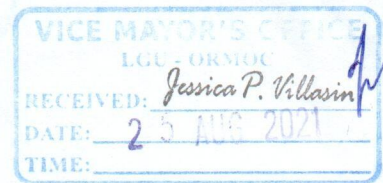
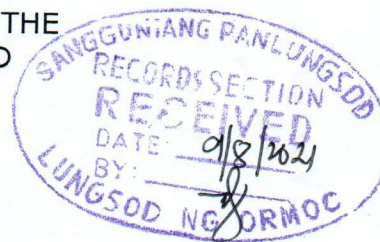


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,  
ORMOC CITY HALL BUILDING  
ON AUGUST 24, 2021



PRESENT:

Leo Carmelo L. Locsin, Jr.  
Benjamin S. Pongos, Jr.,  
Roiland H. Villasencio,  
Tomas R. Serafica,  
Nolito M. Quilang,  
Eusebio Gerardo S. Penserga,  
Jasper M. Lucero,  
Peter M. Rodriguez,  
Vincent L. Rama,  
Gregorio G. Yrastorza III,  
Esteban V. Laurente,

City Vice Mayor & Presiding Officer  
SP Member, Majority Floor Leader  
SP Member, 1<sup>st</sup> Asst. Majority Floor Leader  
SP Member, Presiding Officer "Pro-Tempore"  
SP Member, 2<sup>nd</sup> Asst. Majority Floor Leader  
SP Member  
SP Member  
SP Member  
SP Member  
SP Member  
Ex-Officio SP Member, Chapter President,  
Liga ng mga Barangay ng Ormoc  
Ex-Officio SP Member, Chapter President,  
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

Joan Marbie C. Simbajon,  
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON LEAVE:

Lalaine A. Marcos,

SP Member

**EXPLANATORY NOTE**

Commerce has always been an essential part of our daily life. It provided proper distribution and movement of goods satisfying the needs of consumers thereby promoting social welfare among people. At the local level, the City's public market is not just a place of commerce, but an active public space providing and promoting diverse economic opportunity such as entrepreneurship, employment, and livelihood especially to those who are economically disadvantaged.

Vendors or any supplier of goods either in the public market or stationed anywhere in the City which requires weighing for measuring their products has to comply with the City's standards of weights and measures to ensure the accuracy and consistency of their scales and other instruments for measuring weights or volume. This is because consumers, as purchaser of goods, assume that they are receiving correct weight of goods or products they buy. Hence, it is the best interest of the city to ensure that the buying public will get their money's worth through correct weight of goods and products being sold by the supplier of goods.

Section 2 of the Republic Act. No. 7394, otherwise known as "The Consumer Act of the Philippines", provides that as a matter of policy the state shall implement measures in order to protect consumers against deceptive, unfair and unconscionable sales and practices and for the provision of information and education to facilitate sound choice and the proper exercise of rights by the consumer in particular. Chapter II of the same Act provides for the regulation of practices relative to weights and measures for consumer and consumer related transactions.

Section 29-30 of Executive Order No. 292, Series of 1987, provides that only weights and measures of the metric system shall be officially sealed and licensed and shall be fully adopted in all agricultural, commercial, industrial, scientific and other sectors.



Pursuant to Resolution No. 002, Series of 2021, the Local Price Coordinating Council (LPCC) passed a resolution endorsing to the 15<sup>th</sup> Sangguniang Panlungsod ng Ormoc the draft Ordinance on Weights and Measures for appropriate action. The drafting of the ordinance stemmed from rampant fraudulent practices relative to weights and measures. The City Treasurer's Office (CTO) recorded 632 cases of fraudulent use of weights and measures instruments from July 2020 until August 2020.

The Committee on Trade, Commerce and Industry and the Committee on Ways and Means conducted a Public Hearing on July 8, 2021 to present information and receive public input on this ordinance. Comments from the audience were recorded and were addressed by the committee in the subsequent joint committee meeting.

WHEREFORE, on joint motion of SP Member Nolito M. Quilang, Chairman of the Committee on Trade, Commerce and Industry and SP Member Tomas Serafica, Chairman of the Committee on Ways and Means, severally seconded by SP Members Joan Marbie C. Simbajon, Peter M. Rodriguez, Lalaine A. Marcos, Esteban V. Laurente and Vincent L. Rama; be it

RESOLVED, to enact:

**ORDINANCE NO. 068**  
**(Series 2021)**

**AN ORDINANCE REGULATING AND IMPOSING FEES FOR  
THE TESTING AND SEALING OF WEIGHTS AND  
MEASURES AND IMPOSING FINES AND PENALTIES  
TO VIOLATIONS THEREOF.**

BE IT ORDAINED, by the Fifteenth Sangguniang Panlungsod ng Ormoc duly assembled, that:

**SECTION 1. TITLE.** This Ordinance shall be referred to as "**WEIGHTS AND MEASURES ORDINANCE IN ORMOC CITY**".

**SECTION 2. SCOPE AND COVERAGE.** This ordinance shall cover all public or private marketplaces, commercial establishments, wholesale or retail stores and similar establishments in the City of Ormoc where foodstuffs like meat, poultry, fish, vegetables, fruits, rice, grains, including hardware stores, millers and other establishments engaged in business using weights and measures.

All weights and measures instruments used in government works or public service, those used by private hospitals, and those weights and measures for sale are excluded from the coverage of this ordinance.

**SECTION 3. DEFINITION OF TERMS.** For the purpose of this Ordinance, the following terms and phrases shall have the following definitions:

- a) **Weights and measures** - refers to the weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories used with any such instruments and devices.



- b) **Weight** – Material measure of mass, regulated in regard to its physical and metrological characteristics: shape, dimensions, material, surface quality, nominal value, density, magnetic properties and maximum permissible error. (OIML R 111-1, Edition 2004 (E))
- c) **Calibration** – is the act of ensuring instruments used in weights and measures will produce accurate results.
- d) **Calibration Officer** means the official sealer of weights and measures of the city.
- e) **Official Sealer** – authorized representative to place or attach an official tag, seal, sticker, mark, stamp brand or sign being used to indicate that such instrument of weight and measures has been officially tested, calibrated, sealed or inspected.
- f) **Primary standard** – a standard which has highest metrological quality in a specified field.
- g) **sticker**- a sign or evidence indicating that the weighing or measuring equipment passed the calibration test of the CTO and is fit for use in trade or commerce which may refer to official tag, sticker, mark, stamp, brand, and similar others.
- h) **Secondary standard** – one which value is fixed by comparison with primary standard.
- i) **Tampering or Defacing** – defacing or tampering a serial number is the erasing, scratching, altering or changing of the original factory inscribed serial number on any weights and measures.
- j) **Fuel Pump**- A fuel pump is a mechanical or electrical pump that draws fuel from a tank to provide the fuel supply for a carburetor or fuel injection system.
- k) **Dispensing Pump** – shall refer to the equipment used to deliver or dispense liquid fuels and which is installed in a forecourt/curb area within the Retail Outlet which is composed of a dispensing nozzle and a volumetric meter;

**SECTION 4. CALIBRATION, SEALING, AND TESTING OF INSTRUMENTS OF WEIGHTS AND MEASURES.** All instruments for determining weights and measures in all consumer and consumer related transactions shall be tested, calibrated and sealed yearly by the City Treasurer's Office upon payment of required fees. Provided, that all instrument of weights and measures shall be inspected every after six (6) months or at any time when necessary for compliance with the provision of this ordinance and department orders or circulars from relevant National Government Offices.

It shall be the obligation of the owner of the instrument of weights and measures to bring the instrument to the City Treasurer's Office of the City Government of Ormoc for calibration, re-calibration and sealing.

**SECTION 5. IMPOSITION OF FEES.** Every person, before using instruments of weights and measures within this city shall first have them sealed and licensed by paying to the City Treasurer the following fees:



KINDS OF SEALING AND WEIGHING INSTRUMENTS		Amount of Fee
A.	For sealing linear metric measures:	100.00
B.	For sealing metric measure of capacity:	100.00 (per nozzle)
C.	For sealing metric instruments of weights:	
	i. With capacity of less than one hundred fifty (150) kg	100.00
	ii. With capacity of more than one hundred fifty (150) kg but not more than three hundred (300) kg.	200.00
	iii. With capacity of more than three hundred (300) kg. but not more than one thousand five hundred (1500) kg.	840.00
	iv. With capacity of more than one thousand five hundred (1500) kg., such as truck scale	1,400.00
D.	For sealing scale or balance with complete set of weights:	
	i. For each scale or balances or other balances with complete set of weights for use therewith	1,500.00
	ii. For each extra weight	50.00
E.	For each and every re-testing and re-sealing of weights and measure instruments including gasoline pumps outside the office upon request of the owner or operator, an additional service charge of two hundred pesos (P 200.00) for each instrument shall be collected	
F	Weighing scales used for Jewelry	500.00
G	Others	200.00

For this purpose, the City Treasurer’s Office is required to secure different test instruments from the Bureau of Standards or from other appropriate sources as bases in the calibration and inspection of weighing scales and other instruments for measurement of sizes and volumes.

**SECTION 6. EXEMPTION.** All weights and measures used in government work or maintained for public use by the National Government, in any province, city or municipality, shall be tested, calibrated, sealed or inspected free of charge. This includes weights and measures used in hospitals as part of the procedures for diagnosing patient’s conditions.

**SECTION 7. DESIGN OF THE SEAL.** The City Treasurer’s Office shall recommend to the City Mayor the design of the seal that shall include the period of validity of the instrument’s seal.

**SECTION 8. TIME OF PAYMENT; SURCHARGE FOR THE LATE PAYMENT.** The fee provided for in Section 5 shall be paid when the weights or measures are sealed and the receipt for payment shall serve as a license to use the instrument for one (1) year from the date of sealing. Failure to have the instrument tested, calibrated, sealed or inspected within the prescribed period shall subject the owner or user to a surcharge of five hundred percent (500%) of the fee imposed.

**SECTION 9. CERTIFICATION.** The City Treasurer’s Office shall issue a certificate of calibration duly signed by the City Treasurer attesting that the weight or measure has been calibrated and sealed.



**SECTION 10. THE CALIBRATION OFFICER; QUALIFICATIONS.** The City Mayor shall designate any of the employees in the City Treasurer's Office occupying at least Salary Grade 15 position to be the City Calibration Officer.

The City Mayor may hire additional employees with casual status or assign or detail additional personnel on concurrent capacities with existing positions to assist the City Calibration Officer in implementing this ordinance.

**SECTION 11. POWERS AND DUTIES OF CALIBRATION OFFICER.** The Calibration Officer of weights and measures shall have the following powers and duties:

- a) Shall have the custody of the city standards of weights and measures and shall keep accurate records of the same;
- b) Conduct regular monitoring and inspection of the weights and measures being used by vendors in Ormoc City;
- c) Shall take charge of storage and custody of all confiscated weights and measures;
- d) Coordinate with City Legal Office for prosecution of offenses committed in violation of this ordinance;
- e) Take the lead in enforcing the provisions of this ordinance; and
- f) Shall perform other functions as maybe assigned by law, ordinance, or by the City Mayor.

**SECTION 12. PROHIBITED ACTS.** The following acts are fraudulent and therefore 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 weights and measures has been officially tested, calibrated, sealed or inspected;
- b) For any person to imitate any seal, mark, stamp, brand, tag, or other characteristic sign used to indicate such instrument of weights and measures 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 weights and measures has been fully tested, calibrated, sealed or inspected;
- d) For any person to make or knowingly sell any used, false or counterfeit sticker, brand, stamp, tag, certificate or license, or any dye for printing or making the same or any characteristic sign being used to indicate that such instrument of weights and measures has been officially tested, calibrated, sealed or inspected;
- e) For any person other than the official sealer or his duly representative to alter the written or printed figures, letters or 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 weights and measures 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 measure that has not been sealed or if previously sealed, the license therefor 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 fraudulently give short weight or measure in the 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; and
- l) For any person to procure the commission of any such offense abovementioned by another.

Weights and measures devices officially sealed at previous time which have remain 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 authorized representative without penalty except a surcharge fixed under Section 8 of this ordinance.

The City Treasurer's Office shall endorse to the City Mayor for approval implementing guidelines detailing the procedures and processes determining or ascertaining the fraudulent act, ensuring observance of due process and to resolve administrative complaints that may be filed in connection thereto.

**SECTION 13. REFUSAL OR OBSTRUCTION OF INSPECTION AND SAMPLING.** Any person who refuses, prevents, or obstructs the inspection of its premises, facilities and records, as well as sampling of Liquid Fuels shall be held liable under this ordinance as well as under the Department of Energy (DOE) Circular No. DC 2017 - 11 - 0011 or other national laws and legal orders applicable thereto. The difficulty in securing consent of the owner or his/her representative despite reasonable efforts shall be deemed refusal on the part of the owner for the conduct of inspection subject to the guidelines as maybe issued by the implementing office.

**SECTION 14. PENALTIES.** Any person who shall violate any provision(s) in paragraph a) to l) of Section 12, and Section 13 shall upon conviction be penalized by imprisonment of not less than one (1) month nor more than six (6) months or such fine of not less than Three Thousand Philippine Pesos (Php3,000.00) nor more than Five Thousand Philippine Pesos (Php5,000.00) or both and revocation of permit at the discretion of the court.

**SECTION 15. ADMINISTRATIVE FINE.** Any person subject to a penalty under Section 14 of this ordinance may opt to pay an administrative fine in the amount of **Two Thousand Philippine Pesos (Php2,000.00)** per offense to prevent further prosecution of violations.

**SECTION 16. CITATION TICKET.** Any person apprehended for violating any provision(s) in paragraph a) to l) of Section 12, and Section 13 shall be issued a Citation Ticket in the form prescribed for the purpose and to be issued by the City Treasurer's Office or duly authorized City Market personnel.



- a) In the absence of the registered owner of the establishment, the Citation Ticket shall be given to any employee or any persons working for/with the owner; and
- b) The provisions of the Citation Ticket shall be complied by the offender within three (3) days from issuance thereof.

**SECTION 17. CONFISCATION AND LOCKING.** The said instruments for weights and measures used by the individual who acted fraudulently shall either be confiscated or locked in favor of the City Government of Ormoc depending on the circumstances to be determined by the City Treasurers Office to prevent further use of fraudulent instruments of weights and measures used in commerce and trade subject to proper documentation and further regulations.

- A. **CONFISCATION** – confiscated instruments shall be kept by CTO and may be redeemed upon payment of fees under Section 5 or penalty under Section 14. Those which are not redeemed by its owners within the prescribed period of three (3) days from receipt of citation ticket and those that are beyond repairs shall be deemed scrap materials and shall be turned over to the Environment and Natural Resources Office for proper disposal; and
- B. **LOCKING** – Upon discovery by CTO, instruments that are found to be defective, broken, damaged, inaccurate, faulty, or those objects of fraudulent practices mentioned in Section 12, and which are stationary and difficult or impossible for the CTO to confiscate shall be locked, and will remain locked until the penalty has been settled. The instrument that has been locked by the CTO may only be used once it has been calibrated and certified by the CTO ready to be utilized for operation.

**SECTION 18. IMPLEMENTING OFFICE.** The City Treasurer's Office and its authorized representative(s) shall strictly enforce the provisions of this ordinance and its implementing rules and regulations.

**SECTION 19. CALIBRATION OF TEST WEIGHTS.** When testing instruments at the public market or in the barangays, the City Calibration Officer, CTO authorized representatives or City Market personnel shall bring a certificate issued by the Department of Science and Technology (DOST) stating therein that the test instrument used for testing weights and measures has also been calibrated.

**SECTION 20. IMPLEMENTING RULES AND REGULATIONS.** The City Treasurer's Office and the Local Price Coordinating Council (LPCC) shall come up with the required implementing rules of this ordinance within ninety (90) days from passage subject to the approval of the City Mayor.

**SECTION 21. TIMBANGAN NG BAYAN.** *The City Government shall provide TIMBANGAN NG BAYAN.* in all marketplaces where foodstuffs or products are being sold in order for the buying public to determine, double-check, or find out for themselves whether or not the weight or measure of goods they bought is accurate.

The **Timbangan ng Bayan** shall be installed at designated places and shall serve as the standard for weight or measure in the buying or selling of foodstuffs or product in the marketplace which is based on the primary standard of weights and measures provided by the Department of Science and Technology.



**SECTION 22. ROLE AND PARTICIPATION OF BARANGAYS IN THE IMPLEMENTATION OF THIS ORDINANCE.** The Barangays in Ormoc City shall report to the City Treasurer's Office any unregistered or fraudulent use of instruments of weights and measures among businesses establishments or vendors in their respective jurisdiction. **The CTO shall coordinate with the barangays concerned in the conduct of monitoring and inspection** of instruments of weights and measures in their respective jurisdiction.

**SECTION 23. APPLICABILITY CLAUSE.** All laws, rules and regulations of the National Government pertaining to the use and possession of instruments of weights and measures are hereby made part of this ordinance.

**SECTION 24. REPEALING CLAUSE.** Particular provisions of the following ordinances are hereby repealed:

- a) Sections 86, 87, 88, 89, 90, 91, and 92 of Tax Ordinance No. 93 - 01 enacted on February 26, 1993;
- b) Section 86 of Tax Ordinance No. 2002 - 001, enacted on April 25, 2002; and
- c) Section 3 of Ordinance No. 29 enacted on January 30, 1992.
- d) All other provision of existing issuances, policies and ordinance, including those prescribing for any penalties which are inconsistent with the provisions of this Ordinance, are hereby repealed, amended or modified accordingly.

**SECTION 25. SEPARABILITY CLAUSE.** If any provision of this ordinance is found to be invalid or unconstitutional, all the other provision hereof not affected thereby shall remain valid.

**SECTION 26. EFFECTIVITY.** This Ordinance shall take effect immediately after its publication once in a local newspaper of general circulation within the City of Ormoc.

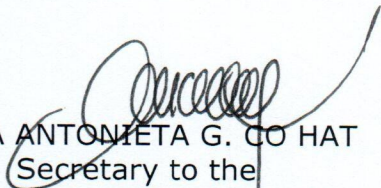
ENACTED, August 24, 2021.

RESOLVED FURTHER, to furnish copies of this ordinance each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the City Treasurer; the Local Price Coordinating Council; the DTI-Ormoc; the HRMO; the City Prosecutor's Office; the Municipal Trial Court in Cities; the Market Administrator; the President, Liga ng mga Barangay ng Ormoc; all Punong Barangays; the City Local Government Operations Officer-DILG; and other offices concerned;


CARRIED UNANIMOUSLY.



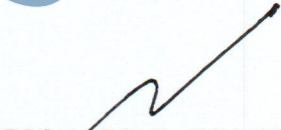
I HEREBY CERTIFY to the correctness of the above ordinance.

  
MARIA ANTONIETA G. CO HAT  
(Secretary to the  
Sangguniang Panlungsod)

ATTESTED:

  
LEO CARMELO L. LOCSIN, JR.  
City Vice Mayor & Presiding Officer

APPROVED:

  
RICHARD I. GOMEZ  
City Mayor  
06 SEP 2021  
(Date)