



Republic of the Philippines
OFFICE OF THE CITY MAYOR
City of Davao

EXECUTIVE ORDER NO. 42
Series of 2022

**AN ORDER ADOPTING THE IMPLEMENTING RULES AND REGULATIONS (IRR)
OF THE CITY ORDINANCE NO. 0823-21, SERIES OF 2021, DECLARING THE
DAVAO FOOD TERMINAL COMPLEX (DFTC) AS THE OFFICIAL WHOLESALE
FACILITY FOR FRUITS AND VEGETABLES IN DAVAO CITY**

WHEREAS, Ordinance No. 0823-21, Series of 2021, declared the Davao Food Terminal Complex (DFTC) as the Official Wholesale Facility for Fruits and Vegetables and established guidelines, rules and regulations for the management and operation of the DFTC in Daliao, Toril, Davao City;

WHEREAS, the City of Davao recognizes the significant role of the Davao Food Terminal Complex (DFTC) as a facility where fruits and vegetables from producers and suppliers are unloaded and sold on wholesale basis;

WHEREAS, these Implementing Rules and Regulations (IRR) are promulgated to prescribe the procedures and guidelines for the implementation of the Ordinance declaring the Davao Food Terminal Complex (DFTC) as the Official Wholesale Facility for Fruits and Vegetables in order to facilitate compliance therewith and achieve the objectives thereof;

WHEREAS, the DFTC Executive Committee has issued Resolution No. 1, series of 2022, "A Resolution Approving the Draft Implementing Rules and Regulations (IRR) to Implement City Ordinance No. 0823-21, Series Of 2021, Davao Food Terminal Complex (DFTC) as the Official Wholesale Facility for Fruits and Vegetables in Davao City and Forwarding the same to the City Mayor for the Issuance of the necessary Executive Order (E.O.) for its Implementation.";

WHEREAS, the City Legal Office issued Legal Opinion No. 590, Series of 2022 dated 18 July 2022, finding the IRR to be consistent with City Ordinance 0823-21, Series of 2021.

NOW THEREFORE, I, SEBASTIAN Z. DUTERTE, Mayor of the City of Davao, by virtue of the powers vested in me by law, do hereby order the adoption of the Implementing Rules and Regulations (IRR) of the City Ordinance No. 0823-21, series of 2021, "Davao Food Terminal Complex (DFTC) as the Official Wholesale Facility for Fruits and Vegetables in Davao City".

CHAPTER 1 – INTRODUCTORY PROVISIONS

SECTION 1. TITLE. This rule shall be known and cited as “**THE IMPLEMENTING RULES AND REGULATIONS OF THE DAVAO FOOD TERMINAL COMPLEX (DFTC) AS THE OFFICIAL WHOLESALE FACILITY FOR FRUITS AND VEGETABLES IN DAVAO CITY**”.

RULE 1.1. Purpose - These rules are promulgated to prescribe the procedures and guidelines for the implementation of the Ordinance declaring the Davao Food Terminal Complex (DFTC) as the Official Wholesale Facility for Fruits and Vegetables in order to facilitate compliance therewith and achieve the objectives thereof.

SECTION 2. DECLARATION OF POLICY. Section 18 of Republic Act No. 7160, otherwise known as the “Local Government Code of 1991” authorizes LGUs to establish an organization that shall be responsible for the effective and efficient implementation of their development plans, programs, objectives, and priorities.

SECTION 3. DEFINITION OF TERMS. As used in this Ordinance, the following terms shall mean:

- a. **Accreditation** – refers to the process of officially recognizing a wholesaler, whether an individual, a corporation or an organization, who will transact business in the DFTC coming from outside of Davao City and those from Davao City.
- b. **Auction** – refers to the method of trading system wherein fruits and vegetables will be sold to the highest bidder in the DFTC.
- c. **CAgrO** – refers to the City Agriculturist’s Office, the department in the City Government of Davao mandated to formulate and implement agricultural measures, programs, plans, or projects responsive to the basic needs of the agri-fishery sector that would ensure a better quality of life for Dabawenyos.
- d. **CEE** – refers to the City Economic Enterprise, the department in the City Government of Davao mandated to manage the nine (9) important units providing frontline services to the public and in return generating revenues for the City Government of Davao.
- e. **DFTC** – refers to the Davao Food Terminal Complex, a wholesale trading facility/building located in Barangay Daliao, Toril, Davao City where fruits and vegetables from producers and suppliers are unloaded and sold on wholesale basis.
- f. **DFTC Trading Operators** – refer to accredited people’s organization or a primary or federation of agriculture cooperatives duly accredited by the City Government of Davao and Department of Agriculture. It shall also refer to accredited private entities that will run the trading operations of the DFTC.
- g. **Haulers** – refers to the persons and vehicles of the DFTC trading partner tasked to pick up the fruits and vegetables from the different pick-up points in the City.

- h. **Lessee** – refers to a natural person and juridical persons such as federations and cooperatives, having in his/her possession a duly executed contract or lease for a specified rental for the use of space or stalls in the DFTC granted in his/her favor by the City Government of Davao.
- i. **Open Market Trading** – refers to the method of trading system that allows buyers and sellers to trade freely or undertake free market activities in the DFTC.
- j. **Space** – refers to the area inside the main building of the DFTC allocated for the wholesale trading/selling to be rented out at PhP 8.00 per m².
- k. **Stall** – refers to the small enclosed open-fronted rooms in front of the main building of the DFTC to be rented at PhP 12.00 per m² to services as such as but not limited to agricultural products, financial services, pharmacy, grocery, among others.
- l. **Trader** – refers to a person, an entity, or an individual who engages in trading who buys and sells agricultural products.
- m. **Wholesale** – refers to the sale where the purchaser buys commodity for resale to persons other than the end user, usually in bulk or large quantities.
- n. **Wholesaler** – refers to an individual or entity that buys agricultural products in large quantities from producers and sells to retailers.
- o. **Unsolicited Proposal** – refers to project proposals submitted by the private sector under any of the modalities of RA 7718, not in response to a formal solicitation or request issued by the City Government to undertake infrastructure or development projects.
- p. **Public Bidding** – refers to a method of procurement which involves inviting multiple vendors or service providers to submit offers for any particular material or service.
- q. **Negotiated Contract** – refers to a direct negotiation that may be resorted to when there is only one complying bidder.
- r. **Management Contract** – refers to a contractual arrangement involving the management and/or provision by the Project Proponent of operation, maintenance and/or related services owned or operated by the City Government.
- s. **Lease/Affermage** – refers to a contractual arrangement providing for operation, maintenance, and management services by the Project Proponent, including working capital and/or improvements to an existing infrastructure or development facility leased by the City Government to the Project Proponent for a fixed term.
- t. **Pick-Up Points (PUPs)** – refers to the designated areas where the fruits and vegetables can be picked up.

CHAPTER 2 – STRATEGIES

SECTION 4. DECLARATION AS WHOLESALE TRADING FACILITY. The Davao Food Terminal Complex (DFTC) is hereby declared as the official wholesale (“Bagsakan”) Facility, an establishment where buyers and sellers meet for the exchange of agricultural products of fruits and vegetables in large quantities or volume. The DFTC shall be managed and maintained by the City Government of Davao through the CAgrO and the CEE.

SECTION 5. REGULATIONS

RULE 5.1. It shall be mandatory for all vehicles carrying fruits and vegetables within Davao City and those coming from outlying provinces to unload and load their farm products at the Davao Food Terminal Complex.

RULE 5.1.1. A transition period of one (1) year will be observed which shall commence 60 days after the approval of these Implementing Rules and Regulations.

RULE 5.1.2. During the transition period of one (1) year, vehicles carrying fruits and vegetables coming from the neighboring provinces of City will load and unload their farm produce at the Davao Food Terminal Complex. Vehicles carrying fruits and vegetables from within Davao City during that period shall still be allowed to unload and load their farm products in Bankerohan, Agdao, Calinan, Matina Crossing, Piapi, Buhangin, Toril, Sasa, and Tibungco Public Markets.

RULE 5.1.3. After the transition period of one (1) year, all vehicles carrying any kind of fruits and vegetables from Davao City and from the neighboring provinces of the City shall only be allowed to unload and load their farm products at the Davao Food Terminal Complex.

RULE 5.2. Those with existing fruit and vegetable supply or marketing contracts with wholesalers/distributors, food manufacturers, chain of supermarkets, and other institutions such as but not limited to hotels, restaurants, hospitals, etc. should submit a copy of the said contract to DFTC and shall pay the appropriate fees mandated by law.

RULE 5.3. All vehicles carrying fruits and vegetables shall be exempted from the truck ban mandated by the Davao City Traffic Code after a certification to that effect has been issued by the Department of Agriculture RFO XI for vehicles coming outside Davao City and the CAgrO for those vehicles within Davao City.

RULE 5.3.1. Vehicles carrying fruits and vegetables have to apply for exemption at the City Transport and Traffic Management Office and shall pay a corresponding annual permit of PhP 5,000.00 per vehicle at the City Treasurer’s Office.

RULE 5.3.2. The driver/operator/owner of a truck without exemption permit shall be penalized as shown in Appendix V of Ordinance No. 0334-12 Series of 2012 – An Ordinance for the Comprehensive Transport and Traffic Code of Davao City.

RULE 5.4. The fruits and vegetables coming from Davao City will be picked up by haulers of the DFTC Trading Operator. The CAgrO may devise a system to assist in the transportation of the fruits and vegetables coming from Davao City pick-up points with their available vehicles.

SECTION 6. GUIDELINES - The following are the guidelines for the operation of the DFTC:

RULE 6.1. The trading activities of DFTC shall be handled by a duly accredited qualified primary agriculture cooperative and/or federation of agriculture cooperatives operating within Davao City.

RULE 6.2. In case no primary/federation of agriculture cooperative will qualify to handle and manage the trading activities, the private sector may be invited to participate by way of a bidding process or through Public Private Partnership (PPP). However, if no farmer cooperative or private entity shall qualify, the CEE shall manage the trading operations.

RULE 6.3. The mode of trading will either be through open market trading or auction.

RULE 6.3.1. Agri-products from the farmers area should already be cleaned, washed, classified, and packed in biodegradable clear plastic bags, crates, or keg ("bukag"). Packaging using the biodegradable clear plastic shall be at 5, 10, 15, 20 or 25 kilos per bag. Sacks shall not be allowed as packaging material for all commodities.

RULE 6.3.2. Washing / cleaning of root vegetables and root crops will be allowed provided this is done in the washing area only, and that due payment of the prescribed rates and charges as provided in Ordinance No. 0706-19 Series of 2019 is given.

RULE 6.3.3. The DFTC Trading Operator together with the CTTMO and the respective barangay councils will determine the exact locations of the PUPs in Marilog, Paquibato, Toril, and Calinan in coordination with the farmers' group in the area.

RULE 6.3.4. Agri-products, both vegetables and fruits, may be delivered either at the designated Pick-Up Points (PUPs) in Marilog, Paquibato, Toril, and Calinan, or directly to the DFTC.

RULE 6.3.5. The CAgrO shall set mechanisms on how the buying and selling prices will be determined, taking into consideration the farm gate price, wholesale price, retail price, cost of production, and seasonality of the product.

RULE 6.3.6. Representatives from the CAgrO, specifically from the Agribusiness Section and from the Municipal Agriculture Office, shall regularly monitor activities at the PUPs to ensure that regulations are followed especially on the quality of products and the existing buying rates.

RULE 6.3.7. Food safety regulations based on the Philippine National Standard on the Code of Hygienic Practice for Fruits and Vegetables shall be implemented for the primary production and packing of fresh fruits and vegetables delivered to the DFTC.

RULE 6.4. Traders and wholesalers will not be allowed to unload their fruits in Bankerohan, Agdao, Calinan, Mintal, Matina Crossing, Piapi, Buhangin, Toril, Sasa, Tibungco and all existing and future public and private markets unless there are existing supply or marketing contracts.

RULE 6.5. The CEE shall assign personnel in existing public and private markets to ensure that no vehicles will enter and unload fruits and vegetables therein unless they are provided with vehicle passes.

RULE 6.6. The fees collected by DFTC based on Ordinance No. 0706-19 Series of 2019 – An Ordinance Prescribing the Rates and charges to be Imposed at the Davao Food Terminal Complex, will be placed in the General Fund which may be used for the maintenance of the DFTC building, machinery, equipment, and other facilities.

RULE 6.6.1. As provided in Ordinance No. 0706-19 Series of 2019 – An Ordinance Prescribing the Rates and charges to be Imposed at the Davao Food Terminal Complex, the following fees shall be collected from every person who shall transact at the Davao Food Terminal Complex:

<u>Parking Fees</u>	<u>Amount</u>
Kind of Transportation	
1. Motorcycle	P 10.00
2. Tricycle	15.00
3. 4-Wheeler Vehicle	20.00
4. 6-Wheeler Vehicle	25.00
5. 8-Wheeler Vehicle	30.00
6. 10-Wheeler Vehicle	35.00
7. 16-Wheeler Vehicle	40.00

The abovementioned rates shall apply only for the first three (3) hours. Succeeding hours will be charged P 10.00 per hour.

Overnight parking fee is P 100.00.

The Vehicle entry for tenants is P 500.00 per year.

Space/Stall Rental Fees

Rental fee for any space at DFTC	P 8.00 per m ² per day
Rental fee for all stalls at DFTC	12.00 per m ² per day

Fees for Commodities (fruits, vegetables and root crops)

1. Price range of P 50.00/kilogram & above	P 1.00 per kilogram
2. P 30.00/kg but not exceeding P 50.00/kg	0.50 per kilogram

- | | |
|--|---------------------|
| 3. P 20.00/kg but not exceeding P 30.00/kg | P 0.25 per kilogram |
| 4. Below P 20.00 per kilogram | P 0.10 per kilogram |

Washing Fee

- | | |
|---------------------|--|
| Inside Washing area | P 0.20 per kilogram |
| Washer Drum | P 100.00 per 100 kilogram
(for the first hour, still applies if less than 1 hour) and P 75.00 for every succeeding hour |

Dormitory Fees

- | | |
|--------------|--|
| Non – Aircon | P 100.00/head/night
(minimum of 10 heads per night) |
| Aircon | P 200.00/head/night
(minimum of 10 heads per night) |

RULE 6.6.2. All rental fees for the stalls and spaces shall become due and demandable within the first 20 days of the month. Failure to pay the rental fee within the period required shall subject the lessee or occupant to a surcharge of percent (2%) per month not to exceed thirty-six (36) months. Failure to pay after thirty-six (36) months, the contract shall be terminated.

RULE 6.6.3. Availing of stalls to be rented shall be determined by the DFTC Executive Board through raffling, first come-first served and/or lottery.

RULE 6.6.4. The DFTC Executive Board may impose rates or certain fees for the use of the comfort rooms that will be based on the use of the service incurred by the City Government of Davao for the maintenance of said comfort rooms.

RULE 6.6.5. Collection of fees and charges will be the responsibility of the City Treasurer’s Office. All collectors including other personnel involved in the collection function at the DFTC shall be directly under the City Treasurer for collection performance and accountability.

RULE 6.6.6. Payment of all regulatory fees shall only be made to the personnel of the City Treasurer’s Office assigned in the DFTC.

RULE 6.7. The City Transport and Traffic Management Office (CTTMO) shall come up with a plan to open routes leading to DFTC.

RULE 6.8. The CEE shall be responsible for the issuance of tickets for parking fees and space rental fees. The City Treasurer’s Office shall be responsible for the collection of parking fees and space rental fees.

RULE 6.9. The DFTC shall provide a facility wherein washing and packing of fruits and vegetables will be undertaken.

SECTION 7. CRITERIA FOR THE SELECTION OF THE DFTC OPERATORS

RULE 7.1. The selection of the DFTC Trading Operators will be based on Davao City Ordinance No. 0339-15, Series of 2015, otherwise known as the "Davao City Public-Private Partnership (PPP) Ordinance"

RULE 7.2. A duly accredited qualified primary agriculture cooperative and/or federation of agriculture cooperatives and private entity operating within Davao City shall be prioritized in the selection process.

RULE 7.3. In case no primary agriculture cooperative and/or federation of agriculture cooperatives will qualify to manage the trading activities, the private sector may be invited to participate in the selection process.

RULE 7.4. The following shall be the criteria for the awarding of the DFTC operations:

- a. Must be a primary agriculture cooperative and/or federation of agriculture cooperatives and private sector accredited in Davao City and Department of Agriculture;
- a.1. All private organizations and cooperatives / National Government Organizations seeking LGU accreditation shall conform with DILG MC No. 2019-72 in line with the government program of broadening the base for people's participation and empowerment.

Administrative Requirements for LGU accreditation include:

1. Letter application;
2. Duly accomplished Application Form for Accreditation;
3. Duly approved Board Resolution signifying the intention for accreditation for the purpose of representation in the local special body;
4. Certificate of Registration issued by the Cooperative Development Authority;
5. List of Current Members and Officers;
6. Original Sworn Statement, issued by the Chief Executive Officer or equivalent officer, stating that the organization is an independent, non-partisan organization and that it will retain its autonomy while pursuing the advancement of the peoples' interests through its membership in a local special body;
7. Copy of Annual Progress Report (CAPR), (*Immediately preceding year*);
8. Audited Financial Statement, (*Immediately preceding year*);
9. Updated Profile indicating the purpose and objectives of the organization;
10. Copy of Minutes of the Annual Meetings of the immediately preceding year as certified by the organizations' board secretary; (*Minutes embodying the approval of the Board Resolution stating the intention of the cooperative to be accredited with the LGU*);

11. Certificate of Operation issued by the City Cooperative Development Office (CCDO);
12. Certificate of Good Standing issued by the Cooperative Development Authority (CDA), and;
13. Sketch Plan.

- a.2. Accreditation with the Department of Agriculture will follow the guidelines as stipulated in DA Administrative Order No. 13, Series of 2020 - Guidelines for the Accreditation of Civil Society Organizations (CSO) to be Engaged by DA as Partner in the Implementation of Agri-Fishery Projects.

Administrative Requirements for DA accreditation include:

1. Accomplished data sheet with organizational set-up;
2. Certification of good standing from Local Chief Executive or Head of Agency of a local religious organization where the program/project will be implemented;
3. Valid Mayor's Permit and BIR Registration;
4. Certificate of Registration and/or Certificate of Filing from the Securities and Exchange Commission (SEC), Cooperative Development Authority (CDA), or Department of Labor and Employment – Bureau of Rural Workers (DOLE-BRW);
5. Certificate of Good Standing from government agencies;
6. Omnibus Sworn Statement (see attached Annex A1);
7. Copy of Bio-data with recent photo of current President/Chairman and Article of Incorporation/Cooperation latest amend by law, showing the original incorporators/organizers and the Secretary's certificate for incumbent officer;
8. As proof that CSO has been in operation for the last three (3) years, a report of accomplishment or any equivalent proof certified by its President and Secretary that it has previously implemented similar projects shall be required, (Sunset Provision of Government Procurement Policy Board 17-2016);
9. Disclosure of the CSO Directors and Trustees of other related businesses, if any, including extent of ownership therein; and
10. Sworn affidavit of the CSO Secretary that none of its incorporators, organizers, directors, or official is an agent of or related by consanguinity or affinity up to the fourth civil degree to the officials of the implementing agency who are authorized to process the accreditation application.

- a.3. Source documents to be provided by applicant: Certificate of Registration, Articles of Cooperation and By-laws, 0.235+65 Certificate of Compliance issued by CDA and Certificate of Accreditation.

- b. Must be engaged in fruit and vegetable trading for at least two (2) years;

- b.1. Two (2) years reckoned on the time of registration as a primary and/or secondary cooperative.

b.2. Source documents to be provided by applicant: Two (2) years audited financial statement (Balance Sheet, Income Statement, and Statement of Cash Flow) to make sure that the cooperative is liquid and stable and can sustain the operation of DFTC.

c. With member size;

c.1. Membership will be based on the members of primary cooperatives who produced agricultural products and with production area. Cooperative with farmer members practicing GAP would be an added advantage.

c.2. Source documents to be provided by applicant: list of members, Certificate of Registration, Articles of Cooperation and By-Laws, Certificate of Compliance issued by CDA.

c.3. Evaluation criteria for the total number of members. The weight of each criterion is presented below:

Total No. of Members	%
a. 2,500 and up	30
b. 2,000 - 2,499	25
c. 1,500 - 1,999	20
d. 1,000 - 1,499	15
e. 100 - 999	10

d. With agriculture production area;

d.1. Consolidated land holdings owned by the cooperative and individual members. Authority to do farming activities in the area and other documents to prove the ownership of land.

d.2. Source documents to provide: Land title, CLOA of members (photocopy), Lease hold contracts, MOA of production and marketing agreements.

d.3. Evaluation criteria for the total members landholding. The weight of each criterion is presented below:

Total members landholdings (has.)	%
2,500 and up	40
1,000 - 1,999	30
500 - 999	20
1 - 499	10

- e. With sound financial capacity;
 e.1. Fulfill the staffing requirements to operationalize DFTC and has One Million (1,000,000.00) pesos cash in bank as working capital for the trading of fruits & vegetables
- f. With Asset Size;
 f.1. Evaluation Criteria for the Asset Size of the Agri Primary Cooperative and/or Federation of Cooperative

Classification	Bracket	PSA Classification by No. of Employee	Percentage/Weight
Micro	Below Php 3,000,000	1-9 employees	10
Small	3,000,000 – 15M	10-99 employees	20
Medium	15,000,000-100M	100-199 employees	30
Large	Above 100,000,000	More than 200 employees	40

*Magna Carta for MSME by asset size excluding the land which the business is operating

- f.2. Data Source: Latest Audited Financial Statements for the past two (2) years

SECTION 8. MANAGEMENT AND STRUCTURE. There is hereby constituted the DFTC Executive Board, to be composed of thirteen (13) members to wit:

- | | |
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| 1. City Mayor or in her absence the City Administrator | - Chairperson |
| 2. Assistant City Administrator for Operations | - Vice-Chairperson |
| 3. City Agriculturist | - Member |
| 4. Chairperson, SP Committee on Agriculture and Food | - Member |
| 5. City Economic Enterprise Head | - Member |
| 6. City Planning & Development Coordinator | - Member |
| 7. City Cooperative and Development Officer | - Member |
| 8. Department of Agriculture XI - Regional Executive Director | - Member |
| 9. Chairperson, Primary and/or Federation of Agriculture Coop. (Davao City) (duly endorsed by the City Cooperative Development Office) | - Member |
| 10. Representative – Vegetable Industry/Stakeholders in D.C. | - Member (to be appointed by the mayor) |
| 11. Representative – Fruit Industry/Stakeholders in D.C. | - Member (to be appointed by the mayor) |
| 12. Representative – Vegetable Industry/Stakeholders Region XI | - Member (to be appointed by the mayor) |
| 13. Representative – Fruit Industry/Stakeholders in Region XI | - Member (to be appointed by the mayor) |

The CAgro will act as the Secretariat of the Board.

SECTION 9. POWERS, FUNCTIONS & RESPONSIBILITIES. DFTC Board shall have the following powers, functions and responsibilities, to wit:

- a. Adopt requisite policy guidelines and standards in the management and administration of the Davao Food Terminal Complex;
- b. Promulgate rules and regulations governing the operation, administration and maintenance of the Davao Food Terminal Complex;
- c. Adopt rules and regulations regarding the use of the DFTC premises by the fruit and vegetable farmers, wholesale buyers, and traders.
- d. Provide the means, manner and mode of disposition of all rentable areas in the complex;
- e. Cause the detail, delegation, appropriation, assignment or transfer of personnel from various city offices that shall initially compose the management staff until such time that the DFTC is proficient in managing its own affairs;
- f. Ensure that the operation of DFTC remains consistent to its intended purpose, which among others, is the improvement of the farmer and consumer trading market; and
- g. Regularly monitor and oversee the administration and maintenance of the DFTC;
- h. Perform such other acts as may be necessary in the effective and efficient administration, operation and maintenance of the DFTC and to ensure compliance to the DFTC ordinance and Executive Order.

Unless otherwise called by a written notice by the City Mayor, the Board shall meet every 2nd Wednesday of every month at such place and time as may be determined and agreed upon by the Board.

SECTION 10. PENALTIES. Any person, group of persons or organization who shall violate the DFTC ordinance, shall be penalized as follows:

1st Offense – Fine of One Thousand Pesos (₱1,000.00) and/or suspension of accreditation for one (1) month;

2nd Offense – Fine of Three Thousand Pesos (₱3,000.00) and/or suspension of accreditation for two (2) months;

3rd Offense – Fine of Five Thousand Pesos (₱5,000.00) and permanent cancellation of business permit or accreditation.

4th Offense - Fine of Five Thousand Pesos (₱ 5,000.00) and confiscation of fruits and vegetables and the impounding of owned vehicle(s)

SECTION 11. SEPARABILITY CLAUSE. If any provision of this Executive Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 12. REPEALING CLAUSE. All Orders or parts thereof which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

SECTION 13. EFFECTIVITY. This IRR shall take effect immediately after the issuance of a duly approved Implementing Rules and Regulations.

Done on SEP 15 2022 in Davao City, Philippines.


SEBASTIAN Z. DUTERTE
City Mayor

Attested by:


ATTY. FRANCIS MARK H. LAYOG
Acting City Administrator



Ref. no. ASD091522-8

EO NO. 42 s. 2022 - AN ORDER ADOPTING THE IMPLEMENTING RULES AND REGULATIONS (IRR) OF THE CITY ORDINANCE NO. 0823-21, SERIES OF 2021, DECLARING THE DAVAO FOOD TERMINAL COMPLEX (DFTC) AS THE OFFICIAL WHOLESALE FACILITY FOR FRUITS AND VEGETABLES IN DAVAO CITY

Procedures Related to Accreditation of Wholesalers and Traders Transacting Business in DFTC Including Vehicles

1. Accreditation Objective and Coverage

- A. The accreditation of wholesalers and traders transacting business in DFTC including the vehicles used seeks to institutionalize efficient and seamless distribution of agricultural products from production sites to the Davao Food Terminal Complex.
- B. The accreditation of wholesalers and traders including their vehicles may be given preferential incentives such as, but limited to: (a) truck ban exemption subject to CTTMO rules, regulations and policies, and (b) immediate assistance during products delivery.
- C. The accreditation only covers for those wholesalers and traders transacting business in DFTC including the vehicles used in hauling fruits and vegetables from production sites to the Davao Food Terminal Complex. Any unauthorized or illegal load aside from these products shall be subjected for verification and sanctioned, if found violating existing laws.
- D. A wholesaler and trader, whether an individual or an organization, coming from outside of Davao City who will transact business in DFTC shall be duly accredited with the Department of Agriculture RFO XI and those from Davao City will be accredited by the CAgro.

2. Application Procedure

- A. Eligible applicants are wholesalers and traders and their hauling vehicles, registered with DTI, CDA, DOLE or SEC with valid business permits that buys, sells and deliver agricultural produce.
- B. The application requirements are:
 - i. Official Receipt of Registration and Certificate of Registration (OR/CR) of the vehicle
 - ii. Valid business permit
 - iii. Filled up "Accreditation Application Form (Form A).
- C. "Statement of Commitment" (Form B). The forms should be signed by the owner proprietor in case of single proprietorship, or the authorized officer of the entity in case of cooperative, association, or corporation.
- D. The applicant has to apply in person. Applicants coming from outside of Davao City can proceed to the Department of Agriculture RFO XI and those from Davao City can proceed to the CAgro.
- E. Applicant must submit photocopies of the documents (OR/CR, business permits) but must present the original copies.
- F. For the CAgro, the IDD Chief shall review and recommend for approval the application and the officer authorized to issue "Accreditation Stickers" and to approve/sign the Certificate of "Accreditation" shall be the City Agriculturist.

For the Department of Agriculture RFO XI, the AMAD Chief shall review and recommend for approval the application and the officer authorized to issue "Accreditation Stickers" and to approve/sign the Certificate of "Accreditation" shall be the Regional Executive Director

- G. Validity of the accreditation shall be two (2) years from the date of issuance. The accreditation remains valid within the period unless revoked by the CAgrO or the Department of Agriculture in case of violations of the conditions of the Accreditation.
- H. The Accreditation Certificates and Stickers can be picked up by the applicant at the offices mentioned above during scheduled date and time.
- I. The accredited wholesaler/trader shall place the accreditation sticker on the windshield that can easily be visible, and bring the laminated Accreditation Certificate for easy verification when transacting business at the DFTC.

3. Data and Information Handling

- A. The DFTC Executive Board shall assign and issue control numbers of the Accreditation Stickers to the issuing agencies (CAgrO and Department of Agriculture RFO XI). The issuing agencies shall be responsible for printing the stickers following the standard design.
- B. Once the concerned agencies have approved/issued the Accreditation Certificates and stickers, the agencies shall submit the list of those issued with certificates and stickers to the DFTC Executive Board through the Secretariat.

FORM A

REPUBLIC OF THE PHILIPPINES
City Government of Davao
DAVAO FOOD TERMINAL COMPLEX
Brgy. Daliao, Toril, Davao City

ACCREDITATION APPLICATION FORM

Name of applicant: _____
Nature of business: _____
No. of Years Engaged in Business: _____
Business Address: _____
Telephone no.: _____
Name of group/affiliations: _____
Vehicle Model/Brand: _____
Vehicle Plate Number: _____
Type of vehicle: _____
Gross Capacity: _____
Certificate of Registration Number: _____ Date issued: _____
Official Receipt of Registration: _____ Date issued: _____

Commodity/ies transported: _____
Volume of Commodities transported: _____
Schedule of delivery/ies: _____

Signature over Printed Name Position
Date _____

(to be filled-up by authorized personnel)

ACCREDITATION CERTIFICATE CONTROL NO. ____ STICKER NO. ____ Date Issued _____

(insert LOGO of
issuing agency)

Name and Signature of Authorized Personnel

FORM B

STATEMENT OF COMMITMENT

I/We _____, owner of truck with plate number _____ and Accreditation Certificate Control No. _____ issued on _____ shall strictly abide by the rules and regulations of the DFTC;

That I/We will comply to the rules and regulations and policies including all traffic rules;

That I/We will report any misuse of this privilege by any parties hereto and;

That I/We authorize DFTC to: verify and inspect my truck and documents/records; verify from whatever sources even after the Accreditation Certificate has been issued, the veracity of the entries/statements in the application form and supporting documents as well as the genuineness of the said documents; and to conduct visitorial activities during the life-span of the Accreditation Certificate.

I/We understand that the accreditation can be revoked by the City Agriculturist's Office and the Department of Agriculture RFO XI for any violations thereof.

So therefore, I/We hereby bind myself/our company/cooperative/corporation/association through my signature in this oath.

So help me/us God.

Signature over Printed Name
Position/Title _____
ID No. _____
Date Signed _____

Note:

For sole proprietorship, indicate name of owner

For company, indicate name of company/cooperative/corporation/association