

Republic of the Philippines
Province of Iloilo
MUNICIPALITY OF OTON
OFFICE OF THE SANGGUNIANG BAYAN



EXCERPTS from the Minutes of the Sangguniang Bayan of Oton, Iloilo in its Regular Session held at the Municipal Session Hall of Oton, Iloilo last **September 15, 2004** at 2:30 in the afternoon.

PRESENT:	Hon. Vicente B. Flores, Jr.	Vice Mayor (Presiding Officer)
	Hon. Eusebio G. Villavicencio, Jr.	SB Member (Temporary Floor Leader)
	Hon. Virginia F. Olivares	SB Member
	Hon. Francisca C. Ezpeleta	SB Member
	Hon. Simplicio R. Carreon, Jr.	SB Member
	Hon. Edgar N. Javellana	SB Member (ABC Representative)
	Hon. Lee C. Alison	SB Member (SK Representative)
ABSENT:	Hon. Jafet P. Salinas	SB Member (O.B.)
	Hon. Jose Neil P. Olivares	SB Member (Asst. Floor Leader) (O.B.)
	Hon. Felimon Gregorio M. Calvo	SB Member (Floor Leader) (O.B.)
	Hon. Pablo S. Guevara, Jr.	SB Member (O.B.)

ORDINANCE NO. 2004 – 127

**AN ORDINANCE REGULATING INSTRUMENTS OF WEIGHTS
AND MEASURES IN THE MUNICIPALITY OF OTON, ILOILO.**

ON MOTION of the Committee on Trade, Commerce and Industry, namely Hon. Virginia F. Olivares, Hon. Francisca C. Ezpeleta and Hon. Jose Neil P. Olivares and duly seconded by Hon. Eusebio G. Villavicencio, Jr.

BE IT ORDAINED by the Sangguniang Bayan of Oton, Iloilo, an Ordinance, to wit:

SECTION 1. INTRODUCTION. Pursuant to Section 447(A), Paragraph 2, Sub-paragraph XV of the Local Government Code of 1991, the Sangguniang Bayan shall regulate the inspection, weighing and measuring of articles of commerce.

In view of the above-cited provision, the use of instruments of weights and measures is practically indispensable to ensure fair conduct of trade especially in businesses that involve agricultural products, construction materials and others. A defective weighing scale is certainly unjust. It is inimical to public interest and should be dealt with by law.

SECTION 2. DEFINITION OF TERMS. The following definitions shall be applied for purposes of this Act.

- a. **Defective Instruments** – refer to instruments of weights or measures that are sufficiently inaccurate due to wear and tear or manipulated fraudulently by the operator or peddler as provided under Section 13 hereof.
- b. **Fine** – a sum of money imposed as a penalty for an offense or dereliction.
- c. **Business** – means trade or commercial activity regularly engaged in as a means of livelihood or with a view to profit.
- d. **Fee** – means a charge fixed by law or ordinance for the regulation or inspection of a business or activity.
- e. **Operator** – includes the owner, manager, administrator or any other person who operates a business and is responsible for the operation of a business establishment or undertaking. He may be a retailer or wholesaler.
- f. **Peddler** – means any person, who, either for himself or on commission, travels from place to place and sells his goods or offers to sell and deliver the same.
- g. **Retail** – means a sale where the purchaser buys the commodity for his own consumption, irrespective of the quantity of the commodity sold.
- h. **Wholesale** – means a sale where the purchaser buys or imports the commodities for resale to persons other than the end user regardless of the quantity of the transaction.
- i. **Agricultural Products** – refers to yields of soil such as corn, rice, wheat, rye, hay, coconuts, sugarcane, tobacco, root crops, vegetables, fruits, flowers and their by-products; ordinary salt, all kinds of fish, poultry, livestock and animal products.
- j. **Instruments of weights and measures** – refers to measuring devices or instruments used to measure weights, capacity or linear measure.

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- k. **Official Calibration Sticker** - a sticker signifying that the instrument of weights and measures is duly calibrated by the Municipal Treasurer's Office, such sticker contain the word "Calibrated", the date of calibration, Municipal Seal of Oton, the phrase "The Town of Character", the signature of the Municipal Treasurer or his / her duly authorized representative.

SECTION 3. IMPOSITION OF FEES. Every operator or peddler before using instruments of weights and measures within the Municipality shall first have them sealed and licensed annually and pay therefore to the Municipal Treasurer the following fees:

a. For sealing linear metric measures:

Not over one meter	P 20.00
Over one meter	P 40.00

b. For sealing metric measures of capacity:

Not over ten liters	P 20.00
Over ten liters	P 40.00

c. For sealing metric instruments of weights with capacity of:

30 Kilograms or less	P 50.00
Over 30 but not more than 300 Kgs.	P 100.00
Over 300 but not more than 500kgs	P 200.00
Over 500 but not more than 2000 kgs	P 300.00
Over 2000kgs or more	P 400.00

SECTION 4. EXEMPTION. All instruments of weights and measures used in government work or maintained for public use by the national government, provincial, city or municipal government shall be tested and sealed free of charge.

SECTION 5. TIME OF PAYMENT. The fees levied in this Act shall be paid to the Municipal Treasurer when the weights measures are sealed before their use and thereafter, on or before the anniversary date.

SECTION 6. SURCHARGE FOR LATE PAYMENT. Failure to pay the fees prescribed in this Act within the time required shall subject the operator or peddler to a surcharge of Twenty Percent (20%) of the original amount of fees due, such surcharge to be paid at the same time and in the same manner as the fees due.

SECTION 7. FORM AND DURATION OF LICENSE FOR USE OF WEIGHTS AND MEASURES. The official receipt for the fee issued for the sealing of a weight or measure shall serve as a license to use such instrument for one year from the date of sealing, unless deterioration or damage renders the weight or measure inaccurate within that period. The license shall expire on the day and the month of the year following its original issuance. Such license shall be preserved by the owner and, together with the weight or measure covered by the license, shall be exhibited on demand by the Municipal Treasurer or his deputies.

SECTION 8. LICENSE TO USE INSTRUMENTS OF WEIGHTS AND MEASURES AS A REQUIREMENT FOR RENEWAL OF BUSINESS PERMITS. Business Permits for operators or peddlers who use instruments of weights and measures in their business can be renewed upon issuance of license to use said instruments by the Municipal Treasurer's Office.

SECTION 9. SECONDARY STANDARDS PRESERVED BY THE MUNICIPAL TREASURER, COMPARISON THEREOF WITH THE FUNDAMENTAL STANDARDS. The Municipal Treasurer shall keep full sets of secondary standards in his office for use in testing of weights and measures. These secondary standards shall be compared with the fundamental standards in the Department of Science and Technology at least once a year. When found to be sufficiently accurate, the secondary standards shall be distinguished by label, tag or seal and shall be accompanied by a certificate showing the amount of its variation from the fundamental standards. If the variation is of sufficient magnitude to impair the utility of instrument, it shall be confiscated and destroyed at the Department of Science and Technology.

SECTION 10. DESTRUCTION OF DEFECTIVE INSTRUMENTS OF WEIGHTS OR MEASURES. Any defective instrument of weights or measure shall be confiscated and / or destroyed by the Municipal Treasurer or his authorized deputies if the defect is such that it cannot be readily and securely repaired.

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SECTION 11. INSPECTION OF WEIGHTS AND MEASURES. The Municipal Treasurer or his authorized representative shall inspect and test instruments of weights and measures regularly every last week of a quarter or anytime convenient for them. In case the inspection and testing is conducted by his authorized representatives they shall report on the condition of the instrument in the territory assigned to them. It shall be their duty to secure evidence of infringement of the law or fraud in the use of weights and measures. Evidence so secured by them shall be presented forthwith to the Chief Investigator of the Oton PNP.

SECTION 12. DEALER'S PERMIT TO KEEP UNSEALED WEIGHTS AND MEASURES. Upon obtaining written permission from the Municipal Treasurer, any dealer may keep unsealed instruments of weight or measure in stock, for sale until sold or used.

SECTION 13. FRAUDULENT PRACTICES RELATIVE TO WEIGHTS AND MEASURES. The following acts relative to weights and measures are prohibited:

- a. For any person other than the official sealer or his duly authorized representative to place or attached an official tag, seal, sticker, mark, stamp, brand or other characteristics sign used to indicate that such instrument of weight and measure has officially been 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 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 weight or measures 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 and 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, letter, 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 licensed for the purpose of making it appear that the instrument of weight and 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 estimated by weight or measure to possess, used or maintained with intention to use any scale, balance weight, or measure 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 fraudulently give short weight or measure in the making of a sale;
- k. For any person assuming or 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 produce 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 authorized representative without penalty except a surcharge fixed by law or regulation.

SECTION 14. COMPROMISE POWER. The Municipal Treasurer is hereby authorized to settle an offense which does not involve commission of fraud before a case therefore is filed in court upon payment of a compromise penalty of not less than Two Hundred Pesos (P200.00).

SECTION 15. SCOPE AND LIMITATIONS. This Act shall apply to Oton Public Market, talipapas, or other similar buildings and structures and peddlers throughout the Municipality of Oton, Iloilo.

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Only the personnel under the Municipal Treasurer's Office (MTO) deputized for the purpose of apprehending business operators and peddlers using defective instruments of weights or measures are authorized to do so. Nevertheless, any concerned citizen can report said violation to the MTO or any elected official or employees of LGU Oton, barangay officials and / or members of the PNP.

SECTION 16. BUDGETARY REQUIREMENT. Incidental expenses relative to the implementation of this Ordinance shall be allotted annually in the Annual Budget in the amount not exceeding Thirty Thousand Pesos (P30,000.00).

SECTION 17. PENALTIES.

- a. Any person(s) who shall violate(s) the provision of subsections (a) to (l) except (g) of Section 12 shall upon conviction be subject to a fine of Five Hundred Pesos (P500.00) and / or two (2) days of imprisonment for the First Offense, Eight Hundred Pesos (P800.00) and / or five (5) days of imprisonment for the Second Offense and One Thousand Pesos (P1,000.00) or imprisonment of one (1) week for the Third Offense upon the discretion of the court.
- b. Any person who shall violate the provisions of subsection (g) of Section 12 shall be subject to a fine of not less than Five Hundred Pesos (P500.00) or imprisonment of not more than One (1) month or both, upon the discretion of the court.
- c. The MTO shall confiscate the defective instrument of weights or measures upon every offense provided hereof and shall cancel the business permit on the Third Offense. Confiscated instrument of weights or measures shall only be released when penalties have been imposed and the instrument have been calibrated.

SECTION 18. REPEALING CLAUSE. All municipal ordinances or parts of any municipal ordinance inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 19. SEPARABILITY CLAUSE. If any provision of this Act is held invalid, the other provisions not affected thereby shall continue in operation.

SECTION 20. EFFECTIVITY CLAUSE. This Ordinance shall take effect after approval and ten (10) days of posting in at least two (2) conspicuous places in the Municipality.

SECTION 21. COPIES. This Ordinance shall be furnished to the Office of the Mayor; MTO; GSO; Mun. Adm.; PNP; MTC; ABC; Vendors Associations in Oton; and the Sangguniang Panlalawigan of Iloilo for information and guidance.

UNANIMOUSLY APPROVED.

I HEREBY CERTIFY in the correctness of the foregoing Ordinance.

Attested:

VICENTE B. FLORES, JR.
Vice Mayor

Concurred:

EUSEBIO G. VILLAVICENCIO, JR.
Temporary Floor Leader

Approved:

ATTY. CARINA V. FLORES
Municipal Mayor

Date Approved: SEP 20 2004

Date Posted: 29 SEP 2004 /jof/

MTC - *Maria Ina B. Banzon*
MTC - *Interpreter*

MTO - *9-27-04*
Mun. Adm. - *Angela 10-01-04*

MTO - *[Signature]*
PNP - *[Signature]* 10/1/04

GSO - *[Signature]* 10-01-04
Vendors - *[Signature]* 10/1/04

ABC - *(OT Bogus) 10-4-04*
During ABC Meeting