

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 968

Introduced by REP. AUGUSTO BOBOY SYJUCO

EXPLANATORY NOTE

The Philippine Constitution mandates that the promotion of social justice shall include the commitment of the State to create economic opportunities based on freedom and initiatives.

Social protection of the poorest and most vulnerable sectors and communities through social welfare and assistance, local safety nets and social security and insurance is enunciated in the Medium-Term Development Plan 2001-2004 as among the five core strategies for fighting poverty. The social bias that underpins public policy under the present administration is embodied in these five core strategies. Protecting the vulnerable groups, which includes poor and disadvantage families, is a requisite to conquering poverty and transforming Philippine society so that each Filipino can enjoy a better and dignified quality of life.

The vendors sector is recognized in the government's Social Reform Agenda, as part of the poorest sectors of our society, which form part of the disadvantaged workers in the Informal Sector. The vendors are likewise recognized as among the sectors that contribute to our country's economic growth.

In recent development, we have witnessed that the street vendors or hawkers are forcibly removed by the Metro Manila Development Authority (MMDA) in an effort to ease traffic congestion along the major thoroughfares of the metropolis. The MMDA has intensified its campaign, conducting among others, an increased number of raids against sidewalk vendors and/or hawkers;

Such an intensified campaign has adversely affected hundreds of street vendors, including their families, more often than not resulting in the loss of a major source of livelihood and sustenance for the same.

This proposed measure seeks to provide security and protection to vendors in their workplaces. An Inter-Agency Council on the Security and Protection of Registered Vendors is hereby proposed to formulate and implement policies and programs that will provide security and protection to registered vendors in the workplace nationwide.

Under this proposed measure, the City or Municipal Mayor shall cause the conduct of a survey to identify vacant areas within the vicinity of markets, other vacant public spaces, public parks, city or municipal streets, or sidewalks in city or municipal streets that may be designated for vending purposes.

In view of addressing the plight of the street vendors, immediate passage of this measure is earnestly sought.


AUGUSTO BOBOY SYJUCO
2nd District, Province of Iloilo

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AN ACT
PROVIDING FOR THE SECURITY AND PROTECTION OF VENDORS IN THE
WORKPLACE AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Declaration of Policy – It is hereby declared the policy of the State to address poverty and to improve the quality of life of every Filipino as mandated in the Constitution. Towards this end, the State shall protect the vendors from being deprived of their livelihood, as well as, the rights of consumers and the general public from any negative effect that the vending industry may have on the environment and on societal welfare and well-being.

SECTION 2. Definition of Terms – For purposes of this Act, the following terms are hereby defined as:

- a) **Vendors** refer to natural persons who sell goods as a means of livelihood.
- b) **Market** refers to a public place where the act of buying and selling takes place;
- c) **Market Vendors with Stalls** mean vendors who sell their merchandise in one or more permanent stalls within a public or private market building or buildings;
- d) **Market Vendors without Stalls** refer to vendors who conduct their trade outside but within the vicinity of a market building or buildings. They include vendors who display their goods on carts, tables or other portable structures;
- e) **Ambulant Vendors or Peddlers** refer to vendors who are plying trade within the vicinity of the market in search of buyers;
- f) **Registered Vendors** are vendors who are registered pursuant to the provision on registration of this Act; and
- g) **Street Vendors** refer to vendors who sell their merchandise on streets, sidewalk and other public areas other than in markets.

SECTION 3. Creation of Inter-Agency Council on the Security and Protection of Registered Vendors – An Inter-Agency Council on the Security and Protection of Registered Vendors, hereinafter referred to as the Council, is hereby created to formulate and implement policies and programs that will provide security and protection to registered vendors in the workplace nationwide.

The Secretary of the Interior and Local Government shall act as the Chairman of the Council with the following as members:

- a) Secretary of Trade and Industry
- b) Secretary of Labor and Employment
- c) Chief, Philippine National Police
- d) Chairman, Metro Manila Development Authority
- e) President, League of Provinces of the Philippines
- f) President, League of Municipalities of the Philippines
- g) President, League of Cities of the Philippines
- h) President, Philippine Councilors League and
- i) Two (2) Representatives of a Metro Manila Wide Vendors Federation

SECTION 4. Creation of a Local Inter-Agency Council on the Security and Protection of Registered Vendors – The City or Municipal Mayor may, through an appropriate local ordinance, create a Local Inter-Agency Council.

(a) The Local Inter-Agency Council shall be headed by the City or Municipal Administrator and shall be composed of the following as members:

- i. Chairman of the Sanggunian Committee on Market, Business or Trade
- ii. City or Municipal Planning and Development Officer
- iii. City or Municipal Market Administrator
- iv. Chief, City or Municipal Philippine National Police
- v. At least two (2) Representatives of the City or Municipal Vendors Federation and
- vi. In the case of Metro Manila, a representative of the Metro Manila Development Authority

(b) The Local Inter-Agency Council shall perform the following functions:

- i. Assist competent local authorities in the formulation of plans, programs, projects or activities that will ensure the security of vendors in the workplace;
- ii. Recommend appropriate measures to the City or Municipal Mayor to enhance the participation of vendors in local socio-economic development efforts;
- iii. Recommend to the Inter-Agency Council on the Security of Registered Vendors measures to improve the plight of registered vendors;
- iv. Assist in the conduct of a survey on vacant areas for vending; and
- v. Perform such other functions as may be provided by competent local authorities.

SECTION 5. Survey on Vacant Areas for Vending – The City or Municipal Mayor shall cause the conduct of a survey to identify vacant areas within the vicinity of markets, other vacant public spaces, public parks, city or municipal streets, or sidewalks in city or municipal streets that may be designated for vending purposes.

SECTION 6. Authority to Designate a Workplace – Pursuant to the recommendation of the Local Council on the Security of Registered Vendors, the Sangguniang Panlungsod or Sangguniang Bayan shall designate a workplace or workplaces for vending through an ordinance. The use of a public park, city or municipal street or sidewalk in a city or municipal street for vending purposes shall be subject to the provisions of Sections 16 to 21 of the Local Government Code of 1991 and the Land Transportation Code, respectively.

The City or Municipal Mayor shall have authority to assign vending spaces to qualified vendors.

SECTION 7. Prior Consultations Required – No workplace for vending purposes shall be designated as such unless prior consultation with registered street vendors, ambulant vendors or peddlers and market vendors without stalls, the local police and the affected inhabitants is undertaken.

SECTION 8. Registration of Vendors – (a) All street vendors, ambulant vendors or peddlers and market vendors without stalls shall register in the city or municipality where they reside, or where they are vending or intend to vend.

(b) The concerned Sangguniang Panlungsod or Sangguniang Bayan shall enact an ordinance on the registration of street vendors, ambulant vendors or peddlers and market vendors without stalls, and an ordinance governing the issuance of business permits to operate to the said vendors.

(c) It shall be the responsibility of the City or Municipal Mayor to register qualified vendors. The registration of street vendors, ambulant vendors or peddlers and market vendors without stalls shall be simplified and shall not follow the regular procedure in registering businesses and other commercial activities in a city or municipality.

(d) In the registration of street vendors, ambulant vendors or peddlers and market vendors without stalls, the following documents may be required:

(i) Certification from the Punong Barangay attesting that the vendor is a resident of the barangay;

(ii) A duly accomplished Registration form indicating the workplace where such vendor is vending or intends to vend; and

(iii) An endorsement from a vendors association duly recognized by the concerned sanggunian, where applicable.

SECTION 9. Right to Organize and Representation - Vendors shall be encouraged to organize themselves into associations for their mutual aid, benefit and protection and for other legitimate purposes.

All concerned national government agencies, government financial institutions and local government units shall include in their plans, programs,

projects and activities efforts that are supportive of the concerns of vendors associations.

It shall be the responsibility of the city or Municipal Mayor to ensure the participation of vendors association in public decision-making processes and their representation of such association in local special bodies, as may be provided by law or by ordinance.

SECTION 10. Right to Security and Due Process - Vendors shall not be arbitrarily deprived of their by being unjustly ejected from their workplaces nor shall their stalls be demolished without due process of law.

Registered vendors shall enjoy security in the workplace and shall not be arbitrarily deprived of their workplaces

Pending the designation of a viable vending area, vendors occupying a public place not previously designated as vending site, shall be provided with a viable temporary vending site by the city or municipal government.

SECTION 11. Separability Clause. If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other section or provisions hereof, which are not affected thereby shall continue in full force and effect.

SECTION 12. Repealing Clause. All acts, decrees, orders, executive orders, instructions, rules and regulations or parts thereof inconsistent with the provisions of this Act hereby repealed or modified accordingly.

SECTION 13. Effectivity Clause. This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,