

**CHAPTER 12**  
**REGULATIONS ON BUSINESS OR TRADE ACTIVITIES**

**Article A. Mayor's Permit to Operate or Engage in  
Business or Trade Activities**

Section 12A.01. **Regulated Acts.** No person shall operate or engage in any kind of business or trade activity within the jurisdiction of this city without first securing a permit from the Office of the City Mayor and paying the corresponding permit fee imposed under existing tax ordinance of this city including, but not limited to, the following:

- a. Printing and publication, except the printing or publishing of books or other reading materials prescribed by the Department of Education as school texts or references;
- b. Proprietors, lessees or operators of theaters, cinemas, concert halls, circuses, boxing stadia and other places of amusement;
- c. Manufacturers, assemblers, repackers, processors, brewers, distillers, rectifiers and compounders of liquors, distilled spirits and wines or manufacturers of any article of commerce of whatever kind or nature;
- d. Wholesalers, distributors or dealers in any article of commerce of whatever kind or nature;
- e. Exporters;
- f. Manufacturers, millers, producers or retailers of essential commodities;
- g. Retailers of other commodities not classified as "essential commodities", excluding retail dealers in liquors or wines and cigars or cigarettes;
- h. Contractors and other independent contractors;
- i. Banks and other financial institutions;
- j. Restaurants, cafés, cafeterias, carinderias, eateries, food caterers, ice cream and refreshment parlors, and soda fountain bars;
- k. Commission agents;
- l. Lessors, dealers, brokers of real estate;
- m. Travel agencies and travel agents;
- n. Boarding houses, pension houses, motels, apartments, apartelles and condominiums;
- o. Subdivision owners, private cemeteries and memorial parks;
- p. Privately-owned markets;
- q. Hospitals, medical clinics, dental clinics, optical clinics, therapeutic clinics, medical laboratories, dental laboratories;
- r. Cockpit operators;
- s. Operators of cable network system;
- t. Operators of computer services establishments;
- u. General consultancy services;
- v. All other similar activities consisting essentially of the sales of services for a fee; or
- w. Peddlers.

## Article B. Definition of Terms

Section 12B.01. **Definitions.** As used in this Article:

**"Banks and Other Financial Institutions"** include non-bank financial intermediaries, lending investors, finance and investment companies, pawnshops, money shops, insurance companies, stock markets, stockbrokers and dealers in securities and foreign exchange.

**"Carinderia"** refers to any public eating place where foods already cooked are served at a price.

**"Cockpit"** includes any place, compound, building or portion thereof, where cockfighting or cockfights are held, whether or not money bets are made on the results of such cockfights.

**"Contractor"** includes persons, natural or juridical, not subject to professional tax under Article 228 of Rule XXX of the Rules and Regulations Implementing the Local Government Code of 1991 whose activity consists essentially of the sale of all kinds of services for a fee, regardless of whether or not the performance of the service calls for the exercise or use of the physical or mental faculties of such contractor or his employees. As used in this Code, the term "contractor" shall include:

Business agent, private detective or watchman agencies, commercial and immigration brokers and cinematographic film owners, lessors and distributors;  
Engraving, plating and plastic lamination establishments;  
Filling, demolition and salvage works contractor;  
Funeral parlors;  
General engineering, general building, and specialty contractor as defined under applicable laws;  
House or sign painters;  
Person engaged in the installation of water system and gas or electric light, heat or power;  
Photographic studios;  
Printers, bookbinders, lithographers;  
Proprietor or operator of dockyards;  
Proprietor or operator of dry-cleaning or dyeing establishments, steam laundries and laundries using washing machines;  
Proprietor or operator of establishments for repairing, repainting, upholstering, washing or greasing of vehicles, heavy equipment, vulcanizing, recapping and battery charging;  
Proprietor or operator of establishments or lots for parking purposes;  
Proprietor or operator of furniture shops and establishments for planing or surfacing and recutting of lumber and sawmill under contract to saw or cut logs belonging to others;  
Proprietor or operator of hotels, motels and lodging houses;  
Proprietor or operator of mine drilling apparatus;  
Proprietor or owner of shops for the repair of any kind of mechanical and electrical devices, instruments, apparatus or furniture or shoe repairing by machine or any mechanical contrivance;  
Proprietor or operator of smelting plants;

Proprietor or operator of tailor shops, dress shops, milliners and hatters, beauty parlors, barbershops, massage clinics, sauna, Turkish and Swedish baths, slenderizing and body-building saloons and similar establishments;

Proprietor or operator of warehousing or forwarding establishments, master plumbers;

Publisher except those engaged in the publication or printing of newspaper, magazine, review or bulletin which appears at regular intervals with fixed prices for subscription and sale and which is not devoted principally to the publication of advertisements; or

Smiths (goldsmiths; silversmiths, etc.)

**"Corporation"** includes partnership, no matter how created or organized, joint-stock companies, joint accounts (cuentas en participacion), associations or insurance companies but does not include general professional partnerships and a joint venture or consortium formed for the purpose of undertaking construction projects or engaging in petroleum, coal, geothermal and other energy operations or consortium agreement under a service contract with the government. General professional partnerships are partnership formed by persons for the sole purpose of exercising their common profession, no part of the income of which is derived from engaging in any trade or business.

The term "*foreign resident*" when applied to a corporation means a foreign corporation not otherwise organized under the laws of the Philippines but engaged in trade or business within the Philippines.

**"Exporter"** refers to those who are principally engaged in the business of exporting goods and merchandise as well as manufacturers and producers whose goods or products are both sold domestically and abroad.

**"Dealer"** means one whose business is to buy and sell merchandise, goods and chattels as a merchant. He stands immediately between the producer or manufacturer and the consumer and depends for his profit not upon the labor he bestows upon his commodities but upon the skill and foresight with which he watches the market.

**"Peddler"** means any person who, either for himself or on commission, travels from place to place and sells his goods or offers to sell and deliver the same.

**"Restaurant"** refers to any place that provides food to the public and accepts orders from them at a price. This term includes "caterers".

**"Retail"** means a sale where the purchaser buys the commodity for his own consumption, irrespective of the quantity of the commodity sold.

### **Article C. Rules and Regulations on the Issuance of Mayor's Permit**

Section 12C.01. **Procedures and Documents Required in Applying for a Mayor's Permit.** When applying for a Mayor's permit, the following procedures shall be followed:

- a. A written application for a permit to operate or engage in a business shall be filed with the Office of the City Mayor, in four copies. The application form shall set forth the name and address of the applicant, the description of business or undertaking to be conducted, the place where the business shall be conducted and such other pertinent information as may be required.
- b. The written application for a permit to operate shall be accompanied by the following documents:

*For a newly-started business*

- i. Location sketch of the new business
- ii. Paid-up capital of the business as shown in the Articles of Incorporation/Partnership, if a corporation or partnership, or a sworn statement of the capital invested by the owner or operator, if a sole proprietorship
- iii. A certificate attesting to the tax exemption, if the business is tax exempt
- iv. Certification from the office in charge of zoning that the location of the new business is in accordance with zoning regulations
- v. Tax clearance showing that the operator has paid all tax obligations in the city
- vi. Barangay clearance
- vii. Three (3) passport size pictures of the owner or operator or in cases of partnership or corporation, the picture of the senior or managing partners and that of the President or General Manager
- viii. Health certificate for all food handlers and those required under this Code

*For renewal of existing business permits*

- i. Previous year's Mayor's permit
  - ii. Three (3) copies of the annual or quarterly tax payments
  - iii. Three (3) copies of all receipts showing payment of all regulatory fees
  - iv. Certificate of tax exemption from local taxes or fees, if exempt
- c. Upon submission of the application, the proper authorities shall verify if the requirements regarding the operation of the business or activity are complied with such as sanitary requirements, installation of power and light requirements and other safety requirements. The permit to operate shall be issued only upon such compliance and after the applicant shall have paid to the City Treasurer the corresponding business tax and fees as required under existing tax ordinance of this city;

Any false statement deliberately made by the applicant shall constitute sufficient ground for denying or revoking the permit issued by the City Mayor and the applicant or licensee may, further, be prosecuted in accordance with the penalties provided in this Code.

Section 12C.02. **Issuance of Permit.** Upon approval of the application for a Mayor's permit, two copies of the application duly signed by the City Mayor shall be returned to

the applicant. One copy shall be presented to the Office of the City Treasurer as basis for the collection of the Mayor's permit fee and the corresponding business tax.

The Mayor's permit shall be issued by the City Mayor or his duly authorized representative upon presentation of the receipts for the payment of the required permit fee and the business tax and upon compliance of such other requirements for its issuance.

Every permit issued by the City Mayor shall show the name and residence of the applicant; his nationality and civil status; nature of the organization; location of the business; date of issue and expiration of the permit; and such other information as may be necessary.

Section 12C.03. **Replacement of Mayor's Permit.** In the event of loss or spoilage of the Mayor's Permit, a fine of P200.00 shall be charged for its replacement plus the submission of a written request for replacement and a duly notarized affidavit certifying the loss or spoilage.

Lost or destroyed Mayor's Permit not duly reported or applied for replacement until inspected shall be considered as "Operating Without Permit" and, therefore, the equivalent penal provision under Section 12C.11 of this Article shall apply.

Section 12C.04. **Separate Permit for Separate Business.** There shall be a separate permit for every separate or distinct establishment or place where the business or trade activity is conducted. One line of business or activity does not become exempt from securing a Mayor's permit by being conducted with some other business for which a permit has been granted or issued.

If a person desires to engage in more than one kind of business, he shall pay the permit fee and business tax imposed on each business or trade regardless of whether or not he conducts or operates all such business or trade in one establishment.

Section 12C.05. **Denial of Application for Permit.** A Mayor's permit shall be refused to any applicant on the following grounds:

- a. The business establishment or undertaking does not conform with the Zoning regulations, safety or health regulations and other requirements of this city;
- b. The applicant is disqualified under any provision of law or ordinance to establish or operate the business applied for;
- c. The applicant previously violated any ordinance or regulation governing permits granted; or
- d. The applicant has an unsettled tax obligation, debt or other liability to the city government.

Likewise, a Mayor's permit shall be denied to any person or applicant for a business who declares an amount of gross sales or receipts that are manifestly below industry standards

or the Presumptive Income Level of gross sales or receipts as established in the city for the same or a closely similar type of activity or business.

Section 12C.06. **Duration and Renewal of Permit.** The Mayor's permit shall be granted for a period of not more than one (1) year and shall expire on the thirty-first (31<sup>st</sup>) of December following the date of its issuance unless revoked or surrendered earlier. Every permit shall cease to be in force upon revocation or surrender thereof. The permit shall be renewed within the first twenty (20) days of January and shall have a continuing validity only upon renewal thereof and payment of the corresponding fee.

Section 12C.07. **Revocation of Permit.** The City Mayor, after an investigation, may revoke, the Mayor's Permit that was issued when a person doing business under the provisions of this Code violates any provision of this Article; refuses to pay the tax, fee, indebtedness or liability to this city abuses his privilege to do business to the injury of public moral or peace; or when a place of such business establishment is being conducted in a disorderly or unlawful manner, is a nuisance or is permitted to be used for disorderly conduct, criminals or women of ill repute. Such revocation shall operate to forfeit all sums which may have been paid in respect of said privilege, in addition to the fine and imprisonment that may be imposed by the Court for violation of any provision of this Code or ordinance governing the establishment and maintenance of business and to prohibit the exercise thereof by the person whose privilege is revoked, until restored by the Sangguniang Panlungsod of this city.

Section 12C.08. **Posting of Business Permit.** Every permittee shall keep his business permit conspicuously posted in plain view at all times in his place of business or office, or if he has no place of business or office, he shall keep the permit in his person. The permit shall be immediately produced upon demand by the City Mayor, the City Treasurer or any of their duly authorized representatives.

Section 12C.09. **Abandonment or Closure of Business.** When a business or occupation is abandoned or closed, the person conducting the same shall submit to the City Treasurer, within twenty (20) days from the date of such abandonment or closure, a sworn statement to that effect, stating therein the date of abandonment or closure and the corresponding taxes due that must be liquidated, otherwise said business shall be presumed to be still in actual operation. All taxes due and payable for the corresponding quarter shall be settled first before a business is deemed officially closed or abandoned. Taxes which have already been paid for the whole current year shall not be refunded.

Section 12C.10. **Death of Licensee or Permittee.** When an individual paying a Mayor's permit fee dies and the same business is continued by his heirs or persons interested in his estate, no additional payment shall be required on the residue of the terms for which the tax or fee was paid.

Section 12C.11. **Penalty.** Any violator of any of the provisions of this Chapter shall be penalized by a fine of five hundred pesos (P500.00) but not exceeding five thousand pesos (P5,000.00) or imprisonment of one (1) month but not more than six (6) months, or both, in the discretion of the Court.

## **Article D. Curtailing the Sale, Rental, Transfer, Distribution, Manufacture or Production of Pirated, Counterfeit or Fake Goods, Articles or Services**

Section 12D.01. **Prohibited Act.** No person shall engage in the sale, rental, transfer, distribution, manufacture or production of pirated, counterfeit or fake goods, articles or services nor shall permit other persons to commit said acts within the licensee's business establishment or premises.

For this purpose, any stall, table or equivalent contraptions, containing pirated, counterfeit or fake goods, and articles or services, within two (2) meters from the door, window or any opening leading to the person's establishment shall be deemed included in the term "premises."

Section 12D.02. **Breach of the Condition.** Any breach or violation of the condition as set forth in the preceding Section shall be a ground for the revocation or suspension of the business permit for a period of not more than 10 days for the first violation; 30 days for a second violation; and cause the cancellation of the permit for a third and subsequent violations.

Section 12D.03. **Preventive Custody.** The pirated, counterfeit, or fake goods and articles of any person engaged in any business or trade, with or without any permit, shall be taken into preventive custody and disposed of in accordance with law.

### **Section 12D.04. Miscellaneous Provisions.**

Within 24 hours from notice of an order to suspend or cancel the business permit or to take custody of pirated, counterfeit or fake goods, articles or services, the respondent may move to reconsider said order. The City Mayor shall decide said motion within 15 days from receipt.

The notice of suspension or cancellation of the business permit shall be issued by the City Mayor after the conduct of an inspection of the business establishment concerned. The inspection may be on the occasion of a general inspection regularly conducted by the city, or for such purpose only upon receipt of a complaint or information that the licensee is engaged in the sale, rental, transfer, distribution, manufacture or production of pirated, counterfeit or fake goods, articles and services.

The city may seek the assistance or coordination of the Philippine National Police, the National Bureau of Investigation, the Videogram Regulatory Board, and other law enforcement agencies, in conducting the inspection.

Section 12D.05. **Penalties.** The penalty of a fine of P2,500.00 or imprisonment for a period not more than six (6) months, or both, in the discretion of the Court, shall be imposed upon:

Any person who, having been issued a business permit, shall commit a breach of the condition thereof imposed by Section 12D.02 of this Article;

Any person who, without any business permit, shall engage in the sale, rental, transfer, distribution, manufacture or production of pirated, counterfeit or fake goods, articles or services; or

Any person who shall violate the order of the City Mayor suspending or canceling a permit or taking the subject goods into custody.

Section 12D.06. **Prosecution of Offense.** The prosecution for commission of any of the foregoing offenses shall not constitute a bar for the prosecution of offenses under the *Intellectual Property Code* and other related laws.

Section 12D.07. **Persons Liable.** Should the offense be committed by a juridical person, the stockholder, chairperson, president, officer, director, trustee, partner or manager who committed or caused the commission of such offense shall be liable.

### **Article E. Operation of Resorts and Rental of Cottages**

Section 12E.01. **Regulated Act.** No person shall establish or operate any kind of resort or engage in the business of renting out cottages without first securing a permit thereof from the Mayor and paying the corresponding tax and fee prescribed under existing tax ordinance of this city.

Section 12E.02. **Definitions.** As used in this Article:

**"Resort"** refers to a place which is open to the public near at or having a body of water, including swimming pool where patrons or guests are allowed to swim for-a-fee and usually having cottages as a temporary place of abode for patrons, guests or customers.

**"Cottages"** refer to a building usually constructed of light materials inside a resort compound being rented out for-a-fee to patrons, guests or customers.

Section 12E.03. **Rules and Regulations.**

- a. Operators of resorts shall keep a registry or record of its guests, patrons or customers renting its cottages for at least one (1) day or fraction thereof, which shall be open for inspection by the City Mayor or his duly authorized representative and the Chief of Police of this city.

The registry or record shall contain the name and residence of the guest, patron or customer; number, date and place of issue of the Community Tax Certificate or Alien Certificate of Registration, if an alien; number of Identification Card (ID) and such other data as may be required by the authorities concerned.

- b. Operators of said establishment shall furnish the Office of the City Mayor a list of all the persons under his employ, including a copy of their bio-data, and whether or not they are on salary, wage or commission basis.
- c. Operators or managers of said establishments shall not allow anybody to enter the cottage except those listed in the registry as the companions, guests or visitors of the person renting the cottage.
- d. Operators of said establishments shall also keep a separate registry or record of the names, residence, nationality and other relevant data of all the visitors or guests of the person renting the cottage. Waiters or waitresses and other employees of the operators are excluded from this requirement.
- e. Operators of said establishment shall not use his privilege to conduct business in unlawful manner or allow his establishment or portion thereof to be used as havens for criminals, or as front for prostitution, or venue for other illegal activities.
- f. Other necessary rules and regulations may be issued by the City Mayor or the department head duly authorized to implement the provisions of this Article.

Section 12E.04. **Penalty.** Any person who violates any of the provisions of this Article shall be penalized by a fine of P1,000.00 to P2,500.00 or imprisonment of one (1) to two (2) months, or both, in the discretion of the Court.

## **Article F. Regulation on the Practice of Occupation or Calling**

Section 12F.01. **Regulated Act.** No person shall practice any kind of "occupation or calling" without first paying the corresponding "occupation or calling fee" imposed under existing tax ordinances of this City.

Section 12F.02. **Definitions.** As used in this Article:

**"Calling"** means one's regular business, trade, vocation or employment which does not require the passing of an appropriate government board or bar examination, such as professional actors, actresses, hostesses, masseurs, commercial stewards, stewardesses and the like.

**"Occupation"** means one's regular business or employment, or an activity which principally takes up one's time, thought and energies. It includes any calling, business, trade, profession or vocation.

Section 12F.03. **Rules and Regulations.**

- a. Every person who has paid the corresponding "occupation or calling fee" shall be entitled to practice his "occupation or calling" without being subjected to any other tax, license, or fee for the practice of such occupation or calling except certain regulatory fees.

- b. Every individual or corporation employing a person subject to the "occupation or calling fee" imposed herein shall require payment by that person of such fee before employment and annually thereafter.
- c. Every person subject to the "occupation or calling fee" imposed herein shall write in receipts, tax returns, reports or similar documents the number of the official receipt issued to him.
- d. One line of occupation or calling does not become exempt from the payment of the required occupation or calling fee by being conducted with another line of occupation or calling.
- e. The City Mayor through his department heads concerned shall issue additional rules and regulations or implementing guidelines for the proper enforcement of this Article.

Section 12F.04. **Penalty.** Any violation of the provisions of this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than one (1) year, or both, in the discretion of the Court.

### **Article G. Regulation on the Practice of Professions**

Section 12G.01. **Regulated Act.** No person shall practice any profession without first paying the professional tax imposed under existing tax ordinances of this City.

Section 12G.02. **Definitions.** As used in this article:

**"Profession"** means a calling which required the passing of an appropriate government board or bar examination, such as the practice of law, medicine, public accountancy, engineering, and the like.

**"Professional"** are those who have passed the bar, board or any other examinations conducted by the Professional Regulatory Commission (PRC). One line of profession does not become exempt from the payment of the professional tax by being conducted with another line of profession. Thus, a lawyer who is also a Certified Public Accountant must pay the professional tax imposed for lawyers and that imposed for CPAs, if he is to practice both professions.

Section 12G.03. **Rules and Regulations.**

- a. Every person who paid the corresponding professional tax shall be entitled to practice his profession without being subjected to any other national or local tax, license, or fee for the practice of such profession.

- b. Before employing a person subject to professional tax, the employer shall require payment by that person of the tax on the exercise of his profession. The professional tax shall be paid annually to the City Treasurer.
- c. Any person subject to the professional tax shall write in deeds, receipts, prescriptions, reports, book of accounts, plans and designs, survey and maps, as the case may be, the number of the official receipt issued to him.
- d. Before accepting payment of the professional tax, the City Treasurer or his duly authorized representative shall require from such professionals their current annual registration cards issued by competent authority.

Section 12G.04. **Exemption.** Professionals who are employed in the government service are exempted from the provisions of this Article.

Section 12G.05. **Penalty.** Any violation of the provisions of this Article shall be punished by a fine of not more than Five Thousand Pesos (P5,000.00) or imprisonment of not more than one year, or both, in the discretion of the Court.

## **Article H. Regulations for Business Establishments, Investors and Contractors**

Section 12H.01. **Definitions.** As used in this Article:

**"Business Establishment"** refers to companies or franchises and branches of establishments that undertake organized production or rendering services for profit.

**"Fernandino Applicant"** refers to a person who is a resident of the City of San Fernando, Pampanga for at least one year and who is applying for a job in this city.

**"Rank-and-File Employees"** refer to those employees who are under the direct supervision and control of a supervisor, and shall not include those employees who are occupying positions classified as having recommendatory powers, or those with the power to recommend to management, the exercise of management prerogatives as defined in the Labor Code of the Philippines.

Section 12H.02. **Coverage.** This Article shall apply to:

- a. All business establishments, companies and industries engaged in manufacturing or rendering of services in the ordinary course of trade or business;
- b. All business establishments which employ at least ten (10) rank-and-file employees;
- c. All business establishments that are located in this city, whether or not they have a manpower hiring agreement with any service or employment agencies or contractors operating in this city; or
- d. Newly-started companies or businesses about to set up their operations in this city.

Section 12H.03. **Rules and Regulations.**

- a. *Observance of the "Rule on Hiring a Fernandino Applicant."* All business establishments cited under Section 12H.02. of this Article are required to hire a minimum of 40% of their Rank-and-File employees or workforce from qualified and bonafide residents of this city.

Service or employment agencies contracted by a business establishment for the provision of its manpower requirements are not exempted from complying with this requirement.

- b. *Proof of Residence.* To qualify as a "Fernandino Applicant", the job applicant must present to the hiring authorities of the business establishment proof of his residency in this city such as a Voter's Identification card, an Income Tax Return filed or any written statement under oath showing his complete address, or a certification by the Punong Barangay that the applicant has resided in the barangay for at least one year.
- c. *Security of Tenure.* The rule on "Hiring a Fernandino Applicant" does not apply to establishments already existing or operating or have transferred their operation to this city before the effectivity of City Ordinance No. 2004-025, in recognition of the right of existing employees to security of tenure. However, if the business establishment is going to hire or increase its manpower due to business expansion or as a result of a vacancy caused by dismissal or removal, resignation, retirement, retrenchment or any other lawful cause, the qualified applicants who are residents of this city shall be given preference for employment until the "40% city resident workforce requirement" is complied with.

If there are no qualified applicants who are residents of this city, the business establishment shall have the right to employ non-residents of this city.

- d. *Reportorial Requirements.* All business establishments covered by this Article shall submit to the City Employment Office, the Community Affairs Office and the City Human Resource and Management Office, a yearly report on their complete List of Employees. This report is a pre-requisite for the issuance or renewal of the business permit. In addition to the documents required when applying for or renewing a business permit set forth under Section 12C.01., Article C of this Code, the applicant shall also submit a List of the Rank-and-File Employees which include the proportion of the residents of this city to the non-residents employed by the business establishment.

The List of Employees shall state the following information:

- Name of the employee
- Age
- Present address
- Period of employment with the business establishment
- Present position and a brief description of his job

- Updated List of retired, retrenched, removed or resigned employees and the List of employees who replaced them, if any.

Section 12H.04. **Enforcement of Ordinance.** The City Employment Office, in coordination with the Offices of the Community Affairs and the Human Resource and Management, shall be responsible in enforcing and monitoring the compliance by the business establishments to the provisions of this Article.

Section 12H.05. **Penalty.** The owner, proprietor or administrator of any business establishment who violates any of the provisions of this Article shall be penalized as follows:

*For first offense,* Reprimand and Submission of an Explanation under oath, in writing, of the reasons for the violation;

*For second offense,* a fine of P5,000.00 and a stern warning that a subsequent violation shall mean closure of the business in this city; and

*For third offense,* Closure of the Business Establishment.

## **Article I. Regulations for Shopping Malls, Department Stores, Banks, Cockpits, Private Markets, Amusement and Communication Centers**

Section 12I.01. **Required Acts.** All owners, proprietors, or administrators of private establishments such as shopping malls, department stores, banks, cockpits, private markets, amusement centers, and communication centers shall provide or impose in their respective establishments the following:

### *a. Security Measures*

- i. Conduct of thorough inspection of all baggage and other personal belongings in the entrances of their private business establishments;
- ii. Conduct of thorough inspection of all vehicles entering the business establishment;
- iii. Increase of visibility of security guards, in and around the vicinity of their business establishments, to deter criminal elements from engaging in nefarious activities;
- iv. Establishment of close coordination and communication with law enforcement agencies in this city to ensure the safety and security of their clients;
- v. Conduct of safety drills and other forms of security drill at least once a year; and

- vi. Formulation of security plan to ensure preparedness and increase the capability of the business establishment's security force to deal with any form of security threat to their clientele.

*b. Free Parking Area*

A free parking area shall be provided to the clientele of the business establishment.

Section 12I.02. **Definitions.** As used in this Article:

**"Parking Area"** is a space or area provided for the temporary parking of motor vehicles

**"Private Market"** refers to a market owned, operated or managed by private individuals or entities, cooperatives, institutions or corporations.

**"Shopping Mall"** is a commercial complex consisting of food markets, stores of various kinds, parking facilities, cinemas, and other businesses, designed to serve the needs of the community.

Section 12I.03. **Enforcement of Ordinance.** The City Chief of Police, the City Fire Station Service Marshal, and the Sangguniang Panlungsod Chairman of the Committee on Peace and Order, Public Safety and Traffic Management shall ensure strict adherence to and monitor the compliance by business establishments to the provisions of this Article.

Section 12I.04. **Penalty.** Any owner, proprietor or administrator of a business establishment who violates the provisions stated in Section 12H.01. of this Article shall be penalized as follows:

*a. For violation of the imposition of Security Measures*

*For first offense, Warning;*

*For second offense, Suspension of business permit for three (3) months; and*

*For third offense, Cancellation or revocation of business permit.*

*b. For violation of the provision of a free Parking Area for clientele*

A fine of P5,000.00 or imprisonment of one (1) month, or both, in the discretion of the proper Court. If the business establishment is not yet operational, issuance of work stoppage order/discontinuance is also imposed as an administrative sanction.

## **Article J. Regulations for Street Food Trade**

Section 12J.01. **Scope.** The provisions of this Article shall cover the following:

- a. *Group "A" Street Food Trade.* This includes food stalls, food shops, food stands and other non-permanent structure that can be moved within designated food vending areas or transferred to other approved street food vending areas.
- b. *Group "B" Street Food Trade.* This includes mobile food shops, wagons, trailers bus, food carts and all other rolling food trade or on-wheel food vending structures, vehicles or containers which are moving around or stationary for certain hours of the day in an approved vending place.
- c. *Group "C" Street Food Trade.* This includes all hand-carried, shoulder-carried, head-carried, suspended from the body food items in portable containers or categorized as walking food trade or food trade by foot and are allowed only to sell bottled food drinks, biscuits, confectioneries, and other prepared/packaged foods. This group is prohibited to sell food that requires the use of eating utensils.

Section 12J.02. **Regulated Acts.**

- a. No person shall operate a street food trade without first securing a Sanitary Permit from the City Health Officer, and paying the corresponding fees imposed under existing tax ordinance of this city.
- b. No street food vendor and handler shall be allowed to ply his trade in this city without undergoing a medical/laboratory examination conducted by the City Health Office or any medical laboratory accredited by the City Health Office and being issued a Health Certificate by the City Health Office.

Section 12J.03. **Definitions.** As used in this Article:

**"Designated Food Vending Area"** is a portion or section of streets and roadways, recreational/amusement parks, parking area, bus/jeep/railway terminal designated by this city as the area or location of street food trade on specified time of the day or night and provided with sanitary facilities such as water supply, toilet, hand/dishwashing, drainage, solid waste and other facilities.

**"Street Foods"** are ready to eat foods/beverages prepared or sold in the streets or in public places. It includes carinderia style of foods.

**"Street Food Trade"** is any form of food trade utilizing stall, moveable stand and mobile food shop, food cart, table or similar structure which is non-permanent in nature and which are generally categorized as moveable, rolling and walking food trade used as eating place or for the sale of food or for the storage, display, exhibition or exposure of food for retail sale.

**"Street Food Vendor"** refers to any food handler who is the permit holder, having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or any other person working in a street food trade or working as food vendor.

**“Utensil”** is any food contact implement used in the storage, preparation, transportation, dispensing or consumption of food.

#### Section 12J.04. **Rules and Regulations.**

##### *Street Food Vendors*

- a. All street food vendors and handlers shall possess an up-to-date health certificate issued by the City Health Officer.
- b. The Health Certificate shall be clipped on the upper left front of the garment of the street food vendor, for identification, while engaged in their work.
- c. The Health Certificate is non-transferable.
- d. No street food vendor who is afflicted with a communicable disease shall be allowed to engage in street food vending.
- e. A street food vendor shall wear clean clothes and use hair restraints, when necessary, to prevent contamination of food or food contact surfaces.
- f. Street food vendors shall not eat or smoke while engaged in food preparation or service and shall maintain a high degree of personal cleanliness and conform to good hygiene practices during working hours.
- g. All street food vendors shall attend the food handlers’ classes being conducted by the Department of Health, through its field health offices, before the health certificate is issued to them.

##### *Street Food Vending Areas*

- a. The Sangguniang Panlungsod, through a Resolution, shall designate the location for food vending areas, as recommended by the City Health Officer and affirmed by the City Mayor.
- b. The designated street food vending areas shall be at least 25 meters away from any source contamination.
- c. The street food vending areas shall not be allowed/located in the following areas:
  - Within five (5) meters of street junctions
  - Within five (5) meters on either side of a fire hydrant
  - On a stairway
  - On streets less than 10 meters wide
  - On streets adjacent or immediately in front of food establishments with sanitary permit
  - Over manholes or drainage canals
  - On driveways and entry to public buildings/places
  - In any other place specified by the City Health Officer
- d. The street food vending areas and its premises shall be kept clean and sanitary at all times.
- e. No part of the designated street food vending area shall be used for domestic purposes. It shall not be used as living or sleeping quarters or for keeping animals

and fowls. Firewood shall not be allowed for the purpose of preparing food or drink for sale.

*Street Food Facility*

- a. Street food facility shall be in adequate size as to allow smooth and convenient movement of food vendors or storage and display.
- b. Group "A" and "B" Street Food Trade shall be provided with roofings. Ceilings shall be made of wood, canvass and other materials that protect the interior of the street food trade from the weather or overhead contamination.
- c. Tables, chairs, stools, benches and display counters shall be impervious materials and of such constructions and finish as will make them easily cleaned.
- d. The entire street food displayed shall at all times be protected from vermin and other contaminants.
- e. A hand washing facility and a sufficient supply of drinking and dishwashing water shall be provided for street food vendors.
- f. Garbage bins/cans with cover or refuse receptacles shall be made available.

Section 12J.05. **Enforcement of Ordinance.** The City Health Office shall keep and maintain a Registry Book of street food trade/vendors and conduct a periodic sanitary inspection and evaluation of every street food trade to ascertain compliance to the provisions of this Article.

Section 12I.06. **Penalty.** Any person who violates any of the provisions of this Article shall be penalized by a fine of P500.00 to P5,000.00 or imprisonment for a period of one (1) month to one (1) year, or both, in the discretion of the Court.