

HOUSE OF REPRESENTATIVES

H. No. 3255

BY REPRESENTATIVES SILVERIO, ROMUALDO, SANTOS-RECTO, AGABAS, VARGAS, VERGARA, SY-ALVARADO, COLLANTES, TIANGCO, YAP (E.), VILLAR, ALVAREZ (F.), ZUBIRI, BIRON, OUANO-DIZON, SUNTAY, TY (A.), DUAVIT, SINGSON-MEEHAN, AUMENTADO, CAMPOS, SAGARBARRIA, LOPEZ, REYES, BARONDA, CUEVA, REVILLA, CUA, KHO (E.), OLIVAREZ, MARTINEZ, GARCIA (J.E.), MATUGAS, PACQUIAO (R.), PANOTES, BABASA, CALIXTO, ESPINO, GO (M.), GARBIN, UNABIA, VILLA, BAÑAS-NOGRALES, CANAMA, GARIN (S.), MERCADO, TAN-TAMBUT, BORDADO, CASTRO (F.L.), GATCHALIAN, RODRIGUEZ, DE VENECIA, NIETO, DALIPE, ARENAS, GARCIA (P.J.), YU, FARIÑAS (R.C.), QUIMBO, ERMITA-BUHAIN, BAUTISTA-BANDIGAN, BIAZON, CALDERON, CUARESMA, DAZA, FARIÑAS I (R.C.), FRASCO, GASATAYA, GO (E.C.), GONZALEZ, JALOSJOS, LIMKAICHONG, SUANSING (H.), SUAREZ (D.), TEJADA, UY (J.), VIOLAGO, ZAMORA (W.K.), BARBA, BENITEZ, BERNOS, BRAVO, CABREDO, CAMINERO, CARI, CO (A.N.), DAGOOC, DALOG, DELOS SANTOS, DELOSO-MONTALLA, DIMAPORO (A.), DIMAPORO (M.K.), DUJALI, DY (F.M.C.), ESPINA, GULLAS, GUYA, LABADLABAD, MACEDA, NATIVIDAD-NAGAÑO, NAVA, PLAZA, SALIMBANGON, SANCHEZ, TAMBUNTING, TAN (A.S.), TAN (A.), TUTOR, ELAGO, ROBES, SAKALURAN, SALO, SARMIENTO AND VILLARICA

AN ACT

PROVIDING FOR THE ESTABLISHMENT OF A TIMBANGAN NG BAYAN CENTER IN ALL MARKETS NATIONWIDE, APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE CHAPTER II OF REPUBLIC ACT NO. 7394, OTHERWISE KNOWN AS THE “CONSUMER ACT OF THE PHILIPPINES”

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. A new article to be denominated as Article 62-A is hereby inserted
2 after Article 62, Chapter II of Republic Act No. 7394, otherwise known as the “Consumer
3 Act of the Philippines”, to read as follows:

1 “ARTICLE 62-A. ESTABLISHMENT OF TIMBANGAN NG BAYAN
2 CENTERS. – ALL LOCAL GOVERNMENT UNITS SHALL ESTABLISH A
3 TIMBANGAN NG BAYAN CENTER IN ALL MARKETS NATIONWIDE,
4 PUBLIC OR PRIVATE, INCLUDING FLEA MARKETS OR TIANGGES,
5 WHERE INSTRUMENTS FOR DETERMINING WEIGHTS AND
6 MEASURES SHALL BE OPEN FOR AND ACCESSIBLE TO ANYONE
7 WHO NEEDS TO VERIFY THE ACCURACY OF THE QUANTITY AND
8 MEASUREMENT OF THE PRODUCTS THEY PURCHASE.

9 “THE SAFEKEEPING AND MAINTENANCE OF SAID INSTRUMENTS
10 SHALL BE UNDER THE CONTROL AND SUPERVISION OF THE
11 MARKET SUPERVISOR WHO SHALL LIKEWISE BE IN CHARGE OF
12 KEEPING A RECORD OF EVERY PRODUCT FOUND TO BE WANTING IN
13 QUANTITY OR SUBSTANDARD IN DIMENSION, AS WELL AS THE
14 ESTABLISHMENT WHERE THE SAME WAS BOUGHT, INCLUDING THE
15 NAME OF THE PROPRIETOR OR MANAGER THEREOF. A
16 CERTIFICATION DULY ISSUED BY THE MARKET SUPERVISOR OR AN
17 AUTHORIZED REPRESENTATIVE REFLECTING THE CONTENTS OF
18 SUCH RECORD SHALL BE *PRIMA FACIE* EVIDENCE OF A VIOLATION
19 OF ARTICLE 64 OF THIS ACT.

20 “THE PROHIBITED ACTS RELATIVE TO WEIGHTS AND
21 MEASURES PROVIDED UNDER ARTICLE 64 SHALL LIKEWISE APPLY
22 TO TIMBANGAN NG BAYAN INSTRUMENTS.”

23 SEC. 2. Article 64, Chapter II of Republic Act No. 7394 is hereby amended to read
24 as follows:

25 "ARTICLE 64. Fraudulent Practices Relative to Weights and Measures.
26 – The following acts relating to weights and measures are prohibited:

27 “x x x

28 “(h) for any person to fraudulently alter, **TAMPER, VANDALIZE OR**
29 **DESTROY** any scale, balance, **TIMBANGAN NG BAYAN**, weight
30 or measure after it is officially sealed;

31 “x x x.”

32 SEC. 3. Article 65 of Republic Act No. 7394 is hereby amended to read as
33 follows:

34 "ARTICLE 65. Penalties. – a) Any person who shall violate the
35 provisions of paragraphs (a) to (f) and paragraph (1) of Article 64 **OF THIS**
36 **ACT** or its implementing rules and regulations shall, upon conviction, be
37 subject to a fine of not less than [Two hundred pesos (P200.00)] **FIFTY**

1 **THOUSAND PESOS (P50,000.00)** but not more than [One thousand pesos
2 (P1,000.00)] **THREE HUNDRED THOUSAND PESOS (P300,000.00)** or by
3 imprisonment of not [more] **LESS** than one (1) year **BUT NOT MORE THAN**
4 **FIVE (5) YEARS**, or both, upon the discretion of the court.

5 “b) Any person who shall violate the provisions of paragraph (g) of
6 Article 64 **OF THIS ACT** [for the first time] shall, **UPON CONVICTION**, be
7 subject to a fine of not less than [Five hundred pesos (P500.00)] **FIFTY**
8 **THOUSAND PESOS (P50,000.00) BUT NOT MORE THAN THREE**
9 **HUNDRED THOUSAND PESOS (P300,000.00)** or by imprisonment of not
10 less than one (1) [month] **YEAR** but not more than five (5) years, or both,
11 upon the discretion of the court.

12 “c) The owner-possessor or user of instrument of [weights] **WEIGHT**
13 and measure enumerated in paragraphs (h) to (k) of Article 64 **OF THIS ACT**
14 shall, upon conviction, be subject to a fine of not less than [Three hundred
15 pesos (P300.00)] **FIFTY THOUSAND PESOS (P50,000.00) BUT NOT**
16 **MORE THAN THREE HUNDRED THOUSAND PESOS (P300,000.00)** or **BY**
17 imprisonment **OF** not [exceeding] **LESS THAN** one (1) year **BUT NOT**
18 **MORE THAN FIVE (5) YEARS**, or both, upon the discretion of the court.

19 **“TWO (2) SUCCESSIVE VIOLATIONS OF THIS ACT SHALL**
20 **AUTOMATICALLY RESULT IN THE CANCELLATION OF THE BUSINESS**
21 **PERMIT OF THE VIOLATOR, WHETHER NATURAL OR JURIDICAL.”**

22 *SEC. 4. Implementing Rules and Regulations.* – The Department of Trade and
23 Industry (DTI) and the Department of the Interior and Local Government (DILG), in
24 consultation with the Union of Local Authorities of the Philippines (ULAP), League of
25 Provinces of the Philippines (LPP), League of Cities of the Philippines (LCP), League of
26 Municipalities of the Philippines (LMP), and appropriate stakeholders shall, within ninety
27 (90) days from the effectivity of this Act, promulgate the rules and regulations necessary
28 to effectively implement the provisions of this Act.

29 *SEC. 5. Appropriations.* – The amount necessary to carry out the provisions of
30 Section 1 of this Act shall be charged against the national tax allotment and other funds
31 of the local government unit concerned.

32 *SEC. 6. Separability Clause.* – If for any reason, any article or provision of this Act,
33 or any portion thereof, or the application of such article, provision, or portion thereof to
34 any person, group, or circumstance is declared invalid or unconstitutional, the remainder
35 of this Act shall not be affected by such declaration.

36 *SEC. 7. Repealing Clause.* – All laws, presidential decrees, executive orders,
37 ordinances, rules and regulations, and other issuances or part thereof which are
38 inconsistent with this Act, are hereby repealed or modified accordingly.

1 SEC. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication
2 in the *Official Gazette* or in a newspaper of general circulation.

Approved,