

Excerpt from the

MINUTES OF THE 9TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF
BAYBAY, LEYTE, HELD AT THE SESSION HALL ON MARCH 3, 1992.

PRESENT: HON. PATROCINIO L. ALBARICO Sangguniang Bayan Member &
Actg. Presiding Officer
HON. MANUEL A. CHAN Sangguniang Bayan Member
HON. BONIFACIO A. UN -do-
HON. LILIA T. MODINA -do-
HON. AVELINO D. UY -do-
HON. RICARDO L. AVILA -do-
HON. DOMINADOR L. CHIONG -do-
HON. CANDIDO P. SOMBILON -do-
HON. JACINTO B. OMANDAC -do-

ABSENT:

HON. EMMANUEL G. PILPA Mun. Vice Mayor
HON. NOLAN T. MONSERATE Sangguniang Bayan Member

MUNICIPAL ORDINANCE NO. 3

AN ORDINANCE REQUIRING REGISTRATION, SEALING AND RECALIBRATION OF
ALL WEIGHTS AND MEASURES IN THIS MUNICIPALITY, AND PRESCRIBING PENAL-
TIES FOR VIOLATION THEREOF.

WHEREAS, there are many business establishments and market stall-
holders in Baybay, Leyte selling or retailing various products or arti-
cles to the consuming public;

WHEREAS, in view of the fact that this Body's primary concern is
its constituents who comprised the general consuming public, its Commit-
tee on Trade and Industry conducted recently a public hearing on the
matter, which was attended by the majority of the representatives of the
business sector as well as that of the consumers who expressly assented
the proposal; and

WHEREAS, this proposed ordinance is in purview of Section 148 of
the Local Government Code of 1991.

WHEREFORE, on motion of the Honorable SB Member Manuel A. Chan,
duly seconded by the rest of the SB members present; be it

RESOLVED, as it is hereby RESOLVED, that the following municipal
ordinance be, as hereby is, adopted, to wit:

AN ORDINANCE

REQUIRING REGISTRATION, SEALING AND RECALIBRATION OF ALL WEIGHTS
AND MEASURES IN THIS MUNICIPALITY AND PRESCRIBING PENALTIES FOR
VIOLATION THEREOF.

- more over -

[Handwritten signature]

Be it enacted by the Sangguniang Bayan of the Municipality of Baybay, Province of Leyte, in session assembled, that:

Section 1.- All business establishments in the Municipality of Baybay, Leyte are hereby required to register annually all their weights and measures used in their business transactions and yearly calibration of same as one of the requirements in the renewal of municipal licenses:

Section 2. - The annual fees for registration, sealing and/or calibration of these weights and measures are, as follows:

	<u>ANNUAL RATE</u>
a) Linear metric measures not exceeding 1 meter	P 15.00
b) Linear metric measures exceeding 1 meter	20.00
c) Metric measures with capacity not exceeding 10 liters	50.00
d) Metric measures with capacity exceeding 10 liters ..	100.00
e) Metric instruments of weights	
1) Capacity of not exceeding 10 kgs.	15.00
2) Capacity of more than 10 kgs. but not exceeding 50 kgs.	30.00
3) Capacity of more than 50 kgs. but not exceeding 500 kilograms	150.00
4) Capacity of more than 500 kilograms but not exceeding 3000 kilograms	300.00
5) Capacity of more than 3,000 kilograms	500.00
f) For an apothecary balance or balance of precision, the fee shall be doubled	_____
g) For complete set of weights for each scale or ba- lance shall be sealed free of charge. For each extra weight, the fee shall be	1.00
h) Other instruments of weights and measures not includ- ed above will be determined by the Municipal Treas- urer or his deputies	_____

The fee for re-calibration shall be the same as registered and sealing fees following the same schedule rate.

In the case of a peddler or similar itinerant vendor using only one weight or measure, he/she shall pay the fee in his/her place of residence.

Section 3.- Sealers and inspectors of weights and measures.

The sealing and registration of weights and measures shall be the duty of the Municipal Treasurer or his deputies. Checking and inspection shall be the duty of the treasurer with the assistance of PNP Station Commander or his duly authorized representatives, with the approval of the Municipal Mayor, filing of appropriate charges in court will be done by the PNP or by the Municipal Treasurer.

Section 4.- The following provisions from chapter VI, Title VIII, of the National Internal Revenue Code, is hereby adopted, viz:

"Sec. 283. Sealers of weights and measures.- The sealing and licensing of weights and measures shall be the duty of the Municipal Treasurer and/or his deputies, and for the purposes of this ordinance, such officers shall be termed sealers of weights and measures."

Sec. 284. Destruction of defective instruments of weight and measures.- Any defective instruments of weights and measures may be destroyed by any inspector or sealer of weights and measures of its defects in such that it can not readily and securely be repaired.

Sec. 285. Testing of instruments used in Government work.- All measures and other instruments for determining weights used in the government work or maintained for public use by any province, City, or municipality shall be tested and sealed free of charge.

Sec. 286. Dealers' permit to keep unscaled weights and measures.- Upon obtaining written permission from the municipal treasurer any dealer may keep instruments of weights and measure in stock for sale without sealing, until sold or used.

Sec. 287. Fraudulent practices relative to weights and measures.- Any person other than an official sealer of weights and measures who places an official tag or seal upon any instrument of weight or measure, or attached it thereof; or who fraudulently imitates any mark, stamp, brand, tag, or other characteristics sign used to indicate that weights and measures have been officially sealed; or who alters in any way the certificate given by the sealer as an acknowledgement that the weights and measures mentioned therein have been duly sealed, or who makes or knowingly sells or uses any false or counterfeit stamp, tag, certificate, or license, or any die license which is an imitation of or purposes to be a lawful stamp, tag, certificate, or license of the kind required by the provisions hereof; or who alters the written or printed figures or letters on any stamp, tag, certificate, or license used or issued; or has in his possession any such false, counterfeit, restored, or altered stamp, tag, certificate, or license for the purpose of using or reusing the same in the payment of fees or charges, imposed hereof; or who procures the commission of any offense by another, shall for such offense be fined not less than two hundred pesos nor more than five thousand pesos, or imprisonment for not less than one month, nor more than three years, or both, per Sec. 447, RA 7160.

Sec. 288.- Unlawful possession or use of instrument months from last sealing. Any person making a practice of buying or selling goods by weight or measure, or of furnishing services the value of which is estimated by weight or measure, who has in his possession without permit any unsealed scale, balance, weight or measure, and any person who uses, in any purchase or sale or in estimating the value of any service furnished, any instrument of weight or measure that has not been officially sealed, or, if previously sealed, the license therefore has expired and has not been renewed in due time, shall be punished by a fine of not exceeding five hundred pesos or by imprisonment for not exceeding one year, or both; but if such scale, balance, weight, or measure so used has been officially

affixed thereto remain intact and in the same position and condition in which they were placed by the official sealer, and instrument is found not to have been altered or rendered inaccurate but still to be sufficiently accurate to warrant its being sealed without repairs or alteration, such instrument shall, if presented for sealing promptly on demand of any authorized sealer or inspector of weights and measures, be sealed, and the owner possessor, or user of same shall be subject to no penalty except a surcharge equal to five times the regular fee fixed by law for the sealing of an instrument of its class, this surcharge to be collected and accounted for by the same official and in the same manner as the regular fees for sealing such instruments.

Sec. 289. Alternation or fraudulent use of instrument of weight or measure. Any person who, with fraudulent intent, alters any scale or balance, weight, or measure after it is officially sealed, or who knowingly uses any false scale or balance, weight, or measure, whether sealed or not, shall be punished by a fine of not less than two hundred pesos nor more than four thousand pesos or by imprisonment for not less than three months nor more than two years, or both.

Any person who fraudulently gives short weight or measure in the making of a scale, or who fraudulently takes excessive weight or measure in the making of a purchase, or who assuming to determine truly the weight or measure, fraudulently misrepresents the weights or measure thereof, shall be punished by a fine of not less than two hundred pesos nor more than two thousand pesos, or by imprisonment for not less than three months nor more than two years, or both."

Section 5. If a defective weighing scale had been detected by the Inspector of this Office, it shall be confiscated and be brought to the Office of the Municipal Treasurer of this municipality. The owner/licensee of the confiscated defective weighing scale shall pay a fine of TWO HUNDRED PESOS (P200.00) as penalty, after which a new seal shall be issued to a newly calibrated weighing scale.

A grace period of thirty (30) days shall be granted to the owner/licensee of the defective scale after its confiscation and failure to pay the penalty within the specified period, an additional of 50% surcharge and 14% interest per annum shall be imposed. If the owner/licensee wilfully neglects to pay the penalty, his/her business permit to operate the business shall be automatically cancelled.

Section 6. The use of metric system of weights and measures. The system of weights and measures to be used for all products, commodities, materials, utilities, services and commercial transactions in all contracts, deeds and other legal instruments publicly and officially attested, and in all official documents shall be the METRIC SYSTEM, in accordance with the provisions of P.D. No. 187.

Section 7. The Municipal Treasurer is hereby empowered to promulgate or issue guidelines for an effective implementation of this ordinance.

Section 8. The Municipal Treasurer is further authorized to settle an offense not involving the commission of fraud before a case is filed in court upon payment of a compromise penalty of not less than P200.00 (provided for in section 148, paragraph b).

Section 9. Any rule, regulation, resolution or ordinance inconsistent with this ordinance is hereby modified accordingly.

Section 10. This ordinance shall take effect upon its approval.

Approved, March 3, 1992.

RESOLVED, FURTHER, to let certified copies of this ordinance be furnished the Honorable Sangguniang Panlalawigan of Leyte, Tacloban City, for ultimate approval; the Municipal Treasurer of Baybay, Leyte, for appropriate action; and all other concerned, for information and guidance.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

PATROCINIO L. MEARICO
SB Member & Actg.

Presiding Officer

APPROVED:

CARMEN L. CARI
Municipal Mayor

REYNALDO S. ATIENZA
MG Department Head

ATTESTED: