

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

18th Congress
First Regular Session

HOUSE BILL NO. 3255



Introduced by: **HON. LORNA C. SILVERIO**

**AN ACT PROVIDING FOR THE ESTABLISHMENT OF A TIMBANGAN NG BAYAN
CENTER IN ALL MARKETS NATIONWIDE, AMENDING FOR THE PURPOSE
CHAPTER II OF REPUBLIC ACT NO. 7394, OTHERWISE KNOWN AS THE
"CONSUMER ACT OF THE PHILIPPINES"**

EXPLANATORY NOTE

This bill seeks to provide a centralized weighing scale in the premises of all markets nationwide to protect the consumers from deceptive and unfair sales acts and practices. It is the policy of the State to protect the interest of the consumer, promote the general welfare and to establish standards of conduct for business and industry.

Section 64 of Republic Act No. 7394, or the Consumer Act of the Philippines provides that it is prohibited for any person to knowingly use any false scale, balance weight or measure, whether sealed or not, furthermore it is also prohibited for any person to fraudulently give short weight or measure in the making of scale.

Likewise, Article 62 of R.A. 7394, states that all instruments for determining weights and measures in all consumer and consumer related transactions shall be tested, calibrated and sealed.

There have been numerous reports of weighing scales with short weight, or inaccurate measures being used during market days of the different municipalities and barangays where out-of-town vendors frequent these markets.

With the passage of this bill, the centralized weighing scale will promote and encourage fair, honest and equitable relations among parties in consumer transactions and in order to protect the consuming public against deceptive and unfair sales acts and practices.

For the foregoing reasons, the passage of this bill is earnestly sought.


LORNA C. SILVERIO

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Introduced by: Representative Lorna C. Silverio

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

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

"Art. 62-A. Establishment of Timbangan ng Bayan Centers – All Local Government Units, through their Provincial, City, or Municipal Treasurers, shall establish a Timbangan ng Bayan Center in all markets nationwide, public or private, including flea markets or tiangges, where instruments for determining weights and measures shall be open for and accessible to anyone who needs to verify the accuracy of the quantity and measurement of the products they purchase.

"The safekeeping and maintenance of said instruments shall be under the control and supervision of the market supervisor who shall be likewise be in charge of keeping a record of every product found to be wanting in quantity or substandard in dimension, as well as the establishment where the same was bought, including the name of the proprietor or manager thereof. A certification duly issued by the market supervisor or an authorized representative reflecting the contents of such record shall be Prima Facie evidence of a violation of Article 64 of this Act.

"the Prohibited acts relative to weights and measures provided under Article 64 shall likewise apply to Timbangan ng Bayan instruments. "

SECTION 2. Article 64, Chapter II of Republic Act No. 7394, Otherwise known as the "Consumer Act of the Philippines" is hereby amended to read as follows:

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

“xxx

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

“xxx

SECTION 3. Article 65 of Republic Act No. 7394, otherwise known as the “Consumer Act of the Philippines”, is hereby amended to read as follows:

“Art.65. Penalties. – a.) Any person who shall violate the provisions of paragraphs (a) to (f) and paragraph (1) of Article 64 OF THIS ACT or its implementing rules and regulations shall, upon conviction, be subject to a fine of not less than [Two Hundred pesos (P200.00) FIFTY THOUSAND PESOS (P50,000.00) but not more than [One thousand pesos (P1,000.00)] THREE HUNDRED THOUSAND PESOS (P300,000.00) or by imprisonment of not [more] LESS than one (1) year BUT NOT MORE THAN FIVE (5) YEARS or both upon discretion of the court.

“b) Any person who shall violate the provisions of paragraph (g) of Article 64 OF THIS ACT [for the first time] shall, UPON CONVICTION, be subject to a fine of not less than [Five hundred pesos (P500.00)] FIFTY THOUSAND PESOS (P50,000.00) BUT NOT MORE THAN THREE HUNDRED THOUSAND PESOS (Php 300,000.00) or by imprisonment of not less than (1) [month] YEAR but not more than five (5) years or both upon the discretion of the court.

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

“Provided, further, That two (2) successive violations of this Act shall automatically result in the cancellation of the business permit of the violator, whether natural or juridical”.

SECTION 4. Implementing rules and regulations. – The Department of Trade and Industry and the Department of Interior and Local Government (DILG), in consultation with the Union of Local Authorities of the Philippines (ULAP), League of Provinces of the Philippines (LPP), League of Cities of the Philippines (LCP), League of Municipalities of the Philippines (LMP), and appropriate stakeholders shall, within ninety (90) days from the effectivity of this Act, promulgate the rules and regulations necessary to effectively implement the provisions of this Act.

SECTION 5. Appropriations. – The amount necessary to carry out the provisions of Section 1 of this Act shall be charged against the internal revenue allotment and other funds of the local government unit concerned.

SECTION 6. Seperability Clause. If for any reason, any article or provision of this Act, or any portion thereof, or the application of such article, provision, or portion thereof to any person, group, or circumstance is declared invalid or unconstitutional, the remainder of this Act shall not be affected by such declaration.

SECTION 7. Repealing Clause. All laws, presidential decrees, executive orders, ordinances, rules and regulation, and other issuances or part thereof which are inconsistent with this Act, are hereby repealed or modified accordingly

SECTION 8. Effectivity. This Act shall take after fifteen (15) days after its publication in the Official Gazette or in newspapers of general circulation.

Approved,

Lerna B. Pilones