



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3578

INTRODUCED BY: REP. SETH FREDERICK P. JALOSJOS

EXPLANATORY NOTE

Article II, Section 15 of the 1987 Constitution provides that, "The State shall protect consumers from trade malpractices and from substandard or hazardous substances". The constitutional injunction to protect the rights of consumers was further strengthened under R.A. No. 7394, otherwise known as the Consumers 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, R.A. No. 9236, also known as "The 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 R.A. 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 envision 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.

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

A stylized, handwritten signature in black ink, featuring a large, sweeping loop at the top and a series of sharp, intersecting lines below it.

SETH FREDERICK P. JALOSJOS

Republic of the Philippines

HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila

Seventh Congress
First Regular Session

HOUSE BILL NO. 3578

Introduced by: **HONORABLE SETH FREDERCIK P. JALOSJOS**

AN ACT STRENGTHENING THE NATIONAL MEASUREMENT INFRASTRUCTURE SYSTEM (NMIS) AMENDING FOR THE PURPOSE R.A. 9236 KNOWN AS THE NATIONAL METROLOGY ACT OF 2003 AND FOR OTHER PUSPOSES

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

Section 1. Short Title.- This Act shall be known and cited as the “ ENHANCED MEASUREMENT INFRASTRUCTURE SYSTEM (NMIS) ACT OF 2014;

Section 2. Declaration of Policy.- The State shall support the harmonization of national metrological standards with international standards, mutual recognition arrangements and statistical controls as envisioned in the ASEAN Economic Integration and international agreements and covenants. In pursuance of this policy, the State shall promote the modernization of units and standards of measurements in the areas of environment and climate change, public health and safety, transportation, information and communications and other emerging and enabling technologies.

Section 3. Objectives.- This law builds on Republic Act 9236 also known as the “National Metrology Act of 2003.” In furtherance of the policies enunciated in R.A. 9236 and this Act, the following objectives shall be pursued:

- a. Establish the National Metrology Institute (NMI) under the Department of Science and Technology.
- b. Provide capacity building programs through competency training to strengthen the local metrology authorities at the local level.

- c. Set up a Metrology Training Program to undertake proficiency testing, advocacy, education and training on metrology.

Section 4. Scope.- This law shall have a national application and shall cover all agencies institutions, private entities performing metrological activities and processes.

Section 5. Definition of Terms.- Section 3 of R.A. 923 is hereby expanded to include the following:

- a. Emerging or enabling technologies;
- b. Stakeholders-as used in this Act shall refer to;
- c. Mutual Recognition Arrangement (MRA)- is an arrangement among countries designed to facilitate the freer movement and employment of qualified and certified personnel between countries;
- d. Mutual Acceptance Arrangement (MAA)- is a tool to increase the level of mutual confidence provided by the OIML Basic Certificate System. Its purpose is to establish a worldwide multilateral arrangement which offers a wider scope than bilateral or regional arrangements. Within the OIML MAA, confidence in test and examination results is reinforced by a formal and mandatory peer evaluation process;
- e. Type or Pattern Approval on Measuring Instruments as defined in R.A. 9236- shall refer to conformity assessment procedure on one or more specimens of an identified type (pattern) of measuring instruments which results in an evaluation report and/or evaluation certificates.
- f. Accreditation-Third party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks;
- g. Local Metrology Authority (LMA)- The metrology authority is responsible in the implementation of legal metrological controls at the local level (LGU's);
- h. DOST Research and Development Institutes (RDI's)-DOST regular agencies concerned with basic and applied researches on various S&T fields;
- i. DOST Science and Technology Service Institutes- DOST regular agencies providing science and technology-related services;
- j. DOST Regional Offices-serve as focal points for the planning and implementing of S&T programs and projects in their respective regions in consonance with the national S&T plan. They provide local S&T services to the local populace and coordinate with other government agencies and other stakeholders on S&T matters.

Section 6. Organizational Structure.- 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 DOST.

The NMI, in coordination with the Department of Budget and Management (DBM), shall determine the appropriate administrative support complement necessary for the effective and efficient operations of the Institute.

Section 7. Functions of the National Metrology Institute (NMI)- The NMI shall discharge its duties and functions:

- a. Establishing and maintain the national physical standards for basic and derived quantities;
- b. Define the requirements for the appointment of private bodies to perform legal Metrology services;
- c. Harmonize qualifications of stakeholders for licensing of verifiers;
- d. Adopt the Mutual Recognition Arrangement (MRA) and statistical control;
- e. Broaden Type or Pattern Approval to allow acceptance of Mutual Acceptance Arrangement (MAA);
- f. Formulate mechanisms for initial statistical validation of utility meters from manufacturers and subsequent statistical in-service inspection of utility meters;
- g. Enforce the use of OIML technical requirement and regulations as well as alignment with international traceability and conformity standards;
- h. Provide for the creation of a multi-disciplinary technical/policy groups or ad hoc committees or mechanisms necessary for industry/stakeholders coordination, consultation, and policy advice;
- i. Provide administrative support to the National Metrology Board and set up proper coordination, reporting and feedback to the NMB regularly;
- j. Establish cooperation or linkages on Metrology at the national and international levels;
- k. Ensure the effective and efficient operations of the NMI in carrying out the above functions and responsibilities.

Section 8. Strengthening the National Metrology Board.- The National Metrology Board under Section 5 of R.A. 9236, shall be strengthen to include the Secretary/Chairman or the duly authorized representative of the following agencies/offices:

- a. Department of Energy (DOE)
- b. Department of Public Works and Highways (DPWH)
- c. Department of National Defence (DND)
- d. Committees on Science and Technology, Senate and the House of Representatives

Section 9. The Role of the Department of Trade and Industry (DTI).- Pursuant to Article 61-65. Chapter II. R.A. 7394 otherwise known as the "Consumer Code of the Philippines" and to ensure consumer protection and safety for inaccurate and false measurements of consumers products, goods and services, the DTI, through their regional and provincial offices shall coordinate and monitor the implementation of the national metrological policy at the local level. As such, the DTI may designate Local Government Units (LGU's) composed of cities and municipalities as Local Metrology Authority (LMA). The LMA shall be tasked to perform the following functions:

- a. Implement the national metrology policy at the local level;
- b. Enforce the legal metrology regulations at the local level;
- c. Set-up Weights and Measures Office;
- d. Conduct registration of measuring instruments for commercial applications;
- e. Conduct surveillance, inspections and verifications on the sale of pre-package products and instruments by designated/authorized/accredited bodies and/or private organizations;
- f. Issue certification for measuring instruments that are verified to be correct and ready for commercial applications.

Section 10. Labelling.- Section 10 of R.A. 9236 is hereby amended to include non-conformity to pre-package products requirements.

Section 11.- Verification of Quantity in Pre-Package Products.- In accordance with International Requirements for Pre-Packaged Products, the requirements for labelling and verification of quantity in pre-packaged products is hereby included.

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

Section 12.- Market Surveillance of the Use of Measuring Instruments and Pre-Packaged Products.- The appropriate governments agencies or their accredited private laboratories 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 for the first time, shall be consistent with conformity assessment system requirements.

Section 13. Laboratories and Procedures.- Section 11 of R.A. 9236 is hereby amended to include the following, MNI, LMA's, accredited laboratories, manufacturers and other entities accredited under the national accreditation body, as defined under Section 13 and 14 of R.A. 9236.

Section 14. Mutual Recognition Arrangement (MRA).- The MRA among countries designed to facilitate the freer movement of certified products and services among countries for Type Approval Procedures and Conformity Assessment shall be formulated under the Implementation of Rules and Regulation (IRR) of this Act.

Section 15. Accrediting Body.- Section 13 of R.A. 9236 is hereby amended to include the Department of Public Works and Highways (DPWH).

Section 16. Public Information/Education and Advocacy.- A National Metrology Training Program shall be pursued to undertake information dissemination, education and training on Metrology.

The Research and Development Institutes, Service Institutes and Regional Offices of the Department of Science and Technology (DOST) and the Public Information Agency (PIA), in collaboration with other concerned government agencies and Non-Government Organizations shall conduct information, education and advocacy to promote Metrology.

Section 17. Penalties. The penalties provided under Section 17 of R.A. 9236 shall be subject to review every five (5) years following affectivity of this Act and amended accordingly.

Section 18. Appropriations.- The second paragraph of Section 18 of R.A. 9236 is hereby amended as follows:

All fees/income generated from metrological services shall be used by the Board, NMI, DOST Research and Development Institutes (RDI's), Service Institutes and Regional Offices, and other government offices involved in metrology activities, to augment its funds for the regular maintenance and upkeep of metrology instruments and needed services.

Section 19. Transitory Provisions.- The ITDI shall formulate a transitory implementation plan in tis IRR, for the phasing in/transfer of Metrology Division to the NMI created under this Act, including a schedule for the application of enforcement of the policies and regulations provided under this Act.

The National Metrology Laboratory Philippines, a division under ITDI responsible for establishing and maintaining the national physical standards for basic and derived quantities (mass, length, temperature, time interval, voltage and resistance and other related metrology services) are hereby transferred to NMI. Thereafter, all powers, functions, duties, records, files and assets including plantilla positions of the NML shall be transferred to NMI.

There shall be no diminution of rank and salaries, allowances and benefits between transferred employees, new employees of NMI shall be entitled to the same allowances and benefits as transferred employees.

Section 20. Implementing Rules and Regulations (IRR). – The DOST with other concerned government departments, agencies and representatives mentioned in Section 5 hereof shall within ninety (90) days from the effectivity of this Act issued the necessary implementing rules and regulations of this Act.

Section 21. Separability Clause.- If or any reason, any provision of this Act is declared unconstitutional, the other sections of provisions hereof which are not hereby affected shall continue to be in full force and effect.

Section 22. Repealing clause.- All laws, decrees, orders, rules and regulations or portions thereof inconsistent with this Act are hereby repealed or modified accordingly.

Section 23.- Effectivity.- This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulations, whichever comes earlier.

APPROVED.