

Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City

SEVENTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. **4059**



Introduced by Representatives
Hon. Erico Aristotle C. Aumentado and Hon. Seth Frederick P. Jalosjos

Explanatory Note

Article II, Section 15 of the 1987 Philippine Constitution provides that, "The State shall protect consumers from trade malpractices and from substandard or hazardous substances." The constitutional injunction protecting the rights of consumers was further strengthened under Republic Act No. 7394, otherwise known as the Consumer Act of the Philippines, "to protect the interest of the consumers, promote their general welfare, as well as establish standards of conduct for business and industry.

In 2003, Republic Act No. 9236, also known as "National Metrology Act of 2003 was enacted in furtherance of the above stated state policies. This proposed legislation builds on the objectives set forth under RA 9236, which provides, among others, that the State shall provide support to Research and Development (R&D) in Metrology covering the environment and climate change, public health and safety, transportation Information Communication Technology (ICT), Biotechnology/Genomics, Materials Science, Nanotechnology, Photonics, Metrology in Chemistry, Space Technology applications and other emerging and enabling technologies. This bill endeavors to facilitate progress in the national economy by encouraging the standardization and modernization of units and standards of measurements to adapt to the needs of times. It seeks to encourage the adoption of international best practices in measurements in response to future developments and requirements.

This bill supports the harmonization of national metrological standards with international standards, mutual recognition arrangements and statistical controls as envisioned in the ASEAN economic integration, the World Trade Organization (WTO) and international agreements and covenants resulting to globally competitive and quality products and services that conforms with national standards. In addition, this bill will accord greater consumer protection, transparency and confidence in measurements.

For the purpose of strengthening the NMIS and to attain harmonization of metrology standards consistent with the ASEAN and other recognized international standards, the National Metrology Institute (NMI) is hereby created and shall be placed directly under the NMB. The NMI shall be headed by an Executive Director, and under the policy, technical, administrative supervision and control of the Department of Science and Technology.

The National Metrology Board under Section 5 of RA 9236, shall be strengthened to include the Secretary/Chairman or the duly authorized representative of the following agencies/offices:

- Department of Energy (DOE)
- Department of Public Works and Highways (DPWH)
- Department of National Defense (DND)
- Committees on Science and Technology of the Senate and House of Representatives

The early passage of this important piece of legislation will further boost global competitiveness of Philippine products and services.



HON. ERICO ARISTOTLE C. AUMENTADO
2nd District, Bohol



HON. SETH FREDERICK P. JALOSJOS
1st District, Zamboanga Del Norte

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17 **AN ACT STRENGTHENING THE NATIONAL MEASUREMENT INFRASTRUCTURE**
18 **SYSTEM (NMIS) AMENDING RA 9236 ALSO KNOWN AS THE NATIONAL METROLOGY**
19 **ACT OF 2003 AND FOR OTHER PURPOSES**

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

22 **SECTION 1. Title.** – This Act shall be known and cited as the "Enhanced National
23 Measurement Infrastructure System (NMIS) Act of 2016";

24 **SECTION 2. Declaration of Policies.** – The State shall support the harmonization of
25 national metrological standards with international standards, mutual recognition arrangements
26 and statistical controls as envisioned in the ASEAN Economic Integration, World Trade
27 Organization (WTO) and international agreements and covenants resulting to globally
28 competitive and quality products and services.

29 In addition to Section 2 of R.A. 9236, the State shall provide support to research and
30 development in metrology covering environment and climate change, public health and safety,
31 transportation, information and communication, Biotechnology / Genomics, Material Science,
32 Nanotechnology, Photonics, Metrology in Chemistry, Space technology applications and other
33 emerging and enabling technologies; encourage the adoption of international best practices
34 in measurement and quality infrastructures for maximum national benefit; and accord greater
35 consumer protection, transparency and confidence in measurements in response to future
36 developments and requirements.

1 **SECTION 3. Objectives.** – This law builds on Republic Act No 9236 also known as
2 the “National Metrology Act of 2003.” In furtherance of the policies enunciated in RA 9236 and
3 this Act, the following objectives shall be pursued:

- 4
5 a. Establish the National Metrology Institute (NMI) under the Department of Science and
6 Technology;
7 b. Provide capacity building programs through competency training to strengthen the
8 metrology authorities at the local level;
9 c. Foster a metrology culture that will instill a keen appreciation of the importance of
10 metrology.

11
12 **SECTION 4. Scope.** – This law shall have national application and shall cover all
13 agencies, institutions, entities involved in metrological activities and processes.

14 **SECTION 5. Definition of Terms.** – Section 3 of RA 9236 is hereby expanded to
15 include the following:

- 16
17 a. Accreditation – third party attestation related to a conformity assessment body
18 conveying formal demonstration of its competence to carry out specific conformity
19 assessment tasks

20 The national accreditation system, in general, is a voluntary system which
21 establishes the competence and impartiality of

- 22 • calibration laboratories to perform traceable calibrations and measurements,
23 • testing laboratories,
24 • inspection bodies, and
25 • Certification bodies which perform product certification, quality systems
26 certification or certification of personnel.

- 27 b. Conformity Assessment – demonstration that specified requirements relating to a
28 product, process, system, person or body are fulfilled.

- 29 c. DOST Regional Offices – serve as focal points for the planning and implementation of
30 Science and Technology (S&T) programs and projects in their respective regions in
31 consonance with the national S&T plan. They provide local S&T services to the local
32 populace and coordinate with other government agencies and other stakeholders on
33 S&T matters.

- 34 d. DOST Research and Development Institutes (RDIs) – DOST agencies concerned with
35 basic and applied research on various S&T fields.

- 36 e. DOST Science and Technology Service Institutes – DOST agencies providing science
37 and technology-related services.

- 38 f. Emerging or enabling technologies – include biotechnology / Genomics, Material
39 Science, nanotechnology, Photonics, Metrology in Chemistry, Space technology
40 applications.

- 41 g. Local Metrology Authority (LMA) – the office or person responsible in the
42 implementation of legal metrological controls at the local level, i.e. LGUs

- 43 h. Mutual Acceptance Arrangement (MAA) –is an arrangement among conformity
44 certificate issuing authorities providing confidence in test and examination results
45 through a formal and mandatory peer evaluation process

- 46 i. Mutual Recognition Arrangement (MRA) - is an arrangement among countries
47 designed to facilitate the freer movement and employment of qualified and certified
48 personnel between countries

- 49 j. Pre-Packaged Products – any commodity that is enclosed in a container or wrapped
50 in any manner, and for which its quantity has been determined and indicated on its
51 label prior to being offer for sale. The quantity of the product contained cannot be
52 changed without the pre-package being opened or doing a perceptible modification.

- 1 k. Stakeholders – as used in this Act shall refer to all individuals and entities involved in
2 any metrological activities and processes
3 l. Type or Pattern Approval on Measuring Instruments as defined in R.A. 9236 - shall
4 refer to conformity assessment procedure on one or more specimens of an identified
5 type (pattern) of measuring instruments which results in an evaluation report and/or an
6 evaluation certificate.
7

8 **SECTION 6. Organizational Structure.** – For the purpose of strengthening the NMIS
9 and to attain harmonization of metrology standards consistent with the ASEAN and other
10 recognized international standards, the National Metrology Institute (NMI) is hereby created.
11 The NMI shall be headed by an Executive Director, and under the policy, technical,
12 administrative supervision and control of the Department of Science and Technology. The
13 existing NMB shall have oversight function over the NMI.
14

15 The NMI, in coordination with the Department of Budget and Management and the
16 Civil Service Commission, shall determine the appropriate administrative support complement
17 necessary for the effective and efficient operations of the Institute.
18

19
20 **SECTION 7. Functions of the National Metrology Institute (NMI).** – The NMI shall
21 have the following functions:
22

- 23 a. Establish and maintain the national physical and chemical standards for basic and
24 derived quantities;
25 b. Define the requirements for the appointment of private bodies to perform Legal
26 Metrology services;
27 c. Harmonize qualifications of stakeholders for licensing of verifiers;
28 d. Adopt the Mutual Recognition Arrangements (MRA);
29 e. Broaden Type or Pattern Approval to allow acceptance of Mutual Acceptance
30 Arrangements (MAA);
31 f. Formulate mechanisms for initial statistical validation of utility meters from
32 manufacturers and subsequent statistical in-service inspection of utility meters;
33 g. Adapt OIML Recommendations to legal metrology regulations as well as alignment
34 with international traceability and conformity standards;
35 h. Provide administrative support to the National Metrology Board and set up proper
36 coordination, reporting and feedback to the NMB regularly.
37 i. Establish cooperation or linkages on Metrology at the national and international
38 levels; and
39 j. Ensure the effective and efficient operations of the NMI in carrying out the above
40 functions and responsibilities.
41

42 **SECTION 8. Strengthening the National Metrology Board.** – The National
43 Metrology Board under Section 5 of RA 9236, shall be strengthened to include the
44 Secretary/Chairman or the duly authorized representative of the following agencies/offices:
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- 46 • Department of Energy (DOE)
47 • Department of Public Works and Highways (DPWH)
48 • Department of National Defense (DND)
49 • Philippine Information Agency (PIA)
50 • Committees on Science and Technology of the Senate and House of
51 Representatives

52 The third paragraph of Section 5 of R.A. 9236 is hereby amended as follows:

1 The NMB Secretariat including its plantilla positions is hereby transferred from the Industrial
2 Technology Development Institute (ITDI) to the Office of the DOST Secretary.

3 **SECTION 9. Functions, Duties and Responsibilities of the Board.** Section 6 of RA
4 9236 is hereby amended to include the following:

- 5 a. To ensure the execution of the upkeep and conservation of national primary and
6 secondary standards in conformity with the Board-Authorized Units; To guarantee
7 the use in the country of a uniform system of units and measurement standards of
8 physical and chemical quantities;
- 9 b. To make sure that the necessary guidelines are issued and enforced on such areas
10 of metrology but not limited to utilization of measuring equipment and devices, type
11 approval on measuring equipment, verification, calibration, use of control marks
12 and other metrological controls on measurement standards and measuring
13 equipment;
- 14 c. To warrant that the accuracy and application of quantities and similar metrological
15 requirement are met in all commercial, economic, scientific, technical and similar
16 endeavours;
- 17 d. To approve rates for the metrological work and similar calibration services
18 rendered by the NMI, DOST Regional Metrology Laboratories and other
19 government metrology laboratories;
- 20 e. To ensure that type approval of measuring instruments are carried out by NMI and
21 other competent laboratories;
- 22 f. To ensure that persons or business entities regularly engaged in importing,
23 manufacturing, repairing, selling or hiring certain measuring equipment comply with
24 the provisions of this Act; and
- 25 g. To perform such other functions, duties and responsibilities as may be necessary
26 to implement this Act.

27 **SECTION 10. The Role of the Department of Trade and Industry (DTI).** – Pursuant
28 to the Chapter II, Art. 61-65 of R.A. 7394, also known as, the Consumer Act of the Philippines,
29 and to ensure consumer protection and safety from inaccurate and false measurements of
30 consumers products, goods and services, the DTI, through their regional and provincial offices
31 shall coordinate and monitor the implementation of the national metrology policy at the local
32 level.

33
34 The DTI shall also conduct surveillance, inspections and verifications on the sale of
35 pre-packaged products.
36

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38 **SECTION 11. The Role of the Local Metrology Authority.** – Pursuant to Section 148
39 of Book II of the Local Government Code or R.A. 7160 and Chapter II, Art. 61-65 of R.A. 7394,
40 each LGU through their Treasurer's Office shall be tasked to perform the following functions:
41

- 42 a. Implement the national metrology policy at the local level;
- 43 b. Enforce the legal metrology regulations at the local level;
- 44 c. Set-up a Weights and Measures Office;
- 45 d. Conduct registration of measuring instruments for commercial applications;
- 46 e. Issue certification for measuring instruments that are verified to be correct and ready
47 for commercial applications.
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49
50 The DILG shall ensure that the LGUs shall implement the provisions of this Act.
51

SECTION 12. Labelling, Verification of Quantity in Pre-Packaged Products. – Section 10 of RA 9236 is hereby amended to include conformity to pre-packaged products requirements.

Labelling requirements, procedures and regulations as defined and formulated in accordance with recognized International Metrology Standards such as, but not limited to, OIML R79, R87 and ASEAN Common Requirements on Pre-Packaged Products shall be formulated through the Implementing Rules and Regulations of this Act.

SECTION 13. Market Surveillance of Measuring Instruments and Pre-Packaged Products. – The appropriate government agencies shall undertake metrological surveillance for measuring instruments and pre-packaged products. For this purpose, measuring instruments and pre-packaged products intended to be placed on the market and/or put into service shall be consistent with conformity assessment system requirements.

SECTION 14. Laboratories and Procedures. – Section 11 of R.A. 9236 is hereby amended. Metrological controls undertaken in the country shall be conducted by the NMI, LMAs, accredited laboratories, manufacturers and other entities accredited by the Philippine Accreditation Bureau (PAB), as defined under Sections 13 and 14 of RA 9236.

SECTION 15. Mutual Recognition Arrangement (MRA). – The Philippines shall enter into international agreements recognizing the equivalence of national measurement standards, and legal metrology systems and controls of countries that are signatories of the Global Mutual Recognition Arrangements such as those issued under the International Committee of Weights and Measures (CIPM MRA). Also, the Philippines shall participate in international legal metrology conformity assessment systems.

SECTION 16. Accrediting Body. – Section 13 of RA 9236 is hereby amended to include the Department of Public Works and Highways (DPWH), as member of the Accrediting Body.

SECTION 17. Education and Public Information / Advocacy. – A National Metrology Training Center attached to the NMI shall be established to undertake information education and training on Metrology.

In addition, the NMI, in collaboration with the Philippine Information Agency (PIA) and other concerned government agencies, shall conduct information, education and advocacy programs to promote Metrology.

SECTION 18. Penalties. – The penalties provided under Section 17 of R.A. 9236 shall be subject to review every five years following the effectivity of this Act and amended accordingly.

SECTION 19. Appropriations. – The second paragraph of Section 18, RA 9236 is hereby amended as follows:

All fees collected / income generated from metrological services shall be used by the Board, NMI, DOST Research and Development Institutes (RDIs), Service Institutes and Regional Offices, and other government offices performing metrology services, to augment its funds for their operation and other metrology-related functions and activities.

SECTION 20. Transitory Provisions. – The National Metrology Laboratory Philippines (NML Phil), a division under ITDI responsible for establishing and maintaining the national physical standards for basic and derived quantities, is hereby transformed into the

1 NMI. Thereafter, all powers, functions, duties, records, files and assets including plantilla
2 positions of the NML shall be transferred to the NMI.

3
4 There shall be no diminution of rank and salaries, allowances and benefits of
5 transferred employees. New employees of NMI shall be entitled to the same allowances and
6 benefits as those of the transferred employees.

7
8 The ITDI shall formulate a transitory implementation plan in its IRR, for the phasing
9 in/transfer of the NML Phil to the NMI created under this Act, including a schedule for the
10 implementation and enforcement of the policies and regulations provided under this Act.

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12 **SECTION 21. Implementing Rules and Regulations (IRR).** – The DOST with other
13 concerned government departments, agencies and representatives mentioned in Section 8
14 hereof shall within ninety (90) days from the effectivity of this Act issue the necessary
15 implementing rules and regulations of this Act.

16
17 **SECTION 22. Separability Clause.** – If for any reason, any provision of this Act is
18 declared unconstitutional, the other sections or provisions hereof which are not hereby
19 affected shall continue to be in full force and effect.

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21 **SECTION 23. Repealing Clause.** – All laws, decrees, orders, rules and regulations or
22 portions thereof inconsistent with this Act are hereby repealed or modified accordingly.

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24 **SECTION 24. Effectivity.** – This Act shall take effect fifteen (15) days after its
25 complete publication in the Official Gazette or in at least two (2) newspapers of general
26 circulation, whichever comes earlier.

27 **Approved.**