



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
22nd City Council

PO22CC-142

31st Regular Session

ORDINANCE NO. SP- 3202, S-2023

AN ORDINANCE VESTING AUTHORITY AND RESPONSIBILITY TO ALL PUNONG BARANGAYS IN QUEZON CITY TO PREVENT THE HOARDING OF BASIC NECESSITIES AND PRIME COMMODITIES, AND FOR OTHER PURPOSES

Introduced by Councilors TATAY RANNIE Z. LUDOVICA and DAVE C. VALMOCINA

Co-Introduced by Councilors Bernard R. Herrera, Tany Joe "TJ" L. Calalay, Dorothy A. Delarmente, M.D., Joseph P. Juico, Nikki V. Crisologo, Charm M. Ferrer, Fernando Miguel "Mikey" F. Belmonte, Candy A. Medina, Aly Medalla, Godofredo T. Liban II, Kate Galang-Coseteng, Geleen "Dok G" G. Lumbad, Albert Alvin "Chuckie" L. Antonio III, Don S. De Leon, Wencerom Benedict C. Lagumbay, Atty. Anton L. Reyes, Edgar "Egay" G. Yap, Imee A. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Nanette Castelo-Daza, Marra C. Suntay, Joseph Joe Visaya, Alfred Vargas, MPA, Ram V. Medalla, Shaira "Shay" L. Liban, Aiko S. Melendez, Mutya Castelo, Maria Eleanor "Doc Ellie" R. Juan, O.D., Kristine Alexia R. Matias, Eric Z. Medina, Emmanuel Banjo A. Pilar, Vito Sotto Generoso, Victor "Vic" Bernardo, Alfredo "Freddy" Roxas and Julian Marcus D. Trono

WHEREAS, it has been observed that some unscrupulous traders take advantage of certain situations affecting both local and national economy such as, emergencies, calamities and crises by way of hoarding basic and prime commodities to manipulate prices, thereby resulting to undue price increases that prejudice the general public;

WHEREAS, the Quezon City Local Government, one of the leading local government units in the country in terms of business growth, economic development, and sizable area, becomes the centerpiece of various business warehouses storing agricultural and aquatic products and other merchandise to be supplied to other localities in order to cater to the public's needs;

WHEREAS, it can be gleaned from police and news reports that despite the stricter monitoring and intensified campaign of the government, most of these warehouses are being used for hoarding and profiteering of basic necessities and prime commodities which eventually result to incredulous shortage of supplies;

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WHEREAS, there have also been reports that smuggled goods, contrabands, and even illegal drugs have surreptitiously entered the country through the backdoor and other conducive points of entry and such foods, contrabands and illegal drugs are also being stored in the said warehouses to the detriment of the public;

WHEREAS, hoarding, profiteering, or smuggling are obviously acts of economic sabotage which adversely affect the economic stability of the country, unjustly manipulate prices of basic necessities and prime commodities, and unfairly deprive the government of the much-needed taxes;

WHEREAS, to help the national and local governments implement its economic policies and programs, crack down these illegal activities, and protect the people, the powers of the punong barangays in Quezon City, as persons in authority, must be strengthened by giving them additional authority and responsibility to accelerate the apprehension of erring warehouse owners, as well as the confiscation of hoarded merchandise or smuggled goods;

WHEREAS, Section 384 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that:

“Section 384. Role of the Barangay. - As the basic political unit, the barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community, and as a forum wherein the collective views of the people may be expressed, crystallized and considered, and where disputes may be amicably settled.”

WHEREAS, Section 389(b)(1) and Section 389(b)(3) of the same Code, explicitly provide that the punong barangay shall:

x-x-x-x-x

“(1) Enforce all laws and ordinances which are applicable within the barangay;

x-x-x-x-x

(3) Maintain public order in the barangay and, in pursuance thereof, assist the city or municipal mayor and the sanggunian members in the performance of their duties and functions;”

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WHEREAS, under Section 388 of the aforesaid Code, in relation to Article 152 of the Revised Penal Code, "the punong barangay, sangguniang barangay members, and members of the lupong tagapamayapa in each barangay shall be deemed as persons in authority in their jurisdictions, x-x-x";

WHEREAS, in the exercise of its police power and in relation to Section 16 of Republic Act No. 7160, also known as the General Welfare Clause, the City Council may enact measure to protect public health and safety and to promote the general welfare.

NOW, THEREFORE,

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

SECTION 1. VESTING OF AUTHORITY AND RESPONSIBILITY. - The punong barangay in Quezon City, in the exercise of his/her duties and functions shall, within his/her territorial jurisdiction, prevent any act of hoarding or smuggling of basic necessities and prime commodities. For this purpose, the punong barangay is hereby vested with authority and responsibility to discharge or perform the following duties or responsibilities:

- a) Strictly monitor the operation of warehouses and report to the law enforcement agency or concerned government bureaus, offices, or departments any suspicious operation thereof;
- b) Upon complaint or on his/her own initiative and with the assistance of law enforcement officers and the concerned offices/department of the City government, the punong barangay concerned shall conduct an ocular inspection in the warehouse premises to check its business permit and other pertinent documents, as well as the quantity and source of stored goods, commodities, or items and the payment of taxes or customs duties, in case of imported goods;
- c) If the stored goods, commodities or items in the warehouse are found to be beyond the normal inventory levels of the owner/manager/operator, and the imported goods lack the required documents and payment of customs/import duties, or a contraband, such as illegal drugs or firearms, the punong barangay concerned shall immediately report the same to the concerned offices/department of the Quezon City Government, PNP, PDEA, BIR, DA, and the Bureau of Customs for closure of the business, search/confiscation/seizure of the subject goods, commodities, items or contrabands, investigation/apprehension of business/warehouse owner, manager, operator, or consignee of goods, or filing of an appropriate legal action; and

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- d) Assist the City Mayor and the national government in the implementation of its policies and programs, as well as the City ordinances or laws against hoarding or smuggling of basic necessities and prime commodities.

SECTION 2. ROLE OF THE BPOC. - The BPOC shall serve as an Information Gathering Mechanism of the barangay to effectively and expeditiously prevent and apprehend any act of hoarding or smuggling. Thus, the members of the BPOC shall, from time to time, report, coordinate and cooperate with the punong barangay in the discharge of the latter's duties and responsibilities.

SECTION 3. ASSISTANCE. - The punong barangay may request the assistance of law enforcement officers stationed within his/her territorial jurisdiction and the concerned offices/ departments of the City or national government to carry out his/ her duties and responsibilities.

SECTION 4. OBJECTIVE. - The objective of this Ordinance is (a) to help the national government, as well as the local chief executive, in the monitoring, prevention and apprehension of any act of hoarding of basic necessities and prime commodities; and (b) to prevent price manipulation and protect the consumers.

SECTION 5. DEFINITION OF TERMS. - As used in this Ordinance, the following words or phrases shall be construed and defined:

- a) **"Hoarding"** - refers to the undue accumulation by a person or combination of persons of any basic commodity beyond his, her or their normal inventory levels or the unreasonable limitation or refusal to dispose of, sell or distribute the stocks of any basic necessity of prime commodity to the general public or the unjustified taking out of any basic necessity or prime commodity from the channels of reproduction, trade, commerce and industry. There shall be prima facie evidence of hoarding when a person has stocks, of any basic necessity or prime commodity, fifty percent (50%) higher than his/her usual inventory and unreasonably limits, refuses or fails to sell the same to the general public at the time of discovery of the excess. The determination of a person's usual inventory shall be reckoned from the third (3rd) month immediately preceding the discovery of the stocks in case the person has been engaged in the business for at least three (3) months; otherwise, it shall be reckoned from the time he/she started his/ her business. (Sec. 5 of R.A. No. 7581)

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- b) **“Basic necessities”** - includes: rice; corn; bread; fresh, dried and canned fish and other marine products, fresh pork, beef and poultry meal; fresh eggs; fresh and processed milk; fresh vegetables; root crops; coffee; sugar; cooking oil; salt; laundry soap; detergents; firewood; charcoal; candles; and drugs classified as essential by the Department of Health. (Sec. 3[1] of R.A. No. 7581)

- c) **“Prime commodities”** - includes: fresh fruits; flour; dried processed and canned pork; beef and poultry meat; dairy products not falling under basic necessities; noodles; onions; garlic; vinegar; patis; soy sauce; toilet soap; fertilizer; pesticides; herbicides; poultry; swine and cattle feeds; veterinary products for poultry, swine and cattle; paper; school supplies; nipa shingles; sawali; cement; clinker; GI sheets; hollow blocks; plywood; plyboard; construction nails; batteries; electrical supplies; light bulbs; steel wire; and all drugs not classified as essential drugs by the Department of Health. (Sec. 3[8] of R.A. No. 7581)

- d) **“PNP”** - refers to the Philippine National Police.

- e) **“PDEA”** - refers to the Philippine Drug Enforcement Agency.

- f) **“BIR”** - refers to the Bureau of Internal Revenue.

- g) **“DA”** - refers to the Department of Agriculture.

- h) **“BPOC”** - refers to the Barangay Peace and Order Council/Committee.

SECTION 6. SEPARABILITY CLAUSE. - If any section or provision of this Ordinance is held unconstitutional or invalid, the other section or provision not affected thereby shall continue to be in full force and effect.

SECTION 7. REPEALING CLAUSE. - All ordinances, resolutions, local executive orders, rules and regulations, or parts thereof, not consistent with the provisions of this Ordinance, are hereby repealed or modified accordingly.

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SECTION 8. EFFECTIVITY CLAUSE. - This Ordinance shall take effect immediately upon its approval.

ENACTED: May 22, 2023.



GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:



ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)


APPROVED: JUL 10 2023



MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on May 22, 2023 and was PASSED on Third/Final Reading on May 29, 2023.



ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)

