



**IMPLEMENTING RULES AND REGULATIONS
TO GOVERN THE PROCESSING OF APPLICATION
FOR LOCATIONAL CLEARANCE OF MARKETS
AS AMENDED**

Pursuant to the policies and objectives embodied in Executive Order No. 648, the Charter of the Human Settlements Regulatory Commission now the Housing and Land Use Regulatory Board, specifically Article IV, Section 5, to wit:

“(a) Promulgate zoning and other land use control standards and guidelines which shall govern land use plans and zoning ordinances of local governments; the zoning components of civil works and infrastructure projects of the national, regional and local governments..”

and Executive Order No. 72, on devolved functions, the following Rules and Regulations are hereby promulgated .

RULE I

DEFINITION OF TERMS

Section 1. Definition of Terms. As used in these Rules, the following definitions shall apply:

- 1. Board** – shall mean the Housing and Land Use Regulatory Board.
- 2. Rules** – shall mean the Rules Implementing the Design Standards and Guidelines for Markets.

- 3. Market** – a general term referring to a public place, building or structure where commodities such as foodstuffs, wares and other merchandise may be bought or sold. It includes any of the following:
- 3.1 Public Market** – a market owned, operated and/or managed by the government intended to serve the general public.
 - 3.2 Private Market** – a market owned, operated and/or managed by private individuals or entities, cooperatives, institution or corporation.
 - 3.3 Food Terminal** – a market where products such as seafoods, fruits, vegetables and other food merchandise are being sold on a wholesale basis (e.g. fish landing, trading posts, “bagsakan”, “consignacion”)
 - 3.4 Satellite Market/Talipapa** – a type of market with less than 150 stalls that cater to a limited number of customers.
 - 3.5 Supermarket** – a market distinct from a wet or dry market and larger than a grocery in which shoppers serve themselves by using baskets or pushcarts in selecting commodities from shelves or cold display storage and pay their purchase at the exit.
 - 3.6 Wet Market** – a market where most of the commodities for sale are readily perishable foods.
 - 3.7 Dry Market** – a market where most of the merchandise displayed for sale are dry goods.

RULE II

APPLICATION FOR LOCATIONAL CLEARANCE

Section 2. Scope of Application. These rules and regulations shall apply to all applications for locational clearance of new development or expansion of existing markets with the Board or the city/municipality concerned.

Section 3. Application for Locational Clearance of Markets. A registered owner of a parcel of land who wishes to utilize the same as site for market shall apply with the Board or the city/municipality concerned per EO 72 , on the approval of locational clearance, by accomplishing and filing in duplicate the following:

A. Requirements

1. Letter of Application
2. Vicinity map drawn to a scale of 1:10,000 showing the exact location of proposed site and all existing land use/establishments within 500 meter radius from the proposed site and access road leading to it.
3. Site development plan drawn to the scale of 1:200 indicating lot property boundaries, circulation/road network, parking, building site/buildable area, future expansion, if any, signed and sealed by a Licensed Environmental Planner.
4. Transfer Certificate of Title or Contract of Sale or Lease
5. Tax Declaration (current year)
6. Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC) from the Environmental Management Bureau (EMB) Regional Office as required under PD 1586, Philippine Environmental Impact Statement System and its Implementing Rules and Regulations.

7. Conversion Order (CO) or Exemption Clearance (EC) from the Department of Agrarian Reform (DAR), if applicable.

B. Location and plans of markets shall be reviewed and verified by the local health officer through the sanitary engineer and approved by the local health authority before they are established, constructed or altered.

C. A sanitary permit from the local health officer is required before market is operated.

D. A locational clearance shall be issued by the Housing and Land Use Regulatory Board (HLURB) or the local government unit concerned only upon issuance of an Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC) by the DENR-EMB Regional Office.

A zoning certificate shall be issued by the HLURB or the city/municipality concerned prior to issuance of an ECC or CNC.

For renovation/rehabilitation of old/existing market, no locational clearance is required but an Alteration permit, if it has the same features as the old/existing ones, prior to renovation/rehabilitation shall be required for submission.

E. Inspection. Inspection of the proposed site shall be conducted considering the following factors:

1. Compatibility of the project to the land use plan/zoning ordinance or in the absence of any of which, the existing dominant land use in the area.
2. Accessibility. No market shall be established beside a national or local road, if, due to the absence of ample parking space within the vicinity of the market area, it shall cause obstruction to traffic.
3. Presence of/or ability to provide utilities (power, water supply, etc.) in the site.
4. Degree of traffic generation. Validate the implementation of an efficient traffic management plan.

5. Suitability of the site for the proposed activity.

F. Evaluation. Evaluation shall be based on substantial conformance to the herein standards and provisions of applicable codes:

1. PD 825 – prescribing and regulating disposal of waste in public places to promote environmental sanitation and hygiene.
2. PD 856 – Sanitation Code of the Philippines and its Implementing Rules and Regulations, Regulating the establishment of all trades, occupations, industry, institutions, commercial undertakings, water system, refuse disposal system, sewage collection and disposal system, vermin control, etc. in accordance with prescribed guidelines and standards promoting environmental sanitation and hygiene.
3. Duly approved city/municipal comprehensive land use plan and zoning regulations
4. National Building Code and other related rules and regulations.

RULE III

DESIGN STANDARDS AND REQUIREMENTS

Section 4. Design Standards and Requirements

A. General Guidelines

1. Location

Location must be within designated commercial zone/commercial area and is accessible preferably through an arterial street. Service access for trucks is essential for the delivery of goods and other services.

The market site shall be located at least 50 meters (164 ft.) from schools, religious institutions, public offices, funeral establishments and other public gathering/places such as auditorium, public plazas and 25 meters (82 ft.) from abattoirs and other possible sources of contamination. (see figure 1)

The market shall be located at a site within walking distance of 0.75 km to the nearest terminal.

Population to be served ranges from 10,000 to 150,000 people.

If located near rivers, streams or lakes, the easement shall be in accordance with the Water Code of the Philippines.

2. Topography

The land should be level to rolling terrain, or as long as clearing and grading will pose no problem in terms of undue expense and soil erosion. The site should not be subject to flooding.

3. Soil Bearing Capacity

Soil bearing capacity must be adequate to support building load.

4. Size

The size shall be large enough to accommodate all activities in the center. Lot shape shall be regular and preferably be separated and within market site.

5. Circulations

Pedestrian and vehicular circulation for the public market should be properly planned to facilitate convenience and efficiency.

- a. Access, loading and unloading of goods, customer and services should preferably be separated and within markets.
- b. Carrying capacities of roads and pedestrian walk within the site be adequately planned so as not to obstruct traffic flow along access road.

6. Parking

Parking space should be provided in accordance with the National Building Code.

- a. Location of the parking area should be between the stores and the streets such that it will be away from the pedestrian areas.
- b. Separate area should be provided specifically for parking and queueing of public transport modes such as tricycles, buses and jeepneys.

7. Landscaping and Buffering

The market complex needs sufficient landscaping and buffering. A minimum of five (5) meters for this purpose may be provided along perimeter of the site.

8. Use

The market and all the properties therein shall be used for market purposes only. For wet markets, offices allowed are for the market master/employees and market cooperatives and cold storage establishment

(except for ice depository) should be located at least 25 m. from the market

9. Maintenance

Maintenance of the market shall be the sole responsibility of the owner/operator.

10. Location of Stalls

Stalls shall only be allowed inside the market premises. Construction of stalls and selling along the sidewalk and outside the market shall be penalized under Section 7 : Fines and Penalties and other penalties defined under specific LGU ordinance.

B. Utility Requirements (Per DOH Implementing Rules and Regulations of Chapter IV – Markets and Abattoirs of the Code on Sanitation of the Philippines – PD 856)

1. Water Supply

- a. There shall be sufficient supply of potable water either from the public main water supply or from an approved source.
- b. The quality of water used within the market shall be in accordance with the Phil. National Standards for Drinking Water.
- c. Each stall in the carinderia, fish, meat and entrails sections shall be provided with piped water supply facilities. Water supply shall be maintained at a pressure of 1.379 kilopascals (Kpa) or 1.379 Bar.
- d. There shall be adequate number of water pipe outlets for easy cleaning of the market and its premises. Water supply of at least 40 liters/capita/day shall be provided and maintained based on

- the number of vendors and average number of customers per day.
- e. The use of water not obtained from a source certified as safe by the Secretary of Health or his duly authorized representative, for drinking or for use in connection with food preparation or washing of plates, glasses, cups, forks and similar objects shall be prohibited in the market.
 - f. Drinking fountain or any equivalent water dispensers shall be provided in the market.
 - g. Ice used in the markets shall come from ice plants with sanitary permit or shall be made from potable water supply.
 - h. All other pertinent provisions of the Implementing Rules and Regulations of Chapter II – Water Supply of the Code on Sanitation of the Philippines (PD 856) are hereby adopted and made part of these Rules and Regulations.

2. Sewage Disposal and Drainage

- a. Sewage shall be disposed to a public sewerage system or in the absence thereof, in a manner complying with Chapter XVII – Sewage Collection and Disposal, Excreta Disposal and Drainage of the Code on Sanitation of the Philippines (PD 856) and its Implementing Rules and Regulations.
- b. There shall be sufficient facilities in the market and its premises. At least one floor drain shall be provided in every 46.5 square meters (500 square feet) of floor area. Slope shall not be less than 2.05 centimeters per meter (1/4 inch per foot) to the drainage inlet.
- c. Sewer line from toilets and urinals shall not be connected with drainage line in the market.
- d. Pipe diameter for drainage purposes shall not be less than 15 centimeters (6 inches).
- e. All floor drains shall be provided with a deep seal trap (P-trap or U-trap).

- f. Grease trap shall be provided for sewage coming from the meat and carindaria section.
- g. Drainage facilities shall be installed in accordance with the provisions of the National Plumbing Code of the Philippines.

3. Power

Power supply shall be connected to any approved public or community power supply system. A stand-by generator may be provided in case of power failure.

4. Fire Safety Equipment/Facilities

Provision/installation of fire safety equipment/facilities in the market should be in accordance with the Fire Code of the Philippines.

C. Facility Requirements (Per DOH Implementing Rules and Regulations of Chapter IV – Markets and Abattoirs of the Code on Sanitation of the Philippines – PD 856)

1. Waste Disposal

- a. Proper solid waste management shall be instituted in the market in accordance with the pertinent provisions of Chapter XVIII – “Refuse Disposal” of the Code on Sanitation of the Philippines (PD 856) and its Implementing Rules and Regulations.
- b. Market Premises
 - b.1 Adequate number of refuse bins (separate bin or bin with separator) or refuse depository, one for biodegradable and one for non-biodegradable wastes, shall be provided in strategic places for temporary disposal of refuse before being collected.
 - b.2 A shredding space shall be allocated in the market premises.

- c. Stalls. Each stall shall be provided with at least two (2) covered refuse receptacles lined with green-colored plastic bag for biodegradable wastes and another receptacle lined with black colored plastic bag for non-biodegradable wastes.
- d. All receptacles/refuse bins shall be provided with tight fitting lids or covers, so constructed and maintained as to be vermin-proof and easily cleaned.
- e. Storage bins or refuse shall be in designated space separate from food handling operations.
- f. Storage bins for refuse shall be done in such a way that it shall be inaccessible to vermin to avoid becoming a potential attractment and harborage for vermin and cause of nuisance.
- g. Refuse shall be temporarily stored in garbage depository and collected on time as scheduled by the city or municipal collection system.
- h. Solid wastes shall be collected daily or more often as necessary.
- i. After being emptied, each container shall be thoroughly brushed and cleaned inside and outside with water and soap.

2. Toilet and Hand-Washing Facilities

- a. Adequate number of toilet facilities shall be provided with two compartments, one for men and one for women, in accordance with the following:

Table 1
Minimum Requirements for Toilet and Hand-Washing
Facilities for Personnel and Stallholders

Number of Persons	Water Closet		Urinal	Wash-Hand Basin	
	Female	Male		Female	Male
1 - 49	1	1	-	1	1
50 - 100	2	1	1	1	1

Note: Additional one (1) fixture for each additional 50 persons.

Table 2
Minimum Requirements for Toilets and Hand-Washing
Facilities for Consumers

Number of Persons	Water Closet		Urinal	Wash-Hand Basin	
	Female	Male		Female	Male
1 - 49	1	1	-	1	1
50 - 100	2	1	1	1	1

One (1) toilet for differently-abled female and male customers respectively, shall be provided.

Note: Additional one (1) water closet and one (1) urinal for each additional one (1) water closet for each additional female.

Toilet and hand-washing facilities shall be located within the market area to cater the public.

Table 3
Minimum Toilet Space Requirement

Unit	Sq.m./Unit	Sq. Ft./Unit
Water closet	1.5	16
Lavatory	1.11	12
Urinal	1.11	12

RULE IV

MISCELLANEOUS PROVISIONS

Section 5. Monitoring. The HLURB/DOH/LGU, may exercise its right to monitor market projects granted Locational Clearance. It may exercise visitorial power at any reasonable hours during weekdays.

Section 6. Fees. As per HLURB Board Resolution No. 622, Series of 1998, adopting a revised schedule of fees charged and collected by the [Commission] Board or the city/municipality concerned, the following project cost:

- | | | |
|----|------------------------------------|--|
| a. | Project Cost of P100,000 and below | P1,000.00 |
| b. | Over P100,000 | P1,000 + 1/10 of
1% of P100,000
or any fraction
thereof |

Section 7. Fines/Penalties. Violation of any of the provisions of these Rules shall be subject to fines/penalties provided for in the approved Schedule of Fines and Penalties, as follows:

- A. For violation of TPZ and ULRZ/APD laws, rules and regulations. Failure to secure locational clearance prior to the start of the project.

Conformity with Land Use 1/

	Conforming	Non-Conforming
Minimum	P 700 - 1,500	P1,501 - 3,000
Medium	1,501 - 3,000	3,000 - 6,000
Maximum	3,001 - 4,500	6,001 - 9,000

- B. Article IV, Section 5.o of Executive Order No. 648, impose administrative fine not exceeding twenty thousand pesos (P20,000.00) for any violation of its charter and its implementing rules and regulations.
- C. For selling and constructing stalls along the sidewalks and outside the market, the fines and penalties shall be in accordance with the existing fines and penalties approved and adopted by the Sangguniang Bayan/Panglungsod.
- D. Article IV, Section 5.q of Executive Order Bi, 648, Cite and declare any person, entity or enterprise in contempt of the [Commission] Board in the following case:
 - 1. Whenever any person, entity or enterprise commits any disorderly or disrespectful conduct before the [Commission] Board or in the presence of its members of

¹ As per approved Sangguniang Panlalawigan (SP) or HLURB Comprehensive Land Use Plan and Zoning Ordinance

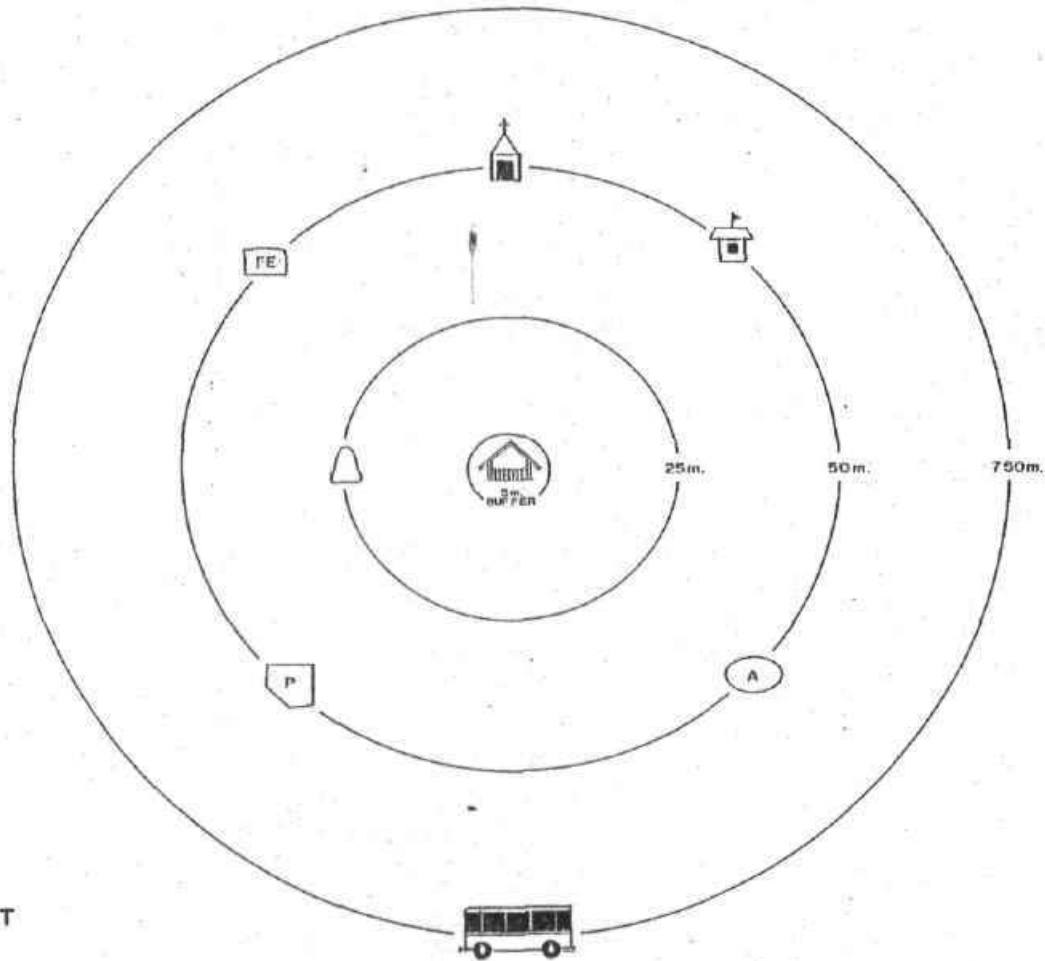
authorized representatives actually engaged in the exercise of their official functions, or during the conduct of any hearing or official inquiry by the said [Commission] Board, at the place or near the premises where such hearing or processing is being conducted which obstruct, distract, interfere or in any other way disturb, the performance of such functions or the conduct of such hearing or proceeding.

2. Whenever any person, enterprise or entity fails or refuses to comply with or obey without justifiable reason, any lawful order, decision, writ or process of the [Commission] Board. In connection therewith, it may in cases falling within the first paragraph hereof, summarily impose a fine of any amount not exceeding P2,000.00 and order of confinement of the violator for a period that shall not exceed the duration of the hearing or proceeding or the performance of such functions, and in cases falling with the second paragraph hereof, it may, in addition to the administrative fine abovementioned imposed a fine of P 500.00 for each day that the violation or failure or refusal to comply continues, and order the confinement of the offender until the order or decision shall have been complied with;









In case the offender is a partnership, corporation or association or enterprise, the above fine shall be imposed on the assets of such entity and the president, managing partner or chief executive officer shall be ordered confined.

Section 8. Effectivity. These Rules shall take effect after the [Commission's] Board's approval and [upon] after publication for two consecutive weeks in two [any] newspapers of general circulation.

FIGURE 1
LOCATION OF MARKETS



LEGEND:

-  MARKET
-  ABATTOIRS
-  FUNERAL ESTABLISHMENTS
-  CHURCHES
-  SCHOOLS
-  PLAZAS
-  TERMINALS
-  AUDITORIUM

1. Population Served	10,000 -150,000
2. Zoning	Commercial Area/Zone
3. Distance Requirements	
a. Abattoirs	25 m.
b. Funeral establishments	50 m.
c. Churches	50 m.
d. Schools	50 m.
e. Plazas	50 m.
f. Auditorium	50 m.
g. Terminals	750 m.