



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
REGION XIII (CARAGA REGION)
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**DILG RO XIII
 FILE**

February 23, 2015

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**DILG - REGION XIII
 RELEASED**
 DATE: **FEB 23 2015**
 TIME: 4:09 pm
 BY: BK

ATTY. TERESITA PALMA-DONASCO
 Member of the Sangguniang Panlalawigan
 Province of Surigao del Sur
 Capitol Hills, Tandag City, Surigao del Sur

Dear Atty. Donasco:

On February 20, 2015, this Office has received the 1st Indorsement from our Provincial Director, Pedrito P. Alacaba, CESO V, requesting for comments and approval of their prepared opinion relative to your letter-query presenting the following issues:

1. *What is the specific law regarding public market?*
2. *What is the difference between a "talipapa" and barangay market?*
3. *Is a "talipapa" prohibited by law?*
4. *What are the requirements for putting up a barangay market?*
5. *Is the authority of the City/Municipal Mayor required for a barangay to have its own barangay market?*

We have reviewed and hereby affirm the legal opinion of the DILG-Field Operating Unit in Surigao del Sur on the following points with comments:

1. Presidential Decree No. 856, otherwise known as the Code of Sanitation of the Philippines, particularly Chapter IV, its Implementing Rules and Regulations and the Local Government Code (LGC) of 1991 (R.A. 7160) govern the establishment of public markets.
2. As defined in PD 856, Chapter IV - Markets and Abattoirs, a "Satellite Market/Talipapa is a type of public market which is less than 150 stalls that cater to

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 [Signature]*

limited number of customers” (Part I Sub-section Section 2.8.4) while a “Public Market is a market owned, operated and/or managed by the government intended to serve the general public”.

In addition, therefore, it can be logically deduced that a barangay market is a public market which maybe a satellite market/talipapa when it has less than 150 stalls.

- 3-4. The IRR of PD 856 Chapter IV enumerates the requirements for putting up a market, and that includes Satellite Market or Talipapa.

Therefore, a Satellite Office/Talipapa is NOT prohibited by law; in fact, the law defines a Satellite Office/Talipapa and provides the requirements for its establishment as mentioned above.

Moreover, the LGC or RA 7160, specifically Section 17 provides for the delivery of basic services in the barangay, to wit:

“Section 17. Basic Services and Facilities. -

(a) Local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities enumerated herein.

(b) Such basic services and facilities include, but are not limited to, the following:

(1) For Barangay:

(viii) Satellite or public market, where viable;

xxx

(g) The basic services and facilities hereinabove enumerated shall be funded from the share of local government units in the proceeds of national taxes and other local revenues and funding support from the national government, its instrumentalities and government-owned or controlled corporations which are tasked by law to establish and maintain such services or facilities. Any fund or resource available for the use of local government units shall be first allocated for the provision of basic services or facilities enumerated in subsection (b) hereof

before applying the same for other purposes, unless otherwise provided in this Code. (Emphasis ours)

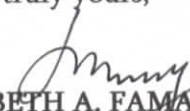

As can be gleaned above, a corresponding ordinance, such as an appropriation ordinance, is necessary to use available government funds in the provision of basic services and facilities, like a public market or satellite market/talipapa.

5. Being a corporate entity, the barangay shall secure the necessary permits as required by PD 856 for the operation of a public market or satellite market/talipapa, *such as but not limited to sanitary permit, and building permit from the concerned city or municipality.*

We hope that the foregoing sufficiently addressed your concern. This opinion is rendered without prejudice to the decisions that competent higher authorities and the courts may subsequently decree.

Thank you and God bless!

Very truly yours,


LILIBETH A. FAMACION, CESO IV
Regional Director 

cc:

Pedrito P. Alacaba
Provincial Director
DILG – Surigao del Sur

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