

FOR THIRD/FINAL READING
AMENDED VERSION

Republic of the Philippines
Quezon City
19TH CITY COUNCIL

PO19CC-448

77th Regular Session

ORDINANCE NO. SP-_____, S-2015

AN ORDINANCE REVISING THE QUEZON CITY MARKET
CODE REGULATING THE ESTABLISHMENT,
CLASSIFICATION, OPERATION AND ADMINISTRATION OF
PUBLIC MARKETS AND ALL OTHER MARKET RELATED
ACTIVITIES IN QUEZON CITY.

*Introduced by Councilors DONATO C. MATIAS,
MARVIN.C RILLO, JESUS MANUEL C.
SUNTAY and FRANZ S. PUMAREN.*

*Co-Introduced by Councilors Anthony Peter D.
Crisologo, Ricardo T. Belmonte, Jr., Dorothy A.
Delarmente, Lena Marie P. Juico, Victor V.
Ferrer, Jr., Alexis R. Herrera, Precious Hipolito
Castelo, Voltaire Godofredo L. Liban III,
Roderick M. Paulate, Ranulfo Z. Ludovica,
Estrella C. Valmocina, Allan Benedict S. Reyes,
Gian Carlo G. Sotto, Eufemio C. Lagumbay,
Jose Mario Don S. De Leon, Jaime F. Borres,
Vincent DG. Belmonte, Raquel S. Malañgen,
Jessica Castelo Daza, Bayani V. Hipol, Jose A.
Visaya, Julianne Alyson Rae V. Medalla,
Godofredo T. Liban II, Marivic Co-Pilar, Rogelio
"Roger" P. Juan, Melencio "Bobby" T. Castelo,
Jr. and Ricardo B. Corpuz.*

WHEREAS, the City Council, as the legislative body of
the City and pursuant to the mandate of the Local Government
Code of 1991, has enacted and approved ordinances
including Ordinance No. SP-944, S-2000, otherwise known as
the Quezon City Market Code, regulating the establishment,
classification, operation and administration of public markets
and all other market related activities in Quezon City;

WHEREAS, there is a need to integrate these laws and ordinances for a more efficient and organized system of regulation of public markets-and market related activities to safeguard interests of consumers;

WHEREAS, there is a need to amend certain provisions of the Market Code to provide for a better public market management, maintenance and operation to enhance competitiveness, business and livelihood opportunities and ensure delivery of basic services to the community;

WHEREAS, the Market Development and Administration Department was created through City Ordinance No. SP-950, S-2000, specifically to implement the provisions of the Quezon City Market Code and regulate the operation of public markets and all other market related activities.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

ARTICLE I
GENERAL PROVISIONS

SECTION 1. TITLE – This Ordinance shall be known as the “Revised Quezon City Market Code” and shall be commonly referred to as the “Revised Market Code”.

SECTION 2. COVERAGE – This Code shall govern the establishment, operation, management, administration and regulation of public markets and market related activities, such as flea markets/tiangges and street vending, within Quezon City.

SECTION 3. DEFINITION OF TERMS – As used in this Ordinance, the following terms shall be defined as:

3.1 MDAD – refers to the Quezon City Market
Development and Administration
Department.

3.2 *Public Market* – refers to any structure, building or place of any kind which has been established, designated or authorized by the City Council, whether government or privately-owned and operated, dedicated to the service of the general public, where wet and dry products may be bought and sold. It shall embrace the whole plot of ground intended for or assigned to such market site, as delimited by their respective technical descriptions, location plans, subdivision surveys and building plans, and shall include all market stalls, kiosks, booths, buildings, roads, subways, waterways and drainage and other connections, parking spaces and other appurtenance which are integral parts thereof.

It shall include the following, but excludes supermarkets, hypermarts, minimarts, groceries and establishments of similar nature:

3.2.1 *City Market* – refers to government-owned and/or operated public markets established out of public funds or those leased/acquired by any legal modes or means from persons, natural or juridical, to be operated by the City Government either through its instrumentality, branch or political subdivision.

3.2.2 *Private Market* - refers to public markets established by an individual or group of individuals out of private funds and operated by a private entity, natural and juridical, under government franchise and permit.

- 3.2.3 *Talipapa/Satellite Market* - refers to a type of public market with less than 50 stalls and minimum required facilities and usually caters to a limited number of customers found in a small community.
 - 3.2.4 *Bagsakan* - refers to a type of public market where fish, seafoods, livestock, fruits, vegetables and other food merchandise are sold on wholesale basis.
 - 3.3 *Market Stall* - refers to any allotted stand, space, compartment, store or booth in the public market wherein merchandise is sold or offered for sale, or intended for such purpose.
 - 3.4 *Market premises* - refers to any open space in the market compound, the market lot consisting of bare grounds not covered by the market building, and the total area designated as the market place.
 - 3.5 *Stallholder* - refers to the awardee of a stall within a public market, who has been granted the right or privilege to use the stall, and pays rentals thereon, for the purpose of selling his goods/commodities/service.
 - 3.6 *Market Sections* - refer to the various sections to which stalls in public markets are grouped and classified:
 - 3.6.1 *Meat, Pork and Dressed Chicken Section* - refers to the area where only all kinds of meat and other meat products allowed by law are sold, with meat, pork, and dressed chicken separately displayed and properly labeled;
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- 3.6.2 *Fish Section - refers to the area where only fresh fish, clams, oysters, crabs, lobster, shrimps, seaweeds and other seafoods and marine products are sold;*
 - 3.6.3 *Dry Goods Section - refers to the area where only all kinds of textiles, ready-made dresses and apparels, native products, toiletries, novelties, footwear, laces, kitchen wares, utensils and other household articles, handbags, and school and office supplies are sold;*
 - 3.6.4 *Vegetable and Fruit Section - refers to the area where only all kinds of vegetables and fruits and root crops allowed by law, such as camote, cassava, ube and the like are sold;*
 - 3.6.5 *Poultry Products Section - refers to the area where only live chickens, ducks, suckling or piglets, and the like are sold;*
 - 3.6.6 *Plants and Garden Section - refers to the area where only all kinds of plants and flowers, whether fresh or artificial, garden accessories and implements or tools are sold;*
 - 3.6.8 *Groceries/Sari-Sari Section - refers to the area where only all kinds of cakes, biscuits, pastries, crackers, butter, cheese, confections, candies, canned or bottled foods, beverages, soft drinks, cigarettes, flour, oatmeal, ham, bacon, sugar, nuts, sauce, all kinds of cereals such as rice, corn, mongo and the like, eggs, sausages, starch, smoked fish, dried fish, salt, feeds, soap and other household and food products including firewood and charcoal are sold;*
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- 3.6.8 *Eatery Section* - refers to the area where only all kinds of cooked/ prepared food shall be sold. This includes carinderias, refreshment parlors, cafeterias, snack counters and kiosks where delicacies are sold;
- 3.6.9 *Miscellaneous and Other Special Services Section* - refers to the area where any other business not classified above is allowed, except the sale of flammable products such as liquefied petroleum gas (LPG).
- 3.7 *Support facilities* -refers to service areas directly supportive of market operations, including the "bagsakan" area, central collection station for wastes, poultry dressing area, ice storage facilities, cold storage and storage rooms, toilets, parking areas, ice-plants, warehouses and trading posts.
- 3.8 *Vendor* - refers to a natural person who sells goods as a means of livelihood.
- 3.9 *Ambulant, transient or itinerant vendor* - refers to a vendor who does not permanently occupy a definite place or stall in the public market but who comes either daily or occasionally to sell his/her goods within the market premises.
- 3.10 *Hawker/ Peddler* - refers to an ambulant or mobile vendor who sells his goods outside the premises of a public market, usually on sidewalks, streets, thoroughfares, government lot and other public spaces.

- 3.11 *Street Vendor* - refers to a vendor who offers goods or services for sale on streets, sidewalks and other public areas; may be stationary by occupying space on the pavements or other public areas or may be mobile moving from place to place carrying their wares on push carts, in cycles or baskets on their heads, or may sell their wares in moving bus etc. The term includes hawkers, peddlers or sidewalk vendors.
- 3.12 *Tiangge/Flea Market* - refers to a place where goods or services are sold for a brief duration in a stall or outlet which is not permanently fixed to the ground and is normally set up in places like the shopping malls, hospitals, office buildings, hotels, villages or subdivisions, churches, parks and other private or public places except public roads and streets.
- 3.13 *Tiangge Organizer* - refers to the primary lessee of the entire space where the operations of a tiangge are held by virtue of a lease contract executed between the owner of the leased property and the organizer who subsequently sub-leases the same to exhibitors/ traders during the entire duration of the lease contract. In case the owner of the real property is the one directly leasing to the exhibitors/ traders, such owner shall be constituted as the organizer, for this purpose.
- 3.14 *Tiangge Exhibitor/ Trader* - refers to the person or entity sub-leasing from the organizer a space upon which stalls or booths are erected for the purpose of selling goods or services.
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ARTICLE II
THE MARKET DEVELOPMENT
AND ADMINISTRATION DEPARTMENT

SECTION 1. MDAD – The Market Development and Administration Department, hereinafter referred to as the MDAD for brevity, is mandated to implement and enforce the Revised Market Code and other city ordinances and laws pertinent to the administration of city markets and regulation of the establishment and operation of public markets and all other market related activities in Quezon City, including tiangges and street vending.

SECTION 2. THE CITY MARKET ADMINISTRATOR

2.1 MDAD shall be headed by the City Market Administrator who shall have the authority to implement any or all parts of the provisions of the Revised Market Code and shall:

2.1.1 Exercise general supervision and control over the management, operation, maintenance and development of city markets in accordance with the plans and programs of the City Government, including the allocation, adjudication, assignment/reassignment resectioning /regrouping and construction of stalls;

2.1.2 Propose policies and prepare, execute and coordinate plans and programs for the improvement and enhancement of the operations of public markets and other market related activities, including the designation of vending sites;

- 2.1.3 Enforce all laws, rules and regulations affecting the regulation of the establishment, classification and operation of public markets and all other establishments with market related activities in Quezon City, including tiangges, and vending sites;
- 2.1.4 Conduct regular inspection and monitoring of public markets and other establishments with market related activities covered by this Code, to ensure their strict compliance with the Revised Market Code, City business operations requirements, fair trade laws, revenue laws and other related laws, rules and regulations, guidelines and policies;
- 2.1.5 Cancel the market stall award, revoke the lease contract and cause the expulsion or ejection of stallholders in city markets for violation of the Revised Market Code, business operations requirements, fair trade laws, revenue laws and other related laws, rules and regulations, guidelines and policies;
- 2.1.6 Cause the clearing of vending sites, without prejudice to the filing of other legal complaints, for violation of the Revised Market Code, City business operations requirements, fair trade laws, revenue laws and other related laws, rules and regulations, guidelines and policies.

2.1.7 Recommend the revocation of business permits, suspension of business operations, issuance of cease and desist order or CDO, permanent or temporary closure of business establishment or any other persons covered by this Code.

2.2 The City Market Administrator shall have the power to delegate such authority, duties and responsibilities to any bona fide employee or any authorized representative of MDAD; Provided, That the delegation of authority is subject to issuance of Mission Order, Office Order, or similar order of assignment.

ARTICLE III

BASIC POLICIES AND REGULATIONS

SECTION 1. ESTABLISHMENT AND CONSTRUCTION OF PUBLIC MARKETS

1.1 Public markets shall be established only on sites in accordance with the Building Code, Sanitation Code, Quezon City Zoning Ordinance, and other applicable City ordinances.

1.2 The economic viability of the area, the number of existing public markets, and the needs of both consumers and traders in the area shall be considered in the establishment of public markets.

1.2.1 No private market shall be built or allowed to operate within a 500-meter radius of an existing city market.

1.3 The construction of public markets shall be in accordance with the provisions of the Building Code and shall conform to standards prescribed by the Sanitation Code, Quezon City Green Building Code and other applicable existing laws and ordinances.

1.4 No person, partnership, or corporation shall operate a private market within Quezon City without first securing a franchise from the City Council.

1.4.1 All franchise to operate granted to private markets shall be reapplied for renewal every five (5) years.

1.4.2 The franchise granted, being a mere privilege, may be withdrawn at any time by the City Government and subject to regulation, control and limitation of the provisions of the Revised Market Code, Quezon City Revenue Code and other applicable laws, rules and regulations.

1.4.3 The franchisee shall be levied a franchise fee and an annual franchise tax as prescribed by the Quezon City Revenue Code. The franchise fee of Ten Thousand Pesos (P10,000.00) for new franchise and Five Thousand Pesos (P5,000.00) for renewal of franchise shall be paid upon award/renewal of franchise while franchise tax shall be paid annually together with the regulatory fees.

- 1.4.4 *Failure to pay the franchise fee or tax shall be grounds for the revocation of the franchise/ permit to operate and closure of the private market, subject to payment of surcharges and penalties provided under the Quezon City Revenue Code.*

SECTION 2. OPERATION AND MAINTENANCE OF PUBLIC MARKETS

- 2.1. *Cleanliness and Sanitation - Public markets and other establishments covered by this Code, shall at all times be kept clean and in good sanitary condition, and shall be maintained and operated in accordance with the provisions of the Sanitation Code, Environmental Protection and Waste Management Code and applicable City ordinances.*

- 2.2 *Market Sections – Stalls in public markets shall be grouped into different sections according to the following kinds of merchandise offered for sale:*

2.1.1 *Meat, Pork and Dressed Chicken
Section*

2.1.2 *Fish Section*

2.1.3 *Dry Goods Section*

2.1.4 *Vegetable and Fruit Section*

2.1.5 *Poultry Products Section*

2.1.6 *Plants and Garden Section*

2.1.7 *Groceries/ Sari-Sari Section*

2.1.8 *Eatery Section*

2.1.9 *Miscellaneous and Other Special
Services Section.*

- 2.3 *Single Entry* - There shall only be a single entry point in all public markets for the delivery and distribution of meat, animal carcasses, organs or parts thereof.
- 2.4 *Posting of Rules and Regulations* - The rules and regulations concerning sanitation and good order of markets and such other rules and regulations as may be deemed necessary in the operation and maintenance of the public market shall be posted in each market.
- 2.5 *Public market management* shall ensure that the market operations do not adversely affect its immediate vicinity by maintaining the cleanliness, orderliness and unobstructed vehicular and pedestrian traffic within ten (10) meters of its periphery.

SECTION 3. REQUIRED SERVICES AND FACILITIES

- 3.1 *Public Toilets and Washing Facilities* - Adequate and clean toilet facilities for male, female and customers with disabilities shall be provided in accordance with the requirements set forth in the Implementing Rules and Regulations of the Sanitation Code.

Wash hand basins equipped with adequate supply of water shall be installed in convenient places.

- 3.2 A Timbangan ng Bayan shall be provided in all public markets in order for the buying public to determine, double-check, or find out for themselves, whether the weight or measure of what they bought is accurate or not.

The Timbangan ng Bayan shall be installed at strategic places and shall be calibrated and sealed by the City Treasurer's Office on a quarterly basis, to serve as the standard for weight or measure in the buying or selling of foodstuffs in the marketplace.

- 3.3 A Consumer Welfare Desk shall be established in all public markets for purposes of receiving, investigating and responding to consumer complaints.

- 3.4 Price Tags - All consumer products sold in retail to the public shall bear an appropriate price tag, label or marking indicating the price of the article. Such consumer products shall not be sold at a price higher than that stated therein. A price list shall be allowed when the consumer product is too small or the nature of which makes it impractical to place a price tag thereon.

Violation of the above provision shall be penalized in accordance with the following:

First Offense - A fine of Two
Thousand Pesos
(P2,000.00)

Second Offense - A fine of Three
Thousand Pesos
(P3,000.00)

Third Offense - A fine of Five Thousand Pesos (P5,000.00) and revocation of business permit

3.5 A regularly updated Price Monitoring Board shall be installed in a strategic area in each public market to serve as guide on prevailing prices of basic and prime commodities and inform consumers and vendors alike.

3.6 All public markets shall maintain and operate a public address system and CCTV or video surveillance system, which shall be installed in strategic areas inside and outside market premises.

A fine not exceeding Three Thousand Pesos (P3,000.00) shall be imposed on any establishment found in violation of this provision on the first instance. Continued or subsequent failure to comply after thirty (30) days of the initial findings of non-compliance, shall subject the violator to an additional fine of Five Thousand Pesos (P5,000.00) and shall constitute a ground for the suspension, revocation or cancellation of the establishment's business permit.

3.7 All public markets shall display conspicuously, particularly in the market stalls, the environment friendly notice "Save the Environment, bring your own recyclable/ reusable bags".

The following graduated penalties shall be imposed for non-compliance to this provision by any person, firm, association, partnership or corporation:

First Offense - a fine of One Thousand pesos (₱1,000.00)

Second Offense - a fine of Three Thousand Pesos (₱3,000.00)

Third Offense - a fine of Five Thousand Pesos (₱5,000.00) and cancellation of business permit

3.8 All market stalls shall have appropriate signages indicating the stall number, registered business name and name of stall operator or owner.

3.9 All public markets, regardless of effluent discharge, shall be required to install, maintain and operate a sewage treatment plant. Non-compliance hereof shall cause the non-issuance of the business permit of the market.

3.10 A waste management system which includes garbage reduction, segregation and promotes recycling shall be implemented in all public markets.

Public market management shall provide for proper garbage collection, storage and disposal while market stallholders shall practice segregation and provide their own garbage bags or receptacles.

SECTION 4. RESTRICTIONS AND PROHIBITIONS

- 4.1 The selling of meat, chicken, fish, seafoods and other wet products shall be allowed only in public markets and other meat outlets and similar establishments, provided that such outlets or establishments are outside the 200-meter radius of any existing public market, are within enclosed structure and possess the required permits and business license.
- 4.2 In no case shall anyone, stallholders or outsiders convert the stalls/booths or any portion of the public market premises into temporary or permanent dwelling place where they will eat, sleep and use the public toilets/baths as their own.
- 4.3 No person shall drink, serve or dispense liquor or any intoxicating drink within the premises of any public market.
- 4.4 No dogs or other animals shall be left astray in any public market.
- 4.5 Smoking shall be prohibited in all public markets except in designated smoking areas.
- 4.6 The use of bulbs which produce yellowish and colored glow and any luminous reflectorized materials shall be prohibited in all public markets and other similar establishments selling fresh vegetables, fish and meat. Only daylight fluorescent lamps that produce clear and colorless lights shall be used.

Any person who violates this Section shall be penalized as follows:

- First Offense - Fine of Five Hundred Pesos (P500.00);*
- Second Offense - Fine of One Thousand Pesos (P1, 000.00);*
- Third Offense - Revocation of business permit and Certificate of Award/ Lease Contract, in case of a stallholder in a city market*

4.7 Vendors/stallholders in public markets, tiangges, vending sites and other establishments covered by this Code shall not be allowed to directly distribute plastic carryout bags at the point of sale. Plastic bags that have no handles, holes or strings shall be allowed only for fresh/wet goods such as pork, beef, chicken, fish and other seafood and marine products, fruits, vegetables, cooked food and uncooked rice.

4.8 Cooking stoves/appliances shall not be allowed inside public market premises, except in stalls in the Carinderia Section, where cooking shall be allowed only during market hours. Likewise, storage of flammable and combustible substances and use of excessive electrical appliances, which may become fire precursors, shall not be allowed.

- 4.9 To ensure safety of the vendors and consumers, products considered as flammable and combustible are prohibited. This shall include liquefied petroleum gas (LPG), gasoline, kerosene, paint and lacquer thinners.
- 4.10 There should be no slaughter house inside any public or private market.

SECTION 5. PERMITS AND LICENSES

- 5.1 Any person who shall conduct or operate business in public markets and establishments covered by this Code, shall first secure a business permit from Business Permits and Licensing Office (BPLO) after application, evaluation, assessment and favorable recommendation from the Market Development and Administration Department (MDAD), and payment of corresponding taxes and fees to the City Treasurer, in accordance with the provisions of the Quezon City Revenue Code.
- 5.2 The business permit to engage in business shall be duly renewed every year. Failure to renew the permit shall subject the taxpayer to surcharges and interests in accordance with the provisions of the Quezon City Revenue Code and other sanctions under this Code.
- 5.3 The issuance of the permit shall not relieve the applicant from the fulfillment of the requirements of other departments or agencies in connection with the operation of the business.
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- 5.4 All applicants for new or renewal of business permits shall secure barangay clearance from the barangay where they are located and clearance from the Market Development and Administration Department before a business permit may be issued.
- 5.5 The business permit, together with business registration plates issued to business operators with fixed business address, shall at all times be posted or displayed for public view.
- 5.6 A business permit shall be refused on the ground that the applicant for the permit has violated and continues to violate the Revised Market Code or any ordinance or regulation relating to such a permit.
- 5.7 Upon proper and written notice, the business permit shall be revoked for violation of any condition set forth in the permit.
- 5.8 Any person who discontinues or closes his business operation shall within twenty (20) days upon closure of the business apply for the retirement/surrender of his business permit. No business shall be retired or terminated unless all the past and current taxes are paid.

Failure to surrender the business permit/retire the business within the prescribed period shall be subject to a twenty-five percent (25%) surcharge.

5.9 Vendors/stallholders in public markets, tiangges, vending sites and other establishments covered by this Code using instruments of weights and measures in their business shall have them tested calibrated and sealed every six (6) months, and pay the corresponding fees in accordance with the provisions of the Quezon City Revenue Code to the City Treasurer. The official receipt evidencing payment shall serve as a license to use such instrument for six (6) months from date of sealing unless such instrument becomes defective before the expiration period.

Violation of this provision shall be subject to penalties stipulated in the QC Revenue Code.

SECTION 6. MONITORING AND INSPECTION

6.1 The City Market Administrator or his duly authorized representative shall conduct regular inspection and monitoring of operations of all public markets to ensure their strict

compliance with the Revised Market Code, city business operations regulatory requirements, Fair Trade Laws, revenue laws and other related laws, rules and regulations, guidelines and policies.

6.2 It shall be unlawful for any person to refuse entry and to resist, obstruct or interfere with the conduct of inspection of any authorized representative of MDAD,

who shall, after properly announcing the purpose of his visit through the presentation of the mission order, have the authority to enter, inspect, investigate, verify, monitor, or take pictures at any time during operating hours, any building or premises, or part thereof.

Any person who violates this provision shall be subject to the following administrative penalties and to such other administrative remedies as may be deemed appropriate including revocation of the business permit, consistent with due process:

First Offense - An administrative fine of One Thousand Pesos (P1,000.00) and issuance of a Notice of Violation;

Second Offense - An administrative fine of Three Thousand Pesos (P3,000.00) and issuance of a Cease and Desist Order;

Third Offense - An administrative fine of Five Thousand Pesos (P5,000.00) and issuance of Closure Order.

If the violator is a corporation or other corporate entities, the President, Manager, or person directly responsible for its operation shall be held liable.

- 6.3 It shall be unlawful for any person to impersonate or falsely represent any officer, employee, or authorized representative of MDAD, or wear without authority any uniform, badge, or insignia adopted by the Department, or who shall deface, change or alter, falsify, remove, or destroy any notice, poster, or marking placed in or any building, premises, or part thereof, or any person in charge of any building, premises, or place, or part thereof, who shall knowingly permit or allow the same to be done.

Any person found violating this Section shall, upon conviction, be punished with a fine of not less than Three Thousand Pesos (P3,000.00) or not more than Five Thousand Pesos (P5,000.00) or imprisonment of one (1) day but not more than seven (7) days, or both, at the discretion of the Court. In cases of false representation and usurpation of authority, the offender shall be punished with a fine of not less than Five Thousand Pesos (P5,000.00) or an imprisonment of six (6) months and one (1) day in its minimum period, but not exceeding one (1) year of imprisonment or both, at the discretion of the Court.

- 6.4 All owners/ operators/ administrators of private markets and talipapas and tiangge organizers shall submit a listing of their tenants and exhibitors with their corresponding kind of merchandise and stall numbers or location to serve as initial record or basis of MDAD. This shall be submitted

to MDAD every January by owners/ operators/ administrators of private markets and talipapas and before the start of each tiangge event by the tiangge organizers.

6.5 Upon proper and due notice, by the City Market Administrator the Business Permits and Licensing Office shall cause the suspension of the business operations and close business establishments covered by this Code for any of the following violations:

6.5.1 Failure to secure business permit and pay the corresponding fees in accordance with the Quezon City Revenue Code;

6.5.2 Failure to comply with the regulatory requirements pertaining to the nature of business mentioned in this Code;

6.5.3 Violation of any condition set forth in the business permit;

6.5.4 Abuse of privilege to do business or pursue an activity to the injury of public morals and peace; and

6.5.5 When the place of business becomes a nuisance or is allowed to be used by disorderly characters, criminal or persons of ill repute.

ARTICLE IV
CITY MARKETS

SECTION 1. MARKET HOURS - All city markets shall be operated from 4:00 AM to 8:00 PM daily. Extension of market hours shall be with prior approval of the City Market Administrator and subject to provisions for safety, security and sanitation.

SECTION 2. CLASSIFICATION - For the purpose of this Code, city markets are hereby classified into:

Class A - those with an average monthly income of P100,000.00 or more;

Class B - those with an average monthly income of P50,000.00 but less than P100,000.00;

Class C - those with an average monthly income of less than P50,000.00.

SECTION 3. AWARD AND OCCUPANCY

3.1 Awarding of stalls in city markets shall be in accordance with policies, guidelines and procedures approved by the City Mayor.

These policies, guidelines and procedures, and any subsequent changes, shall be posted in the city markets for fifteen (15) days prior to implementation.

3.2 Stall awardees shall execute a Lease Contract which shall be valid up to five (5) years. The Lease Contract may be renewed under new terms and conditions subject to the review of the awardee's compliance to market rules and regulations and to the conditions of the Lease Contract.

3.3 New stall awardees shall be required to pay the following stall rights based on the classification of the city market:

- Class A - Fifteen thousand pesos
(P15,000.00)
- Class B - Ten thousand pesos
(P10,000.00)
- Class C - Five thousand pesos
(P5,000.00)

The stall rights fee shall be non-reimbursable and shall be collected once from the awardee for each stall awarded to him.

3.4 New stall awardees shall be required to deposit a security bond equivalent to three (3) months rental fee or Ten Thousand Pesos (P10,000.00), whichever is higher, as guarantee that they shall strictly and faithfully comply with their obligations under the Lease Contract. This may be waived by MDAD after three (3) years should the awardee not commit any violation whatsoever continuously for three (3) years.

3.5 Failure to occupy the awarded stall within thirty (30) days after the grant of the Certificate of Award/Occupancy shall mean forfeiture of the right to the stall.

3.6 Any applicant who is not satisfied with the adjudication of the stall applied for by him, may file with the City Mayor an appeal there from and the decision of the City Mayor on the appeal shall become final after the lapse

of fifteen (15) days, where on the order to submit other pertinent documents for purposes of review or a justifiable reconsideration have been issued by the City Mayor.

3.7 Any stallholder whose award in the city markets had been revoked shall be permanently and perpetually disqualified from being the beneficiary of an award as a stallholder.

SECTION 4. MARKET RENTALS AND FEES

4.1 Rentals

4.1.1 The City shall collect fees or rentals for the occupancy or use of any part of a city market or its premises in accordance with existing laws and the actual requirements for the maintenance of the city markets and the sustenance of their economic viability.

4.1.2 The following rental fees shall be imposed for each market section and market class:

*Table 1
City Market Monthly Rental Fees
(in Pesos per square meter)*

<i>Market Section</i>	<i>Class A</i>	<i>Class B</i>	<i>Class C</i>
<i>Meat, pork and dressed chicken</i>	<i>560.00</i>	<i>480.00</i>	<i>400.00</i>

<i>Fish</i>	560.00	480.00	400.00
<i>Dry goods</i>	360.00	280.00	200.00
<i>Vegetables and fruits</i>	400.00	320.00	240.00
<i>Poultry products</i>	480.00	400.00	320.00
<i>Plants and garden</i>	200.00	160.00	120.00
<i>Groceries/ Sari-sari store</i>	360.00	280.00	200.00
<i>Eateries</i>	360.00	280.00	200.00
<i>Miscellaneous and special services</i>	560.00	480.00	400.00

For better located stalls, such as those front stalls facing the market periphery or streets, and corner stalls, the following shall be added to the above-prescribed fees:

- Front corner stall - 20% of the rate imposed*
- Front stall - 15% of the rate imposed*
- Inside corner stall - 10% of the rate imposed*

Stall extensions, permissible up to one-half (1/2) meter only, should the location of the stall allow for extensions and provided a 1.5 meter passageway is left accessible, shall be charged additional 10% to the above-prescribed fees.

- 4.1.3 *When a new city market is established or an existing city market is reconstructed or rehabilitated, the rental fees to be imposed shall be increased by one hundred percent (100%) of the prevailing rental fees at the time of construction/reconstruction.*

- 4.1.4 The rental fees shall be increased every two (2) years, or as may be deemed necessary, by ten percent (10%) or based on the published inflation rate per consumer price index of the preceding year, whichever is higher.
- 4.1.5 The rental fees shall be paid to the City Treasurer within the first twenty (20) days of each month. Late payments shall be imposed additional twenty-five percent (25%) surcharge, in accordance with the QC Revenue Code. In case of a new lease, the rental due for the month in which the lease starts, which may be prorated based on the date of occupancy, shall be paid before the actual occupancy of the stall.
- 4.1.6 Failure to pay the rentals within the prescribed period shall be sufficient cause for the cancellation of the lease, revocation of the award and the ejection of the lessee from his stall, in accordance with the due process of the law.
- 4.1.7 Any stallholder in city markets who habitually fails to pay the monthly fees herein prescribed twice and such other regulatory fees mandated by other laws or ordinances, or violates any provision of this Code shall be sufficient cause for the revocation of

*the lease right and the consequent
ejectment from the stall or space so
occupied in the city markets. The
revocation or cancellation of such
lease right may be effected by the City
Market Administrator after observance
of the due process.*

- 4.2 *Transient/Ambulant Fee - A transient,
ambulant or itinerant vendor shall pay a
transient/ambulant fee of Fifty Pesos (P50.00)
before he shall be allowed by the designated
Market Supervisor to sell or dispose of his
merchandise within the city market premises.
Provided, that the transient/ambulant vendor
does not occupy a permanent or fixed market
stall.*
- 4.3 *Discharge/Delivery Fee - Trucks, delivery vans,
tricycles, pushcarts/kariton or other conveyances,
whether hired or not, disposing, discharging or
advertising products/merchandise within market
premises shall pay the following discharge/ delivery
fees:*

<i>Trucks (10-wheeler)</i>	<i>P500.00</i>
<i>Trucks (6-wheeler)/</i>	<i>P300.00</i>
<i>Elf-type delivery vans</i>	<i>P200.00</i>
<i>Jeepneys</i>	
<i>Tricycle/ pushcart (kariton)</i>	<i>P50.00</i>

*Provided, That the abovenamed conveyances
shall discharge or dispose their goods within two
(2) hours. Beyond this allowed time, these
conveyances shall be charged additional
appropriate parking fees.*

- 4.4 *Parking Fee -Parking fees, in accordance with the provisions of the QC Revenue Code, shall be charged for use of parking areas within city market premises.*
- 4.5 *The income of city markets from rentals shall be reserved and set aside as capital and management development fund for the maintenance and improvement of the city markets to enhance their competitiveness and support their sustainable operation.*

ARTICLE V TIANGGES

Section 1. COVERAGE - Brief or short-term retail/commercial activities held intermittently or occasionally in temporary locations inside buildings or business establishments and in public or private open spaces, except public roads and streets, using makeshift stalls, tents, booths or kiosks are classified as tiangge activity and shall be covered by this Code.

Section 2. TIANGGE PERMIT

- 2.1 *A Tiangge Permit shall be required for the use of public or private open spaces except public roads and streets, such as parks, churchyards and parking lots, in the conduct of any tiangge activity.*
 - 2.1.1 *For a public open space, the organizer of the tiangge activity shall apply for the Special Permit.*
 - 2.1.2 *The owner/operator of any private open space shall apply for the Special Permit.*

2.2 The following are the requirements for the application for a Tiangge Permit:

2.2.1 Letter request addressed to the City Mayor;

2.2.2 Barangay Resolution signifying the intention to hold a tiangge activity, specifying the date and location where the tiangge activity is to be held, for public open space except public roads and streets;

2.2.3 Clearance from the City Building Official and Fire District Marshall, for the use of areas or spaces in building/establishment not originally intended for commercial activity or use, as contained in the approved building plans.

2.3 The following is the process of applying for a Special Permit:

2.3.1 Applications for a Special Permit, supported by a Barangay Resolution for a tiangge activity in a public open space or clearance from the Building Official and Fire District Marshall for a tiangge activity in areas or spaces in buildings/establishments not originally intended for commercial activity or use, as contained in the approved building plans, and a letter request by the organizer or building owner/operator shall be submitted to the Office of the Mayor through the Market Development and Administration Department at least sixty (60) days before the scheduled activity.

- 2.3.2 The Office of the Mayor, through the Market Development Administration Department (MDAD), shall deny or grant the request for the tiangge activity. If the tiangge activity is not in accordance with the provisions of this ordinance the request for the Special Permit shall be denied outright.
- 2.4 The Tiangge Permit, if granted shall be effective only for the duration of the tiangge activity.
- 2.5 The organizer or the owner/operator of the building or establishment to whom the Tiangge Permit is granted shall first pay a Tiangge Permit fee of Five Thousand Pesos (P5,000.00), for those with less than fifty (50) tiangge exhibitors or traders, and Ten Thousand Pesos (P10,000.00), for those with fifty (50) or more tiangge exhibitors or traders, before a business permit is issued.

Section 3. BUSINESS PERMIT

- 3.1 The tiangge organizer and each tiangge exhibitor shall secure a business permit from the Business and Licensing Office after application, evaluation, assessment and favorable recommendation from the Market Development and Administration Department (MDAD) before engaging in the tiangge operations.
- 3.2 It shall be unlawful for the organizer to allow an exhibitor to engage in the tiangge without securing the required business permit.
-

Section 4. PENALTIES - Violation of the above shall be penalized with a fine of not less than One Thousand Pesos (P1,000.00) but not more than Five Thousand Pesos (P5,000.00) and/or imprisonment of one (1) month but not more than six (6) months or both at the discretion of the Court, Provided, that should the organizer allow two (2) or more exhibitors without business permits to engage in the tiangge, the maximum penalty shall be imposed. Provided, further, that if the organizer and exhibitors are juridical persons, the penalty shall be imposed on the general manager, president, director or trustee and such other person who authorized or committed the offense.

ARTICLE VI
REGULATION OF STREET VENDING

Section 1. VENDING AREAS/SITES

- 1.1 The City Mayor shall designate vending areas/sites where street vendors shall be allowed to pursue their livelihood legitimately and under regulation of MDAD in accordance with policies, guidelines and procedures approved by the City Mayor.*
- 1.2 No vending activity shall be allowed in footbridges or pedestrian overpasses and places not designated as vending sites.*
- 1.3 To avoid unjust competition, street vendors shall not be allowed within a 200-meter radius of public markets. Barangay Officials, DPOS Enforcers and policemen detailed in the vicinity of any public market shall exercise strict vigilance on this matter and enjoin strict compliance of these provisions.*

Section 2. REGISTRATION OF STREET VENDORS

- 2.1 *Street vendors in designated vending sites shall register with MDAD and pay city taxes, vending fees of One Hundred Fifty Pesos (P150.00) per square meter per day and other corresponding fees in accordance with the provisions of the QC Revenue Code.*
- 2.2 *Vendors who fail to register, acquire a Vending Permit and comply with regulations in the vending site shall not be allowed to operate in the designated vending areas.*

Section 3. VIOLATIONS AND PENALTIES

- 3.1 *Vendors in areas not designated as vending areas shall be cleared, with their goods confiscated and vending paraphernalia demolished by concerned agencies, in accordance with existing applicable laws.*
- 3.2 *Vendors in violation of Section 2 above shall be penalized as follows:*
 - 3.2.1 *Vending without a vending permit - The vendor shall be issued a Notice of Violation, for compliance within five (5) days. Failure to comply shall cause issuance of Notice of Clearing or Eviction from the vending site, to be effected within three (3) days.*
 - 3.2.2 *Violation of duties, rules and regulations in the vending site -*
 - First Offense - a penalty of Five Hundred Pesos (P500.00)*
 - Second offense - a penalty of One Thousand Pesos (P1,000.00)*

Third Offense - cancellation of
vending permit and
eviction from the
vending site

ARTICLE VII
FINAL PROVISIONS

SECTION 1. INCORPORATING CLAUSE - All existing applicable laws, ordinances, resolutions, issuances or circulars related and not inconsistent to the purpose for which this Revised Market Code has been passed and approved are deemed incorporated.

SECTION 2. SEPARABILITY CLAUSE - Any ordinance, rules and regulations, issuances or circulars inconsistent with the provisions of this Code are hereby repealed or modified accordingly.

SECTION 3. REPEALING CLAUSE - All Ordinances, circulars, memoranda, orders and any issuances inconsistent with this Code are hereby deemed modified, repealed and / or revoked accordingly.

SECTION 4. IMPLEMENTING RULES AND REGULATIONS - A Technical Working Group is hereby created composed of the following to draft the Implementing Rules and Regulations of this Code:

- a. Office of the Mayor
 - b. Market Development and Administration
Department
 - c. City Treasurer's Office
 - d. Business Permits and Licensing Office
 - e. City Legal Department
 - f. City Planning and Development Office
 - g. City Health Department
 - h. Information and Technology Development
Office
 - i. Environmental Protection and Waste
Management Department
 - j. Small Business Development Promotion
Office
-

k. Department of Public Order and Safety
within Fifteen (15) days from the approval
of this Ordinance.

SECTION 5. DATE OF EFFECTIVITY – This ordinance
shall take effect fifteen (15) days after its publication in a
newspaper of general circulation and upon posting to the
website of the Quezon City Government.

ENACTED: October 19, 2015.

MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: _____

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

*This is to certify that this Ordinance was APPROVED by
the City Council on Second Reading on October 19, 2015 and
was PASSED on Third/Final Reading on*

_____.

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III