



**Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga**



ORDINANCE NO. 87-083

AN ORDINANCE PRESCRIBING GUIDELINES IN THE ESTABLISHMENT, CLASSIFICATION, OPERATION AND MAINTENANCE OF PRIVATELY OWNED AND OPERATED PUBLIC MARKETS AND BUS/LAND TRANSPORT TERMINALS IN CERTAIN AREAS WITHIN THE CITY OF NAGA AND AUTHORIZING QUALIFIED INDIVIDUALS, PARTNERSHIPS, CORPORATIONS OR ASSOCIATIONS TO ESTABLISH, OPERATE AND MAINTAIN THE SAME AND FOR THE PURPOSES: -

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

CHAPTER I

ARTICLE I. - TITLE AND SCOPE OR ORDINANCE

SECTION 1. - TITLE OF ORDINANCE. - This ordinance shall be known as “The Ordinance governing, regulating and prescribing guidelines in the establishment, classification, operation and maintenance of Privately owned and Operated Public Markets and Bus/Land Transport Terminals in the City of Naga and for other purposes”.

SECTION 2. - SCOPE OF ORDINANCE. - The provisions of this ordinance shall govern, control, enforce, direct, regulate and supervise the establishment, operation and maintenance of privately owned and operated public markets and bus/land transport terminals, in consonance with the mandate of the pertinent provisions of Batas Pambansa Blg. 337, otherwise known as “The Local Government code”.

SECTION 3. - DEFINITION OF TERMS. - Words and Phrases as used in this ordinance.

- a. **PUBLIC MARKETS** – shall be those which have been established, designated and/or authorized by the Sangguniang Panlungsod of the City of Naga, privately owned and operated and shall embrace the whole plot of ground intended for and assigned to such market site, as delimit by their respective technical descriptions, location plans, subdivision surveys, building plans and other documents on file in the Offices of the City Treasurer and the City Engineer. Public Market shall include all market stalls; tiendas, buildings, roads, subways, waterways and drainage and other connections, parking spaces and other appurtenances which hare integral part thereto.
- b. **PRIVATELY OWNED AND OPERATED PUBLIC MARKETS** – are those established by private funds and operated by private persons, partnerships, corporations and association duly authorized and sanctioned by the Sangguniang Pasnlungsod.
- c. **MARKET STALL** – shall refer to any allotted space, stand, compartment, store or any place wherein merchandise is sold, offered for sale, or for such purpose in the public market.

The standard size of a stall shall be one square meter for the table type. Tiendas, kiosk or booth type shall have an area of not more than (10) ten square meters.

- d. MARKET SECTIONS – shall be known as the classification of stalls according to the kind of merchandise offered for sale therein. The following shall be the classification of market section:
 - d.1. FISH SECTION – Fresh fish, clams, oysters, crabs, lobsters, shrimps, seaweeds, and other seafoods and marine products.
 - d.2. MEAT SECTION – All kinds of meat except that carabao and horse meat shall have a separate and distinct compartment from that of beef and pork.
 - d.3. DRY GOODS SECTION – 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.
 - d.4. GROCERY SECTION – All kinds of cakes, like biscuits, crackers, etc., butter, cheese, confectionaries, candies, caned or bottled foods, beverages, soft drinks, flour, rice, oatmeal, ham, bacon, sugar, nuts, sauce, onions, garlic, potatoes, eggs, toilet articles, corn, mongo, starch, salt, soap and other household or food products, including firewood and charcoal.
 - d.5. VEGETABLE SECTION – All kinds of vegetables and fruits, root crops such as camote, cassava and the like.
 - d.6. EATING PLACES OR CARENDERIA SECTION – All kinds of cooked foods, including refreshments and cafes where food is served.
 - d.7. POULTRY PRODUCTS SECTION – Chicken, ducks, birds, ducklings, or piglets, etc.
 - d.8. FLOWER SHOP – All kinds of flowers, fresh and artificial, flower pots and vases.
 - d.9. COLD STORAGE SECTION – All kinds of goods and products kept in freezers and/or refrigerated containers.
 - d.10. DRIED FISH SECTION – All kinds of dried fish and its derivatives.
- e. CERTAIN AREAS – refers to areas within the territorial jurisdiction of the City of Naga classified as “conforming use” in accordance with Ordinance No. 603, S. 1978 otherwise known as “The Zoning Ordinance of the City of Naga”.
- f. BUS/LAND TRANSPORT TERMINALS – shall man any public building or space privately owned in which vehicles are kept ready for hire to the public and where road-haul traffic is originated, terminated and/or interchanged before, during and after the road-haul movement including the minor servicing of facilities for the vehicles and equipments in which the traffic is moved and which have been designated and/or authorized by the City Council or Sangguniang Panlungsod of the City of Naga.
- g. COVERED LOADING BAYS – are compartments of a covered structure where buses are parked for loading of passengers.

- h. COVERED LOADING PLATFORM – an elevated platform with roofing the level of the First step of passengers use to board the buses or use for loading their baggages.
- i. COVERED PASSENGERS WAITING AREA – A room or a space with roofing and provided with seats where passengers wait while waiting to board passengers buses.
- j. GARAGE – Covered open structure where passengers buses when not in used are parked.
- k. INDIVIDUAL – would refer to any person who is of legal age and Filipino citizen who has all the qualifications and none of the qualification to engage in business.
- l. PARTNERSHIP – refers to relationship between two or more persons who bind themselves to contribute money, property or industry to a common fund with the intention of dividing the profits among themselves, or to exercise a profession, also with the view of making profits.
- m. CORPORATION – is a juridical person organized and existing in accordance with Philippine laws and at least 60% of the capitalization of which is owned and held by Filipino citizens.
- n. ASSOCIATION – would refer to a group of people who have organized themselves to engaged in the operation of public market and/or bus/land transport terminal, either for profit or no-profit.

ARTICLE II – QUALIFICATION AND DISQUALIFICATIONS OF APPLICANTS

SECTION 4. - An applicant for permit to establish, operate and maintain a public market or a bus/land transport terminal must be:

- a. A Filipino citizen and if a juridical person, 60% of the capitalization of which shall be owned and controlled by Filipino Citizens;
- b. Must not be less than twenty-one (21) years old; and
- c. Financially capable of maintaining the operation of public market(s) and/or bus/land transport terminal(s) and answering/shouldering any liability that may arise in the course of operation of said market(s) or bus/land transport terminal(s).

SECTION 5. - The following are disqualified from applying for permit in establishing, operating and maintaining public market(s) and bus/land transport terminal(s).

- a. ALIEN – is a person who owes allegiance to another state or government and who does not possess the privileges of a Filipino citizen.
- b. DUMMY – is a person apparently acting for himself but really acts for another specifically in business activities.

ARTICLE III. – DECLARATION OF THE SITES AND/OR LOCATION FOR THE ESTABLISHMENT OF PUBLIC MARKET AND BUS/LAND TRANSPORT TERMINAL

SECTION 6. - The following areas in the City of Naga as delineated in the hereto map, which is made an integral part of this ordinance marked as attached Annex "A" hereby declared sites and/or locations for the establishment of public market and/or bus/land transport terminal.

CHAPTER II

ARTICLE I – GENERAL GUIDELINES, CLASSIFICATION AND FEES ON PUBLIC MARKETS

SECTION 7. - The following general guidelines are hereby prescribed in the establishment of privately owned and operated public markets:

- a. **LAND AREA** – Adequate space must be provided to accommodate all the activities of the public market such as, but not limited to, Fish Section, Meat Section, Dry Goods Section, Grocery Section, Vegetable Section, Eating Places or Carenderia Section, Poultry Product Section, Flower Shop, Cold Storage Section and Dried Fish Section.
- b. **EASEMENTS**- where the proposed market is traversed by a watercourse drainage way, channel or stream, an easement or right of way prescribed by the Forestry and/or Water Code must be maintained and parallel plant strips or greenery must be provided in connection therewith.
- c. **DESIGN CRITERIA** – The building structure shall be made out of strong materials and its design and construction shall be in conformity with the City zoning Ordinance, Housing and Land Use Regulatory Board and the National Building code of the Philippines.
- d. **WATER REQUIREMENT** – A minimum supply of 45.5 liters per person (including market staff, vendors, market users, etc.) per day should be supplied to the market. If this amount is not obtainable from the Metro Naga Water District, potable water shall be supplied through the installation of deep well pumps and overhead water tanks.
- e. **POWER SUPPLY** – Power Supply shall be connected to an approved public power supply system. The power requirement shall be based on the basic needs of the vendors and staff of the market.
- f. **DRAINAGE SYSTEM** – The design of the drainage system shall be based on rainfall intensity data for the city. The system shall consist of drains that are simple and easy to clean and maintain.
- g. **WASTE DISPOSAL** – Waste Disposal facilities, like large trash containers situated at strategic points/areas within the market premises, trash cans in every stalls and the like shall be provided. Sufficient toilet facilities must be provided.
- h. **SANITATION** – Sufficient market cleaners and cleaning facilities/materials shall be provided in order to maintain regular cleanliness and sanitation of the market and its premises. The pertinent provisions of the Sanitation code of the Philippines (PD 856) shall strictly be followed.
- i. **PARKING** – Adequate parking space of vehicles for both market goers and vendors shall likewise be provided.

- j. **SECURITY** – Adequate security measures shall be adopted/implemented to secure both vendors and market goers. For this purpose, private security guards shall be hired.
- k. **CONSTRUCTION PERIOD** – Construction of the privately owned public market buildings shall be started within 90 days after the granting of the necessary permits, otherwise said permits shall be considered null and void and without force and effect.
- l. Other requirements that are prescribed by the Department of Public Works and Highways, the National Housing and Land Use Regulatory Board and other such government agencies or other pertinent provisions of law.

SECTION 8. - CLASSIFICATION. - The classification of privately owned and operated public market are prescribed in the following manner:

- A – Those having 100 stalls or more
- B – Those having 80 stalls to 99 stalls
- C – Those having 50 stalls to 79 stalls
- D – Those having 30 stalls to 49 stalls
- E – Those having less than 30 stalls

SECTION 9. - FEES. - It shall be required of the operator of the public market to submit monthly to the Treasurer's Office, a certified list of stallholders showing the amount of stall fees or rentals paid daily by each stallholder, which report shall be submitted on or before the tenth day of each month following and shall pay 3% of the gross receipt from stall rentals to the city, thru the City Treasurer. Failure to submit said list and to pay the corresponding amount within the period herein prescribed shall subject the operator to the penalties provided in this code and to such other administrative remedies as may be deemed appropriate including revocation of permit to operate.

The payment fee for the Mayor's Permit (MP) and Municipal License (ML) shall be made in the following schedule:

CLASS	ANNUAL MP FEE	ANNUAL ML FEE
A	P 500.00	P 5,000.00
B	400.00	4,000.00
C	300.00	3,000.00
D	200.00	2,000.00
E	100.00	1,000.00

ARTICLE II. – APPLICATION TO OPERATE MARKET AND ASSIGNMENT TO OCCUPY STALL

SECTION 10. - APPLICATION. - No individual, partnership, corporation or association shall operate a public market within Naga City without first securing a permit from the City Council or Sanggunang Panlungsod as provided for under SECTION 2, ARTICLE I of this ordinance, nor shall any person be permitted to engage in any form of business in a public market without first securing a permit or license from the city Mayor and City Treasurer both of

Naga City, provided, that the lease award to a stall shall be deemed sufficient for purposes of Mayor's Permit and licenses upon payment of the required business fees.

SECTION 11. - ASSIGNMENT TO OCCUPY STALL. - The terms and conditions in the assignment to occupy stalls are as follows:

- a. No person shall sell, offer for sale or expose for sale any article or articles in an Public Market within Naga City, or use or occupy any stall without first having a lease contract and assign to a stall. Filipino citizens shall be given preference in the award of market stalls.
- b. Qualified residents of Naga City shall be given preference in the occupancy or lease of stalls over qualified non-residents unless there are no qualified resident applicants for such stalls.
- c. No person shall be allowed to lease more than two stalls; PROVIDED, that when two stalls are leased to one person such stalls shall adjoin one another and shall be located in the same section of the market; AND PROVIDED, HOWEVER, that it shall be a violation of this section for more than one members of the family consisting of the father, mother, sons and daughters to hold stalls in one market unless those sons and daughters are already married and with families of their own to support, or when they are already living by themselves and independently of their mother and father.
- d. Vendors shall be assigned a stall according to the nature of the merchandise intended for sale.
- e. Dwelling in stalls or any place
- f. No dogs or other animals shall be permitted to roam or go astray within the market premises.
- g. The privilege to engage in business in the Market granted to any vendor who is found violating the provisions of the National Internal Revenue Code regarding weights shall immediately be revoked when said vendor is found to have faulty weights.

SECTION 12. - RESTRICTIONS. - No privately owned and operated public market building shall be erected within five (5) meters from any highway, street, road or sidewalk. The City Engineer is hereby authorized to see to it that this is strictly adhered to by the applicants for a public market.

SECTION 13. - BOND. - Every operator of a privately owned or operated public market or before engaging in business as such, and before a license is issued to him, shall deposit with the City Treasury a surety bond of not less than P10,000.00 as guarantee that he will strictly and faithfully comply with his contract, and observe all ordinance, regulations and requirements.

ARTICLE III – MAINTENANCE OF PUBLIC MARKET

The following provisions for the maintenance of public markets established in Naga City shall be carefully and strictly observed:

SECTION 14. - The market must always be kept clean and in a perfectly sanitary condition, including the aisles, divisions, stalls, floors, walls and equipment as well as the whole tract of land belonging to the market. The cleaning of the market premises should be done before the buyers start coming to the market. The market buildings and ground should at all times be kept free from garbage and rubbish.

SECTION 15. - Every market shall be provided with the public toilet with two compartments, one for men and another for women and must be kept at all times in perfect state and in sanitary condition. Toilet as well as the necessary and adequate washing facilities must be located near the market to enable customers to wash their hands before handling the food, especially after coming from the toilet.

SECTION 16. - Adequate general lighting facilities shall be provided in the Markets. However, stallholders shall provide their own light in their respective stalls at their own expense subject to existing regulations.

SECTION 17. - All Markets shall provide with receptacle of the fly and rat proof type for the collection of the garbage and rubbish, placed in the most conspicuous and convenient places in the Market. Individual stallholders shall be provided themselves with their trash receptacles and avoid littering their premises. No stallholders or other persons shall place refuse on the floor, stalls or any place other than a garbage receptacle.

SECTION 18. - Cooked foods shall be served hot and at all times protected against contamination by flies or other insects, and dirt. Likewise, raw foods, such as beef, fish, etc. shall at all times be protected from flies and other insects.

SECTION 19. - All kinds of foods, whether cooked, prepared, raw or natural, should not be unnecessarily handled by the sellers or buyers, and that cooked and prepared foods should be served by means of forks, spoons, dippers or similar utensils, instead of with the hands.

SECTION 20. - The sale of any kind of spoiled food or foods in bad state of putrefaction is prohibited in the market. Dynamited or poisoned fish and those with chemical preservatives such as formalin shall not be sold in the market.

SECTION 21. - No sale of fish or meat or goods which are subject to putrefaction shall be made outside the market building.

SECTION 22. - All foods shall be sold from stalls, booths, tables, or fixtures made of or constructed as approved by the City Engineer and City Health Officer. Those stalls, booths, tables or fixtures should be scrubbed nightly and their surfaces kept smooth always so that foods or particles thereof can not lodge in cracks or in rough places to decompose.

SECTION 23. - All persons engaged in the sale and handling or manufacture of cooked foods, refreshments and drinks, shall at all times be neat and clean and provide themselves with towels and cloths for the cleaning of the tables, stalls or fixtures. Likewise, restaurants and cenderias shall always have boiling water for washing the utensils, such as knives, forks, spoons and similar objects. They shall also secure a fork, spoons and similar objects. They shall also secure certificate of health from the Director of Health, or his authorized representative, to the effect that they are not bacilli carriers of such diseases and have been vaccinated against small pox, cholera, or typhoid fever.

SECTION 24. - In times of epidemics, such as cholera, typhoid fever, dysentery and like diseases, all persons before being admitted to the Market shall be required to wash their hands with a disinfecting solution to be furnished free of charge, by the Sanitary authorities. During

such epidemics, the water ordinarily used in the flushing of floor of the Market should be substituted by a disinfectant solution and the tables, fixtures, and shelves of the Market shall also be washed with a like solution.

SECTION 25. - The use of printed paper or paper already used, as well as banana leaves or leaves of other trees for wrapping or covering of any kind of foodstuff, bakery or confectionary products or other similar articles sold or offered for sale in any city market is absolutely prohibited.

SECTION 26. - The cleaning during market hours of the market stalls, including the floor spaces thereof and all appurtenances thereto, should be done by the stallholders and their helpers.

SECTION 27. - At the close of each day's business and before going home, the owners or helpers of any fixed or transient spaces in a market shall clean their spaces, including the floor, shelves and area of the land rented. They shall also remove the dirty cloth and space the rubbish and garbage in containers placed for the purpose in the Markets.

SECTION 28. - Leaving of discarded leftovers or unsold highly perishable goods, such as meat, fish and other sea foods, in the stalls or in any place within the market premises shall be unlawful any person so found to have abandoned such goods in or about the stalls shall be liable under the penal provisions of this code without prejudice to the revocation of the lease a ward, if a stallholder.

SECTION 29. - The sanitary personnel shall exact of the employees of the market strict compliance with the provisions of these rules and shall notify in writing the City Health Officer and the Superintendent of Markets of any violation of these rules for appropriate action against all parties involved.

SECTION 30. - REVOCATION OF LEASE. - Failure to pay the rent of stalls as herein provided or any violation of any provisions of this Code by a Stallholder or his helper shall be sufficient cause for the revocation of the lease and for the ejectment of the stallholder from his stall or stalls.

SECTION 31. - EJECTED STALLHOLDERS DISQUALIFIED. - Stallholders, who have been ejected from his/her stall for cause as in this Code provided, shall be disqualified from applying for any vacant stall in the future.

ARTICLE IV – PROHIBITION ON PUBLIC MARKETS

SECTION 32. - The following are hereby prohibited:

- a. The peddling or sale of any article of commerce outside the market building, alley, or sidewalk and the like, regardless of the amount or value of the goods for sale;
- b. The peddling or sale outside the public market site or premises of foodstuff's which h easily deteriorate, like fish and meat
- c. The utilization of the public market or any part thereof for residential purposes.
- d. Establishment of "talipapa" or makeshift stall within 200-meter radius from the market premises.

CHAPTER III

ARTICLE I – GUIDELINES ON BUS/LAND TRANSPORT TERMINAL

SECTION 23. - FUNCTIONS OF BUS/LAND TRANSPORT TERMINAL. - The principal functions of the bus/land transport terminal are as follows:

- a. Serve as loading and unloading point of the transport unit;
- b. Effect a concentration of a traffic to permit efficient and economic handling;
- c. Provided a transfer point to a similar or different mode of carriage to complete the journey;
- d. Classify routes, cavel; and
- e. Improve the coordination of transport services to minimize the duplication of facilities and allow for the sharing of costs, and the utilization of a less costly service.

SECTION 34. - GUIDELINES. - The following guidelines are hereby prescribed in the establishment/operation and maintenance of bus/land transport terminals.

- a. The bus/land transport terminals shall be provided with the following facilities and requirements:
 - a.1 A covered loading bays for buses;
 - a.2 A covered loading platform for the passengers right infront of the loading bays where the passengers queue and wait for buses;
 - a.3 A covered passengers waiting area with sufficient comfort rooms and seats;
 - a.4 Garbage and parking area for waiting buses including space for fueling stations, minor repairs and maintenance.
 - a.5 Circulation and Access Roads inside the terminal for easier movement of the buses in and out of the loading, unloading and parking areas, paved and circulation and access areas.
 - a.6 Area for Urban Computer transport with roofing;
 - a.7 A canteen to cater to the passengers; and
- b. Other requirements which shall be provided the bus/land transport terminal are as follows:
 - b.1 Sufficient supply for potable waters as required by the passengers and personnel of the terminal including water supply for cleaning the terminal premises, buses and the like.
 - b.2 Adequate power supply including lightning necessary in the operation of said terminal;
 - b.3 Waste disposal facilities like large trash containers, trash cans and the like be

placed in strategic areas in the terminal;

b.4 Drainage system that is simple and easy to clean and maintain;

b.5 Sufficient terminal cleaners and cleaning facilities and materials In order to maintain cleanliness and sanitation of the terminal and its premises at all times;

b.6 Adequate security for both passengers, personnel and properties;

b.7 Other requirement prescribed by the Department of Transportation and Communication, the Housing and Land Use Regulatory board, the Department of Public Works and /highways and other similar government agencies and pertinent provisions of law;

b.8 Construction of the bus/land transport terminal structure shall be started within ninety (90) days from the granting of the permit, otherwise said permit shall considered null and void and without effect.

ARTICLE II – FEES, LICENSES, PERMITS AND TAXES

SECTION 35. - All fess, licenses, permit and/or taxes appurtenant to or in connection with the establishment, operation and maintenance of privately owned bus/land transport terminal shall be in accordance with the pertinent provisions prescribed under Ordinance no. 543, otherwise known as the Revenue code of the City of Naga.

ARTICLE III – PROHIBITIONS ON BUS/LAND TRANSPORT TERMINALS

SECTION 36. - PROHIBITIONS. - The following are prohibited:

- a. Establishment, operation and maintenance of bus terminal within the central Business/Commercial District of the City of Naga except those that are only authorized and/or permitted to operate at the time of the enactment of this Ordinance. Said permit, however, shall not be renewed.
- b. Big buses and ten tonners and the like shall be prohibited from entering the Central Business District of the City.

SECTION 37. - BOND. - Every operator of bus/land transport terminal or before engaging in business as such, and before a license is issued to him, shall deposit with the City Treasurer a surety bond of not less than P10,000.00 as guarantee that he will strictly and faithfully comply with this contract, and observe all ordinance, regulations and requirements.

ARTICLE IV – PENALTIES

SECTION 38. - PENALTIES. - Any violations of the provisions of this ordinance, as well as other existing rules and regulations governing private establishment, operation and maintenance of public markets land bus/land transport terminals shall be subject to the pertinent penalties as provided for in Ordinance No. 543, otherwise known as the Revenue Code of the City of Naga; the traffic ordinance, the national building code; Housing and Land Use Regulatory Board and other pertinent laws; rules and regulations of other government agencies.

CHAPTER IV

FINAL PROVISIONS

SECTION 39. - SUPPLEMENTARY AND/OR APPLICABILITY CLAUSE. - All words and phrases in this ordinance shall be construed in their ordinary sense and with the meaning commonly attributed to them or as defined, interpreted and applied in the revenue Code of the City of Naga, and the National Revenue Code, However, if the leading of the language according to its literal interpretation leads to a manifest contradiction to the apparent purpose of this Ordinance, it is the intention and not the words which must prevail.

All other matters relating to the revenue herein collected shall be governed by the pertinent provisions of existing laws and other ordinances, more particularly ordinance No. 543, S. 1976 otherwise known as the Revenue Code of the City of Naga.

SECTION 40. - SEPARABILITY CLAUSE. - If, for any reason, any section or provisions of this Ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such judgment shall not affect or impair the other provisions, sections, or parts thereof which shall continue to be in force and effect.

SECTION 41. - REPEALING/AMENDATORY CLAUSE. - All ordinances, rules and regulations or parts herein in conflict with or inconsistent to the provisions of this ordinance are hereby repealed and/or modified accordingly.

SECTION 42. - EFFECTIVITY. - This ordinance shall take effect immediately upon its approval.

ENACTED: November 11, 1987.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

J. ANTONIO A. AMPARADO
City Secretary

EFREN G. SANTOS
OIC Vice Mayor & Presiding Officer

APPROVED:

CARLOS G. DEL CASTILLO
City Mayor

ATTESTED:

ERIBERTO C. SERVIDAD
Secretary to the Mayor