



REPUBLIC OF THE PHILIPPINES
PROVINCE OF PANGASINAN
MUNICIPALITY OF BURGOS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE JOURNAL OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BURGOS, PROVIDE OF PANGASINAN HELD ON JULY 15, 2020 AT THE BAYANIHAN SESSION HALL, BURGOS, PANGASINAN

- PRESENT:
- HON. ALBERTO R. GUIANG JR. - Vice Mayor & Presiding Officer
 - HON. ALVIN G. TOLENTINO - Councilor & Majority Floor Leader
 - HON. VICTOR REGAM C. REYES - Councilor, Member
 - HON. FRED CHRISTIAN E. NACAR - Member, Asst. Majority Floor Leader
 - HON. OSWARD A. GINES - Councilor, Member
 - HON. JOVITO D. BONSAITO - Councilor & Minority Floor Leader
 - HON. NORMAN G. ROSETE - Councilor & Pro – Tempore
 - HON. ANTONIO R. NAVAL - Councilor, Member
 - HON. MARK VINCENT A. RAGASA - Councilor, Asst. Minority Floor Leader
 - HON. JORDAN B. BONODE - Liga Ng Mga Barangay President
Ex – Officio Member
 - HON. BANJO V. DE GUZMAN, S.K. - Federation President
Ex – Officio Member

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Councilor Victor Regam C. Reyes

MUNICIPAL ORDINANCE NO. 03-2020

MARKET CODE OF THE MUNICIPALITY OF BURGOS PROVIDE OF PANGASINAN

Be it ordained by the Sangguniang Bayan of the Municipality of Burgos, Province of Pangasinan, that:

CHAPTER I. GENERAL PROVISIONS

ARTICLE A. TITLE AND SCOPE

Section 1A.01. Title. This ordinance shall be known as the “Market Code of Burgos, Pangasinan (2019)”.

Section1A.02. Scope. This Code shall govern the administration and operation of the municipality’s public market including the classification, construction, repair, renovation of booths and stalls therein; imposition and collection of fees on rights to occupy market stalls/booths/space, market rental fees and charges for occupancy thereof.

ARTICLE B. AUTHORITY AND PURPOSE

Section 1B.01. Authority. This Code is enacted pursuant to Section 447 of RA 7160, otherwise known as the “Local Government Code of 1991” which empowers the municipality through its legislative body known as Sangguniang Bayan to:

1. Establish markets, slaughterhouses or animal corrals and authorize the operation thereof, and regulate the construction and operation of private markets, *talipapas* or other similar buildings and structures;
2. Prescribe the terms and conditions under which public utilities owned by the municipality shall be operated by the municipal government or leased to private persons or entities;



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3. Require that the building and premises and any land within the municipality be kept and maintained in a sanitary condition, impose penalties for any violation therefore or upon failure to comply with said requirements, have the work done and require the owner, administrator or tenant concerned to pay the expenses of the same, or require the filling up of any land or premises to a grade necessary for proper sanitation.

Section 1B.01. Authority. Purpose. This code is enacted for the following purposes:

1. Guide, control, and regulate the growth and development of this municipality's public market and slaughterhouse including its premises;
2. Protect the character and stability of the public market and slaughterhouse and its premises as well as promote an orderly and beneficial development or the same.
3. Promote and protect the health, safety, peace, comfort convenience and general welfare of the occupants/vendors, stallholders and the general public;
4. Regulate the operation of all businesses or trade activities in the public market;
5. Regulate/supervise location/placement and use of stalls, booths or other structures inside the public market compound;
6. Regulate and restrict the alteration or remodeling of existing booths or structures without the approval of the Municipal Engineer as it may cause hazard or public inconvenience;
7. To eliminate the incompatible or non-conforming uses of the public market stalls and its premises.
8. To place businesses in the Public Market in their proper sections as designated by the Market Committee.

ARTICLE C. DEFINITION OF TERMS

Section 1C.01. When used in this Code

1. **Ambulants** are vendors who do not occupy a definite or permanent place or stall in the public market and who come to sell goods either daily or occasionally by sitting or moving from place to place within the market premises.
2. **Transient Vendors** are vendors who occupy a space not more than 1 ½ square meter in the flea market.
3. **Bagsakan** is basically an open area where wholesale goods are delivered in bulk and which functions as a transaction area for producers, wholesalers and retailers.
4. **Cold Storage** is a place where perishable goods are stored.
5. **Dealer** is one whose business is to buy or sell merchandise, goods and chattels as a merchant. He/she stands immediately between the producer or manufacturer and the consumer and depends for his/her profit not upon the labor he/she bestows upon his/her commodities but upon the skill and foresight with which he/she watches the market.
6. **Flea Market** – any place in the premises of the Burgos, Public Market but outside the building, designated by the Market Authorities for the use of occasional vendors.
7. **Hawkers** refer to ambulant vendors who sell their wares on a one-day basis.
8. **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.



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9. **Lessee's Rights Fee** – Goodwill money or lessee's rights fee – is the amount of money paid by a lessee of a stall or space in the Public Market to the lessor, Municipality of Burgos, Pangasinan represented by the Municipal Treasurer or this designated employee, for and in consideration of which the lessee shall have vested property rights in the Contract of Lease for a period of ten years (10) from the execution of the Contract of Lease.
10. **Local Government** refers to the municipality of Burgos Pangasinan.
11. **Local Market Authorities** refers to the Municipal Administrator, the Municipal Treasurer, or any other Municipal Officer in charged with the management of the day-to-day operations of the public market and/or specific aspects of such operations.
12. **Marine Products** refers to fresh and dried fish, seaweeds, shells like mussels, clams, shrimps, lobsters and the like.
13. **Market Premises** refers to the whole area of the Public Market.
14. **Market Sectioning** is the grouping together of the same or similar goods, commodities of foodstuffs and articles and similar business undertakings or services offered for sale in one section or zone in the public market. The following shall be the classification of market sections:
 - a. **Computer and Electronic Section**, where electronic gadgets, products, repair services are located including computer shops.
 - b. **Dry Good Section**, where all kinds of textiles, ready-made dresses and apparels toiletries, novelties, shoes, laces, kitchen wares, utensils and other household articles, handbags, bags, school and office supplies may be sold.
 - c. **Eatery Section**, where all kinds of cooked foods, including refreshments and cafes are served.
 - d. **Fish Section**, where fresh fish, clams, oyster, crabs, lobster, shrimps, seaweeds, and other marine products may be sold.
 - e. **Grocery Section**, where all kinds of cakes, biscuits, crackers, etc., butter, cheese, confectioneries, candies, canned or bottled foods, beverages, soft drinks, flour, rice oatmeal, ham, bacon, sugar, nuts, sauce, onions, garlic, potatoes, eggs, toilet articles, sausages, corn, mongo, starch, smoked fish, dried fish, salt, soap and other household and food products may be sold.
 - f. **Meat Section**, where beauty salons and barber shops are located.
 - g. **Vegetables and Fruits Sections**, where all kinds of vegetables and fruits, root crops such as camote cassava and like.
15. **Market Stall**, refers to any allocated space or booth in the public market where merchandise of any kind is sold or offered for sale and from which a regular fee is collected on a defined periodic basis.
16. **Peddler** means any person who, either for himself or on commission, travels from one place to another and sells his goods or offer to sell and delivers the same.
17. **PUBLIC MARKET** – is where fresh foods or items, or other commodities are sold, it may be established or operated by the Municipal Government or by franchise or special permit of private persons. The public market area may include stalls other goods may be sold to the public and perking areas for motor vehicles.

For purposes of this code "Public Market" shall refer to all markets establish and regulated by the LGU



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18. **Rental Fee** means a charge fixed for the use of market stalls, tapangcos, booths or spaces in the public market.

19. **Slaughterhouse** refers to the place designated where animals for human consumption are to be butchered/slaughtered, cut-up and cleaned

For purposes of this code **Slaughterhouse” shall refer to the municipal slaughterhouse/abattoir**

20. **STALL LESSEE (STALLHOLDER)** – refers to the awardee of the lease contract to occupy a market stall of space with or without booth inside the public market where they can display or sell their goods, commodities or foodstuffs and pay rentals and rights free thereon.

21. **Support Facilities** refer to service areas directly supportive of market operations including bagsakan, central collection station for waste, toilets, parking areas and slaughterhouses.

22. **Vendor** refers to a person who sells goods, commodities or food stuffs within the market premises.

CHAPTER II. BASIC POLICIES AND REGULATIONS

ARTICLE A. SANITATION

Section 2A.01. Cleanliness and Sanitation – The public market must at all times be kept clean and sanitary condition to safeguard the health and safety of the buying public, as well as the stall owners, vendors and market personnel. Facilities for sanitation and maintenance shall be provided.

Section 2A.02. Collection and Disposal of Garbage – All the garbage and rubbish of the public market must be collected and disposed at appropriate schedules to be determined by the local market authorities.

Section 2A.03. Disposal of Garbage – it shall be the responsibility of the individual stall owners and the vendors to segregate and dispose their garbage at the end of each day by placing them in the receptacle referred to in Section 2A.05 hereof. The waste dumping area of disposed garbage shall be located at convenient place accessible to garbage collectors/trucks. Solid waste accumulated at each stall shall be transferred to the sanitary landfill to facilitate efficient solid waste management.

Section 2A.04. Facilities and Sanitation – There shall be proper and adequate drainage and sewerage system and necessary facilities in the public market to ensure cleanliness and sanitation.

Section 2A.05. Garbage Receptacles – The public market shall be provided with large garbage receptacles for the collection of all the garbage and rubbish in the market and its premises.

Section 2A.06. Meat and Meat Products – All meat and meat products shall be inspected pursuant to existing laws and local ordinances.



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Section 2A.07. “No Littering” and “No Smoking” Signs - “No Littering” and “No Smoking” signs shall be posted in conspicuous places to warn vendors and the general public that the same are punishable by law.

Section 2A.08. Protection and Preservation of Food – All kinds of food which require no further cooking shall be wrapped, covered or enclosed in containers to preserve their freshness and prevent contamination.

Section 2A.09. Public Toilets – Public toilets with adequate lavatories, at least one for men and another for women, shall be provided and installed in strict conformity with the Sanitation code and the same shall be kept clean and hygienic at all times and designed pursuant to the provisions of the IRP or BP 344 otherwise known as Accessibility Law. These toilets could either be operated by the local government or private individuals, in accordance to existing or future ordinances that may be enacted in relation thereof. Construction of private toilets in their respective stalls or elsewhere in the public market is prohibited. Existing private toilets without septic tanks shall be removed. The Municipal Health Officer and the Sanitary Inspector shall inspect all stalls in public market ten (10) days after the required and publication of this code to see to it that all private toilets inside the individual stall have septic tanks and meets the minimum standard set by the Sanitation Code of Philippines. Private toilets without septic tanks or does not meet the minimum requirements set by the Sanitation Code of the Philippines shall be given (10) to fifteen (15) days within which to remove the toilets. Failure to comply shall be penalized in accordance with this code. Further the Local Government may take responsibility in the removal of said private toilets with septic tanks or does not meet the minimum standard set by the Sanitation code of the Philippines.

Section 2A.10. Responsibility on Individual Stall Owners/Vendors – individual stallholders/vendors shall keep and maintain their stalls in clean and sanitary condition; they shall likewise be responsible for the cleanliness of the passageway, alleys or spaces immediately in front, behind or beside their stalls.

Section 2A.11. Sale of Marine Products – Only fresh, live and wholesome fish and marine products or dried, salted, smoked, or fermented fish, and marine products, which are safe for consumption, shall be sold. Fish and other marine products count in radio-active zones determined by the Department of Health (DOH) through the Bureau of Food and Drug (BFAD) in coordination with the Bureau of Fisheries and Aquatic Resources (BFAR), shall be condemned and shall not be allowed for sale.

Section 2A.12. Disposal of Fish Scales and Internals – “Fish Vendors are required to provide for themselves bins for Fish Scales and Internals for proper disposal directly in the Garbage Receptacles referred to in Section 2A.05 of this code” Failure by the fish vendor to provide such bins shall be sufficient ground for non-renewal or revocation of his business permit. As observed, fish scales and fish internals caused clogging of drainage and sewers.

Section 2A.13. Sanitation Unit – Adequate personnel shall be provided to ensure the maintenance of cleanliness and sanitation within the public market and its premises.

Section 2A.14. “Use Garbage Cans” Signs – “Keep Premises Clean” and “Use Garbage Cans” signs shall be placed at the entrance, in passageways and in places where garbage is collected.



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Section 2A.15. Water – The public market shall have available ample water for cleaning.

Section 2A.16. Applicability of the Code on Sanitation – All provisions of the Code on Sanitation shall at all times be observed and enforced in the public market and in all establishments therein.

ARTICLE B. SECURITY AND SAFETY

Section 2B.01. Opening and Closing Time – The public market shall be opened at 4 o'clock in the morning and closed at 8:00 o'clock in the evening on the regular basis. Extension of the closing and earlier opening may be requested to the Market Authorities during special occasion and for justifiable reasons at the discretion of the Market Supervisor. No person shall be allowed to sleep in the Public Market.

Section 2B.02. Security Unit – The public market shall be provided with adequate security within the vicinity of the public market area for the protection of consumers and traders and properties of the local government.

Section 2B.03. Losses of Stallholders – The Municipality nor its market guards shall not be responsible for any losses or damage, which stallholders or vendors may incur in the public market by reason of fire or force majeure, theft or robbery. All articles or merchandise left in the public market after closure time shall be at the risk of the stallholder or owner thereof.

ARTICLE C. SERVICE AREAS/FACILITIES

Section 2C.01. Market Aisles – To facilities mobility, security and safety at all times, market aisles shall be free from any obstruction. Market officials and personnel and policemen detailed in the vicinity of the public market shall exercise strict vigilance on this matter and enjoin strict compliance with this provision.

Section 2C.02. Parking Spaces – Ample parking space be provided within the vicinity of the public market. The municipal Government shall charge reasonable Parking Fees as may be stipulated in the latest Revenue Code of the Municipality.

Section 2C.03. Ramps and Stairways – Ramps shall be placed in strategic, visible locations near the approach points to the market structure and shall conform to the provisions of the existing accessibility law which requires buildings, institutions, establishments and public utilities to install facilities and devices to enhance the mobility of disabled persons. Regular stairways shall complement the ramps installed in the market.

Section 2C.04. Service Areas – Storage facilities and other support and auxiliary market facilities shall be appropriately situated.

Section 2C.05 Weighing Scales – The public market shall be provided with weighing scales for the use of the consumers to safeguard them against short weighing of commodities like rice, fish, meat, etc. It shall be located at strategic points in the public market.



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ARTICLE D. AWARD AND OCCUPANCY OF STALLS

Section 2D.01. Award and adjudication of Stalls – Award and adjudication of newly constructed or vacant stall be made pursuant to the provision of this code.

1. Award and Adjudication of Vacant Stall to Applicants. Vacant stalls shall be leased to applicants in the following manner.
 - a. A notice of vacancy of a stall/s or booth/s shall be posted at conspicuous places in the Public Market and at the Town Proper for a period of not less than ten (10) days prior to the date of the scheduled draw of the applicant to whom the stall shall be awarded in accordance with the provisions of Article D of Chapter II of this code. The subject stall of booth shall be opened for inspection by interested applicants during the ten-day period.

NOTICE

Notice is hereby given that Stall/booth No. _____ Building or Pavilion No. _____ of the Public Market is vacant. Any person 21 years of age or more and is not legally incapacitated, desiring to lease this stall/booth, shall file an application therefore on the prescribed form (copies may be obtained from the office of the Municipal Treasurer during office hours. In case there are more than one applicant, the award of the lease of the vacant stall/booth shall be determined thru drawing of lots to be conducted on _____, 20____, at 12:00 noon at the office of the Municipal Treasury by the Market Committee. This stall/booth is found in the _____ Section and is intended for the _____.

- b. The application shall be under oath. It shall be submitted to the Office of the Municipal Treasurer by the applicant either in person or through his or her authorized representative.
- c. It shall be the duty of the Municipal Treasurer to keep a registry book showing the names and addresses of all applicants for the vacant stalls or booths, the number and description of the stall/booth applied for them, and the date and hour of receipt of each application.
- d. It shall be the duty of the municipal Treasurer or his/her duly authorized representatives to acknowledge receipt of the application setting forth therein the time and the date of receipt thereof.
- e. Application fee in the amount of Fifty Pesos (Php. 50.00) shall be collected from each application to cover the necessary expenses.
- f. The application shall be substantially in the following for:

Application to Lease Market Stall

Address

Date

The Municipal Treasurer

Municipality of _____

Province of _____



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Sir:

I hereby apply under the following contract for the 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:

That I shall at all times have my permit conspicuously hung in my stall.

That I shall at all times keep the stall and its surroundings clean and in accordance with all the sanitary directives issued by the Local Government of Burgos as well as the Provincial Government and the Department of Health.

That I shall only conduct the business exclusively specified in my Business Permit.

That I shall always pay the rent on time and in the manner prescribed.

That I shall only occupy the area awarded to me and I shall not make any extensions without the permission or approval of the Local Chief Executive upon recommendation of the Market Supervisor.

That I am willing to be relocated when it is deemed necessary to maintain order.

Very respectfully,

Applicant

I, _____, do hereby state that I am the person who signed the forgoing application and that the contents thereof are true to the best of my knowledge.

Applicant

TIN # _____

SUBSCRIBED AND SWORN to before me in the municipality of _____, Philippines, this _____ day of _____, 20___. Applicant-affiant exhibiting to me his/her Community Tax Certificate No. _____ issued on _____, 20__ at _____, _____, Philippines.



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(Official Title)

- g. Applicants who are Filipino citizens shall have preference in the lease of market stalls. In case there is only one Filipino applicant, the stall or booth applied for shall be adjudicated to him. If there are several Filipino applicants for the same stall adjudication of the stall shall be made through drawing of lots to be conducted by the Market committee on the date and hour specified in the Notice. The result of the drawing of lots shall be reported immediately by the Market Committee to the Municipal Mayor for appropriate action.
- h. If on the last day set for the filing applications, there is no application from a Filipino citizen, the posting of the Notice of Vacancy prescribed above shall be repeated for another ten-day (10) period. If after the expiration of that period there is still no Filipino applicant, the stall may be leased to any alien applicant who filed his application first. If there are several alien applicants, the adjudication of the stall shall be made through drawing of lots to be conducted by the Market committee.
- i. The applicant whose name is drawn shall furnish the Municipal Treasurer two (2) 2x2 ID pictures.
- j. All applicants shall be notified of the result of the draw five (5) days after the draw. Together with the notice of the result of the draw, the applicant whose name was drawn shall be furnished with the list of requirements and charges payable before the award is made.
- k. The applicant whose name was drawn shall be given fifteen (15) days to complete the requirement and pay the corresponding charges and fees including the Goodwill Money or Lessee's Rights Fee.
- l. If the applicant whose name was drawn fails to complete the requirements in fifteen (15) days, he/she will be given another ten (10) days grace period to complete the requirements and pay the corresponding charges. Thereafter the stall may again be declared vacant and available for lease.
- m. The award of stall shall be made by the Municipal Mayor or authorized representative upon completion of the requirements and payment of the corresponding charges.

Market Committee. There is hereby created a Market Committee whose duty shall be to conduct drawing of lots in connection with the adjudication of vacant stall or booths in the public market as prescribed herein, and to certify to the Municipal Mayor the results thereof. It shall likewise be the responsibility of the Market Committee to decide whether an applicant is qualified or not. The background of the applicants may also be taken into account.

The Committee shall be composed of the Municipal Mayor or his duly authorized representative as Chairman and the following as members:

The Market Administrator/Market Supervisor

Municipal Treasurer

The Chairman on Committee on Market and Slaughterhouse of the Sangguniang Bayan.



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A representative from the market vendors chosen by them from among the members.

The Municipal Sanitary Inspector.

In case where the deliberation of the market Committee result in a tie vote, the chairman shall break the tie. The decision of the market Committee shall be final.

2. Appeals. However, an applicant may appeal before the Market Committee for reconsideration if he believes that the applicant whose name was drawn is not qualified to participate in the draw or lease a stall.
3. Ejected Stallholders are disqualified to participate in the Drawing of Lots. Should a stallholder be ejected from his stall/booth for cause, as provided in this Code, he shall be disqualified from subsequently filing another application for the lease of any stall/booth in the public market.

Section 2D.02. Basic Policies and Regulations for the Occupancy of Stalls

1. Alteration and Removal. No LESSEE shall remove, or alter the original structure, electrical wiring or water connections of any stall/stalls or booth/booths without prior permission from the Municipal Mayor and the Building Official. Any unauthorized construction, alteration or renovation may be subjected for demolition by the local authorities. Dwelling in stalls or any place within the market premises shall be strictly prohibited.
2. Cleanliness and Sanitation. Stallholders shall be responsible for the cleanliness of their stall/s and its immediate surroundings. Stallholders are hereby required to provide his stall with appropriate garbage can. All sanitary rules and regulations as may be prescribed of Health shall likewise be strictly observed.
3. Construction of Extensions. Any construction of extension beyond the original area awarded to the lessee is tantamount to modification of the original area and thus, is subject for additional fee in accordance with the rate (per square meter). However, extensions shall be allowed provided that it shall not violate existing zoning regulations and with the permission of the Local Chief Executive upon recommendation of the Market Supervisor.
4. Dummies. In any case where the person registered to be the holder or lease of a stall or booth in the public market is found to be in reality not the person whom is actually occupying said stall or stalls, the lease contract of such stall or stalls shall be cancelled, if another person or to have connived with such person so that the later may, for any reason, be able to occupy the said stall or booth.
5. Duration of Lease. The duration of lease of a market stall in the public market shall be ten (10) years from the execution of the Contract of Lease renewable upon expiration at the discretion of the Market Authorities if records show that the Lessee is a good client.
6. Effect of Death of Lessee. Upon the death of the stallholder, the contract of lease covering said shall be deemed terminated. However, if the deceased leaves a surviving spouse or legal heirs who are not disqualified under the provisions of these code, and who desire to continue the business of the deceased, the lease may be transferred to the deceased's spouse or legal heirs upon application therefore. Provided, that the Municipal Treasurer shall be notified within thirty (30) days after the death of the original lessee of the desire of the spouse or legal heirs to succeed upon payment of all the necessary rents or lease due at the time of death of the original lessee is a good client.



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- 23. Highly Combustible Materials.** No stallholder in the public market shall be allowed to store in his stall/stalls or anywhere else in the Public Market, such as gasoline, kerosene or other highly combustible material.
- 24. Improvement on Stalls.** Any temporary/permanent improvement make by the stallholder or lessee on the stalls shall be automatically belong to the Local Government and the cost incurred on such improvements is not refundable or reimbursable. However, improvements to be made by a stallholder shall be subject for approval by the Local Chief Executive upon recommendation of the Municipal Engineer and the Market supervisor.
- 25. Lessee to Personally Administer his Stall.** Any person who has been awarded the right to lease a market stall in accordance with the provision thereof, shall occupy, administer and be present personally at his stall or booth, provided, however, that the helper he employs are citizens of the Philippines, including but not limited to the spouse, parent 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 persons to be employed as helpers, shall under no circumstance be persons with whom the stallholder has any commercial relation or transaction. A lessee or an occupant who fails to conduct business on the stall/space awarded to him for two consecutive months without prior notification to the Market Supervisor IV shall be deemed closed and his stall/space be declared vacant and be made available for other qualified occupants.
- 26. Lighting Facilities.** Lighting facilities shall be provided by the lessee at their own expense subject to certain rules and regulations promulgated on this matter.
- 27. Revocation of Lease.** The lease contract of stallholders may be revoked for failure to comply with provision of this code and/or the contract of lease, or failure to pay rentals for three (3) consecutive months and the inability to conduct and open for business.
- 28. Sectioning.** Vendors shall be assigned a stall according to the nature of business and/or merchandize for sale as may be feasible.
- 29. Other Restrictions for the use of Stalls/Space.**
- No person shall operate a market stall without first securing the permits required buy this municipality. Applications for the award of stall or stalls shall be filed with the Office of the Municipal Treasurer.
 - No person shall sell, offer for sale or expose any articles in the public market or use or occupy any stall without first having been assigned to such stall in the manner prescribed herein. Residents of the municipality shall be given preference in the award of stalls over non-resident applicants.
 - Stallholders shall not be allowed to occupy stall or spaces other than those leased to them. It shall be the duty of the Market Administrator/Supervisor or his duly authorized representative to see to it that the stallholders do not woefully occupy other stalls or spaces.
 - No vendor shall be allowed to relocate his space/stall without the permission of the market Supervisor IV.

ARTICLE E. OTHER POLICIES AND REGULATIONS

Section 2E.01. Articles Abandoned anywhere in the public market which is deemed nuisance, harmful, obstruction, menace or threat to public health and other may be confiscated



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by the market authorities for custody. In case the articles are claimed within twenty-four (24) hours thereafter, they shall be returned to the owner thereof, unless they are so deteriorated as to constitute a menace or threat to public health, in which case, they shall be disposed of in the manner directed by the Market Administrator/Supervisor, who may also in his discretion, cause the criminal prosecution of the guilty party, or merely warn him against future violation. In case the articles have not deteriorated and are not claimed within time herein fixed, said articles shall be sold public auction or shall disposed or in accordance with law.

Section 2E.02. Display or Business Permit. Vendors shall at all times display their business Permit at a conspicuous place at their respective stalls, booths or place of business.

Section 2E.03. Registration of Helpers. The names authorized by stallholders to help them in their daily business shall be registered with Office of the market Administrator/Supervisor.

CHAPTER III. RESTRICTIONS AND OTHER PROHIBITIONS

ARTICLE A. RESTRICTIONS

Section 3A.01. Illegal Construction. The construction of living quarters within the market premises shall not be allowed. Violation of this provision shall likewise be penalized accordingly. Therefore, vendors who are not engage in eatery or restaurants are not allowed to cook within the public premises.

Section 3A.02. Loose Animals. No pets, dogs, cats or any animal shall be brought nor left astray in the premises of the public market.

Section 3A.03. Peddling and Hawking at Pathways. No person shall peddle, hawk offer for sale or expose for sale any articles in the designated pathways for purchasers in the public market. Market officials and personnel and policemen detailed in the vicinity of the public market shall strictly enforce this provision.

ARTICLE B. OTHER PROHIBITIONS

Section 3B.01. The following acts are prohibited:

1. To idly chat, lounge, lie in or around the market premises, nor shall any person beg or solicit contributions of any kind in the public market.
2. To resist obstruct, annoy, insult or impede any market employee or personnel in the performance of their duties, nor shall parents allow their children to play in or around their stalls or in the market premises.
3. To commit any nuisance, make boisterous noise, use any profane or vulgar language, commit disorderly conduct, or obstruct the passageway of the market premises, and any act which may provoke trouble.
4. To expose, hang or place any article, whether the same is not for sale, or place any kind of obstruction in the public market which are deemed unsightly and inappropriate.
5. To carry in his possession deadly weapon such guns, knives, bolos, axes, ice picks, darts, etc. within the market premises; or in case of stallholders of their helpers, outside their respective stall.



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6. To sell or offer the sale any merchandise or articles which have been illegally acquired by the vendors and/or stallholders.
7. To engage in any kind of gambling.
8. To drink, serve or dispense liquor or any intoxicating beverages within the premises of the public market at all times. Any violation hereof shall subject the offender to the penal provisions of this code and the vendor may be subject for the revocation of his permit.

ARTICLE C. PENALTY AND APPLICABILITY

Section 3C.01. Penalty. Any violation of the provisions of Articles A and B shall be punished by a fine of not less than Five Hundred Pesos (Php 500.00) but not more than One Thousand Pesos (Php 1, 000.00) or imprisonment of not less than one (1) month but not more than six (6) months, or both such fine and imprisonment at the discretion of the Court.

Section 3C.02. Applicability Clause. The provision of existing municipal ordinance dealing on market administration which are not in conflict with, or contrary to the provision of this Article are hereby adopted and made an integral part of this article.

CHAPTER IV. MARKET AND SLAUGHTERHOUSE FEES AND CHARGES

ARTICLE A. MARKET FEES AND CHARGES

Section 4A.01. Collection of Local Revenues by Municipal Treasurer. The Municipal Treasurer, or this duly authorized deputies/revenue collectors, shall collect all local taxes, fees charges and other impositions.

Section 4A.02. Subdivision of Market Building. The public market shall be divided into sections with each section housing on class or group of allied goods, commodities, or merchandise.

Section 4A.03. PAYMENT OF GOODWILL MONEY (LESSEE'S RIGHTS FEE). Payment of Goodwill Money or Lessee's rights Fee shall be required for the use and occupancy of enclosed stalls in the Public Market of the Local Government of Burgos, Pangasinan aside from the monthly rental for the Stall. The corresponding **Goodwill Money or Lessee's Rights Fee and the Monthly Rental** for a Stall are specified in Section 4A.08C of this code. The Leasehold Contract shall have a life span of ten (10) years. The leasehold Rights may be transferable or sold at any cost for the Duration of the remaining term of the Leasehold Contract upon full payment of the Goodwill Money or Lessee's Rights Fee. Provided however that the Transferee shall pay to the Municipal Treasurer fifteen percent (15%) of the amount of Goodwill Money who shall annotate the transfer. Failure by the **Transferee or Buyer** to disclose to the market Authorities that he has already bought the rights to the stall shall constitute fraud on the part of the transferee and may be subject to litigation at the proper court. Likewise, upon full payment of the **Goodwill Money or Lessee's Rights Fee**, the **Lessee** may sub-lease the stall at any cost at his discretion. Provided, however that the sub-lessee will abide with all the rules, regulations and policies as provided in this code or as may be provided in the future.



Section 4A.04. Time Of Payment Of Rights Fee – The current stallholders shall be given preference in the application for the Leasehold contract and leasehold Rights on the stall they are currently occupying, provided however, that the current stallholder shall convey interest by filling his/her application upon effectivity of this code.

- **Current Stallholders** are given one (1) year from the effectivity of this code to pay the corresponding **Goodwill Money** with a fifteen percent (15%) discount payable in one Lump sum payment, however a current stallholder may opt to pay fifty percent (50%) of the corresponding **Goodwill Money** and the balance shall be paid in equal monthly installments for the remaining term of the Contract of Lease.
- **Non-Stallholders** shall pay the corresponding Goodwill Money on the stall applied for before the occupancy of the stall.

Section 4A.05. Payment of Rental Fees – The rental fees herein prescribed shall be paid to and collected by the Municipal Treasurer or his duly authorized representative on the first week of each month, without necessity of demand. If the delinquent lessee still fails to pay the overdue rental on or before the end of the 3rd month after delinquency week, he shall be considered to have lost all his lease rights including the goodwill money or lessee's rights fee and the stall may be leased to another applicant. The unpaid rentals, water bills electric bills and other obligations shall be collected by means of the civil remedies provided for in the Chapter 4 Section 172 to 185, of the Local Government code of 1991, or by lawful means.

Section 4A.06. Lease Contract – There shall be a Lease Contract to be executed by the Applicant Stallholder/Lessee and the Municipal Mayor which term shall be ten (10) years from the date of execution of the Contract.

Section 4A.07. Water and Electric Billings. Each stallholder shall pay his/her water bills directly to the Burgos Waterworks System, per his/her monthly billings. Each stallholder shall pay to the Municipality of Burgos his electric bills, through the Municipal Treasurer or his duly designated clerk/representative, per his individual monthly billing prepared by the Office of the Municipal Treasurer based on the reading of the stallholders individual electric meter.

Section 4A.08. Imposition of Market Fees and Charges. The municipal Government of Burgos, shall collect Lessee's Rights Fee and monthly stall rental fee for the occupancy or use of such stalls. There shall be collected following market fees and charges:

A. Occupancy Fee Per Year on Stall, Booths, and/or Spaces in the different Market Sections:

Dry Goods Section	Php 350.00/3sq. meters
Grocery Section	Php 350.00/3sq. meters
Vegetables and Fruit Section	Php 300.00/3sq. meters
Eating/Eatery Section	Php 700.00/6sq. meters
Fish Section	Php 500.00
Meat Section	Php 600.00
Meat, Fish Products & Frozen Products	Php 600.00

They shall however be issued cash tickets for everyday that they conduct business in accordance with the succeeding paragraph (4A.03B).



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B. Market Fees for Ambulant Vendor

- 1.) Market Fees for the occupancy of market premises by ambulant vendors shall be charged according to space occupied and/or volume of products/articles displayed but for a minimum of Ten Pesos (Php 10.00) Cash Tickets shall be issued for the equivalent amount collected for charged.
- 2.) Transient Vendors and Vendors of seasonal products are likewise required to pay the amount of Five Hundred Pesos (Php 500.00) minimum fee as permit to conduct business inside the Public Market anytime of the inclusive year of his/her permit and subject to the preceding paragraph.

Duly licensed suppliers or distributors of goods, commodities or general merchandise servicing permanent occupants of market stalls, booths, tiendas, or other space, as well as when the stallholders themselves 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 fee.

C. Lessee’s Rights Fee and the corresponding monthly rental on Enclosed Stalls in the Public Market:

(Schedule of Goodwill Money or Lessee’s Rights Fee and their corresponding monthly rental grouped and assessed according to their Strategic Location)

Stall	Lessee’s Rights Fee per Stall for 10 Years	Monthly Rental Rates per Stall
Stalls located on the western part of the public market	₱ 55,000.00	₱ 750.00
Stalls located on the southern part of the public market	₱ 45,000.00	₱ 600.00
Stalls located on the eastern part of the public market	₱ 55,000.00	₱ 650.00
Stalls located in the front of the public market. All stalls outside the gates on the Public Market shall be considered in front	₱ 75,000.00	₱ 900.00
Inner	₱ 65,000.00	₱ 800.00
Stalls in the two-story building (ground floor) (Northern Part)	₱ 55,000.00	₱ 850.00
Stalls in the two-story building (ground floor) (Southern Part)	₱ 55,000.00	₱ 850.00
Second Floor	₱ 30,000.00	₱ 700.00

Rental Fee on Enclosed Stalls in payable every end of the month. If the last day of the month falls on Saturday or Sunday or Holiday, the Rental Fee shall be payable on the following Monday. Thereafter, the rental shall be subject to penalties and surcharges as provided by the code. Provided however that is shall be the obligation of the stallholder to go to the Treasurer’s Office to pay the Rental Fees.

Section 4A.04. Stall Rental Rates Increase. The stall rental rates as prescribed by this ordinance shall be automatically increased by ten percent (10%) on the rental fee every five (5) years after the signing of the contract of lease, during the effectivity of the Contract of Lease (Municipal Ordinance No. _____).

ARTICLE B. SURCHARGES AND PENALTIES ON UNPAID RENTAL CHARGES



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Section 4B.01. Surcharges and Penalties. There is hereby imposed a surcharge of twenty-five percent (25%) of rentals for market stalls and spaces in the market premises not paid on time.

Section 4B.02. Payment of Fees. Unless otherwise provided herein, the market fee must be paid in advance before any person can sell, or offer to sell, any commodity or merchandise within the public market and its premises.

Section 4B.03. Issuance of Cash Tickets to Transient Vendors; Prohibition of Transfer Thereof. Cash tickets shall be issued to vendors for the occupancy of space within the originally issued and to the space assigned by the market authorities or personnel. In a vendor disposes his merchandise by wholesale to another vendor, the later shall, purchase New Tickets if he desires to sell the same merchandise through retail.

Cash tickets shall be provided with serial numbers by the Office of the Municipal Treasurer. Issued Tickets shall be monitored by ticket checkers under the supervision of the Market Administrator/Supervisor.

ARTICLE C. SLAUGHTERHOUSE FEES

Section 4C.01. Permit Fee to Slaughterhouse. Before any animal is slaughtered for public consumption or for sale at the public market a permit therefore shall be secured from the Municipal Meat Inspector/Municipal Veterinarian who will determine whether the animal is fit for human consumption thru the Municipal Treasurer upon payment of the corresponding fees, as follows: (Note Existing fees in accordance with the local revenue code)

Large cattle per head	Php 250.00
Hogs per head	Php 100.00
Goats/Sheep per head	Php 100.00
Other per head	Php 100.00

Section 4C.02. Slaughter Fee. There shall be paid for the use of the slaughterhouse at the following rates:

Large cattle per head	Php 100.00
Hogs per head	Php 50.00
Goats/Sheep per head	Php 40.00
Other per head	Php 50.00

Section 4C.03. Corral Fee. The fee shall be paid for the corral of animals at the Municipal Slaughterhouse Corral at the following rates per head, per day or fraction thereof;

Large cattle per head	Php 75.00
Hogs per head	Php 50.00
Goats/Sheep per head	Php 50.00
Other per head	Php 50.00



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Section 4C.04. Place of Slaughter. The slaughter of any kind of animal for sale to the public shall be done only in the municipal slaughterhouse. The slaughter of animals intended for home consumption may be done elsewhere except cattle. Provided, that the animal slaughtered shall be sold or offered for sale. Meat products imported from other towns shall be required an auxiliary invoice to ensure that such are safe, inspected and slaughtered in the manner prescribed in this code.

Section 4C.05. Requirement for the Issuance of a Permit for the Slaughter of Large Cattle. Upon issuances of the permit required in Section 4B.01 of this Article, large cattle shall be slaughtered at the municipal slaughterhouse. Before issuing the permit for the slaughter of branded large cattle, the Treasurer shall require, the production of certificate of ownership if the owner is the applicant or the original certificate to transfer made in his favor, one such certificate shall be issued and the corresponding fee collected therefore. For unbranded cattle that have not yet reached the required age for branding, the Treasurer shall require such evidence as will be satisfactory to him regarding the ownership of the animal for which permit to slaughter has issued and the corresponding fees collected therefore before the permit is granted.

Section 4C.06. Corral for 12 Hours. All animals for slaughter for public consumption or for sale at the public market shall be corralled at the Municipal Slaughterhouse Corral Twelve Hours (12) before it may be slaughtered.

Section 4C.07. Time of Payment. The Permit Fee to Slaughter, Slaughter Fee and Corral Fee shall be paid before any animal for slaughter at the Municipal Slaughterhouse is corralled.

Section 4C.08. Distribution of Proceeds. All taxes, fees or charges and other income collected, shall go to the general fund.

Section 4C.09. Supplement to Revenue Code. This article shall supplement the provisions of Article 5J. – Slaughter and Corral Fees, of the Revenue code of the Municipality of Burgos, Province of Pangasinan

CHAPTER V. MARKET ADMINISTRATION

ARTICLE A. GENERAL SUPERVISION AND CONTROL

Section 5A.01. General Authority of the Municipal Mayor. The power of general supervision and control over the administration and operations of the public market and slaughterhouse is vested in the Municipal Mayor.

Section 5B.01. Personnel Composition. The following existing Plantilla Positions for the operation and administration of the Public Market and Slaughterhouse shall be

1. Market Supervisor IV
2. Electrician Foreman
3. Two (2) Ticket Checkers
4. Three (3) Administrative Aide III – (Utility Worker II)
5. Three (3) Administrative Aide II – (Laborer II)
6. One (1) Watchman II



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7. One (1) Watchman I

Section 5B.02. Market Collectors. Market collectors shall be directly under the Municipal Treasurer in accordance with existing laws, and regulations. Particularly in the collection, remittance and reporting of collections. The Municipal Treasurer shall, however coordinate closely with the Market Administrator/Supervisor in the deployment of market collectors.

Section 5B.03. Duties and Responsibilities. The personnel appointed on the positions mentioned above shall perform the duties and responsibilities as stated in their Statement of Duties and Responsibilities in the BSC-CSC Form No. 1 (Position Description Form). The Market Supervisor shall in addition to his duties and responsibilities stated in their Statement of Duties and Responsibilities in the BSC-CSC Form No. 1 (Position Description Form) shall:

- a. Exercise direct supervision over the management and operation of the public market and its corresponding personnel.
- b. Enforce all pertinent laws, rules and regulations, and provisions of this Code;
- c. Assist in the formulation of the budget for operations, and provisions of this Code;
- d. Propose and coordinate plans to enhance the efficiency of operations of the public market, including market linkages;

Section 5B.04. Attire of Market Personnel. All market personnel shall at all times during the performance of their duties wear their prescribed uniforms and shall prominently display their nameplates/identification tags.

CHAPTER VI. GENERAL PENAL PROVISIONS

Section 6.01. Penalties for Violation of the Prohibitory Provisions of this Code. Any person or persons who violates any of the provisions of this code or the rules or regulations promulgated by authority of this Code shall, upon conviction, be punished by a fine of not less than ONE THOUSAND PESOS (Php 1, 000.00) but not more than TWO THOUSAND FIVE HUNDRED (Php 2, 500.00) or imprisonment of not less than one (1) month nor more than six (6) months, or both, at the discretion of the court.

If the violation is committed by any judicial entity, the President, General Manager, or any individual entrusted with the administration thereof at the time of the commission of the violation shall be held responsible or liable therefore.

Punishment by fine or imprisonment as herein provided for shall not relieve the offender from the payment of the tax, fee or charge imposed under this Ordinance.

CHAPTER VII. FINAL PROVISIONS

Section 7.01. Separability Clause – In for any reason, any section or provision of this Code shall be held to be unconstitutional or invalid by competent authority, such judgement or action shall not affect or impair the other sections or provisions thereof.



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Section 7.02. Applicability Clause – All other matters relating to the impositions in this Code shall be held to be governed by pertinent provisions of existing laws and other ordinance.

Section 7. 03. Repealing Clause – All ordinances, rules and regulations, or part thereof in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

Section 7.04. Effectivity – This Code shall take effect fifteen (15) days after its posting as provided for by law.

CERTIFY TO THE CORRECTNESS OF THE FOREGOING:

JOHN R. BRAGA
Sangguniang Bayan Secretary

CONCURRING

ALVIN G. TOLENTINO
FRED CHRISTIAN E. NACAR
JOVITO D. BONSAITO
ANTONIO R. NAVAL
JORDAN B. BONODE

VICTOR REGAM C. REYES
OSWARD A. GINES
NORMAN G. ROSETE
MARK VINCENT A. RAGASA
BANJO V. DE GUZMAN

ATTESTED:

DR. ALBERTO R. GUIANG, JR.
Vice Mayor & Presiding Officer

Mayor's Action: _____

RONALD G. NGAYAWAN, DVM
Municipal Mayor