

QUEZON CITY PUBLIC LIBRARY

LAW RESEARCH

77th Regular Session

ORDINANCE NO. SP- 1753, S-2006
(PO2006-76)

AN ORDINANCE PENALIZING FRAUDULENT ACTS DEFINED UNDER REPUBLIC ACT NO. 7394 OTHERWISE KNOWN AS CONSUMER ACT OF THE PHILIPPINES PROVIDING FOR TIMBANGAN NG BAYAN IN ALL MARKET PLACES IN QUEZON CITY AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Introduced by Councilors RESTITUTO B. MALANGEN, ANTONIO E. INTON, JR., ERIC Z. MEDINA, RAMON P. MEDALLA, EDCEL B. LAGMAN, JR., FRANCISCO A. CALALAY, JR., JORGE B. BANAL, JR., ROMMEL R. ABESAMIS, JOSEPH P. JUICO, WINSTON "Winnie" T. CASTELO, VICTOR V. FERRER, JR., ELIZABETH A. DELARMENTE, BERNADETTE HERRERA-DY and BAYANI V. HIPOL.

WHEREAS, Republic Act No. 7349 otherwise known as "The Consumer Act of the Philippines" provides in Article 2 thereof that it is the policy of the State to protect the interest of the consumer, promote his general welfare and to establish the standards of conduct of business and industry;

WHEREAS, Chapter II of R.A. 7394 provides for the regulation of practices relative to weights and measures for consumer and consumer related transactions;

WHEREAS, towards the above-stated end, the State shall implement measures to achieve its objectives, among other things, the protection against deceptive, unfair and unconscionable sales acts and practices;

WHEREAS, it has been found by proper city authorities that some vendors of raw foodstuffs and other goods, in fairness to those who are fair and honest, are using scales that are either tampered, altered, defective, fraudulent, unsealed, or have expired licenses to the disadvantage of the buying public;

WHEREAS, it is the duty of the City government to stop and eliminate illegal scales from all market places in Quezon City and to protect the buying public from being defrauded or cheated, thereby establishing an honest and fair environment in the marketplace;

WHEREAS, Section 458 (a)(2)(xv) of the Local Government Code provides that:

"Section 458 xxx (a) The Sangguniang Panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants, pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the city shall:

2. Generate and maximize the use of resources and revenues for the development plans, program activities and priorities of the city x x x and relative thereto shall:

(xv) Regulate the inspection, weighing and measuring of articles of commerce."

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. This ordinance shall cover all public or private marketplaces, commercial establishments, wholesale or retail stores and similar establishments in Quezon City where foodstuffs like meat, poultry, fish, vegetables, fruits, rice, paly including hardwares, millers and others, are being sold.

SECTION 2. All instruments for determining weights and measures in all consumer and consumer related transactions shall be tested, calibrated and sealed every six (6) months by the official sealer who shall be the City Treasurer or his authorized representative upon payment of fees of Twenty Five Pesos (P25.00); provided that all instruments of weights and measures shall continuously be inspected for compliance with the provisions of Chapter II of R.A. 7394.

SECTION 3. The following acts relating to weights and measures are prohibited:

- a. For any person other than the official sealer or his duly authorized representative to place or attach an official tag, seal, sticker, mark, stamp, brand or other characteristic sign being used to indicate that such instrument of weight and measure has been officially tested, calibrated, sealed or inspected;
- b. For any person to imitate any seal, sticker, mark, stamp, brand tag or other characteristic sign used to indicate that such instrument of weight or measure has been officially tested, calibrated, sealed or inspected;
- c. For any person other than the official sealer or his duly authorized representative to alter in any way the certificate or receipt given by the official sealer or his duly authorized representative as an acknowledgement that the instrument for determining that such weight or measure has been fully tested, calibrated, sealed or inspected;
- d. For any person to make or knowingly sell or use any false or counterfeit seal, sticker, brand, stamp, tag, certificate or license or any dye for printing or making the same or any characteristic sign used to indicate that such instrument of weight or measure has been officially tested, calibrated, sealed or inspected;
- e. For any person other than the official sealer or his duly authorized representative to alter the written or printed figures, letters of symbols on any official seal, sticker, receipt, stamp, tag certificate or license used or issued;
- f. For any person to use or reuse any restored, altered, expired, damaged stamp, tag certificate or license for the purpose of making it appear that the instrument of weight or measure has been tested, calibrated, sealed or inspected;
- g. For any person engaged in the buying and selling of consumer products or of furnishing services the value of which is estimated by weight or measure to possess, use or maintain with intention to use any scale, balance, weight or measures that has not been sealed or if previously sealed, the license therefore has expired and has not been renewed in due time;
- h. For any person to fraudulently alter any scale, balance, weight or measure after it is officially sealed;
- i. For any person to knowingly use any false scale, balance, weight or measure, whether sealed or not;
- j. For any person to fraudulent give short weight or measure, in making of a scale;
- k. For any person assuming to determine truly the weight or measure of any article bought or sold by weight or measure, to fraudulently misrepresent the weight or measure thereof; or
- l. For any person to procure the commission of any such offense above-mentioned by another.

Instruments officially sealed at some previous time which have remained unaltered and accurate and the seal or tag officially affixed thereto remains intact and in the same position and condition in which it was placed by the official sealer or his duly authorized representative shall, if presented for sealing, be sealed promptly on demand by the official sealer or his duly authorized representative without penalty except a surcharge fixed under this ordinance.

SECTION 4.

- a. The City government shall provide Timbangan ng Bayan in all marketplaces, where foodstuffs like meat, poultry, fish, vegetables, fruits, palay, rice, including hardware, millers and others are being sold in order for the buying public to determine, double-check, or find out for themselves whether the weight or measure of what they bought is accurate or not.
- b. The Timbangan ng Bayan shall be installed at strategic places and shall serve as the standard for weight or measure in the buying or selling of foodstuffs in the marketplace which is based on the primary standard of weight and measures provided by the Department of Science and Technology.

SECTION 5.

- a. The use of 10 kgs. table top metric weighing scale for commercial purposes in all marketplaces shall no longer be allowed after this ordinance takes effect because it is highly prone to tampering, alteration, malfunction or fraud.
- b. Only the 10 kgs. suspended metric weighing scale and the digital weighing scale shall be allowed to be used for commercial purposes after this ordinance takes effect in order to ensure for the buying public accuracy on the weights of food stuff and others that they purchase in the market places.

SECTION 6. The expiry date of the license of the instrument for weights and measures must be indicated in the seal or attached to it.

SECTION 7. There shall be continuing education information to instill consumer awareness against deceptive, unfair and unconscionable sales acts and practices and to facilitate sound choice and proper exercise of consumer's rights.

SECTION 8. There shall be established a consumer desk complaint assigned at marketplaces for purposes of receiving, investigating and responding to consumer complaints.

SECTION 9. The instrument for weights which are not sealed or if previously sealed, is not renewed or license has expired or fails to pay the corresponding fees within the prescribed period shall subject the owner or user to a surcharge of five hundred percent (500%) of the prescribed fees. The scheduled sealing and calibration shall commence on January One to Twenty (January 1 to 20) as the City Treasurer may determine.

SECTION 10. The said instruments for weights and measures used by the vendors who acted fraudulently shall be confiscated in favor of the City government.