



Senate
Office of the Secretary

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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SENATE

COMMITTEE REPORT No. 32

Submitted by the Committees on Trade, Commerce and Entrepreneurship; and Local Government on **DEC 17 2019**.

Re: Senate Bill No. **1241** prepared by the Committees

Recommending its approval in substitution of Senate Bill No. 761.

Sponsor: Senator Aquilino "Koko" Pimentel III

MR. PRESIDENT:

The Committees on Trade, Commerce and Entrepreneurship; and Local Government, to which was referred **Senate Bill No. 761**, introduced by Senator Recto, *entitled*:

"AN ACT

PROVIDING FOR THE ESTABLISHMENT OF TIMBANGAN NG BAYAN CENTERS IN PUBLIC AND PRIVATE MARKETS NATIONWIDE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7394, OTHERWISE KNOWN AS THE 'CONSUMER ACT OF THE PHILIPPINES,' AND FOR OTHER PURPOSES"


have considered the same and have the honor to report it back to the Senate with the recommendation that the attached **Senate Bill No. 1241** prepared by the Committees, *entitled*:

**"AN ACT
INSTITUTIONALIZING THE ESTABLISHMENT OF TIMBANGAN NG BAYAN
CENTERS IN PUBLIC AND PRIVATE MARKETS, AMENDING FOR THE
PURPOSE CHAPTER II, TITLE III OF REPUBLIC ACT NO. 7394 OTHERWISE
KNOWN AS THE "CONSUMER ACT OF THE PHILIPPINES""**

be approved in substitution of Senate Bill No. 761 with Senators Recto and Pimentel III, as authors thereof.

Respectfully submitted:

Chairpersons



SEN. FRANCIS "Tol" N. TOLENTINO
Committee on Local Government



SEN. AQUILINO "KOKO" PIMENTEL III
Committee on Trade, Commerce and Entrepreneurship
Member, Committee on Local Government

Vice-Chairpersons



SEN. IMEE R. MARCOS
Committee on Local Government



SEN. WIN GATCHALIAN
Committee on Trade, Commerce and Entrepreneurship
Member, Committee on Local Government



SEN. GRACE POE
Committee on Trade, Commerce and Entrepreneurship

Members



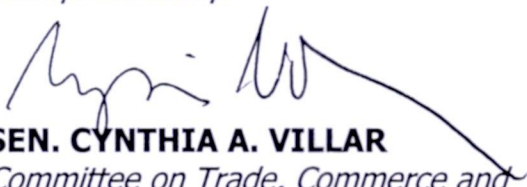
SEN. RONALD "Bato" DELA ROSA
Committee on Local Government



SEN. RICHARD J. GORDON
Committee on Trade, Commerce and Entrepreneurship



SEN. CHRISTOPHER BONG GO
Committee on Local Government



SEN. CYNTHIA A. VILLAR
Committee on Trade, Commerce and Entrepreneurship
Committee on Local Government



SEN. RAMON BONG REVILLA Jr.
Committee on Local Government



SEN. MARIA LOURDES NANCY S. BINAY
Committee on Trade, Commerce and Entrepreneurship
Committee on Local Government



SEN. PANFILO M. LACSON
Committee on Local Government



SEN. SONNY ANGARA
Committee on Trade, Commerce and Entrepreneurship



SEN. JOEL VILLANUEVA
Committee on Local Government

SEN. FRANCIS "KIKO" PANGILINAN
Committee on Trade, Commerce and Entrepreneurship
Committee on Local Government



SEN. RISA HONTIVEROS
Committee on Local Government

SEN. LEILA M. DE LIMA
Committee on Trade, Commerce and Entrepreneurship

Ex-Officio Members:



SEN. RALPH G. RECTO
President Pro-Tempore



SEN. JUAN MIGUEL "MIGZ" F. ZUBIRI
Majority Floor Leader



SEN. FRANKLIN M. DRILON
Minority Floor Leader

HON. VICENTE SOTTO III
Senate President
Senate of the Philippines
Pasay City

1 **"THESE CENTERS MUST HAVE THE NECESSARY WEIGHING AND**
2 **MEASURING INSTRUMENTS WHICH SHALL BE AVAILABLE TO ALL**
3 **PERSONS WHO NEED TO CONFIRM THE ACCURACY OF THE WEIGHT**
4 **QUANTITY OR MEASUREMENTS OF PRODUCTS PURCHASED OR**
5 **ABOUT TO BE PURCHASED.**

6 **"THE MARKET OR MALL SUPERVISOR SHALL BE IN CHARGE OF**
7 **THE SAFEKEEPING AND MAINTENANCE OF THE WEIGHING AND**
8 **MEASURING INSTRUMENTS AND SHALL BE RESPONSIBLE FOR**
9 **MAINTAINING A RECORD OF EVERY PRODUCT FOUND TO BE**
10 **LACKING IN QUANTITY OR IS SUBSTANDARD IN DIMENSION, AS**
11 **WELL AS THE ESTABLISHMENT WHERE THE SAME WAS BOUGHT**
12 **INCLUDING THE NAME/S OF THE PROPRIETOR/S OR MANAGER/S**
13 **THEREOF.**

14 **"A CERTIFICATION DULY ISSUED BY THE MARKET OR MALL**
15 **SUPERVISOR OR HIS/HER AUTHORIZED REPRESENTATIVE**
16 **REFLECTING THE CONTENTS OF SUCH RECORD SHALL BE *PRIMA***
17 ***FACIE* EVIDENCE OF A VIOLATION OF ARTICLE 64 OF THIS ACT.**

18 **"THE PROHIBITED ACTS PROVIDED UNDER SECTION 64 OF**
19 **THIS ACT SHALL LIKEWISE APPLY TO *TIMBANGAN NG BAYAN***
20 **INSTRUMENTS.**

21 **"ART. 62-B. COVERAGE. – THE MARKET MENTIONED IN ART.**
22 **62-A, WHICH REFERS TO A PUBLIC PLACE, BUILDING, OR**
23 **STRUCTURE WHERE GOODS, MERCHANDISE, FOODSTUFF,**
24 **COMMODITIES OR ARTICLES OF COMMERCE ARE DISPLAYED AND**
25 **OFFERED FOR SALE TO THE GENERAL PUBLIC, SHALL INCLUDE THE**
26 **FOLLOWING:**

- 27 a.) ***PUBLIC MARKET* – A MARKET OWNED, OPERATED AND/OR**
28 **MANAGED BY A PROVINCE, CITY OR MUNICIPALITY**
29 **DESIGNATED AS SUCH BY THE SANGGUNIAN OF THAT**
30 **PROVINCE, CITY OR MUNICIPALITY DEDICATED TO THE**
31 **SERVICE OF THE GENERAL PUBLIC;**

- 1 b.) ***PRIVATE MARKET*** – A MARKET OWNED, OPERATED AND/OR
2 MANAGED BY PRIVATE INDIVIDUALS OR ENTITIES,
3 COOPERATIVES, INSTITUTIONS OR CORPORATIONS;
4 c.) ***GROCERY STORE*** – A RETAIL SHOP THAT PRIMARILY SELLS
5 FOOD AND HOUSEHOLD ITEMS IN A SPECIFIC COMMUNITY;
6 d.) ***SUPERMARKET*** – A MARKET DISTINCT FROM A WET OR DRY
7 MARKET AND LARGER THAN A GROCERY IN WHICH SHOPPERS
8 SERVE THEMSELVES BY USING BASKETS OR PUSHCARTS IN
9 SELECTING COMMODITIES FROM SHELVES OR COLD DISPLAY
10 STORAGES AND PAYING FOR THEIR PURCHASES AT THE EXIT;
11 e.) ***WET MARKET*** – A MARKET WHERE MOST OF THE COMMODITIES
12 FOR SALE ARE READILY PERISHABLE GOODS;
13 f.) ***DRY MARKET*** – A MARKET WHERE MOST OF THE MERCHANDISE
14 DISPLAYED FOR SALE ARE DRY OR NON-PERISHABLE GOODS;
15 g.) ***FLEA MARKET OR TIANGGE*** – A TEMPORARY MARKET WHERE
16 GOODS, MERCHANDISE, FOOD PRODUCTS ARE SOLD;
17 h.) ***SPECIALTY STORE*** – A RETAIL OUTLET THAT FOCUSES ON
18 SELLING A PARTICULAR RANGE OF PRODUCTS AND
19 ASSOCIATED ITEMS;
20 i.) ***MALL*** – A LARGE BUILDING OR SERIES OF CONNECTED
21 BUILDINGS CONTAINING A VARIETY OF RETAIL STORES;

22 "ART. 62-C. ASSISTANCE TO PROVINCIAL, CITY AND
23 MUNICIPAL GOVERNMENTS. – THE DEPARTMENT OF TRADE AND
24 INDUSTRY (DTI) SHALL PROVIDE ASSISTANCE TO PROVINCES,
25 CITIES AND MUNICIPALITIES IN THE ESTABLISHMENT OF
26 ***TIMBANGAN NG BAYAN*** CENTERS NATIONWIDE UNDER ITS
27 CONSUMER PROTECTION AND OTHER RELEVANT PROGRAMS AND
28 PROJECTS: ***PROVIDED***, THAT PRIORITY SHALL BE ACCORDED TO
29 PROVINCES, CITIES AND MUNICIPALITIES BELONGING TO FOURTH,
30 FIFTH AND SIXTH INCOME CLASSIFICATIONS.

1 "Art. 63.

x x x

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

4 "x x x.

5 "h) for any person to fraudulently alter, **TAMPER, VANDALIZE**
6 **OR DESTROY** any scale, balance, **TIMBANGAN NG BAYAN**, weight
7 or measure after it is officially sealed;"

8 "x x x

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

17 b) Any person who shall violate the provisions of paragraph (g) of
18 Article 64 for the first time shall be subject to a fine of not less than [~~Five~~
19 ~~hundred pesos (P500.00)~~] **FIFTY THOUSAND PESOS (P50,000.00) BUT**
20 **NOT MORE THAN THREE HUNDRED THOUSAND PESOS**
21 **(P300,000.00)** or by imprisonment of not less than one (1) [~~month~~] **YEAR**
22 but not more than five (5) years or both [~~7~~] upon the discretion of the court.

23 c) The owner [~~-~~], possessor or user of instruments of weights and
24 measures enumerated in paragraphs (h) to (k) of Article 64 **OF THIS ACT**
25 shall, upon conviction, be subject to a fine of not less than [~~Three hundred~~
26 ~~pesos (P300.00)~~] **FIFTY THOUSAND PESOS (P50,000.00) BUT NOT**
27 **MORE THAN THREE HUNDRED THOUSAND PESOS (P300,000.00)** or
28 **BY** imprisonment of not [~~exceeding one~~] **LESS THAN** (1) year **BUT NOT**
29 **MORE THAN FIVE (5) YEARS**[~~7~~] or both[~~7~~] upon the discretion of the court:
30 **PROVIDED, THAT TWO (2) SUCCESSIVE VIOLATIONS OF THIS ACT**
31 **SHALL AUTOMATICALLY RESULT IN THE CANCELLATION OF THE**
32 **BUSINESS PERMIT OF THE ERRING INDIVIDUAL OR BUSINESS**

1 **ESTABLISHMENT.”**
2

3 **Sec. 2. *Implementing Rules and Regulations*** – Within sixty (60) days from
4 the approval of this Act, the Department of the Interior and Local Government and
5 the DTI shall, in coordination with the Union of Local Authorities of the Philippines,
6 the League of Provinces of the Philippines, the League of Cities of the Philippines, the
7 League of Municipalities of the Philippines, and other relevant government agencies
8 and stakeholders, promulgate the rules and regulations to effectively implement the
9 provisions of this Act.

10 **Sec. 3. *Separability Clause***. – If any provision, section or part of this Act shall
11 be declared unconstitutional or invalid, such judgment shall not affect, invalidate or
12 impair any other provisions, sections or parts hereof.

13 **Sec. 4. *Repealing Clause***. – All laws, decrees, orders, rules and regulations
14 which are inconsistent with the provisions of this Act are hereby repealed or modified
15 accordingly.

16 **Sec. 5. *Effectivity***. – This Act shall take effect fifteen (15) days following its
17 publication in at least two (2) newspapers of general circulation or in the *Official*
18 *Gazette*.

19 *Approved,*