

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5060

Introduced by Representative **TYRONE D. AGABAS**

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A "TIMBANGAN NG BAYAN" CENTER IN ALL PUBLIC 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 regulate the weighing scale system in public markets nationwide with the end in view of securing the buying public with an effective means of checking the accuracy of the weight and quantity of the goods they purchase.

Since the passage of Republic Act 7394 in 1992, or 27 years after its enactment, no law has yet been passed mandating the establishment of "timbangan ng bayan" or weighing scale in public markets throughout the country.

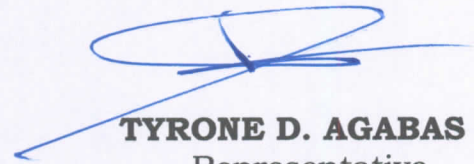
Unscrupulous traders continue to devise means to dupe consumers with the use of altered weighing scales or measures to the prejudice of the consuming public. One of the factors why this fraudulent practice continue to proliferate in public markets is the lack of officially sealed government weighing scales which can be used by consumers to confirm and double check whether the goods they purchase are wanting of the required quantity and measurement. To ensure accurate weighing scale measures, this bill will thus institutionalize the establishment of "Timbangan ng Bayan" in all public markets nationwide.

Principally authored by then Speaker Gloria Macapagal- Arroyo, this bill has already been passed on its third and final reading in the 17th Congress. However, there is a need to refile this bill on account of its



importance in protecting consumers from unscrupulous businessmen or traders who tamper with their weighing scales.

Hence, this request for the immediate passage of this bill.



TYRONE D. AGABAS
Representative
6th District, Pangasinan

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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
2 hereby inserted after Article 62, Chapter II of Republic Act No. 7394,
3 otherwise known as the "Consumer Act of the Philippines", to read
4 as follows:

5 **"ART. 62-A. ESTABLISHMENT OF TIMBANGAN NG**
6 **BAYAN CENTERS. - ALL LOCAL GOVERNMENT UNITS,**
7 **THROUGH THEIR PROVINCIAL, CITY, OR MUNICIPAL**
8 **TREASURERS, SHALL ESTABLISH A TIMBANGAN NG BAYAN**
9 **CENTER IN ALL MARKETS NATIONWIDE, PUBLIC OR**
10 **PRIVATE, INCLUDING FLEA MARKETS OR TIANGGES,**
11 **WHERE INSTRUMENTS FOR DETERMINING WEIGHTS AND**
12 **MEASURES SHALL BE OPEN FOR AND ACCESSIBLE TO**
13 **ANYONE WHO NEEDS TO VERIFY THE ACCURACY OF THE**
14 **QUANTITY AND MEASUREMENT OF THE PRODUCTS THEY**
15 **PURCHASE.**

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

29 “THE PROHIBITED ACTS RELATIVE TO WEIGHTS AND
30 MEASURES PROVIDED UNDER ARTICLE 64 SHALL
31 LIKEWISE APPLY TO *TIMBANGAN NG BAYAN*
32 INSTRUMENTS.”

33 **Sec 2.** Article 64, Chapter II Republic act No. 7394, otherwise known
34 as the “Consumer Act of the Philippines”, is hereby amended to read
35 as follows:

36 “ART. 64. *Fraudulent Practices Relative to Weights and*
37 *Measures.* – The Following acts relating to weights and measures
38 are prohibited:

39 “X X X.”

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

43 "x x x."

44 **Sec 3.** Article 65 or Republic Act No. 7394, otherwise known as the
45 "Consumer Act of the Philippines", is hereby amended to read as
46 follows:

47 "ART. 65. *Penalties*, - a) Any person who shall violate the
48 provisions of paragraphs (a) to (f) and paragraph (1) of article 64
49 OF THIS ACT or its implementing rules and regulations shall,
50 upon conviction, be subject to a fine of not less than [Two
51 hundred pesos (P200.00)] **FIFTY THOUSAND PESOS**
52 **(P50,000.00)** but not more than [One thousand pesos
53 (P1,000.00)] **THREE HUNDRED THOUSAND PESOS**
54 **(P300,00.00)** or by imprisonment of not [more] **LESS** than one (1)
55 year **BUT NOT MORE THAN FIVE (5) YEARS** or both upon the
56 discretion of the court.

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

65 "c) The owner, [-] possessor or user of instrument of weight
66 and measure enumerated in paragraphs (h) to (k) of Article 64 **OF**
67 **THIS ACT** shall, upon conviction, be subject to a fine of not less
68 than [Three hundred pesos (P300.00)] **FIFTY THOUSAND PESOS**
69 **(P50,000.00) BUT NOT MORE THAN THREE HUNDRED**
70 **THOUSAND PESOS (300,000.00)** 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.”

SEC. 4. *Implementing Rules and Regulations.* – The Department of Trade and Industry (DTI) and the Department of the 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.

SEC. 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.

SEC. 6. *Separability 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.

SEC . 7. *Repealing Clause* – All laws, executive orders, rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed or amended accordingly.

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

100 Approved,