by the Market Committee and at the date and place indicated in the Notice of Vacancy.

(d) **Certificate of Award/Occupancy and Goodwill Money.** A Certificate of Award/Occupancy shall be issued after the drawing of lots to the successful awardee. This certificate shall authorize the awardee to formally enter upon the stall premises, construct the allowable fixtures or improvements thereon and post his business sign. On said Certificate shall be affixed one of the pictures submitted by the applicant and shall be framed and hung in a conspicuous place inside the stall throughout the duration of the lease. Before issuance of the Certificate of Award/Occupancy, however, the awardee shall pay *Goodwill Money* in the fixed amount of *Twenty Thousand Pesos (Php20,000.00)*, payable in full or in equal installments within a period of two (2) months, and be made to sign a Contract of Lease, attached herein as Appendix “A”.

Section 22. Contract of Lease. - (a) **Term.** Every awarded contract of lease shall be valid for a period of six (6) years. Upon the expiration of the term of the lease, the contract may be renewed for same period upon the favorable recommendation of the City Market Administrator and the Public Market Master after conducting a review of the stallholder-awardee’s compliance with the conditions of the previous contract. In case of violations, however, said stall shall be declared vacant and available for award and occupancy to any new qualified applicant.

(b) **Payment of Rental and Other Charges.** The stall rental/occupancy fees fixed in Chapter 3 of this Code shall be payable on a daily basis, with the imposition of the proper surcharge in case of late payment. Non-payment of rent for a total of sixty (60) days, whether consecutive or cumulative, shall be a ground for the cancellation of the lease and the ejection of the lessee from the leased premises. The manner of payment for electricity, water, and other maintenance charges shall be in accordance with the regulations to be issued by the Public Market Master and specified in the Contract of Lease. Failure by the lessee to settle his water and electricity bill within the period prescribed by regulation of the Public Market Master shall vest authority in the City Government, through the Public Market Master, to cut-off the electric and water line of the delinquent lessee. It is only upon presentation of an Official Receipt issued by the



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(c) **Use of Leased Premises.**

- i. The lessee shall acknowledge and accept that the leased stall premises shall only be used and occupied strictly for commercial purposes, primarily dedicated to retail and merchandising that complies with the sectioning of the market.
- ii. The lessee shall acknowledge and accept the condition of the leased stall premises upon turn-over and shall provide at his own expense lighting fixtures and telephone installation.
- iii. The payment of electricity and water used in the leased premises shall be borne exclusively by the lessee.
- iv. No alteration or modification of the leased stall premises may be made without the written consent of the City Market Administrator. The lessee shall submit to the Public Market Master, for review and approval of the City Engineer, plans and specifications for any authorized renovation or improvement prior to implementation.
- v. The lessee shall conduct his business in the leased stall premises during the hours fixed by the Public Market Master. Should there be any change of schedule, the lessee shall be given written notice prior to effectivity.
- vi. The use and occupancy of the leased stall premises by the lessee shall be deemed to include jointly with other lessees, the use of the hallways, common areas, entrances, aisles, back-service areas, exits, public toilets, and other facilities as may be available.

(d) **Care of Leased Premises.**

- i. The lessee shall receive and accept physical possession of the leased premises and shall acknowledge that the same is in good and tenantable condition. The lessee shall bind and obligate himself to keep and maintain the leased premises and, except for ordinary wear and tear, return the same in good tenantable condition as originally received.
- ii. The lessee shall likewise keep and maintain, at his own expense and account, all hallways, sidewalks or other common areas bordering his leased premises in good, clean and sanitary condition at all times.
- iii. The lessee shall be solely responsible for any damage to the leased premises or its appurtenances caused by or due to his negligence or that of his employees, customers, guests or other persons found on the leased premises. Thus, he shall, at his own expense, cause such repair to be made within a period of five (5) days from the date of such occurrence failing which, the City Government shall make or cause said repairs to be made at the expense and for the account of the lessee.
- iv. The lessee shall use the leased premises in such a manner that the same shall not constitute nuisance or shall permit obnoxious odor or noise to



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emanate therefrom and shall provide in the leased premises adequate receptacles for waste, refuse, rubbish, etc.

- v. Whenever proper or required, the lessee shall install at his own expense for ready use at all times the necessary number of fire extinguishers as may be determined by the City Government.
- vi. The City Government shall make the necessary repairs for the preservation and conservation of the building, of which the leased premises form part. However, the City Government shall not be liable for any inconvenience, annoyance or injury that may be suffered by the lessee and/or his business, including his employees, customers, guests or any other person found inside the leased premises during or occasioned by such repair. In the course of said repair, the City Government may cause the closure of certain stall premises or have it relocated in another available place in the building, which arrangement however shall not affect the payment of rental and duration of lease of the lessee.

(e) **Prohibitions.**

- i. The lessee shall not use the leased premises for dwelling and/or sleeping quarters. Gambling in any form and other illegal acts are strictly prohibited inside the leased premises and shall be subject to criminal liability under the Revised Penal Code.
- ii. The act of drinking inside the leased premises or of selling or dispensing beer, wine or any other kind of liquor, is strictly prohibited. It is likewise prohibited for the lessee or his employees or agents to be working on the leased premises while under the state of drunkenness or intoxication.
- iii. The lessee shall not bring into or keep within the leased premises any live animals or pets.
- iv. The lessee shall not bring into, store or use, in the leased premises any flammable explosive materials or gas-fueled appliances in any form or quality, except cooking stoves in the Canteen Section, nor shall the lessee install therein any apparatus, machinery or equipment which may cause obnoxious odor, tremor or noise, nor shall do or cause to be done any act or thing which may expose the leased premises to fire or increase the fire hazard or change the insurance rate of the building. Should the lessee violate this provision, he shall be fully responsible for all injuries or damage which may be caused by such violation to properties, third persons, the City Government, or other lessees. In case of brownouts, blackouts, or any other emergency, the lessee shall use only battery-operated lighting apparatus.
- v. The lessee shall not place any merchandise or install, attach or incorporate any structure, annex, or work of any kind outside of or protruding the leased premises and any such merchandise, structure, annex or work may



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be summarily removed by the City Government, through the Public Market Master or his representatives at the expense of the lessee.

vi. The lessee shall not allow vendors or peddlers to use, display or sell wares along corridors, passageways, aisles, entries, etc. adjacent to or near the leased premises.

(f) **Lessee Shall Personally Administer the Stall.** Any lessee who has been awarded the right to lease a market stall in accordance with the provisions of this Code, shall occupy and personally administer the same. Helpers to be employed by the lessee should be citizens of the Philippines and preferably residents of Muntinlupa City, and shall include, but not be limited to, his spouse, parents or children, actually with the lessee. Under no circumstances, however, shall such helpers have any commercial relation or transaction with the lessee.

(g) **Sub-Lease, Assignment and Transfer of Rights.** No lessee of any market stall shall sub-lease the whole or part of thereof, nor shall he convey, transfer, assign, mortgage, encumber, or in any other manner dispose of his rights or interests thereto during the term of the contract of lease. Any person other than the lessee, his helper or registered partner/s found selling in the leased premises shall be *prima facie* evidence of sub-leasing and shall be a ground for the outright revocation of the contract of lease and the imposition of the penalty provided for in paragraph (s) hereof.

(h) **Partnership with the Lessee.** Any lessee who enters into a business partnership with any party after acquiring the right to lease the stall shall have no authority to transfer to his partner/s the right to occupy the stall, provided, however, that in case of the death or disability of the lessee to continue with the business, the surviving partner is authorized to continue occupying the stall for a period not exceeding sixty (60) days for the purpose of winding up the business of the partnership. However, if the surviving partner is otherwise qualified to occupy the market stall and the spouse, parents or children of the deceased partner does not apply for the lease of the stall, he shall be given preference in continuing to occupy and lease the stall provided he applies therefor. The lessee shall provide the Public Market Master with copy of the Articles of Partnership and the names of all of his partners.

(i) **Death of Lessee/Succession.** If an awarded lessee dies or becomes permanently incapacitated for work, his spouse, if living together, may succeed in the occupancy of the stall, provided, however, that in the absence of a spouse or if said spouse is likewise physically incapacitated, the eldest legitimate and living child shall succeed. In the case of the succession of the spouse or eldest child, he or she must be a citizen of the Philippines not otherwise disqualified by law to lease such stall.



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(j) **Losses of Lessee.** The City Government shall not be responsible for any loss or damage which the lessee may suffer by reason of theft, robbery or other similar acts, and in no event shall the lessee have any cause of action against the City Government for losses resulting from the commission thereof. However, the Public Market Master shall exercise utmost vigilance and care to prevent losses in the Market Premises subject to the obligation on the part of the lessee to comply with the regulations to be promulgated by the Public Market Master relative thereto. Any merchandise, goods, wares or articles left at the leased stall after closing shall be at the risk of the lessee.

The City Government shall not be liable or responsible for any injury, loss or damage, including death, which the lessee or his employees, helpers or other agents, customers, or guests may suffer within the leased premises, and for damage or loss to the lessee's property, equipment, merchandise, furniture and other effects likewise within the leased premises, caused by, but not limited to the following: (i) presence of bugs, roaches, vermin, ants and other kinds of insects; (ii) failure or disruption of water and electric or power supply; (iii) fire due to faulty wiring, fuses, installation, etc.; (iv) defective plumbing or pipes, bursting, leaking or clogging of cistern tank, water closet, waste or soil pipe, etc.; (v) leakage of water or the elements from the roof or other parts of the building due to rain, typhoon, flood, earthquake, repairs or other construction works; (vi) acts of negligence or vandalism committed by the lessee's employees, helpers or other agents, customers or guests; and, (vii) any other cause not directly attributable to the fault or negligence of the City Government.

(k) **Insurance.** The lessee shall not take any fire insurance on properties within the leased premises without first securing a written approval from the City Market Administrator, through the Public Market Master. Neither shall the lessee insure his properties therein for an amount beyond the value thereof. For this purpose, the lessee shall submit beforehand an inventory of the property or goods within the leased premises to be insured, subject to the inspection, review and verification by the City Government, through its duly authorized representatives. Should the lessee secure such fire insurance without the written consent of the City Market Administrator, the City Government, as specified in the contract of lease, shall be constituted as the beneficiary of the proceeds thereof in case the insured risk of fire occurs, as if the City Government is the owner of the insured property/goods.

(l) **Abandoned Stalls/Articles.** The lease of any stall which has been closed or abandoned for thirty (30) consecutive days shall be automatically revoked and awarded to new applicants in accordance with the provisions of this Code.

Any article abandoned in the leased premises in violation of the provisions of this Code shall be deemed a nuisance and shall be subject to the confiscation by the Public Market Master. However, the confiscated article may be claimed within twenty four (24) hours after payment of the actual expenses incurred in safekeeping the same, unless they have so deteriorated as to constitute a menace to public health, in which case, they shall be disposed of in accordance with the instruction of the concerned City officials as to the



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proper manner of disposal. If the articles have not deteriorated and are not claimed within the time fixed herein, they shall be sold at public auction and the proceeds utilized in accordance with law.

(m) **Alterations on the Stall.** No lessee shall remove, destroy or alter the original structure of the leased stall nor of the existing electrical wiring or water connection, without the prior consent of the Public Market Master, subject to the approval of the City Engineer. In case the lessee makes any unauthorized alterations, the same shall be a ground for the revocation of the contract of lease.

(n) **Compliance with Laws, Rules and Regulations.** The lessee shall observe and comply with the provisions of existing laws, ordinances, rules and regulations of the National and City Government governing the use, occupation, operation and sanitation of the leased premises and releases the City Government from any claims, liability or responsibility for any such violation thereof. The lessee shall likewise obey and follow the regulations to be imposed by the Public Market, particularly to those concerning the conduct of operations, safety, cleanliness and sanitary condition of the leased premises. Any repeated and willful violation hereof shall constitute sufficient ground for the revocation of the lease contract.

(o) **Licenses and Permits.** The lessee shall obtain, at his own expense, from proper government authorities, all the necessary permits and licenses for his business operations prior to occupying the same and during its operations and shall promptly pay all the taxes and other charges due the government pursuant to its operations. Failure to secure the aforesaid permits or licenses shall be a ground for the revocation of the contract of lease.

(p) **Inspection of the Leased Premises.** The City Government, through the City Market Administrator or Public Market Master, or their representatives, shall have the right to inspect the leased premises at any reasonable hour of the day to check the general condition thereof or to investigate or determine whether there are any violations of this Code or other ordinances, national laws, rules and regulations, and the terms and conditions of the lease contract committed therein. In case of the non-renewal of the contract of lease, the Public Market Master shall have the authority to show the leased premises to prospective applicants for the stall.

(q) **Vacancy Before Expiration of Lease.** Should the lessee, for any reason, discontinue his business before the term of the lease expires, the subject stall shall be declared vacant and awarded to qualified applicants in accordance with the provisions of this Chapter.

(r) **Revocation of Lease.** Unless otherwise renewed or extended, the contract of lease shall be deemed automatically revoked upon the expiration of the term thereof, or



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upon non-payment of rental for a total of sixty (60) days, as provided in paragraph (b) of this Section. The lease contract shall likewise be revoked if the lessee shall commit any violation of the terms and conditions of the lease as prescribed in this Section and embodied in the contract of lease, upon the recommendation of the Public Market Master.

(s) **Penalty.** Any violation of paragraphs (e) and (g) hereof shall, in addition to constituting valid grounds for the revocation of the lease contract, likewise subject the offender to a fine of not less than One Thousand Pesos (Php1,000.00) but not more than Five Thousand Pesos (Php5,000.00), or imprisonment of one (1) month but not more than six (6) months, or both fine and imprisonment, at the discretion of the Court.

Section 23. Limitation on the Number of Stalls. - No person shall be allowed to lease more than **two (2) stalls** in the Market Premises, provided, that as much as practicable such stalls shall adjoin one another or be located in the same section of the market, provided, further, that the two (2) stalls can only be leased to one person if there are no other applicants for the second stall.

The lessee of an awarded stall shall not be allowed to occupy any other stall or space within the Market Premises other than those leased to him and it is the duty of the Public Market Master or his representatives to see to it that the lessees do not violate this provision and if found guilty of a violation, the shall be made to pay double the rental rate corresponding thereto, and shall constitute sufficient ground for the revocation of his contract of lease.

Section 24. Forfeiture of Right. - Failure to occupy an awarded stall within sixty (60) days from the drawing of lots shall mean automatic forfeiture of the right to lease the stall.

Section 25. Appeals. - Any applicant who is not satisfied with the adjudication of the Market Committee regarding the stall applied for by him may appeal before the Office of the City Mayor, whose decision shall be final without prejudice to the right of the applicant to seek recourse before the courts.

Chapter 5

WEIGHTS & MEASURES

Section 26. Imposition of Fees. - Section 79, Article IV, Chapter I, Title IV of the Revenue Code of Muntinlupa City (Ordinance No. 93-35, as amended by Ordinance No. 02-076), is hereby modified and amended to read as follows:



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"Section 79. Imposition of Fees. The following fees are imposed for the sealing and licensing of weights and measure:

- | | |
|--|---------|
| a) For sealing linear metric measure | |
| Not over 1 meter | P150.00 |
| Over 1 meter | P200.00 |
| b) For sealing linear measures of capacity | |
| Not over 10 liters | P150.00 |
| Over 10 liters | P200.00 |
| c) For sealing of instruments of weights with capacity of - | |
| 30kg. or less | P125.00 |
| Over 30kg. to 300kg. | P150.00 |
| Over 300kg. to 3,000kg. | P200.00 |
| Over 3,000kg. | P300.00 |
| d) For sealing apothecary balance or other balances precision - | |
| 30 kg. or less | P125.00 |
| Over 30kg. to 300 kg. | P150.00 |
| Over 300kg. to 3,000kg. | P200.00 |
| Over 3,000kg. | P300.00 |
| e) For sealing scale or balance with complete set - | |
| For each scale or balance with complete set of weights for use therewith | P300.00 |
| For each extra weight | P30.00 |

For each and every re-testing and re-sealing of weights and measures instruments, including gasoline pumps outside the office upon request of the owner or operator, an additional service charge of P300.00 for each instrument shall be collected."

Section 27. Administrative Penalties. - Section 83, Article IV, Chapter I, Title IV of the Revenue Code of Muntinlupa City (Ordinance No. 93-35, as amended by Ordinance No. 02-076) is hereby modified and amended to read as follows:

"Section 83. Administrative Penalties. The City Treasurer may compromise the following acts or omissions not constituting fraud:



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- a) *Engaging in the practice of buying or selling by weight or measure using unsealed or unregistered instrument --*
- | | |
|--|----------------|
| <i>When the weight or measure is correct</i> | <i>P200.00</i> |
| <i>When the weight or measure is incorrect</i> | <i>P300.00</i> |
- b) *Failure to produce weight or measure tag, license, certificate upon demand, even though the instrument is duly registered -*
- | | |
|--|----------------|
| <i>When the weight or measure is correct</i> | <i>P100.00</i> |
| <i>When the weight or measure is incorrect</i> | <i>P200.00</i> |
- c) *Any person found violating any of the above two (2) provisions for the second time shall be fined twice the imposable penalty by the court upon conviction, but not to exceed the minimum prescribed by law."*

Section 28. Penalty. Any violation of the foregoing provisions of this Chapter shall be penalized in accordance with pertinent provisions of the Revenue Code of Muntinlupa City (Ordinance No. 93-35, as amended by Ordinance No. 02-076).

Chapter 6

RESTRICTIONS AND PROHIBITIONS ON MARKET PREMISES

Section 29. Applicability to Both City Public Markets and Privately-Owned and Operated Public Markets. - The provisions of this Chapter shall govern and apply to both City public markets and privately-owned and operated public markets, satellite markets ("talipapa") or flea markets ("tiange"), in so far as they are proper and applicable and shall be penalized in accordance with Chapter 10 hereof.

Section 30. Peddling and Hawking. - No person shall peddle, hawk, sell or offer for sale, or expose to be sold any merchandise, goods, wares or articles in the passageways, corridors, or aisles used by customers in the Market Premises. To avoid unjust competition, peddlers or hawkers shall not be permitted within a radius of 200 meters from the Market Premises. Neither shall they be permitted to expose for sale merchandise along sidewalks or any other place intended for passage of the public to the public markets. Market officials and personnel shall exercise strict vigilance on the matter and enjoin strict compliance with this Section.

Section 31. Loafing, Loitering, Begging, Annoyance, Etc. - No person not having any lawful business in or about the public markets shall sit idly, lounge, walk or lie in or



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about the premises thereof, nor shall any person beg or solicit alms or contribution of any kind in the public markets. No parent shall allow their children to play in or around the stalls or in any other part of the public market premises and the Private and Public Markets shall coordinate with the Social Services Department to take custody of loitering street children. No person shall annoy or obstruct public market owners/operators, their employees, or City market officials or employees in the discharge of their duties.

Section 32. *Intoxicating Drinks/Liquor.* - No person shall drink, serve or dispense liquor or other intoxicating drinks within the premises of the public markets. Any violation hereof shall subject the offender to the penal provisions of this Code and if the offender is a lessee, the same shall be a ground for the revocation of his lease, as provided in Section 22 (r).

Section 33. *Gambling and Other Illegal Acts.* - Gambling, in any form, or any other illegal acts punishable under the Revised Penal Code (i.e. selling of stolen, illegal or contraband items) shall be strictly prohibited within or about the premises of the public markets.

Section 34. *Loose Animals.* - No dogs or other pets or live animals shall be left astray within the premises of the public markets. The Public and Private Market Masters shall coordinate with the City Veterinary Office for the impounding of such stray animals.

Section 35. *Prohibitions.* - (a) The peddling or sale outside the public market premises of vegetables, meat, fish and other perishable foods that deteriorate easily shall be strictly prohibited.

(b) In no case shall any stall or booth, or any portion thereof, inside the public markets be converted into temporary or permanent dwelling where they eat, sleep or use the public toilets as their own.

Section 36. *Use of Alleys, Corridors and Walkways.* - The placing of animal carcasses, dressed chicken, chicken coops, chopping/cutting tables, display hangers, grinders and other similar paraphernalia, as well as dry goods and other articles of commerce on passageways, alleys, corridors and walkways of public markets throughout the City is hereby prohibited.

Coconut products shall be stored strictly within the confines of the stalls selling the same and once extracted, the shells shall be dispensed by placing inside garbage bags.

Section 37. *Harboring of Ambulant Vendors.* - The act of harboring ambulant street or sidewalk vendors in any public markets is hereby declared illegal and strictly prohibited.



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Section 38. Bladed Instruments. - (a) The act of carrying any bladed instrument outside the premises of the market stalls or in any area within the premises of public markets is hereby prohibited.

(b) When not in use, butcher's knives, cutting knives or other bladed instruments, must be kept in wooden or steel boxes or containers with locks whose keys shall be at the disposal of the vendor/user. Said boxes or containers shall always be locked when the instruments are not in use.

(c) If, for compelling reasons, these bladed instruments need to be brought or transferred outside of the market stall, the same shall be carried in appropriate non-transparent or see-through coverings.

(d) The provisions of this Section shall not, however, apply to persons or entities engaged in the selling of utensils and kitchenware, such as knives, cutting blades and the like, which are displayed as a matter of business practice.

Section 39. Livestock and Poultry Products. The injection of water and application of coloring agents to livestock and poultry products is strictly prohibited and shall be subject to outright confiscation, without prejudice to the penal sanctions provided for in Chapter 10.

Section 40. Nuisance and Breach of Peace. - No person shall commit any nuisance, commit disorderly conduct, obstruct public market passageways, or do any other act which is calculated to result in the breach of peace.

Section 41. Adequate Attire in Public Markets. All vendors in all public markets are required to wear proper work clothes/attire, preferably T-shirts/Sando and pants or knee-length shorts, and absolutely no bare or naked upper body, for men; T-shirts/blouse with skirt/pants/knee-length shorts, or any other dress, for women; and apron, in the Canteen, Vegetables, Meat, and Poultry Sections of the public markets.

Section 42. Use of P-Traps. - All lessees and stallholders at the Muntinlupa City Public Market are required to install, at their own expense, "p-traps" in their respective sinks, sewage and similar openings.

Section 43. Tricycle Ban. - Except for duly accredited tricycle groups or associations, the entering of public utility tricycles in the Muntinlupa City Public Market is prohibited.



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Chapter 7

MAINTENANCE OF CITY PUBLIC MARKETS

Section 44. *Cleaning of Market Premises.* - The Public Market Masters shall see to it that the premises of the Muntinlupa City Public Market and all other City public markets to be established are always clean and in excellent sanitary condition, including the aisles, divisions, stalls, floors, walls and equipment, as well as the whole building and grounds of the market. The cleaning shall be done at the most convenient and practical time of the day, preferably at night or before customers start coming in the morning. The entire Market Premises should at all times be kept free from garbage and rubbish.

Section 45. *Public Toilets and Washing Facilities.* - Every public market, whether privately-owned and operated or City public markets, shall be provided with a public toilet with two (2) compartments, one for men and another for women, which shall be kept at all times in excellent sanitary condition. Toilet and adequate washing facilities must be located near the Market Premises for easy access to customers.

Section 46. *General Lighting and Water Facilities.* - Adequate general lighting and water facilities shall be provided in the City public markets. However, the lessee-stallholders shall, at their own expense and account, cause the installation of their own light in their respective stalls, subject to the regulations to be imposed by the Public Market Master.

Section 47. *Garbage Receptacles.* - All public markets, whether privately-owned and operated or City public markets, should be provided with receptacles of the fly and rat-proof type to be installed in as many conspicuous and convenient places as possible in the market for the disposal of garbage and rubbish. Individual lessee-stallholders shall provide themselves with their own receptacles in order to avoid littering in their stall premises. Garbage for collection shall be kept inside the leased stall premises and shall only be brought out sealed and tied in plastic garbage bags upon collection of the garbage haulers. In case garbage could not be collected, it should remain inside the stall to await collection. No lessee-stallholder or any other person shall place refuse on the floor, stall, or any place other than the garbage receptacles.

Section 48. *Cooked/Raw Foods to be Free From Contamination.* - Cooked foods should be served hot and at all times protected against contamination from flies or other insects and dirt. Likewise, raw foods such as pork, beef, poultry or fish, shall at all times be protected from flies and other insects.

Section 49. *Construction and Care of Food Stalls.* - All foods shall be sold from stalls or booths constructed according to the design prescribed by the City Engineer and City Health Officer. All tables, chairs and fixtures thereat shall be scrubbed nightly and their surfaces kept smooth and clean and free of any food particles.



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Section 50. Use of Impervious Materials. - The use of impervious materials on tables, display counters, wall partitions and flooring of stalls in the Meat, Fish, Fruit, Vegetable and Canteen Sections in the Muntinlupa City Public Market and in all City public markets to be hereafter established is hereby prescribed.

Section 51. Cleaning of Stalls at the Close of Business Day. - At the close of each business day and before leaving, the lessee-stallholder or his employees shall clean the stall premises. They shall remove all dirty materials and throw rubbish and garbage in garbage receptacles or otherwise kept inside sealed or tied garbage bags for collection.

Section 52. Abandonment of Perishable Goods. - Leaving of discarded or unsold perishable goods such as meat, fish and other seafoods in the leased stalls or in any place inside the Market Premises shall be unlawful and any person found to have abandoned such goods in or about the stalls shall be liable to the penal provisions in Chapter 10, without prejudice to the revocation of his lease contract, as provided in Section 22 (r).

Section 53. Fire Extinguishers. - The Public Market Master shall ensure that the Market Premises is provided with adequate number of fire extinguishers as may be prescribed by the Building Code.

Section 54. Necessary Repairs/Renovation. - The Public Market Master shall recommend to the City Market Administrator, for approval of the City Mayor, necessary repairs/renovation for the preservation of the market building or structure, as per the prescribed plan of the City Engineer.

Section 55. Posting of Rules and Regulations. - The Public Market Master shall promulgate market rules and regulations as he may deem necessary in the operation and maintenance of the City public market, which shall be posted in conspicuous places inside the Market Premises both in English and Filipino. He shall also furnish each lessee-stallholder with a copy thereof, either in English or Filipino, as may be preferred by the lessee-stallholder.

Chapter 8

PRIVATELY-OWNED AND -OPERATED PUBLIC MARKETS

Section 56. Establishment. - The establishment of privately-owned and -operated public markets, satellite markets ("talipapa") and flea markets ("tiangge") shall be in accordance with the provisions of the Muntinlupa City Revenue Code and this Code, in so far as applicable.

Section 57. Franchise Requirement. - No person, partnership, corporation or any other juridical entity shall operate a privately-owned public market, satellite market



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("talipapa") or flea market ("tiangge"), without first securing a franchise from the Sangguniang Panglungsod, upon submission of the following requirements, to wit: (i) feasibility study; (ii) favorable recommendation from the City Market Administrator; (iii) locational clearance from the City Zoning Administration Office; (iv) complete building/floor plans indicating the total number of available stalls/commercial spaces; (v) building/occupancy permits; and, (vi) other requirements which may be deemed appropriate or necessary.

For privately-owned public market, satellite market ("talipapa") or flea market ("tiangge") already in existence at the time of the enactment of this Code, the franchise requirement shall likewise be required and must be obtained within a period of six (6) months from the Code's effectivity subject to the submission of the following requirements, to wit: (i) favorable recommendation from the City Market Administrator; (ii) complete building/floor plans indicating the total number of available stalls/commercial spaces; (iii) building/occupancy permits; and, (iv) other requirements which may be deemed appropriate or necessary.

Section 58. Imposition of Franchise Tax. - Pursuant to Ordinance No. 03-117 and notwithstanding any provision of special laws or grant of exemption to the contrary, every person, partnership or corporation enjoying a franchise issued by the Sangguniang panglungsod and doing business in Muntinlupa City shall pay a franchise tax at the rate of seventy five percent (75%) of one percent (1%0 of the gross receipts derived from the operation of privately-owned and -operated public markets, satellite markets ("talipapa") and flea markets ("tiangge") derived during the preceding calendar year, which shall be payable in accordance with the provisions of the Revenue Code of Muntinlupa City.

Section 59. Mayor's License and Business Permit. - Any person, partnership, or corporation duly issued a franchise by the Sangguniang Panglungsod shall, before commencing the operation of any privately-owned public market, satellite market ("talipapa") or flea market ("tiangge"), secure the requisite Mayor's License and Business Permit from the Business Permits & Licensing Office (BPLO), pursuant to the Revenue Code of Muntinlupa City.

No person shall be permitted to engage in any form of business in any privately-owned and operated public market, satellite market ("talipapa"), flea market ("tiangge")

or any other vending area, without first securing the same Mayor's License and Business Permit from the BPLO.

Section 60. Sanitary Permit and Health Certificate. - Every owner or operator of a privately-owned and operated public market, satellite market ("talipapa") or flea market ("tiangge"), shall secure a sanitary permit from the City Health Office for the purpose of enforcement and supervision of existing rules and regulations on sanitation and safety of the public.



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Likewise, all persons employed in a privately-owned and operated public market, satellite market ("talipapa") or flea market ("tiangge"), engaged in food or foodstuff processing, handling and serving are required to obtain a Health Certificate from the City Health Office.

Section 61. Monitoring and Inspection. - The Private Market Master shall conduct regular inspection and monitoring of the operations of all privately-owned public markets, satellite markets ("talipapa") or flea markets ("tiangge") in Muntinlupa City to ensure compliance with existing business and regulatory requirements, as embodied in revenue and other related laws, rules and regulations. It shall be the duty of the Private Market Master to report violations to the concerned department of the City Government for appropriate action.

Any violation shall subject the owner/operator of privately-owned and operated public market, satellite market ("talipapa") or flea market ("tiangge") to the penalties provided in this Code or in other pertinent laws and ordinances, and such other administrative remedies, including suspension or revocation of the franchise, consistent with due process.

Section 62. Duties and Responsibilities of the Owner/Operator of a Privately-Owned and Operated Public Market. - (a) Any owner or operator applying for a franchise or business permit to operate a public market, satellite market ("talipapa") or flea market ("tiangge"), whether new or for renewal, shall declare the exact number of stalls and other space/place of business, before a franchise or permit is issued.

(b) It shall be the duty and obligation of every owner or operator of privately-owned and operated public markets, satellite markets ("talipapa") or flea markets ("tiangge") to furnish or issue his tenants with the requisite "Certification" to facilitate the renewal of their business permits. The withholding of said "Certification" shall constitute a violation of this Section and shall subject the owner or operator to the penalties prescribed in Chapter 10, unless he is able to justify such failure within a reasonable time.

(c) It shall also be the duty and responsibility of the owner or operator of privately-owned and operated public markets, satellite markets ("talipapa") or flea markets ("tiangge"), or their representatives, to extend assistance and cooperation to the Private Market Master, or his duly authorized representatives, during the conduct of regular inspection on the Market Premises and to provide all the information needed to enable the latter to prepare the necessary reports to the City Market Administrator and the City Mayor.



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Chapter 9

PENAL PROVISIONS

Section 63. Penalty. - Any person found guilty of violating any provisions of Chapters 6 shall be meted a fine of not less than *One Thousand Pesos (Php1,000.00)* but not more than *Five Thousand Pesos (Php5,000.00)*, or imprisonment of one (1) month but not more than six (6) months, or both fine and imprisonment, at the discretion of the Court. On the other hand, those adjudged to have violated the provisions of Chapter 8 shall be punished by a fine not exceeding *Five Thousand Pesos (Php5,000.00)*, or imprisonment not exceeding six (6) months, or both, at the discretion of the court.

The payment of the foregoing fine or service of imprisonment as herein provided shall not relieve the offender of the payment of the delinquent fee or charge imposed under this Code. If the violator is a juridical person or entity, the President, General Manager, or any person entrusted with the administration thereof at the time of the commission of the violation shall be held liable or responsible therefor.

Section 64. Compromise Settlement Fee. - Before a case is filed in court for any violation of Chapter 6 and 8 of this Code which does not involve fraud, the City Market Administrator, as authorized by the City Mayor, may enter into an extra-judicial or out-of-court settlement whereby the offender may be allowed to pay a compromise settlement fee of not less than *Five Hundred Pesos (Php500.00)* but not more than *Two Thousand Pesos (Php2,000.00)*, but with the obligation on his part to pay any unpaid fee or charge due him as provided under this Code.

Chapter 10

FINAL PROVISIONS

Section 65. Separability. - If, for any reason, any part or provision of this Code is declared to be unconstitutional or invalid by any court of competent jurisdiction, or otherwise suspended or revoked by the Sangguniang Panglungsod, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 66. Repealing Clause. - All ordinances and other administrative issuances or regulations, the whole or part of which are inconsistent with any provision of this ordinance are hereby repealed or modified accordingly.

Section 67. Effectivity. - This Ordinance shall take effect immediately upon its approval by the City Mayor and after due publication.



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ENACTED, by the 4th Sangguniang Panlungsod this 8th day of **March 2007**, on its *109 Regular Session*.

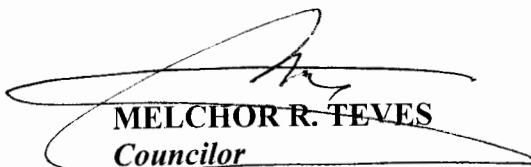
CONCURRED:


ALLAN REY A. CAMILON
Councilor


ELMER S. ESPELETA
Councilor


MA. LUISA BABARAN-ECHAVEZ, MD
Councilor


FRANCIS IANT T. BAGATSING
Councilor



MELCHOR R. TEVES
Councilor



Engr. MARISSA COLE-RONGAVILLA
Councilor


ALLEN F. AMPAYA
Councilor


Engr. MAMERTO T. SEVILLA, JR.
Councilor


ATTY. ICASIANO M. DELA REA
Councilor


KEVIN B. DELGADO
Councilor


CHRISTIAN GLENN D. LORICA
Sectoral Representative
President, Federation of
Sangguniang Kabataan



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ABSTAIN:

BAL NIEFES
Councilor

ABSENT:

Atty. RAUL R. CORRO
Councilor

RENE CARL S. CAYETANO
Councilor

JOSELITO V. AREVALO
Councilor

MARIO E. BULAY, JR.
Councilor

ARTEMIO A. SIMUNDAC
Sectoral Representative
President, Association of
Barangay Chairmen

I CERTIFY AS TO THE CORRECTNESS of the foregoing Ordinance

CECILIA C. LAZARTE
Secretary to the Sanggunian

ATTESTED:

LUCIO B. CONSTANTINO
Assistant Majority Floor Leader/ Acting Presiding Officer

APPROVED:

MGGL. JAIME R. FRESNEDI
Mayor

Date: _____