



Ordinance No. SP- 24, S-92

ORDINANCE

REGULATING AND IMPOSING FEES FOR THE TESTING AND SEALING OF WEIGHTS AND MEASURES AND IMPOSING FINES AND PENALTIES TO OFFENDERS AND VIOLATORS.

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Introduced by Councilor Ramon G. Mathay and Councilor Alberto M. Galarpe.  
Co-Introduced by Councilors Moises S. Samson, Victor V. Ferrer, Jr., Joseph Peter S. Sioson, Ma. Fresca M. Biglang-awa, Eufemio C. Lagumbay, Godofredo T. Liban II, Melencio M. Castelo, Herminio "Butch" C. Bautista, Reynaldo A. Calalay, Emilio G. Tamayo, Antonio L. Sioson, Reynaldo N. Medina, Antonio V. Hernandez (Anthony Alonzo), Marciano P. Medalla, Connie S. Angeles, Herbert M. Bautista, Michael T. Defensor, Cesar A. Dario, Jr., Guillermo C. Altuna, Bayani V. Hipol, Alfredo A. Francisco (Fred Montilla) and Roberto A. Miguel.  
Sponsored by Vice Mayor Charito L. Planas.

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WHEREAS, the spiralling costs of basic commodities has no solution even in the near future;

WHEREAS, there is a growing need to protect the consuming public from the exploitation of unscrupulous vendors;

WHEREAS, the cost and maintenance in the implementation of the 1973 weights and measure law (PD 231 Sec. 14 as amended PD426 Sec. 6) is inadequate to meet the required present standard surveillance and supervision;

WHEREAS, Article 234 of the Rules and Regulations Implementing the Local Government Code of 1991, provides authority to the local government unit to levy fees and impose penalties to violators as provided further in Article 279 of this Rules;

WHEREAS, the existing laws on weights and measures do not provide for adequate solutions to stop fraudulent and unscrupulous practices leaving the consuming public at the mercy of offenders and violators; thus depriving them (Consuming public) of their better chances to live within their means;

e) For sealing scale or balance with complete set of weights

1. For each scale or balance with complete set weights for use therewith - - - - - free
2. For each extra weights - - - - - ₱ 10.00
3. For each and every re-testing and re-sealing of weights and measures instruments including gasoline pumps outside the office upon request of the owner or operator, and operator an additional service charge of ₱50.00 for each instrument shall be collected.

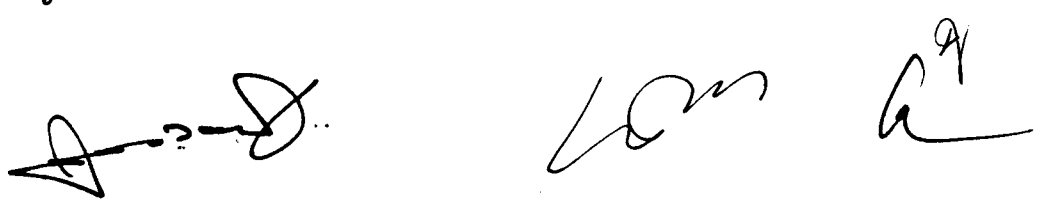
SECTION 3. Payment of fees and surcharges - The fees herein imposed shall be paid to the City Treasurer upon the sealing or testing of the weights or measures instruments and renewable on or before the anniversary date thereof. The sticker seal shall be attached to the measuring instruments and weights aside from the metal seal and shall serve as the license to use such instruments and the official receipt will serve as the evidence of payment, for one (1) year from the date of sealing and testing. Until such time that the instrument becomes defective before the expiration period, a new official receipt for resealing and re-testing must be shown. Failure to have the instrument re-tested and re-sealed, a corresponding fee shall be charged to the owner or user in the amount of twenty-five percent (25%) of the total charges in the sealing and testing and two percent (2%) interest rate per month of delay but in no case shall exceed one (1) year.

SECTION 4. Exemption -

- a) All instruments for weights and measures used in government work or maintained for public use by any instrumentality of the government shall be tested and sealed free.
- b) Instruments of weights and measures intended for sale by dealers are exempt from the fees imposed in this Ordinance.

SECTION 5. Administrative Provisions -

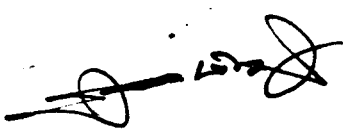
- a) The City Treasurer is hereby required to keep full sets of secondary standards for the use in testing of weights and measures instruments. These secondary standards shall be compared with the fundamental standards in the National Institute of Science and Technology at least once a year.



- b) The City Treasurer or his deputies shall conduct periodic physical inspection and test weights and measures instruments within Quezon City.
- c) Instruments of weights and measures found to be defective and such defect is beyond repair shall be confiscated in favor of the government and shall be destroyed by the City Treasurer in the presence of the City Auditor or their representatives. (Article 234 of the Rules and Regulations Implementing the Local Government Code of 1991)
- d) Any instrument of weights and measures found by Inspectors to be defective which remain unclaimed within one hundred (100) days after due notice shall automatically be forfeited in favor of the City Government.

SECTION 6. Fraudulent practices relative to weights and measures-

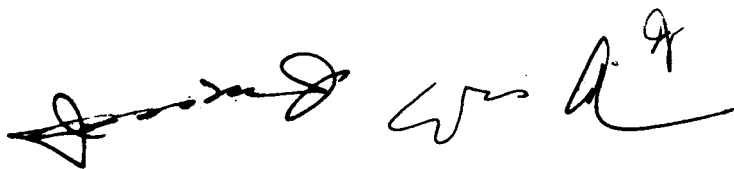
- a) Fraudulent practices relative to weights and measures- Any person, other than the official sealer of weights and measures:
  - 1. Who places an official tag or seal upon any instrument of weights or measures, attached thereto; or
  - 2. Who fraudulently imitates any mark, stamp or brand, tag or other characteristic sign used to indicate that weights and measures have been officially sealed; or
  - 3. 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
  - 4. Who makes or knowingly sells or uses any false or counterpart stamp, tag, certificate, or license or any dye for printing or making stamps, tags, certificates or licenses which is an imitation of a lawful stamp, tag, certificate or license of the kind required by the provisions of this Ordinance; or
  - 5. Who alters the written or printed figures or letters on any tag, certificate of license used or issued; or
  - 6. Who has in his possession any such false, counterfeit, restored or altered tag, certificate, or license for the purpose of using or re-using the same in payment of fees or charges imposed in this Ordinance.



- b) Unlawful possession or use of instrument not sealed before using and not sealed within twelve (12) months from first sealing - Any person who makes a practice of buying or selling goods by weight and/or measure, or of furnishing services the value of which is estimated by 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 weights and measures that has not been officially sealed.
- c) Alteration or fraudulent use of instrument of weights and measures:
1. Any person who with fraudulent intent, alters any scale or balance, weight or measure after it is officially sealed or measure whether sealed; or
  2. Any person who fraudulently gives short weight or measure in the making of a sale 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 weight or measure thereof.

SECTION 7. Fines and Penalties (Article 279 of the Rules and Regulations Implementing the Local Government Code of 1991)-

- 1) Commission of any act mentioned in Section 6, letter a, number 1 to 6 shall be penalized by a fine of not less than one thousand pesos (P1,000.00) nor more than five thousand pesos (P5,000.00) based on the categories prescribed under Section 8 and/or imprisonment of not less than one (1) month nor more than six (6) months or both, upon the discretion of the court.
- 2) Commission of any act mentioned in Section 6, letter a, number 1 to 6 shall be penalized by a fine of not less than one thousand pesos (P1,000.00) nor more than five thousand pesos (P5,000.00) and/or imprisonment of one (1) month nor more than six (6) months or both upon the discretion of the court.
- 3) Commission of any act mentioned in Section 6, Item C, number 1 and 2 shall be penalized by a fine of not less than one thousand pesos (P1,000.00) nor more than five thousand pesos (P5,000.00) and/or imprisonment of not less than one (1) month nor more than six (6) months or both upon the discretion of the court.



- 4) Violations of the provision under Section 6 of this Ordinance for the second time shall be penalized by doubling the fines and penalties, third offense of the violations shall be the confiscation of these instruments and closure and/or cancellation of business permits (Article 234 Item C of the Rules and Regulations Implementing the Local Government Code of 1991).
- 5) Commission of any act mentioned in Section 9, Sub-Section a and b shall be penalized in the following manner:
  1. First Offense - fine as indicated in the preceding paragraphs;
  2. Second Offense- fine double that of the fine corresponding to the offense;
  3. Third Offense - confiscation of the instruments and/or a fine triple the amount of the fine imposed for the corresponding offense.

New application for purposes of acquiring new weight and measure instruments in favor of the same person/s and/or entities, establishments caught for the above cited violations under Section 9 A and B, for the third offense, shall first settle his/her/their obligations before given authority to acquire/possess new instruments.

**SECTION 8. Categories of Offenders/Violators in determining Fines and Penalties -**

- a) Category C - Sidewalk vendors, Hawkers, Talipapa vendors, Sari-Sari Stores and the like - ₱1,000.00
- b) Category B - Public and Private Stallholders Mini-Groceries, Gen. Merchandisers and the like - ₱2,000.00
- c) Category A - Supermarkets, Supermarts, Hardware Groceries and the like - ₱5,000.00

**SECTION 9. Administrative Penalties (Article 234, Item B of the Rules and Regulations Implementing the Local Government Code of 1991.) - The City Treasurer may compromise the following acts or omissions which do not involve fraud before a case is filed in the court.**

- a) Any person making a practice of buying or selling by weight and measure using unsealed and/or unregistered instrument:
  1. When the weight or measure is correct - - - - - ₱200.00

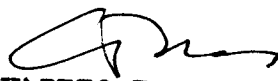


2. When the weight or measure is incorrect but within a tolerable allowance of defect or short measure - - - - - P500.00
- b) Failure to produce weight and measure, tag or license certificate upon demand but the instrument is duly registered:
  1. When the weight or measure is correct - - - - - P200.00
  2. When the weight or measure is incorrect but within a tolerable allowance of defect or short measure - - - - - P500.00


SECTION 10. Repealing Clause - All ordinances, rules and regulations or part thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 11. This Ordinance shall take effect upon its approval.

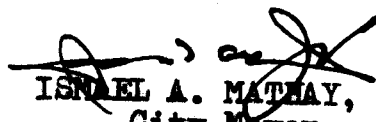
ENACTED November 16, 1992.

  
CHARITO L. PLANAS  
Vice Mayor  
Presiding Officer

ATTESTED:

  
SOTERO O. LAUDE  
Actg. Asst. City Secretary

APPROVED: 1-11-93

  
ISMAEL A. MATHAY, JR.  
City Mayor