ORDINANCE NO. 03-105

AN ORDINANCE REQUIRING OWNERS/PROPRIETORS OF DEPARTMENT STORES, SUPERMARKETS, MINI-MARTS, GROCERIES AND OTHER SIMILAR ESTABLISHMENTS TO DISPLAY PRICE TAGS, IN ADDITION TO THE USE OF BAR CODES, ON CONSUMER PRODUCTS AND SERVICES, FOR RETAIL AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Authored by: Hon. Lucio B. Constantino
Sponsored by: Hon. Mario E. Bulay, Jr.
Co - Sponsored: Hon. Melchor R. Teves
               Hon. Atty. Icasiano M. Dela Rea
               Hon. Atty. Patricio L. Boncayao, Jr.
               Hon. Dr. Nicanor L. Echavez
               Hon. Allan Rey A. Camilon
               Hon. Atty. Raul R. Corro
               Hon. Elmer S. Espeleta
               Hon. Francis Ian T. Bagatining
               Hon. Mamerto T. Sevilla, Jr.
               Hon. Rufino B. Joaquin
               Hon. Santiago V. Carlos, Jr.
               Hon. Artemio S. Simundac
               Hon. Christian Glenn D. Lorica

WHEREAS, Article 2 (b) of Republic Act No. 7394, otherwise known as “THE CONSUMER ACT OF THE PHILIPPINES” provides that “It is the policy of the State to protect the interests of the consumer, promote general welfare and to establish standards of conduct for business and industry. Towards this end, the State shall implement measures to achieve the following:

(b) protection against deceptive, unfair and unconscionable sales acts and practices;

WHEREAS, Article 48 of the same Act states that “The State shall promote and encourage fair, honest, and equitable relations among parties in consumer transactions and protect the consumer against deceptive, unfair and unconscionable sales acts or practices;

WHEREAS, it has been observed that some department stores, supermarkets, mini-marts, groceries and other similar establishments sell their goods and products to the public through the use of bar codes without displaying the correct price of the same;

WHEREAS, the use of bar codes would somehow confused, deceived and deprived the buying public of their right to buy the cheapest goods/products of their own choice.
WHEREAS, there is an urgent need to require owners/proprietors of department stores, supermarkets, mini-marts, groceries and other similar establishments to display price tags, in addition to the use of bar codes on a particular consumer products and services in order not to deceive the buying public as to the correct price of the same;

NOW, THEREFORE, BE IT ORDAINED, by the Sangguniang Panlungsod of Muntinlupa the following:

SECTION 1. This Ordinance requires owners/proprietors of department stores, supermarkets, mini-marts, groceries and other similar establishments to display price tags, in addition to the use of bar codes, on consumer products and services;

SECTION 2. The manner of price tagging shall be governed by the provisions of Article 81 to Article 83 of Republic Act 7394, otherwise known as the Consumer Act of the Philippines as amended by the Department Administrative Order No. 09 Series of 2002 by the Department of Trade and Industry.

SECTION 3. For this purpose, the Business Permit and Licensing Office (BPLO) is hereby mandated to monitor compliance and may, after investigation, revoke business license and Mayor’s permit for non-compliance and violation of this Ordinance.

SECTION 4. DEFINITION OF TERMS. As used in this Ordinance, the following terms are hereby defined as follows:

a. BAR CODE - a device that reads combinations of bars and numbers attached on displayed consumer products or services;

b. TAG PRICE - means any devise, written, printed, affixed or attached to a consumer product or displayed in a consumer repair or service establishment for the purpose of indicating the retail prices permit or service, as defined under RA 7394, otherwise known as The Consumer Act of the Philippines;

c. CONSUMER PRODUCTS AND SERVICES - shall mean any goods, foods or non foods items and services which are primarily for personal or household consumption;

SECTION 5. Any owner/proprietor of department store, supermarket, mini-mart, groceries and other similar establishments found violating the provision of this Ordinance shall be penalized in accordance with the following:

a. FIRST OFFENSE - a fine of One Thousand Pesos (P1,000.00);

b. SECOND OFFENSE - a fine of Two Thousand Pesos (P2,000.00); and

c. THIRD OFFENSE - a fine of Three Thousand Pesos (P3,000.00) respectively;
Revocation of Business License and Mayor’s Permit shall forfeit all sums, which may have been paid with respect to the right granted in addition to the penalties provided in this Ordinance.

The fines imposed under this Ordinance must be paid within three (3) days from receipt of Ordinance Infraction Receipt (OIR), otherwise permanent cancellation or revocation of business license and Mayors permit shall be imposed, and will not be allowed to register and operate the same line of business.

SECTION 6. SEPARABILITY CLAUSE. If for any reason, any part/s or provision/s of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 7. REPEALING CLAUSE. All ordinances or part/s thereof, which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 8. EFFECTIVITY CLAUSE. This Ordinance shall take effect immediately after publication in any newspaper of general circulation of the City.

ENACTED, by the Sangguniang Panlungsod of Muntinlupa this 17th day of July, 2003 on its 80th Regular Session.

CONCURRED:

DR. NICANOR L. ECHAVEZ
Councilor

ATTY. PATRICIO L. BONCAYAO, JR.
Councilor

ALLAN REY A. CAMILON
Councilor

ATTY. RAUL R. CORRO
Councilor

MELCHOR R. TEVES
Councilor

ELMER S. ESPELETA
Councilor

FRANCIS IAN T. BAGATSING
Councilor

LUCIO B. CONSTANTINO
Councilor

MARIO E. BULAY, JR.
Councilor

MAMERTO T. SEVILLA, JR.
Councilor
Page 4
Ordinance No. 03-105

ATTY. IGASTANO M. DELA REA
Councilor

RUFINO B. JOAQUIN
Councilor

SANTIAGO V. CARLÓS, JR.
Councilor

CHRISTIAN GLENN D. LORICA
Sectoral Representative
President
Federation of Sangguniang Kabataan

ARTEMIO A. SIMUNDAC
Sectoral Representative
President
Association of Barangay Captains

ABSENT:

ALDRIN L. SAN PEDRO
Councilor

RENE CARL S. CAYETANO
Councilor

BAL NIEFES
Councilor

I HEREBY CERTIFY, as to the correctness of the foregoing ordinance.

ATTY. ISIDORO L. SORIANO, JR.
Secretary
SANGGUNIANG PANLUNGSOD

ATTESTED:

ATTY. JO JASON T. ALCARAZ
City Vice Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRENESIDI
City Mayor

Date:

LITO B. SALAMAT, JR./

City Hall of Muntinlupa
National Road, Putatan, Muntinlupa City, Philippines