

Republic of the Philippines  
Province of Iloilo  
Municipality of Tigbauan

*Office of the Sangguniang Bayan*

Tigbauan Municipal Hall, Tigbauan, Iloilo 5021 Philippines  
(033) 511-8530 [sbtigbauan@yahoo.com](mailto:sbtigbauan@yahoo.com)



EXCERPT FROM THE MINUTES OF THE 30<sup>TH</sup> REGULAR SESSION OF THE HONORABLE SANGGUNIANG BAYAN, TIGBAUAN, ILOILO HELD AT THE S.B. SESSION HALL, TIGBAUAN MUNICIPAL BUILDING ON JULY 26, 2017 AT 3:00 O'CLOCK IN THE AFTERNOON

**PRESENT:**

HON. VIRGILIO T. TERUEL,	Vice Mayor & Presiding Officer
HON. DENNIS T. VALENCIA	- S.B. Member
HON. JOHN GERSHWIN C. TUERES	- S.B. Member
HON. ARIEL I. BERNARDO	- S.B. Member
HON. SUZETTE MARIE HILADO-BANNO	- S.B. Member
HON. JULIUS T. LEDESMA	- S.B. Member
HON. NERI T. CAMIÑA	- S.B. Member
HON. MA. GERRYLIN SANTUYO-CAMPOSAGRADO	- S.B. Member
HON. JERRY T. TUARES	- S.B. Member
HON. RONNIE T. PAGUNTALAN	- Liga President

**ABSENT: NONE**

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**Municipal Ordinance No. 2017-012**

**AN ORDINANCE PENALIZING FRAUDULENT ACTS DEFINED UNDER REPUBLIC ACT NO. 7394 OTHERWISE KNOWN AS CONSUMERS ACT OF THE PHILIPPINES PROVIDING FOR TIMBANGAN NG BAYAN IN ALL MARKET PLACES IN THE MUNICIPALITY OF TIGBAUAN, PROVINCE OF ILOILO AND IMPOSING PENALTIES FOR VIOLATION THEREOF.**

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**Sponsored By:** *HON. JULIUS T. LEDESMA, Chairman, S.B. Committee on Investment and Labor & Employment*

**Seconded By:** Hon. Dennis Valencia, Hon. John Gershwin C. Tueres, Hon. Ariel I. Bernardo, Hon. Suzette Marie Hilado- Banno, Hon. Neri T. Camiña, Hon. Ma. Gerrylin Santuyo-Camposagrado, Hon. Jerry T. Tuares and Hon. Ronnie T. Paguntalan.

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**WHEREAS** , the State is mandated by the 1987 Constitution under Art. 11, Sec. 5 to promote the general welfare;

**WHEREAS**, Republic Act. No. 7394 otherwise known as The Consumers Act of the Philippines provides in Art. 2 thereof that it is the policy of the state to protect the interest of the consumer, promote his general welfare and to establish the standards of conduct for business and industry;

**WHEREAS**, Chapter II of R.A. 7394 provides for the regulation of practices relative to weights and measures for consumer and consumer related transaction;

**WHEREAS**, towards the above-stated end, the State shall implement measures to achieve its objectives, among other things, the protection against deceptive, unfair and unconscionable sales acts and practices;

**WHEREAS**, it has been found out by proper municipality authorities that some vendors of raw foodstuffs and other goods, in fairness to those who are fair and honest, are using scales that are either tampered, altered, defective, fraudulent, unsealed, or has expired license to the disadvantage of the buying public;

**WHEREAS**, it is the duty of the Municipality of Tigbauan to stop and eliminate illegal scales from all market places in the municipality and to protect the buying public from being defrauded or cheated, thereby establishing an honest and fair environment in the market place;

**WHEREAS**, the Sangguniang Bayan has the power to regulate the inspection, weighing and measuring of articles of commerce, as provided for in Sec. 458, 2 (xv) of R.A. 7160 otherwise known as the Local Government Code of 1991;

**NOW, THEREFORE, be it enacted by the Sangguniang Bayan of Tigbauan, that:**

**SECTION 1. Title.** *This ordinance shall be known as an “AN ORDINANCE PENALIZING FRAUDULENT ACTS DEFINED UNDER REPUBLIC ACT NO. 7394, OTHERWISE KNOWN AS CONSUMERS ACT OF THE PHILIPPINES PROVIDING FOR TIMBANGAN NG BAYAN IN ALL MARKET PLACES IN THE MUNICIPALITY OF TIGBAUAN, PROVINCE OF ILOILO AND IMPOSING PENALTIES FOR VIOLATION THEREOF.*

**SECTION 2. Scope.** *This ordinance shall cover all public or private market places, commercial establishment, wholesale or retail stores and similar establishments in the Municipality of Tigbauan where foodstuffs like meat, poultry, fish, vegetables, fruits, rice, palay including hard wares, millers and the like are being sold;*

**SECTION 3. 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 every six (6) months by the official sealer who shall be the Municipal Treasurer or his authorized representative upon payment of fees as provided for under the Local Revenue Code; Provided, that all instruments of weights and measures shall continuously be inspected for compliance with the provisions of Chapter II of R.A. 7394;*

**SECTION 4. Fraudulent Practices Relative to Weights and Measures.** *The following acts relating to weights and measures are 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 weight and measure 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 measure has been fully tested, calibrated, sealed or inspected;*
- d. *For any person to make or knowingly sell any used, false or counterfeit seal, 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. *Or any person other than the official sealer or his duly authorized 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. *Or 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 and measure to process, use or maintain with intention to use any scale, balance, weight or measure that has not been renewed in due time;
- h. For any person to knowingly 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; or
- l. For any person to procure the commission of any such offense above-mentioned by another. Instruments 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 this ordinance.

**SECTION 5. Timbangan ng Bayan**

- a. The Municipal Government shall provide Timbangan ng Bayan in all market places where foodstuffs like meat, poultry, fish, vegetables, fruits, palay, rice, including hardware, millers and others are being sold in order for the buying public to determine, double-check, or find out for themselves whether the weight or measure of what they bought is accurate or not; Provided, that in market places outside of the poblacion, the Timbangan shall be provided by the Barangay where the market place is located.
- b. The Timbangan ng Bayan shall be installed at strategic places and shall serve as the standard for weight or measure in the buying or selling of foodstuffs in the market place which is based on the primary standard of weights and measures provided by the Department of Science and Technology.

**SECTION 6. Weighing Scales**

- a. The 10 kgs, suspended metric weighing scale and the digital weighing scale shall be used for commercial purposes after this ordinance takes effect in order to ensure for the buying public accuracy on the weights of foodstuffs and others that they purchase in the market places.
- b. The use of 10kgs. table top metric weighing scale for commercial purposes in all market places maybe allowed, provided that the subject weighing scale must have been officially tested, calibrated and sealed or inspected.

**SECTION 7. Creation, Composition and Duties and Responsibilities of the Task Force.**

- A Task Force shall be created, the members of which shall be appointed by the Local Chief Executive, to go after unscrupulous merchants or vendors using defective, un-calibrated and deceptive weighing scales to be composed of the following:

Chairman - Municipal Mayor  
The Members shall be representatives from -

- Office of the Municipal Treasurer
- S.B. Committee on Market and Slaughterhouse
- S.B. Committee on Economics, Investment and Labor & Employment
- Tigbauan PNP Personnel who shall be primarily responsible for the apprehension of violators.
- Rep. from the Municipal Consumers Organization
- Representative from the Market Vendors Association

➤ Duties And Responsibilities Of The Task Force:

The Task Force shall take charge of all monitoring activities to make sure that all weighing scales used by business establishment owners in selling products are correct to ensure that the buying public are getting the right volume of goods or commodity they buy.

The monitoring activities shall be done daily to check the accuracy of weighing scales. Un-calibrated weighing scales and those used by vendors who acted fraudulently shall be confiscated in favor of the Municipal Government.

**SECTION 8.** The expiry date of the license of the instrument for weights and measures must be indicated in the seal or attached to it.

**SECTION 9.** There shall be a continuing education information to instill consumer awareness against deceptive, unfair and unconscionable sales acts and practices and to facilitate sound choice and proper exercise of consumer's rights.

**SECTION 10.** There shall be established a consumer complaint desk at market places to be handled by the Tigbauan Consumer's Organization for purposes of receiving, investigating and responding to consumer complaints. The consumers shall be allowed to return items/goods short of its weights aside from the imposition of the required penalties to the vendors as provided for under Sec. 13 of this Ordinance.

**SECTION 11.** The instrument for weights which are not sealed or if previously sealed, is not renewed or license has been expired or fails to pay the corresponding fees within the prescribed period shall subject the owner or user to a surcharge of five hundred percent (500%) of the prescribed fees. The schedule of sealing and calibration shall commence on January one (1) to twenty (20) and from July one (1) to twenty (20) as the Municipal Treasurer may determine.

**SECTION 12. Penalties**

Any person who shall violate the provisions of this ordinance shall upon conviction be penalized in the following manner:

1. First Offense - Fine of Five Hundred Pesos (P500.00)
2. Second Offense - Fine of Seven Hundred Fifty Pesos (P750.00)
3. Third Offense - Fine of One Thousand Pesos (P1,000.00), cancellation of the license or permit to operate, confiscation of the instruments for weights or measures, or an imprisonment of one (1) months to six (6) months or both at the discretion of the court

**SECTION 13. Separability Clause.** If for any reason, any provision, section or part of this ordinance is declared not valid by the court of competent jurisdiction or suspended or revoked by the Sangguniang Bayan, such judgment shall not affect or impair the remaining provisions, sections, or parts thereof, which shall remain or continue to be in full force and effect.

**SECTION 14.** *That the vendors shall be given a grace period of three (3) months after the effectivity of this ordinance in order to comply with the provision under Section 6 therein on the requirements of suspended metric weighing scale or digital weighing scale as the official weighing scale in the Municipality of Tigbauan.*

**SECTION 15. Effectivity .** *This ordinance shall take effect after complying with the requirements as to posting and publication as provided for under Sec. 59 of RA 7160.*

**APPROVED. July 26, 2017.**

**CERTIFIED CORRECT:**

  
**MARLENE TAYO-NAVA**  
S.B. Secretary

**ATTESTED:**

  
**VIRGILIO T. TERUEL**  
Vice Mayor & Presiding Officer

**APPROVED:**

**SUZETTE TENEFRANCIA-ALQUISADA**  
Municipal Mayor

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**(Date Signed)**

**HON. VIRGILIO T. TERUEL, LAWYER**  
Municipal Vice Mayor

Sangguniang Bayan Members:

Hon. Dennis T. Valencia	Hon. Suzette Marie Hilado-Banno, M.D.	Hon. Ma. Gerrylin Santuyo-Camposagrado, LLB,MPA
Hon. John Gershwin C. Tueres,LLB	Hon. Neri T. Camiña	Hon. Jerry T. Tuares, Civil Engineer
Hon. Ariel I. Bernardo	Hon. Julius T. Ledesma,O.D.	Hon. Ronnie T. Paguntalan (LnB-Pres.)

*“Public office is a public trust. Public Officials must at all times be accountable to the people.”*