



REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
Lungsod Ng Mandaluyong

ORDINANCE NO. 146, S-1995

**ORDINANCE REGULATING THE ADMINISTRATION
AND OPERATION OF THE MANDALUYONG
PUBLIC MARKET.**

BE IT ENACTED by the Sangguniang Panlungsod of the City of Mandaluyong in session assembled:

Section 1. This Ordinance shall otherwise be known as the Market Code of the City of Mandaluyong.

Section 2. Applicability

This code is applicable only to the Mandaluyong Public Market.

Section 3. Definition of Terms

For purposes of this ordinance, the following terms shall be understood in the sense indicated hereunder:

- a. Mandaluyong Public Market - refers to the City owned Public Market located at Kalentong Street, Mandaluyong City.
- b. Public Market - any reference made to Public Market in this ordinance shall mean the Mandaluyong Public Market as aforementioned defined.
- c. Market Premises - refer to the Market stalls, pathways, entrances and exits, delivery areas for the wet section and dry section and the driveway leading to the delivery areas of the Public Market.
- d. Market Stalls - refer to the stalls leased to the stallholders by the City through an award.
- e. Lease Premises - refer to the following:
 1. For Wet Market - the area bounded by the edges of the table at the front and one half (1/2) of the pathway allotted for individual stallholders to be used for coming and going out of the lease premises and one half (1/2) of the area at the back.
 2. For Dry Market - the area limited only by the cemented walls and the roll up doors when closed. The rooftop of a dry market stall is not considered a part of the lease premises.
- f. Wet Market - refers to the stalls where the goods like fish, meat, vegetable, chicken and the like are being sold and is located adjacent to the San Juan River.

- g. Dry Market - refers to the stalls other than those included under the Wet Market and is located next to the wet market. The Dry Market consists of stalls for Eateries, Delicacies, Dried Fish, General Merchandise, Grocery, Textiles, Native Products, Rice, etc.
- h. Market Sections - refer to the classification of stalls in the Public Market according to the line of merchandise offered for sale therein. Said stalls are classified into the following.
1. Fish Section - shall sell fish, clams, oysters, crabs, lobster, shrimps, seaweeds, squids and other sea foods and marine products.
 2. Meat Section - shall sell all kinds of meat.
 3. Textiles Sections - shall sell all kinds of textiles, ready made dresses and apparels.
 4. Grocery Section - shall sell all kinds of cakes, biscuits, crackers, etc., butter, cheese confectionaries, candies, canned or bottled goods, flour, oatmeal, sugar, starch, salt, soap and other related products, except rice, dried fish and eggs and bakery products which are sold in separate sections.
 5. Rice Section - shall sell varieties of rice, corn and other related items.
 6. Eatery Section - shall sell all kinds of cooked foods, including refreshments, beers, cafe where food are served.
 7. Chicken Section - shall sell chicken, ducks and birds in dressed forms.
 8. Cold Storage Section - shall provide facilities for refrigeration as well as the sale of ice in whatever form.
 9. Dried Fish, Eggs and Coconut Section
 - Dried Fish - shall sell all kinds of dried fish
 - Eggs - shall sell all kinds of fresh eggs, salted eggs and balut.
 - Coconut - shall exclusively sell coconut
 10. General Merchandise - shall sell all kinds of Dry Goods products or merchandise except those being sold at the Groceries, Textiles, Rice, Dried Fish, Eggs Section and Native Products Section.

11. Fruit Section - shall sell all kinds of fruits.
 12. Vegetables Section - shall sell all kinds of vegetables.
 13. Services - shall provide services to the public such as, medical, drug store, jewelry repairs, etc.
 14. Native Products - shall sell various native products such as potteries, shell crafts, brooms, woodcarvings, native decorations, etc.
 15. Footwear - shall sell all kinds of footwears such as slippers, sandals, shoes, etc.
 16. Bakery - shall sell all kinds of bakery products.
 17. Delicacies - shall sell all kinds of delicacies such as puto, bibingka, coconut gel, etc.
 18. Miscellaneous - shall sell all kinds of items not being sold by the above sections.
- i. Lease, Award - shall mean the document which grants to lessee/tenant the right to occupy the stall. Lease or award may be used interchangeably and shall mean the same.
 - j. Tenant, Lessee - shall mean the awardee, the recipient of an award.

Section 4. Scope and Coverage

This Ordinance shall govern the administration, operation and maintainance of the Mandaluyong Public Market and the imposition and collection of market rental fees for occupancy or use thereof.

Section 5. Ambulant Vendors

Ambulant, Transient or Itinerant Vendors are strictly prohibited within the Market Premises, including the sidewalk and the loading areas of the commercial complex.

Ambulant, Transient or Itinerant Vendors - shall mean any person who does not hold a regular lease to any stall or does not occupy a definite and/or permanent place in the public market, but one who comes either daily or occasionally to sell his/her wares by sitting in any place or by moving about from place to place within the market premise.

Section 6. Awarding of Stalls

There is hereby created a permanent market committee to be composed of the Mayor as Chairman, the Treasurer, the representatives of the the Public Market Cooperative and the Public Market Vendors Association, and the Chairman of the Committee that has jurisdiction over public markets of the Sangguniang Panlungsod and the Head of the Market Division as members.

The Committee shall have the following duties:

1. Conduct the drawing of lots and opening of bids for the adjudication of future vacant or newly constructed stalls or booths at the public market in the presence of the Auditor or his duly authorized representative.
2. Certify to the Treasurer the results thereof.
3. Make a study as to the rearrangement of the market sections or the transfer of stallholders from one section to another.
4. Make a study of all phases of market matters and to submit, comment on and recommend such study to the Mayor.
5. Make a study of the Implementing Rules and Regulations of the Public Market and to recommend any changes thereof.
6. Make a study of the ordinance, the Market Code of Mandaluyong and to recommend any changes thereof.

Section 7. Adjudication of Vacant Stalls to Applicants, Vacancy of Stalls

Vacant stalls shall be leased to the applicants thereof in the following manner:

- a. Notice of vacancy of the stalls or booths shall be posted for a 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, to place therein as to appraise the public of the facts 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. The notice of vacancy shall be written on a cardboard or any thick paper and shall conform to the following forms:

N O T I C E

Notice is hereby given that Stall No. _____ of the _____ section 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 therefore 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 any 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 12:00 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 applicant 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 registered book showing the names and addresses of all applicants for vacant stalls or booths, the number and description of the stall applied for them, and the date and hour of the receipt by the City Treasurer of an application setting therein the time and date of receipt thereof.

The application shall be substantially in the following form.

APPLICATION TO LEASE MARKET STALL

Date:

The City Treasurer
City of Mandaluyong
Metro Manila

SIR:

I hereby apply under the following contract for lease of Stall No. _____ of the market. I am _____ years of age, a citizen of the _____ and residing at _____.

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

- (1) That while I am occupying or leasing the stall or lease stalls, I shall at times have my picture and that of my helper (or those of my helpers) conveniently framed and hung up conspicuously 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 fee for the stalls (or stalls) in the manner prescribed by existing ordinance, or rules and regulations.

- (4) The business to be conducted in the stall 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 booth and shall promptly notify the market authorities of my absence, giving my reason or reasons therefore.
- (6) I shall not sell or transfer my privilege to the stall (or booth) 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 and the Rules and Regulations shall be sufficient cause for the market authorities to cancel this contract.

Very respectfully,

Applicant

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

Applicant

T.I.N. No. _____

Subscribed and sworn to before me at the City of _____, Philippines, this _____ day of _____ 19 _____. Applicant-affiant exhibiting to me his/her Res. Cert. No. _____ issued on _____ at _____ Philippines.

(Official Title)

Section 8. Rates of Rentals Entry, Improvement and Additional Assessments

The following rates of rentals, Entry fees and Reimbursement for Improvements are hereby prescribed:

a. Market Stall Rates

NO.	SECTION	AVERAGE SIZE SQ. MTS.	RENT/DAY PER SQ. MT.	REIMBURSEMENT FOR IMPROVEMENTS PER SQ. MT.
1	Chicken	2.32	P/12.00	P/-3,000.00
2	Delicacies	1.10	10.00	3,000.00
3	Dried fish, Eggs Coconut	3.00	7.00	3,000.00
4	Eateries	7.50	10.00	5,000.00
5	Fish	2.32	12.00	3,000.00

6	Fruits	3.00	8.00	3,000.00
7	Gen. Merchandise, Bakery	5.00	8.00	3,000.00
8	Groceries	5.00	8.00	3,000.00
9	Meat	2.74	13.00	3,000.00
10	Native Products Footwear	5.00	6.00	3,000.00
11	Rice	5.00	8.00	3,000.00
12	Textiles	5.00	7.00	3,000.00
13	Vegetables	2.32	6.00	2,000.00
14	Miscellaneous	1.30	6.00	500.00
15	Warehouse	4.00	4.00	2,000.00

The above rates for rentals and entry fees may be altered or amended not more often than every three (3) years from date of actual implementation; However, additional taxes, assessments or fees, etc. may by ordinance be levied upon on other items not embraced in this section.

The daily rental rates and the reimbursement for improvement shall be computed on the basis of the actual area of the individual stalls.

The reimbursement for improvement represents a part of the cost of improvements incurred by the City in constructing various stalls in the Public Market and is not refundable to the stallholders under any circumstances.

The cost of improvement may be paid at 30% down payment and the balance is payable monthly for three (3) years.

a. Qualified stall beneficiary who has not paid the required 30% down payment shall be subject to the following:

1. He/She shall not be given a stall award.
2. He/She can not introduce any improvement on the stall allotted to him/her.
3. He/She will not be allowed to operate the stall.
4. The stall allotted to him maybe awarded to other beneficiary.

The payment of stall rentals shall commence one (1) month from the day the Public Market is declared open to the public by the City Mayor.

Beginning 1995, Mayor's Permit for the operation of stalls at the Public Market shall be paid every month of February.

ADDITIONAL ASSESSMENTS/RATES

		IMPROVEMENTS	RENTALS
1	All stalls along the two entrances of the Public Market	25%	15%
2	All corner stalls along the two entrances of the Public Market	25%	15%
3	All stalls along the main pathway leading to the delivery area for the Dry Market	20%	10%
4	All corner stalls along the main pathway leading to the delivery area of the Dry Market	20%	10%
5	All other corner stalls at the Dry Market	20%	10%

The additional assessments/rates for corner stalls do not apply for stalls located at the WET MARKET.

b. Entry Fees - payable by the owners engaged in wholesale business

WHOLE		
Pigs	per head	P/ 10.00
Cow	per head	50.00
PORTIONS		
Pigs	one fourth or less	2.50
Cow	one fourth or less	12.50

c. Entry Fees for vehicles at the driveway carrying fruits, vegetables, grocery and general merchandise, etc.

Six Wheeler	per entry	P/ 100.00
Elf Trucks and Vans	per entry	50.00
Jeeps	per entry	25.00

Section 9. Payment of Rentals

The rates of rental and charges for water, electricity, etc. for fixed stall, booths and tiendas shall be fixed by the month and the rentals for any month shall be paid within the first twenty (20) days thereof.

Section 10. Penalties for Non-Payment

- a. Any rental and other charges due within the first twenty (20) days of the month and which is not paid up to the end of the month shall be automatically assessed a penalty of ten (10) percentum of the rent due.

- b. Any non-payment of rent and other charges, one month from the date of payment as fixed by this ordinance shall be a ground for the cancellation of the award/lease and for the ejectment of the stallholder from his stall.

Section 11. Vacancy of stall before expiration of the lease.

Should, for any reason, a stallholder or a 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.

Section 12. Partnership with stallholder.

A market stallholder who shall enter business partnership with any party after he had acquired the right to lease such stall shall have no authority to transfer to his partner or partners the right to occupy the stall, provided, however, that in case of death or any disability of such stallholder to continue in his business, the surviving partner maybe 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 provision hereof, and the spouse, parent, son or daughter 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 thereof.

Section 13. Lessee to personally administer his stall.

Any person, who has been awarded the right to lease a market stall in accordance with provisions hereof, shall occupy and administer and be present at his stall or stalls, booth or booths, provided however, that he may employ someone who must be citizens of the Philippines, including but not limited to the spouse, parents and children of the stallholder who are actually living with him and who are not disqualified under the provisions hereof. And provided further, that the person to be employed as helpers shall, under no circumstances, be a person with whom the stallholder has any commercial relation or transactions.

Section 14. Dummies, sub-lease of stalls.

In any case where the persons, 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, or booth or booths, shall be cancelled if upon investigation, such stallholder shall be found to have subleased his or her stall or stalls, booth or booths, to another person or 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.

Section 15. Death of Lessee, Succession

If an adjudicated regular stallholder dies, or becomes physically incapacitated permanently for work, the surviving spouse, if living together, may succeed said stallholder to the occupancy of the stall thereof. Provided, however, that if the stallholder leaves no spouse, or is physically incapacitated, the eldest legitimate son or daughter, as the case maybe, upon whom

devolves the support of the family of the deceased or incapacitated stallholder shall be the next in line to succeed said stallholder. Provided, further, in case of succession, such spouse, son or daughter are citizens of the Philippines and are not disqualified to apply for such stall.

Section 16. Collection of Rentals, fees, assessment, etc. and operation of the Public Market.

The collection of Rentals, fees, assessments, etc. and operation of the Public Market including maintainance, security, cleanliness and sanitation may be awarded to a private contractor under such terms and conditions beneficial to the government.

Section 17. Duties and Power of the City Treasurer.

The treasurer shall exercise direct and immediate supervision, administration and control over the public market and the personnel thereof, including those whose duties concern the maintainance of the market and its premises, in accordance with ordinances and other pertinent rules and regulations.

Section 18. Rules and Regulations.

The Mayor may prescribe rules and regulations to regulate the collection of rentals, fees and assessments, the conduct of operations, security, cleanliness and sanitation of the Public Market and prescribe penalties for violations thereof.

Section 19. Effectivity

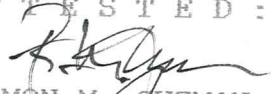
This ordinance shall take effect upon approval.

ADOPTED on this 16th day of February 1995, at the City of Mandaluyong.


I HEREBY CERTIFY THAT THE
FOREGOING ORDINANCE WAS
APPROVED AND ADOPTED BY THE
SANGGUNIAN PANLUNGSOD OF
MANDALUYONG IN REGULAR SESSION
HELD ON THE DATE AND PLACE
FIRST ABOVE GIVEN.


WILLIARD S. WONG
Sanggunian Secretary

A T T E S T E D :


RAMON M. GUZMAN
Vice Mayor
Presiding Officer

A P P R O V E D :


BENJAMIN S. ABALOS
Mayor

On: Feb 25 '95