



Republic of the Philippines  
Province of Zamboanga del Norte  
Municipality of Polanco

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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 97<sup>th</sup> REGULAR SESSION OF THE 11<sup>TH</sup> SANGGUNIANG BAYAN OF POLANCO, ZAMBOANGA DEL NORTE, HELD AT THE SANGGUNIANG BAYAN SESSION HALL, THIS MUNICIPALITY, ON JUNE 26, 2024.

PRESENT:

Hon. Alfredo S. Bait-it	Municipal Vice Mayor
Hon. Ivo M. Mandantes	Sangguniang Bayan Member
Hon. Romer B. Ladera	Sangguniang Bayan Member
Hon. Venson O. Opulentisima	Sangguniang Bayan Member
Hon. Cristoven E. Insoy	Sangguniang Bayan Member
Hon. Jennifer O. Rodrigo	Sangguniang Bayan Member
Hon. Gerard Vicson S. Opulentisima	Sangguniang Bayan Member
Hon. Jett Mark G. Regencia	Sangguniang Bayan Member
Hon. Leopoldo P. Atad	Liga President/SB Member
Hon. Mark Angelo W. Pagente	SK Federation President/SB Member

ABSENT:

Hon. Shaia Ruth R. Uy	Sangguniang Bayan Member
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MUNICIPAL ORDINANCE NO. 24-73

AN ORDINANCE SETTING THE GUIDELINES IN THE OPERATION OF FOOD HUB AND ENSURING THE QUALITY AND SAFETY OF FOODS AND FOOD PRODUCTS BEING SOLD OR OFFERED AT FOOD HUB FACILITIES LOCATED AT THE PUBLIC PLAZA, POBLACION NORTH, POLANCO, ZAMBOANGA DEL NORTE

Be it ordained by the Honorable Sangguniang Bayan of Polanco, Zamboanga del Norte, in session assembled, that:

**SECTION 1. TITLE.** This ordinance shall be called the Food Hub Trade Ordinance of the Municipality of Polanco.

**SECTION 2. DEFINITION OF TERMS.** As used in this ordinance, the following terms shall be defined as:

- a. **Food Hub.** A designated place located at the Public Plaza used as eating place owned by the municipality of Polanco, Zamboanga del Norte, for the sale of food or for the storage, display, exhibition or exposure of food for retail. This area which shall be appropriately provided with facilities such as water supply and sanitary toilet.
- b. **Food Vendor.** Any person who is involved in food trade whether as direct seller or acting as supervisor or manager in street food trade.
- c. **Appliance.** Any utensil, machinery, instrument, apparatus or any article used or intended for use in/for making, keeping, preparing or supplying of any food.



d. **Equipment.** Items other than utensils used in the storage, preparation display and transportation of food such as stoves, oven/hood, slicers, grinders, mixer, scalers, meat blocks, tables, food shelves, refrigerators and freezers, sink ice makers and similar items used in the operation of food hub.

e. **Easily Cleanable.** Means that surfaces are readily accessible and are made of such material and finish that dirt materials/residues can be easily removed or cleaned by normal cleaning methods.

### SECTION 3. APPROVAL, PERMITS AND FEES.

a. It shall be illegal for any person or entity to operate or conduct a food trade without first securing a Food Trade Permit (FTP) from the Business Permit and Licensing Office of the municipality. This permit shall be issued to any applicant upon compliance with the following requirements;

1. Barangay Clearance
2. Sanitary Permit Inspection of Municipal Health Office
3. Certificate of Training (issued by food Safety Inspection Team/MHO)
4. Payment of Business Permit
5. Payment of Business Tax (for renewal of FTP)

b. The Food Trade Permit shall be valid for one year from the date of issuance and shall be renewed every year upon compliance with the requirements listed in **Section 3.a**. Such permit maybe suspended by the Municipal Mayor upon recommendation by the Municipal Health Officer or by the Food Safety Inspection Team.

c. The business Permit Fee which shall be collected prior to the issuance of FOOD TRADE PERMIT shall be composed of the following:

- |                           |         |
|---------------------------|---------|
| 1. Sanitary Permit Fee    | P100.00 |
| 2. Garbage Collection Fee | 240.00  |
| 3. Mayor's Permit Fee     | 100.00  |

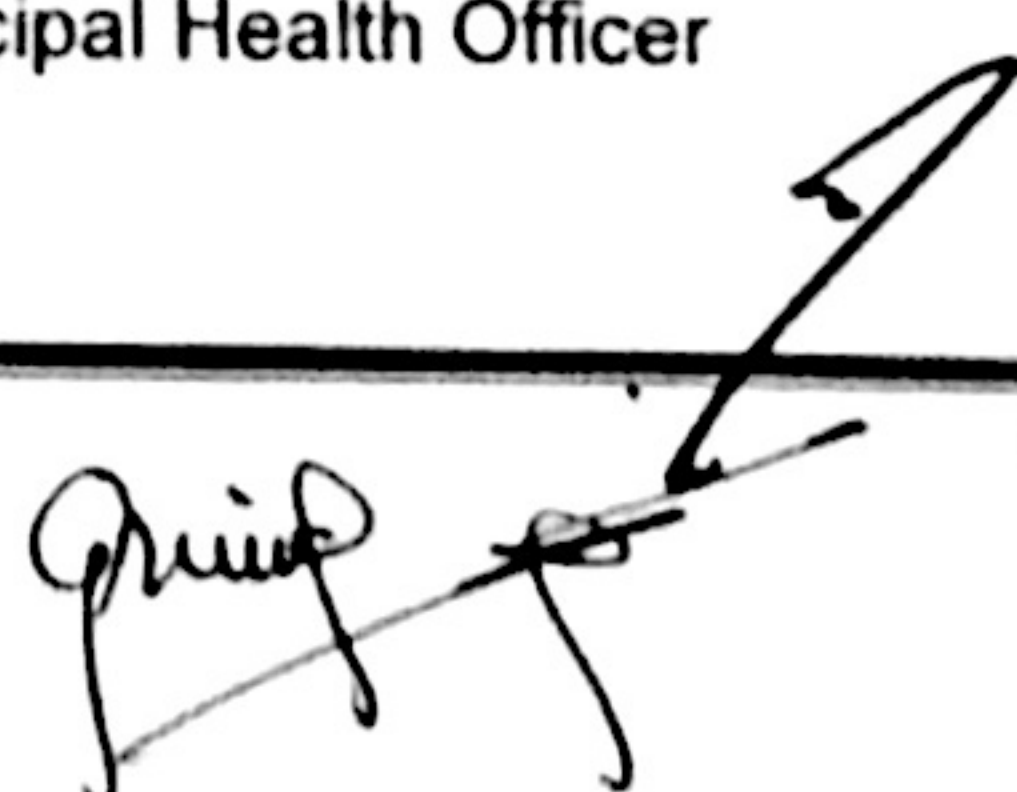
d. In case of change in the ownership, the new owner shall within seven (7) days inform the Municipal Health Officer to have such change of ownership noted in the record. The new owner likewise, shall within fourteen (14) days after change in the ownership notification, attend the Basic Food Safety Training being conducted by the Municipal Health Office or by the Department of Science and Technology (DOST);

### SECTION 4. HEALTH CERTIFICATE

a. All Food Vendors (FV) shall process an up-to-date health certificate issued by the sanitation section of the Municipal Health Office. The health certificate shall be valid for one (1) year from the date of issue. It must be renewed every year or more often as maybe required by the Municipal Health Officer for valid health and safety reasons.

b. The following shall be the requirements prior to the issuance of health certificate.

1. Stool Exam
2. Sputum Exam or X-ray
3. Hepa A
4. Other exams as recommended by the Municipal Health Officer

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- c. The Health Certificate of Food Vendors (FV) shall at all times be posted in the stall, while engaged in their work.

## **SECTION 5. FOOD VENDORS.**

- a. When a Food Vendor is found to have or is infected with a communicable disease as determined by the Municipal Health Officer, he/she shall not be allowed to work in FOOD TRADE in any capacity and his/her health certificate shall be temporarily suspended until cleared by the Municipal Health Officer.
- b. In the absence of a prescribed uniform, all Food Vendor involved in FOOD VENDOR TRADE shall wear clean clothing, hairnet and body apron.
- c. All Food Vendors shall maintain high degree of personal cleanliness and hygiene during their work.
- d. All Food Vendors shall be required to attend a Food Handlers Class/Food Safety Training conducted by Polanco Municipal Health Office before issuance of Food Handler's Training Certificate. Such certificate shall be valid for three years and can be renewed by attending a refresher's course of Food Handling Training conducted by Municipal Health Office.

## **SECTION 6. PRESCRIBED STANDARDS OF CONSTRUCTION**

- a. The design and construction of Food Trade Facility shall be of adequate size and shape so as to allow smooth and convenient movement of the Food Vendors and to allow sanitary display and storage of food products.
- b. The Materials to be used for the construction of Food Trade Facility shall be durable and can be easily cleaned especially the areas that come in contact with food or food products.
- c. Foods displayed in the Food Trade Facility, especially cooked or processed food that are not in packaged shall be properly encased as much as possible in glass casing to prevent contamination by dust or contact with insects.
- d. In order to ensure standard and uniformity of the Food Trade Facility, the municipality through the Municipal Engineering Office shall make a design and prototype of the Food Trade Facility which can be given to qualified Food Vendors on easy terms and conditions.
- e. There shall be a common dine-in area in the food hub.

## **SECTION 7. SANITARY FACILITIES.**

- a. Food Vending Areas must be provided with adequate supply of clean potable water either from the public water system or from any approved source of drinking water.
- b. A washing facility shall be provided.
- c. Solid Wastes generated from the Street Food Trade must be properly segregated and stored in covered receptacles. Disposal of segregated wastes must be in accordance with the existing municipal ordinance on waste disposal.
- d. Insect and vermin control in the Food hub shall be carried by the stall holder.
- e. Food vending areas and its surroundings must be kept clean and sanitary at all times. Parts or portions of Food Trade facility that need repair must be attended promptly and the facility must be maintained in good condition.

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f. Food hub facility shall not be used for other domestic other purposes such as for sleeping, or keeping of domestic animals.

g. The facility shall not be used for gambling activities.

h. The facility shall not sell or offer alcohol and tobacco products, except on special occasions the former is allowed.

## **SECTION 8. ACCOUNTABILITY**

a. In order to promote accountability of owners and vendors of Street Food Trade especially with regard to quality and safety, all Food Trade facilities properly labeled or must have adequate and easily recognizable signage bearing the trade or business name;

b. Food Trade, all food products must bear labels on the outer portion of the packaging material. Labels must contain the name of the store or the producer/manufacturer of the food products being sold, the contact number of the producer or manufacturer and the expiry date of the food product.

## **SECTION 9. TECHNICAL WORKING GROUP AND FOOD SAFETY INSPECTION TEAM**

a. There is hereby created a Technical Working Group (TWG) composed of the following:

Municipal Health Officer

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Chairperson

Members:

Sanitary Inspector

SB Representative - Committee on Health and Sanitation

SB Representative - Committee on Commerce, Trade, Industry, Bids & Awards

Business Permit and Licensing Officer

Municipal Tourism Officer

Market Inspector

b. The TWG shall perform the following functions:

1. Act as recommending body in the regulation of street food trade within the municipality.

2. Conduct inventory of food vendors within the municipality.

3. Assist in the formation of cooperative/association.

4. Recommend companies/organization or cooperatives that can supply adequate and safe raw materials for Food Trade products.

5. Recommend for the provision of financial assistance for projects and activities that promote food safety in food trade.

c. Food Safety Inspection Team-There is hereby created a Food Safety Inspection Team composed of the following:

1. Municipal Health Officer or his/her representative as the Team Leader

2. Sanitary Inspector

3. Representative from MENRO

4. Municipal Treasurer

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d. The Team shall perform the following functions:

1. Conduct food safety training for street food vendors through Food Handler's Class being conducted by the Municipal Health Office;
2. Create, reproduce and distribute food safety educational materials;
3. Conduct regular inspection at the food hub and vendors;
4. Conduct regular bacteriological examination of water/food and food products being sold or offered by Food Vendor;
5. Recommend sanction/penalty/closure or temporary cancellation of Food Trade Permits

#### **SECTION 10. – Adjudication of Food Hub Area**

- a. There shall be a Committee, which shall be composed of the Municipal Mayor as Chairperson, the Municipal Treasurer, the Chairman of the Committee of Commerce, Trade, Industry Bids and Awards of the Sangguniang Bayan and the Market Supervisor/Inspector, as members. This committee shall take charge in the process of the public bidding and awarding of stall, subject however, to the provisions of this ordinance.
- b. All vacant spaces in the Food Hub shall be adjudicated and awarded thru public bidding in cash, to be conducted by the Committee. Provided that the bid submitted shall not be less than the minimum bid fixed in this ordinance for every space depending on its location and size of the floor area.
- c. Notice of public bidding of vacant space/s in the said food hub shall be posted in at least 3 conspicuous places within the municipality or be published in the social media of the LGU or through broadcast networks within the locality and which shall be properly disseminated 30 days before the schedule of the opening of bids.
- d. The Committee is in-charge of/and responsible for receiving, as well as, the opening of the bid submitted and which shall be opened in public with the presence of the bidder or his/her duly authorized representative.
- e. The highest bidder, provided he/she meets all the qualifications and none of the disqualifications for the lease or occupancy of the stall as provided for in this ordinance shall be declared winning bidder by which the Food Hub space, he/she applied for shall be awarded.
- f. The bidding conducted shall only be for the purpose of the award and the bid thereof shall not be made as the basis of the rental of the Food Hub. The rental must be in accordance with the rate prescribed in this ordinance.
- g. The cash bid of the bidders shall accrue to the general fund of this municipality.
- h. After the opening of the bids submitted, the Committee shall immediately cause the signing of the application of the lease contract, the contract of lease and other pertinent documents in relation to operate business.
- i. That after the bidding conducted, and, spaces are still available, another public bidding shall be conducted for the purpose in the manner provided for in this ordinance.



- j. In the event that there are two or more bidders having the same amount of bid, the winner shall be determined by drawing of lots.
- k. The existing Street/Ambulant/Rolling Store Vendors as of December 31, 2022 shall be prioritized in the food hub area.

**SECTION 11. Privilege/Rights Fee** – In relation to Section 10 par. K, a fee of Three Thousand Pesos (P3,000.00) for a vendor who exists as of Dec. 31, 2022. Thereafter, the vendor shall pay Five Thousand Pesos (P5,000.00) in full or in a quarterly basis.

**SECTION 12. – Bid Price.** A minimum bid of Five Thousand Pesos (P5,000.00) of Food Hub Space with a dimension of 1.5 meters x 2 meters.

**SECTION 13. Zoning of Stall/booth**

The Technical Working Group (TWG) shall zone the food vendors according to the type of food and foodstuff to be offered to their clients.

**SECTION 14. – Rental.**

- a. For the first year:
  - 1. Zone 1
    - 1.a. Without appliance using electricity - P1,500/month
    - 1.b. With appliance using electricity - P1,750/month
  - 2. Zone 2
    - 2.a. Without appliance using electricity - P1,600/month
    - 2.b. With appliance using electricity - P1,850/month
- b. For the second year and thereafter:
  - 1.a. Without appliance using electricity - P1,800/month
  - 1.b. With appliance using electricity - P 2,000/month
- c. For stalls using 24 hours appliances, separate computation on electricity shall be put into effect.

**SECTION 15. Effectivity of the rental of food hub space, limitations, restrictions and other regulations.**

- a. The rental shall immediately take effect at the start of the business operation but in no case shall not be more than 10 working days from the date the stall was awarded.
- b. That the lessee shall not use the privilege to the stall, whether directly or indirectly, as his collateral or security for any loan agreement with any public or private entity.
- c. That whenever the space remains idle or closed within the period of 30 consecutive days the same shall be declared abandoned and the lease contract shall be automatically terminated or revoked and likewise the business permit/license shall be cancelled. In this case the said stall/booth shall be declared vacant and which will be adjudicated and awarded to interested applicant through public bidding in the manner provided for in this ordinance without prejudice to the collection of the rental.
- d. Abandoned area and eventually declared vacant by the Committee as defined in section 10 par (b); or if by whatever reason the lessee has been ejected from the stall/booth and is required to stop his/her business therein, all articles in the said stall/booth shall be moved out by the legitimate owner within the period of five (5) days. After the lapse of the given period mentioned herein, said articles shall be taken in custody of the Municipal

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Government for safekeeping. However, articles which will easily deteriorate or decompose shall be disposed properly so as not to detriment the health of the public. The remaining articles not claimed by the legitimate owner for the period of 5 days shall be disposed thru public auction. Proceeds of such public auction shall be disposed in the following manner:

- a. Fifty percent (50%) of the sale shall be returned to the owner, and
- b. Fifty percent (50%) of the sale shall be accrued to the municipal coffer as part of this municipality's general fund.

**SECTION 16.** – Qualifications of market stall/booth holders – The following are the qualifications of stall/booth holders, viz:

- a) Must be at least 18 years old.
- b) Must be a Filipino citizen, however, business with foreign capital may be allowed provided that 60% of which must be of Filipino capital.
- c) Must not have any business tax delinquency with the local government of Polanco, Zamboanga del Norte.
- d) Must not have violated any ordinance, rules and regulations pertinent to food hub operation.
- e) Must be physically & mentally fit and not suffering from any contagious or communicable disease, as certified by a government physician.
- f) Must not be a stall/booth holder in any of the owned and operated by the Municipal Government of Polanco, Zamboanga del Norte other than the stall/booth he/she is applying for. This provision includes the spouse of the applicant and dependent children getting principal support from the lessee concerned.
- g) Municipal officials or those holding elective positions higher than Barangay Captain, or employees with permanent appointments are disqualified to occupy stall/booth in the food hub.

**SECTION 17.** Transfer of Privilege/Rights. A stall awardee can transfer his/her privilege/rights, however, an amount of P10,000.00 shall be paid by the stallholder to the Local Government Unit (LGU) and be accrued to the General Fund of the LGU.

- 1) Transfer of rights shall be done in a right process through deliberation by the Committee;
- 2) Applicants must possess eligibility as mentioned in Section 15

**SECTION 18.** – Contract of lease – This contract of lease hereunder shall be considered as the prescribed format of the contract of lease.

**SECTION 19.** – In the event that the lessee voluntarily stops his/her business in the stall/booth he/she occupies, and, upon voluntary surrender of the business permit or license and upon payment of whatever fees or charges due therefore, the said stall/booth shall be declared vacant which shall be opened for public bidding in the manner prescribed in this ordinance.

In which case that the lessee voluntarily stops the business, no refund of the total amount of bid he/she paid for the stall/booth and same fund shall subsequently accrue to the general fund of this municipality.



## **SECTION 20. – Light & water facilities**

a) Lighting facilities – The Municipal Government of Polanco shall provide for the wiring installation in every stall/booth with one (1) convenient outlet as well as the installation of electric lights.

b) All lighting facilities outside the stall/booth including its maintenance and payment of electric bills shall be at the expense of this LGU.

c) Installation of water facilities in the stall/booth as well as payment of water bills shall be at the expense of the respective LESSEE.

**SECTION 21. – Vacancy of stall before the expiration of the lease contract.** If for any reason a stall holder or lessee desires to discontinue or stop the business or is required by the Committee to stop the business for cause before the expiration of the contract of lease, such stall/booth shall be considered vacant and same shall be disposed of in the manner provided for in this ordinance.

**SECTION 22. – In case of death or physical disability of the LESSEE, God forbids, the contract of lease covering the said stall/booth shall be deemed terminated.** However, if the spouse or children desire to continue the business, the lease may be transferred to the spouse, who shall be given the first priority, or in the event that the surviving spouse waives the privilege, the lease may be transferred to any of the children upon application thereof. Provided, that the successor shall pay 10% of the total amount of the original bid and which shall accrue to the general fund of this municipality. Provided further, that in case there are two or more children who are interested, it shall be determined by drawing of lots.

Provided further that the applicant must possess all the qualification to operate business provided for in this ordinance. Provided, furthermore, that the Municipal Market Committee shall be notified within 30 days after the death of the original lessee of the desire of the spouse or children as the case may be to succeed the business and upon payment of the market stall/booth rental and other fees & charges at the time of the death of the original lessee.

If the civil status of the deceased lessee is single, then preference shall be given to his/her parents, brothers or sisters in the manner prescribed in this section.

**SECTION 23. – Preference to Filipino citizen.** Filipino citizens shall be given the 1<sup>st</sup> priority in awarding the stall/booth.

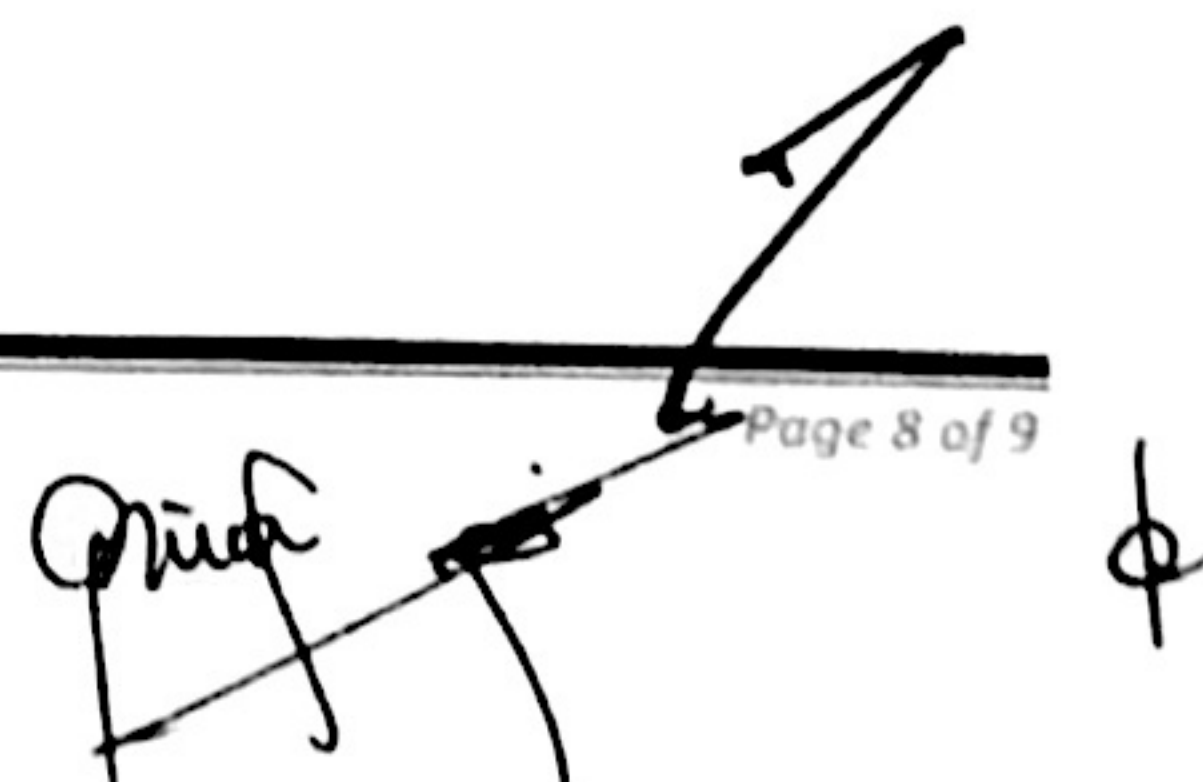
**SECTION 24. – Screening of applicants.** It shall be the duty of the Committee to screen all applicants of the stall/booth in order to determine whether the applicants possess all the qualifications provided for in this ordinance.

**SECTION 25. – Time and Place of payment.** Payment shall be done on or before the due date (every 5<sup>th</sup> day of the following month) at the Office of the Municipal Treasurer thru its local collectors.

**SECTION 26. – Surcharges.**

- a. One percent (1%) monthly surcharge shall be imposed for a delinquent payment of monthly rental but not more than thirty-six percent (36%).
- b. Failure to pay as stated in Section 26.a will result in confiscation of equipment and utensils therein, as well as, forfeiture of rights and the stall shall be declared vacant.

**SECTION 27. Lease of Contract.** A Lease of Contract shall be entered by and between the LESSOR (Municipal Government) and the LESSEE.

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## SECTION 28. Operating Hours.

- a. Regular Days (Monday – Sunday) 6:00 AM– 9:00 PM  
b. Special Occasions (with approval by the Local Chief Executive)

**SECTION 29.** The Food Hub facility shall be installed with CCTV cameras and assigned with appropriate personnel to secure the safety and protection of the facility especially after operating hours.

**SECTION 30. Penal Provision.**

a) For violation of this ordinance the following penalties shall be imposed, to wit:

1. For the 1<sup>st</sup> offense - a fine of P1,000.00
2. For the succeeding offenses:
  - a. Ejectment from the stall/booth he/she occupies;
  - b. Revocation of business permit & license and revocation of the lease contract;
  - c. Disqualification to hold any LGU stall/booth;
  - d. A fine of P 1,500.00;
  - e. He/she shall be held liable for whatever damages that may have been incurred as determined by the court.

b) If the transfer of stall/booth will be done thru internal negotiation by the transferee (stall holder) and transferor the amount equivalent to the sale of rights plus a penalty of Two Thousand Pesos (P2,000.00) shall be borne by the transferor.

**SECTION 31. Repealing Clause.** All municipal ordinances and issuances inconsistent herewith are hereby repealed and/or amended accordingly.

**SECTION 32. Effectivity.** This Ordinance shall take effect after compliance of posting and publication requirements.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance to the best of my knowledge and belief.

*Vilma A. Cabrera*  
**VILMA A. CABRERA**  
 Secretary to the Sangguniang Bayan

**CERTIFIED CORRECT AS TO ITS PASSAGE:**

**ALFREDO S. BAIT-IT**  
Municipal Vice Mayor  
(Presiding Officer)

APPROVED: JUL 16 2024

**EVAN HOPE D. OLVIS**  
Municipal Mayor