



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
20th City Council

PO20CC-165

60th Regular Session

ORDINANCE NO. SP- 2710, S-2018

AN ORDINANCE INCREASING THE CONSUMER RIGHTS BY REQUIRING RETAILERS TO POST RETURN AND EXCHANGE POLICIES IN CONSPICUOUS AREAS OF ITS ESTABLISHMENTS.

Introduced by Councilor ANTHONY PETER D. CRISOLOGO.

Co-Introduced by Councilors Lena Marie P. Juico, Elizabeth A. Delarmente, Victor V. Ferrer, Jr., Oliviere T. Belmonte, Precious Hipolito Castelo, Voltaire Godofredo T. Liban III, Ramon P. Medalla, Ranulfo Z. Ludovica, Estrella C. Valmocina, Roderick M. Paulate, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Kate Abigael G. Coseteng, Franz S. Pumaren, Eufemio C. Lagumbay, Marvin C. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Ivy Xenia L. Lagman, Hero Clarence M. Bautista, Jose A. Visaya, Karl Edgar C. Castelo, Godofredo T. Liban II, Andres Jose G. Yllana, Jr., Allan Butch T. Francisco, Marivic Co-Pilar, Melencio "Bobby" T. Castelo, Jr., Diorella Maria G. Sotto, Donato C. Matias, Eric Z. Medina and Ricardo B. Corpuz.

WHEREAS, Article 2 of Republic Act No. 7394, otherwise known as the "Consumer Act of the Philippines", provides that "it is the policy of the State to protect the interests of the consumer, promote its general welfare and to establish standards of conduct for business and industry";

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", also provides that every Local Government Unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare";

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WHEREAS, Section 458 of Republic Act No. 7160 further provides that 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;

WHEREAS, in order to inform consumers of their rights as buyers and to protect them from unscrupulous retailers who sells defective, broken and misleading items to the prejudice of the consumer;

WHEREAS, purchased items must be of satisfactory quality, fit for the purpose bought and the same as described so that consumers will get a full money's worth of purchase.

NOW, THEREFORE,

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

SECTION 1. COVERAGE – This Ordinance shall apply to all registered business establishments engaged in retail within the jurisdiction of Quezon City.

SECTION 2. DEFINITION OF TERMS – The following words when utilized in this Ordinance shall have the following meaning:

CONSUMER – means a natural person who is a purchaser, recipient or prospective purchaser, and recipient of consumer products.

SELLER – means a person engaged in the business of selling consumer products directly to consumers. It shall include a supplier or distributor if (1) the seller is a subsidiary or affiliate of the supplier or distributor; (2) the seller interchanges personnel or maintains common or overlapping officers or directors with the supplier or distributor; or (3) the supplier or distributor provides or exercises supervision, direction or control over the selling practices of the seller.

RETAILER – means a person engaged in the business of selling consumer products directly to consumers.

SECTION 3. RETURN/EXCHANGE POLICY – Every retail establishment which are registered and doing business in Quezon City must place written notices of its return/exchange policy conspicuously inside the establishments or at its entrance. The notice must be made in a clear language to ensure that the consumer can understand. Such notice must be easily seen and read.

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SECTION 4. DEFAULT POLICY – In the event a retail establishment does not have a return or exchange policy. The default return/exchange policy shall be adopted by the retail establishment. The buyer may return and exchange a purchased item to the immediate seller by presenting the official receipt or warranty card or any proof of purchase of the transaction along with the product to be serviced or returned to the immediate seller provided that the purchased item is still covered by the warranty of the store, thereafter the buyer shall be entitled to avail not only of any of the following remedies but also of those allowed under Republic Act No. 7394 or the Consumer Act of the Philippines and its Implementing Rules and Regulations (IRR) and any other consumer-related laws at his option;

- a. The purchased item may be replaced by a new working item of the same kind and quality;*
- b. The purchased item may be returned and the seller shall provide the purchaser with a store credit equivalent to the value of the item returned for a corresponding store credit;*
- c. The purchased item may be returned and exchange with another item of equal or greater value provided that the purchaser shall pay the corresponding difference thereof;*

SECTION 5. ITEMS THAT CANNOT BE RETURNED – The following items cannot be returned;

- a. Any consumable or food products that shall not be deemed to be adulterated as defined under Article 23 (Adulterated Food) of the Republic Act 7394 otherwise known as “Consumer Act of the Philippines”.*
- b. Items or products which have sustained damages resulting from the negligence or mishandling of the purchaser.*

SECTION 6. MINIMUM STANDARDS FOR WARRANTIES – For the warrantor of a consumer product to meet the minimum standards for warranty, he shall;

- a. Remedy such consumer product within a reasonable time and without charge in case of a defect, malfunction or failure to conform to such written warranty.*

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