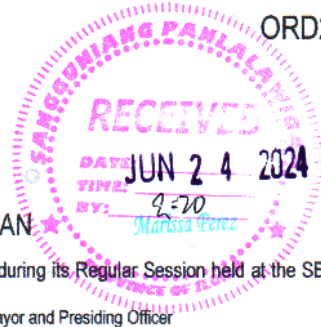




Republic of the Philippines
Province of Iloilo
MUNICIPALITY OF OTON
OFFICE OF THE SANGGUNIANG BAYAN



ORD2024-452

EXCERPT from the Minutes of Session of the Sangguniang Bayan ng Oton, Iloilo recorded during its Regular Session held at the SB Session Hall on June 13, 2024 at 9:00 the morning.

PRESENT:

- Vice Mayor Jose Neil Portugalete Olivares
- Hon. Jimmy Robles Olivares
- Hon. Ma. Lorna Tumambo Geonigo
- Hon. Dennis Quillo Geroche
- Hon. Ernesto Cordova Ticao
- Hon. Lee Cereneo Alison – Breaña
- Hon. Grace Marie Escanlar-Cruz
- Hon. Rodolfo Zurita Alconga, Jr.
- Hon. Vanessa Turita Salinas
- Hon. Paul Mediavilla Buenafe
- Hon. Hyacinth C. Gardose

- Vice Mayor and Presiding Officer
- SB Member
- SB Member
- SB Member
- SB Member
- SB Member
- SB Member
- SB Member
- SB Member
- SB Member (LNB Representative)
- SB Member (PPSK Representative)

ON OFFICIAL BUSINESS:
ABSENT: NONE.

ORDINANCE NO. 2024 – 452

LOCALIZING RA 10909 KNOWN AS NO SHORTCHANGING ACT OF 2016 IN THE MUNICIPALITY OF OTON, ILOILO.

AS PROPOSED AND ON MOTION of Hon. Ma. Lorna T. Geonigo, Chair, Committee on Trade, Commerce and Industry which was **DULY SECONDED BY** Hon. Dennis Q. Geroche be it

ORDAINED by the Sangguniang Bayan ng Oton, that:

SECTION 1. SHORT TITLE. This Ordinance shall be known as the “No Shortchanging Ordinance” of the Municipality of Oton.

SECTION 2. DECLARATION OF POLICY/LEGAL BASIS.

- a. It is the policy of the state to protect the interest and promote the general welfare of the consumers as well as establish standard of conduct for business and industry.
- b. Section 4 of the Republic Act 10909, known as “No Shortchanging Act of 2016” states that it shall be the duty of the business establishment to give the exact change to the consumer without waiting for the consumer to ask for the same. In general, it shall be unlawful for any business establishment to shortchange a consumer, even if such change is only of a small amount. It shall also be unlawful for any business establishment which sells goods or provides services to give the change in any form other than the present currency or to ask permission to be exempted from the provisions of this Act for any reason, including the non-availability of small bills or coins. It shall likewise be the duty of business establishments to use price tags, when appropriate, indicating the exact retail price per unit or service which already include the taxes applicable to the good or services being offered. These establishments shall also put signs in conspicuous places within the establishments or reflect in the official receipts issued, the taxes incorporated in the retail price per unit of goods and services. This is to avoid misleading the consumers as to the exact price they have to pay for the goods or services and, consequently, the exact change due them.”

SECTION 3. PURPOSES/OBJECTIVES. This ordinance aims for:

- a. Protection of the consumers against deceptive, unfair and unconscionable sales acts and practices;
- b. Institutionalization of the industry practice of giving exact change to consumers of goods and services;
- c. Provision of information and education to facilitate sound choice and the proper exercise of right by the consumers;
- d. Provision of adequate rights and means of redress for consumers; and
- e. Provisions of penalties for offenders.

SECTION 4. DEFINITION OF TERMS AS USED IN THIS ORDINANCE.

- a. Business Establishments – any person whether single proprietorship, partnership or corporation with fixed physical location and permanent address, registered or non-registered with the local Government Unit of Oton, engaged in or doing business within the jurisdiction of Oton, either in selling goods or providing services.
- b. Change – the excess in the payment given by a consumer for goods or services purchased or received from a business establishment;

- c. Consumer – person who purchases goods and services in cash or via online payment;
- d. Goods – all types of tangible property that could be transferred in whole or in part, temporarily or permanently;
- e. Gross Sales – the total invoice value of sales, before deducting for customer discount, allowances and returns;
- f. Insufficient Change – a change that is less than what is due the customers;
- g. Price Tag – any device written, printed, affixed or attached to a good, or displayed in a consumer retail or service establishment for the purpose of indicating the retail price per unit or service.
- h. Services – all types of commercial activities which enable the supply, access to, consumption or use of goods or services offered by the business establishment;
- i. Shortchange – the act of giving insufficient or no change to a consumer who purchases a product or services;

SECTION 5. SCOPE AND COVERAGE.

This ordinance covers all business establishments within the territorial jurisdiction of Oton, Iloilo;

SECTION 6. PROHIBITED ACTS.

- a. It shall be unlawful for any business establishment to shortchange a consumer, even if such change is only a small amount;
- b. It shall be unlawful for any business establishment which sells goods or provides services to give the change in any form other than the present currency or to ask the consumer for permission to be excepted from the provisions of this ordinance for any reason, including the unavailability of small bills or coins;
- c. It shall be unlawful for business establishment not to provide price tags on goods for sale.

SECTION 7. PENALTIES. Any business establishment who violated any provision under section 6 of this ordinance shall be meted the following penalties:

- a. For first offense – fine of Five Hundred Pesos (₱500.00)
- b. For second offense - a fine of one thousand Pesos (₱1,000.00)
- c. For third offense – a fine of two thousand five hundred Pesos (₱2,500.00) and closure of business.

SECTION 8. SEPARABILITY CLAUSE. If for certain reasons some provision of this Ordinance are found to be invalid or unconstitutional, all other provisions hereof not affected shall remain in full force and effect.

SECTION 9. REPEALING CLAUSE. All ordinances, inconsistent with this Ordinance are hereby repealed accordingly.

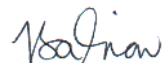
SECTION 10. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon compliance with the mandatory posting and publication requirements prescribed under Section 511, Republic Act 7160, otherwise known as the Local Government Code of 1991.

SECTION 11. DISTRIBUTION OF COPIES. This ordinance shall be furnished to the Office of the Mayor, Legal Officer, Municipal Administrator, BPLO, LEDIPO, MBO, MTO, MEEDO, Accounting, Oton PNP, Business Establishments, PPC-Oton Chapter, 37 Barangays, CSOs and the Sangguniang Panlalawigan of Iloilo for information, guidance and review respectively.

UNANIMOUSLY APPROVED.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

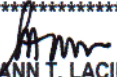
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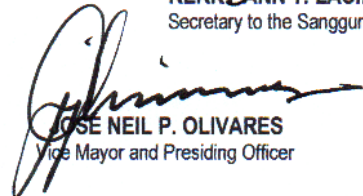

VANESSA T. SALINAS
 Chair - Committee on Rules and Privileges

Approved:


SOFRONIO L. FUSIN, JR.
 Municipal Mayor

Attested:


KERRY ANN T. LACIFICAR
 Secretary to the Sanggunian


JOSE NEIL P. OLIVARES
 Vice Mayor and Presiding Officer

Date Approved:

JUN 24 2024

Date Posted:

JUN 24 2024