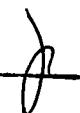


SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



'16 JUL 20 P4 51

SENATE
S.B. No. 713

RECEIVED BY: 

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

AN ACT ESTABLISHING THE REGULATORY FRAMEWORK FOR THE SAFE OPERATIONS OF THE LIQUEFIED PETROLEUM GAS (LPG) INDUSTRY, DELINEATING THE POWERS AND FUNCTIONS OF VARIOUS GOVERNMENT AGENCIES, DEFINING AND PENALIZING CERTAIN ACTS, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Liquefied Petroleum Gas (LPG) stoves are recognized in other countries to provide a cleaner, safer, more efficient means of cooking. In India, for example, LPG use is promoted and even subsidized by the government.¹

Our closer neighbor, Malaysia has doubled its per capita LPG consumption from 2000 to 2012 while Thailand and Indonesia have tripled their consumption in order to move into cleaner cooking fuel.²

Conversely, LPG consumption in the Philippines has simmered in the past 10 years, with demand remaining at an average of 1.1 metric tons yearly from 2009 to 2013. Moreover, the Bureau of Fire Protection reported 800 fires related to LPGs from 2005 to 2013.

We must light a fire under our local LPG sector and ensure sector players comply with safety standards while motivating them to progress as an industry.

This measure seeks to establish a regulatory framework for the importation, refining, refilling, transportation, distribution and marketing of LPG, and the manufacture, requalification, exchange, and swapping or improvement of LPG cylinders.

It shall establish the LPG Monitoring and Enforcement Task Force to create standards of conduct and codes of practice for LPG businesses to provide Filipino consumers high quality LPG for their personal and commercial use.

¹ Barnes, Douglas. "Cooking with LPG: Climate and Poverty Issues".
<<http://www.energyfordevelopment.com/2010/02/lpg-cooking-poverty-climate-change.html>>

² Richmond Mercurio. 31 March 2014. Malaya. "LPG use stagnant in past decade".
<<http://www.malaya.com.ph/business-news/business/lpg-use-stagnant-past-decade>>

Let us push our local LPG industry to keep up with the modern standards of LPG manufacturing and protect our local consumers against faulty products and careless services.

In view of the foregoing, approval of this bill is earnestly sought.


Senator Paolo Benigno "Bam" A. Aquino IV



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

1 **SECTION 1. Short Title.** - This Act shall be known as the "LPG Industry Regulation and
2 Safety Act."

3 **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to protect
4 the interests of consumers, ensure their general welfare and to establish standards of
5 conduct for business and industry. Towards this end, the State shall:

6 (a) Establish a regulatory framework for the importation, refining, refilling,
7 transportation, distribution and marketing of liquefied petroleum gas (LPG), and the
8 manufacture, requalification, exchange, swapping or improvement of LPG cylinders;

9 (b) Establish standards of conduct and codes of practice for LPG businesses; and

10 (c) Address quality and safety concerns and uphold the right of consumers to freely
11 choose the LPG brand they want to purchase.

12 The State shall also promote national awareness and education regarding the quality
13 and safety requirements for the proper use of LPG cylinders and ancillary equipment to
14 further consumer protection.

15 **SEC. 3. Scope and Application.** - This Act shall apply to the importation, refining,
16 refilling, transportation, distribution and marketing of LPG, the manufacture, requalification,
17 exchange, swapping or improvement of LPG cylinders and safe operations of the LPG
18 industry, which cover all activities and businesses related to LPG products for household,
19 commercial, industrial or automotive use (Auto-LPG) and cylinders or containers for LPG.

20 **SEC. 4. Definition of Terms.** - For the purposes of this Act, the following terms shall
21 mean:

1 (a) *Accreditation* - the formal recognition of competency given by the Philippine
2 Accreditation Bureau (PAB) of the Department of Trade and Industry (DTI) that a re-qualifier
3 of LPG cylinders has complied with the existing Philippine National Standards (PNS)
4 prescribing the General Requirements for the Competence of Testing and Calibration
5 Laboratories, the Method of Requalification of Steel Cylinders for LPG and any other
6 applicable PNS.

7 (b) *Alteration* - any act of converting, transforming or resizing of local or imported
8 LPG cylinder or container from its original size or design including, but not limited to,
9 replacement or removal of existing and embossed or stamped Registered brand owner's
10 markings, grinding, flattening, application of putty, replacement of collar, revalving,
11 unauthorized repainting, replacement of foot rings, or re-labeling.

12 (c) *Ancillary Equipment* - equipment, parts and other devices and accessories
13 necessary and indispensable for the safe and proper operation of an LPG cylinder or
14 container such as, but not limited to, LPG cylinder or container valves, hoses and regulators.

15 (d) *Auto-LPG* - LPG intended to fuel, propel or otherwise provide power to motor
16 vehicles.

17 (e) *Auto-LPG Dispensing Station* - outlet, facility or business establishment which
18 retails Auto-LPG directly to individual end-users or to the motoring public; the same may
19 stand alone or be located within or operated with a liquefied petroleum product (LPP) retail
20 outlet. It shall be deemed a dealer or retail outlet for purposes of this Act.

21 (f) *Brand Owner* - a person owning the brand name, logo, mark or distinction as
22 registered with the Intellectual Property Office of the Philippines (IPOP).

23 (g) *Bulk Consumer* - any person, whose regular use or consumption of LPG is limited
24 to its own use, and requires bulk storage of LPG at a volume as may be determined by the
25 Department of Energy (DOE).

26 (h) *Bulk Supplier* - any person, who engages in the sale or distribution of LPG in large
27 quantities as may be determined by the DOE.

28 (i) *Canister or Cartridge* - any portable pressure vessel or container designed or
29 intended for LPG, with water capacity of less than that of an LPG cylinder.

30 (j) *Centralized LPG Distribution System* - a network of pipes or similar conduit used
31 for the conveyance of LPG from the piped LPG provider to consumers confined within the
32 same compound or establishment such as, but not limited to, shopping malls and
33 condominiums.

34 (k) *Certification* - the written assurance given by the DTI that the LPG cylinder has
35 complied with the existing PNS or any other standards issued by the Bureau of Product
36 Standards (BPS) pursuant to Republic Act No. 4109, governing specifications and
37 requirements for the repair of steel cylinders for LPG.

38 (l) *Consumer* - any person, who purchases LPG for one's own consumption.

39 (m) *Container* - any portable pressure vessel for the storage of LPG of automotive
40 use.

41 (n) *Cross Filling* - the filling of LPG cylinders by a person, other than by the brand
42 owner.

43 (o) *Cylinder Owner* - the owner of the cylinder as shown by the brand, mark, trade
44 name or business name embossed or engraved or otherwise permanently indicated on the
45 LPG cylinder in the manner prescribed by the DTI.

1 (p) *Dealer* - any person involved in the sale or trading of LPG in cylinders to
2 consumers and/or retail outlets.

3 (q) *Defective Cylinder* - damaged, unsafe and dilapidated LPG cylinders due to
4 corrosion or pitting, dents, cuts, gouges, digs, bulges, leaks and other similar defects that
5 render the LPG cylinder unsafe, injurious or dangerous for distribution in accordance with
6 the guidelines set by the DTI, thus creating a substantial risk of injury to the public.

7 (r) *Hauler* - any person, involved in the distribution and delivery of LPG cylinders
8 from one place to another.

9 (s) *Importer* - any person engaged in the importation of LPG whether for processing,
10 sale or own use.

11 (t) *LPG* - liquefied petroleum gas, which consists of commercial propane gas or
12 commercial butane gas or a mixture of the two gases, with properties conforming to the
13 standards set forth in the existing PNS or any other standards prescribed by the BPS.

14 (u) *LPG Industry Participants* - persons, engaged in activities or businesses related to:

15 (1) refining, manufacturing, importing, exporting, shipping, transporting,
16 hauling, storing, refilling, distributing, marketing and selling of LPG for household,
17 commercial or industrial, and automotive (auto-LPG) use; or

18 (2) manufacturing, importing, transporting, distributing and selling of LPG
19 cylinders and ancillary equipment including, but not limited to, LPG cylinder or
20 container and ancillary equipment manufacturers and importers, re-qualifiers,
21 repairers, scrapping centers, LPG cylinder or container seal manufacturers and such
22 other similar persons or entities.

23 (v) *Marketer* - any person, engaged in the sale of LPG, whether in bulk or retail under
24 its own brand name.

25 (w) *Person* - an entity such as an individual or group of individuals incorporated,
26 registered or formed under Philippine laws.

27 (x) *Philippine National Standards or PNS* - the standards promulgated by the BPS of
28 the DTI relating to product specifications, test methods, terminologies and standardization
29 procedures, guidelines or practices.

30 (y) *Piped LPG Provider* - any person, engaged in the business of supplying or
31 distributing LPG to consumers through a Centralized LPG Distribution System, including
32 operators of central storage compounds for piped LPG or reticulated system facilities.

33 (z) *Qualified Serviceman* - an individual who has been trained, qualified and certified
34 by the Bureau of Fire Protection (BFP) or any deputized agency thereof, or to an individual
35 who has successfully completed an approved training course for LPG servicemen in a
36 training school duly recognized and accredited by the Philippine government.

37 (aa) *Refiller* - (1) a service provider authorized by an LPG cylinder owner to refill LPG
38 cylinders on the latter's behalf, or (2) any person who refills LPG into one's own LPG
39 cylinders.

40 (bb) *Refilling Plant* - any installation that is used for refilling LPG into cylinders and
41 has LPG bulk storage and refilling facilities thereof.

42 (cc) *Refiner* - any person, who refines LPG through distillation, conversion and
43 treatment of crude oil and other naturally occurring petroleum hydrocarbons.

44 (dd) *Re-qualification* - the method or procedure by which an LPG cylinder is
45 subjected to inspection and re-evaluation in accordance with the prescribed specifications
46 and any other standards prescribed governing the method of requalification of steel

1 cylinders for LPG to determine its acceptability for continuous use and distribution and
2 subsequent repair or scrappage, where appropriate.

3 (ee) *Re-qualifier* - any person, duly accredited by the DTI pursuant to this Act to
4 engage in the business of re-qualifying LPG cylinders.

5 (ff) *Repair* - the removal from and replacement of parts or attachments of LPG
6 cylinders or the performance of any other necessary corrective and restorative measures
7 pursuant to the PNS, to restore the fitness of LPG cylinders for refilling, distribution and use.

8 (gg) *Repairer* - any person duly certified by the DTI to engage in the business of
9 repairing LPG cylinders.

10 (hh) *Retail Outlet* - any entity that sells LPG in cylinders directly to a consumer in
11 quantities as may be determined by the DOE.

12 (ii) *Reticulated System* - a means of supplying LPG through a pipeline network from
13 a centralized cylinder bank or bulk installation to multiple customers situated in a common
14 locality.

15 (jj) *Scrappage* - the destruction of defective LPG cylinders declared by a re-qualifier
16 of the DTI to be unfit for use.

17 (kk) *Seal* - the protective cover placed on the valve of an LPG cylinder.

18 (ll) *Tare weight* - the net weight of the LPG cylinder excluding its contents as
19 engraved in the collar and painted in the body thereof and shall be expressed in kilograms in
20 accordance with the specifications as may be prescribed by the DTI.

21 **CHAPTER II**
22 **IMPLEMENTING AGENCIES**

23 **SEC. 5. Lead Agency.** – The DOE shall be the primary government agency responsible
24 for the implementation and enforcement of this Act unless otherwise stated. The DOE shall
25 regulate, supervise and monitor the LPG industry and persons and entities engaged in any
26 activity or business therein to ensure compliance with the national product quality,
27 environmental and worker safety and consumer welfare standards.

28 **SEC. 6. Additional Powers and Functions of the DOE.** – In addition to its powers and
29 functions under existing laws, the DOE shall have the following powers and functions:

30 (a) Administer and supervise the enforcement and implementation of this Act;

31 (b) Implement safety standards prescribed by the DOE or set in the PNS promulgated
32 by the BPS for refilling plants, depots, storage areas, transportation facilities and other
33 facilities or business premises of the owners thereof and retail outlets, and exercise
34 reasonable visitorial powers in order to inspect and evaluate whether such refilling plants,
35 depots, storage areas, transportation facilities and other facilities or business premises and
36 retail outlets comply with such safety standards. During such inspection, the DOE may
37 scrutinize the records of the concerned LPG industry participants;

38 (c) Inspect LPG cylinders in circulation, whether filled or unfilled, which are for
39 distribution and sale to dealers, retail outlets and end-consumers to determine conformity
40 with established quality and safety standards for LPG cylinders developed and established
41 by the BPS;

1 (d) Confiscate and impound immediately after the conduct of inspection or
2 investigation of substandard, defective, unsafe, injurious or dangerous LPG and LPG
3 cylinders, or those that are found in violation of the provisions of this Act or in commission
4 of any of the prohibited acts under this Act or do not conform to established quality and
5 safety standards for LPG cylinders developed and established by the BPS, as well as
6 underfilled and illegally refilled LPG cylinders as defined in this Act;

7 (e) Investigate, *motu proprio* or upon report of any person, possible infractions of
8 this Act by any person, initiate the necessary criminal or administrative actions warranted
9 under the circumstances, enforce administrative sanctions or penalties as provided under
10 this Act, and file the necessary complaints with the proper court or government agency;

11 (f) Implement the Philippine LPG Cylinder Improvement Program as provided in this
12 Act;

13 (g) Direct LPG brand owners, to periodically submit cylinders for requalification, and
14 to secure proper proof of compliance therewith in accordance with the requirements of the
15 DTI;

16 (h) Issue and grant Licenses to Operate to qualified LPG industry participants in
17 accordance with the implementing rules and regulations to be issued by the DOE, and
18 suspend or revoke the same, after due notice and hearing, for committing any of the
19 prohibited acts under Chapter X of this Act;

20 (i) Issue closure or cease-and-desist orders, as the case may be, to any concerned
21 LPG industry participants found to have committed any of the prohibited acts under Chapter
22 X of this Act;

23 (j) Impose and collect administrative fines against LPG industry participants found to
24 have committed any of the prohibited acts under Chapter X of this Act;

25 (k) Create and maintain a central database of LPG industry participants, and an
26 inventory of existing and projected LPG supply levels in the country subject to the
27 limitations set out in Section 26 of this Act, which shall be updated monthly on its own
28 initiative or through reports of LPG industry participants;

29 (l) Investigate and keep a record of incidents of injury or damage to person or
30 property, caused by or attributable to the improper production, refilling, storage, handling
31 or dispensing or use of LPG for purposes of prosecuting or filing the appropriate
32 administrative or criminal complaints against responsible persons;

33 (m) Investigate, prosecute, and impose penalties for dumping activities or
34 unauthorized filling of bulk tanks in refilling plants by bulk suppliers other than the owner of
35 tanks;

36 (n) Dispose LPG and LPG cylinders in accordance with the guidelines on disposal of
37 LPG or LPG cylinders promulgated by the DOE;

38 (o) Inspect and evaluate LPG cylinder seals and confiscate seals not complying with
39 standards and regulations including those in illegal possession or use; and

40 (p) Exercise such other powers and functions as may be necessary or incidental to
41 attaining the objectives of this Act.

42 **SEC. 7. Powers and Functions of the DTI.** – The DTI shall have the following exclusive
43 powers and functions:

44 (a) Develop, formulate, promulgate, review and revise, as may be necessary, the PNS
45 for LPG, LPG cylinders and other ancillary equipment;

1 (b) Inspect and evaluate LPG cylinders, whether manufactured locally or imported,
2 prior to any sale or distribution to LPG refiners or refillers and certify to their conformity to
3 the PNS and their fitness for public and sale distribution;

4 (c) Inspect and evaluate ancillary equipment, whether manufactured locally or
5 imported, and certify to their conformity to PNS and their fitness for public sale and
6 distribution; and

7 (d) Grant accreditation and certification of conformity to PNS to re-qualifiers,
8 repairers, LPG cylinder manufacturers and other independent, competent, private persons
9 and entities that provide products and services involving LPG cylinders and revoke the same,
10 if warranted.

11 **SEC. 8. Powers and Functions of the DILG.** – To help effectively implement the
12 provisions of this Act, the Department of Interior and Local Government (DILG) shall have
13 the following powers and functions:

14 (a) Coordinate with local government units (LGUs) and the Philippine National Police
15 (PNP), in close coordination with the DOE and DTI, for the orderly and effective
16 implementation of this Act and of the orders, rules and regulations and issuances pursuant
17 thereto: *Provided*, That only the personnel or unit of the PNP duly deputized by the DOE, or
18 such special task force from the different enforcement agencies organized by the DOE for
19 the purpose, shall have the authority to implement or enforce this Act.

20 (b) Coordinate and cooperate with the DOE and the DTI in the conduct of
21 information dissemination to the LGUs and the PNP; and

22 (c) Extend all the necessary assistance to the DOE with respect to the enforcement
23 of measures to attain the objectives of this Act.

24 **SEC. 9. Powers and Functions of LGUs.** – To help effectively implement the
25 provisions of this Act, the LGUs shall have the following powers and functions:

26 (a) Assist the DOE in providing an area for impounded LPG cylinders; and

27 (b) After due notice and hearing, suspend or revoke the business permit or license of
28 an LPG industry participant upon the issuance by the DOE of a notice of suspension or
29 revocation of the License to Operate of such LPG industry participant in accordance with
30 Chapter III of this Act.

31 **SEC. 10. Powers and Functions of the PNP.** – The PNP shall, only upon request of the
32 DOE or the DTI, provide security to life and property during the conduct of operations for
33 the implementation of this Act, such as but not limited to, the confiscation of LPG cylinders
34 found in violation of the prohibited acts under Chapter X of this Act, and during the
35 transport of the confiscated LPG cylinders to the impounding area: *Provided*, That the PNP
36 shall not, by itself, conduct LPG inspections without request from the DOE and DTI, nor
37 confiscate LPG cylinders unless duly authorized by a warrant issued by the courts.

38 **SEC. 11. LPG Monitoring and Enforcement Task Force.** –

39 (a) No later than six (6) months from the effectivity of this Act, the DOE shall
40 establish the LPG Monitoring and Enforcement Task Force with the following members:

41 (1) The Secretary of the DOE as Chairman;

42 (2) The Secretary of the DILG and Secretary of DTI as members;

1 (3) Such other representatives of other government agencies as may be
2 determined to be appropriate by the Chairman;

3 (4) Representatives from LPG industry participants as may be determined to
4 be appropriate by the Chairman; and

5 (5) Such other representatives from the private-sector entities as may be
6 determined to be appropriate by the Chairman.

7 (b) The LPG Monitoring and Enforcement Task Force shall have the following powers
8 and functions:

9 (1) Assist the DOE in monitoring and compliance standards inspection as
10 provided in this Act; and

11 (2) Exercise such other powers and functions necessary to give force and
12 effect to this Act, its implementing rules and regulations, and such other rules issued
13 by the DOE from time to time, as may be determined by the DOE in consultation
14 with the LPG industry participants.

15 (c) Prior to the creation of the LPG Monitoring and Enforcement Task Force or
16 whenever the DOE deems necessary, the DOE may deputize such other government
17 agencies it deems necessary to assist in the effective discharge of its functions provided in
18 this Act.

19 CHAPTER III

20 LICENSES, PERMITS AND OTHER BUSINESS REQUIREMENTS

21 **SEC.12. License to Operate. –**

22 (a) Any person intending to engage in any activity or business involving LPG shall
23 secure a License to Operate prior to commencement of construction and commercial
24 operations. The DOE shall have the exclusive authority to issue the License to Operate. It
25 shall be valid for a period of three (3) years or any such period as may be determined by the
26 DOE.

27 For purposes of this Act, the License to Operate shall certify that such person or
28 entity has complied with all the documentary requirements and safety rules and
29 regulations prescribed by the DOE and other pertinent government agencies.

30 (b) No person or entity intending to engage in any activity or business involving LPG
31 shall engage in business without first having duly secured a License to Operate from the
32 DOE. Any such person or entity that subsequently engages in an activity or business outside
33 of the scope of its License to Operate shall duly notify the DOE and secure the proper
34 License to Operate from and where deemed necessary by the DOE for such new activity or
35 business.

36 (c) The DOE shall prescribe specific guidelines for compliance of retail outlets,
37 dealers and haulers in remote areas outside Metro Manila.

38 (d) An LPG industry participant who has a License to Operate shall transact business
39 only with an LPG industry participant who likewise has a License to Operate.

40 (e) Subject to the provisions of this Act, any person already legally engaged in any
41 activity or business involving LPG shall obtain a License to Operate within six (6) months
42 from effectivity of this Act in accordance with the rules, regulations, and guidelines to be
43 issued by the DOE.

1 **SEC. 13. Certificate of Non-Coverage (CNC).** – Any person or entity whose principal
2 business requires consumption of LPG in bulk and which business operation does not
3 include, in any way, the distribution or retail of LPG to consumers, such as but not limited to
4 garage-based Auto-LPG stations, centralized LPG distribution systems, shall secure a CNC
5 from the DOE.

6 For purposes of this Act, a Garage-Based Auto-LPG operation shall refer to the
7 operation of a motor vehicle fleet with a number of vehicle units as may be determined by
8 the DOE and which vehicle units are parked and serviced in a confined area or garage. The
9 DOE shall prescribe such other conditions in order that an Auto-LPG dispensing activity shall
10 be deemed as a garage-based operation.

11 Bulk suppliers shall ensure that their bulk consumers have secured the necessary
12 CNC prior to entering into any supply contract or agreement with said bulk consumers.

13 A copy of such contract or a sworn certification shall be submitted to the DOE within
14 thirty (30) days from the execution thereof.

15 The CNC does not in any way preclude compliance with applicable PNS,
16 requirements of the BFP and other concerned government agencies.

17 **SEC. 14. Suspension or Revocation of License to Operate.** – The DOE shall likewise
18 have the power to suspend or revoke, after due notice and hearing, the License to Operate
19 of any person engaged in any activity or business involving LPG for the commission of any of
20 the prohibited acts under Chapter X of this Act.

21 **SEC. 15. Mandatory Requirement Prior to LGU's Issuance or Renewal of Local**
22 **Government Business License or Mayor's Permit.** – The License to Operate provided under
23 Section 12 of this Act shall be a mandatory requirement for the grant or renewal of any LGU
24 business license or Mayor's permit to engage in business involving LPG regardless of
25 whether such products or activities constitute the entire or a portion of the business for
26 which a business license is sought by the applicant.

27 **SEC. 16. Action of LGUs on Suspended or Revoked License to Operate.** – Upon
28 receipt of written notice by the DOE of suspension or revocation of the License to Operate
29 of a concerned LPG industry participant, the LGU shall immediately suspend or revoke the
30 LGU business license or Mayor's permit of said LPG industry participant. The LGU shall
31 formally communicate to the DOE the fact of such suspension or revocation within five (5)
32 working days from receipt of the written notice of revocation of License to Operate from
33 the DOE.

34 **SEC. 17. Certificate of Accreditation for Manufacturers, Requalifiers, Repairers of**
35 **LPG Cylinders and Manufacturers.** – Prior to the commencement of its operations and
36 annually thereafter, any person who intends to engage in the business of manufacturing, re-
37 qualifying, or repairing LPG cylinders, shall obtain a Certificate of Accreditation from the DTI.

1 Any person already engaged in the business of re-qualification, repair, scrapping of
2 LPG cylinder and seal manufacturing upon the effectivity of this Act shall apply for a
3 Certificate of Accreditation from the DTI.

4 **CHAPTER IV**
5 **AUTO-LPG**

6 **SEC. 18. Retailing of Auto-LPG.** – Any person who is operating or intending to
7 operate an Auto-LPG Dispensing Station shall comply with the requirements as may be
8 provided in the implementing rules and regulations of this Act.

9 **CHAPTER V**
10 **OWNERSHIP OF LPG CYLINDERS AND**
11 **CONTAINERS FOR AUTOMOTIVE USE**

12 **SEC. 19. Ownership of LPG Cylinders.** – The brand owner whose permanent mark
13 appears on the LPG cylinder shall be presumed the owner thereof, including those in the
14 possession of his authorized refiller, marketer, dealer or retail outlet, or requalifier, or such
15 other person duly authorized by him, or subject to exchange or swapping: *Provided*, That
16 LPG cylinder owner who deliberately refuses to participate in, or delays in the
17 implementation of, the LPG cylinder exchange, swapping and rehabilitation program, such
18 owner shall be considered to have waived its ownership of the LPG cylinder subject of
19 exchange, swapping and rehabilitation irrespective of the party in custody or possession of
20 the LPG cylinder. Permanent marks refer to the embossed trade or brand name of the
21 registered owner thereof as prescribed by the DTI for LPG cylinders.

22 The rights and obligations of LPG brand owners shall be provided in the
23 implementing rules and regulations of this Act. The LPG brand owner shall have the
24 obligation to ensure that its LPG cylinders comply with all the required quality and safety
25 standards and specifications before they are released for distribution: *Provided*, That receipt
26 by the DOE of a verified notice or report from the LPG brand owner regarding any lost,
27 stolen or missing LPG cylinders shall *prima facie* relieve the LPG brand owner of the
28 obligation to ensure the quality and safety of such LPG cylinders. Such report may be
29 rebutted by contrary evidence.

30 **SEC. 20. Ownership of LPG Containers for Automotive Use.** – Containers of LPG for
31 automotive use are permanently installed inside the vehicles and are therefore inherent and
32 integral parts of the vehicle. As such, ownership of these containers is that of the vehicle
33 owner.

34 **CHAPTER VI**
35 **MONITORING AND ENFORCEMENT MECHANISMS**

36 **SEC. 21. Reports and Disclosures to the DOE.** – Subject to the limitations in Section
37 22 below, the DOE, as the case may be, shall have the power and authority to require
38 concerned LPG industry participants to submit written, electronic or other form of reports
39 or disclosures, as the DOE may deem reasonable and necessary to perform its functions
40 under this Act. Any LPG industry participant who fails to submit any such report or

1 each day of operation without a License to Operate: Provided, that the maximum fine to be
2 imposed shall be five hundred thousand pesos (P500,000.00) for an individual and one
3 million pesos (P1,000,000.00) for a corporation.

4 **SEC. 28. *Engaging in Business Without Accreditation.*** – Any person who engages in
5 the business of manufacturing LPG cylinder seals or of re-qualifying, repairing or scrapping
6 LPG cylinders without first securing a certificate of accreditation from the DTI as provided
7 under this Act, shall be penalized with a fine of one million pesos (P1,000,000.00).

8 **SEC. 29. *Refusal or Obstruction of Inspection.*** – Any LPG industry participant who
9 refuses, prevents or obstructs the inspection of its premises and records as required under
10 this Act shall be penalized with a fine of three hundred thousand pesos (P300,000.00) for
11 the first violation, five hundred thousand pesos (P500,000.00) for the second violation and
12 revocation of the License to Operate for the third violation.

13 **SEC. 30. *Failure to Post License to Operate.*** – Any LPG industry participant
14 concerned who fails or refuses to post its License to Operate shall be penalized with a fine
15 of not exceeding five thousand pesos (P5,000.00) for each instance of violation.

16 **SEC. 31. *Failure to Submit Reportorial Requirements.*** – Any LPG industry participant
17 concerned who fails to submit periodic reports as may be required under existing laws
18 particularly Republic Act No. 8479, otherwise known as "Downstream Oil Industry
19 Deregulation Act of 1998," within a reasonable period and in the manner prescribed by the
20 DOE, shall be penalized with a fine of ten thousand pesos (P10,000.00) in case of an
21 individual and twenty thousand pesos (P20,000.00) in case of a partnership or corporation.

22 **SEC. 32. *Illegal Storage.*** – Any refiner, importer, refiller, hauler, dealer, retail outlet
23 or bulk consumer who stores LPG in bulk without obtaining a License to Operate or
24 Certificate of Non-Coverage as required under this Act shall, upon conviction, be penalized
25 with a fine of not less than twenty thousand pesos (P20,000.00) but not more than one
26 hundred thousand pesos (P100,000.00).

27 **SEC. 33. *Failure to Comply with Product Standards.*** – Any concerned LPG industry
28 participant who, by act or omission, fails to comply with plant or product standards set by
29 the DOE with respect to their specific activity shall, upon conviction, be penalized as follows:

30 (a) Non-compliance with DOE mandatory requirements on safety designs for refilling
31 plants, equipment, depots, centralized LPG distribution systems and similar facilities shall be
32 penalized with a fine of not less than fifty thousand pesos (P50,000.00) but not more than
33 five hundred thousand pesos (P500,000.00). For this purpose, the DOE shall, after public
34 consultation, formulate a table of penalties to determine the imposition of the minimum
35 and the maximum penalty[.]: *Provided*, That nothing in this paragraph shall preclude the
36 DOE from ordering the closure of the facility until such time that the mandatory
37 requirements have been met; and

38 (b) Failure to secure the required PNS Certificate for LPG cylinders shall be penalized
39 with a fine of five thousand pesos (P5,000.00) for each non-compliant LPG cylinder used and
40 distributed to consumers: *Provided*, that the maximum fine to be imposed shall be five
41 hundred thousand pesos (P500,000.00) for an individual and one million pesos

1 (P1,000,000.00) for a corporation: *Provided, further*, That this section shall apply only after
2 the full implementation of the Philippine LPG Cylinder Improvement Program.

3 **SEC. 34. Adulteration.** – LPG-filled cylinders found to be mixed with another finished
4 or unfinished petroleum product or stock or with any non-petroleum substance or material
5 that will result in product quality change or in the failure of the LPG to meet the required
6 product specifications of the DOE shall render the person in possession thereof *prima facie*
7 liable for violating this provision and shall, upon conviction, be penalized with a fine of five
8 thousand pesos (P5,000.00) for each LPG cylinder containing adulterated LPG: *Provided*,
9 That the maximum fine to be imposed shall be five hundred thousand pesos (P500,000.00)
10 for an individual and one million pesos (P1,000,000.00) for a corporation.

11 **SEC. 35. Underfilling.** – When the net quantity of LPG contained in LPG cylinders
12 intentionally sold, transferred, delivered or filled by refillers is less than the LPG cylinder
13 content required by the DOE at the filling plant, the refiller shall, upon conviction, be
14 penalized with a fine of five thousand pesos (P5,000.00) for each underfilled LPG cylinder or
15 with imprisonment of at least six (6) months but not more than two (2) years, or both, at
16 the discretion of the court: *Provided*, That subsequent violations shall be penalized with
17 both fine and imprisonment: *Provided, further*, That the maximum fine to be imposed shall
18 be five hundred thousand pesos (P500,000.00) for an individual and one million pesos
19 (P1,000,000.00) for a corporation. When the net quantity of LPG in cylinders intentionally
20 sold, transferred, or delivered by dealers or retail outlets is at least three tenths of one
21 kilogram (0.30 kg) less than the DOE-required LPG cylinder content quantity, the dealers or
22 retail outlets shall be penalized with the same fines mentioned earlier in this paragraph:
23 *Provided, finally*, That when the net quantity of LPG cylinders sold, transferred or delivered
24 by dealers or retail outlets is at least five hundred (500) grams less than the DOE-required
25 LPG cylinder content quantity, the said cylinders shall be confiscated outright and the
26 refillers, dealers or retail outlets thereof shall be penalized with the aforementioned
27 penalties.

28 The following shall be considered as *prima facie* evidence of underfilling:

- 29 (a) A broken, tampered, absent or removed seal; or
30 (b) An LPG cylinder containing less than the required LPG quantity which is not so
31 identified and set apart or taken out from the sales area by dealers or retail outlets is
32 presumed to be for sale.

33 **SEC. 36. Illegal Refilling.** – The following shall constitute illegal refilling of LPG
34 cylinders under this Act:

35 (a) Refilling of LPG cylinder by a person or entity other than the brand owner
36 thereof, unless an express permission is granted by the brand owner for such refilling as
37 evidenced by a written contract or similar instrument;

38 (b) Refilling of LPG cylinder with a brand, trademark, trade name or registered
39 business name other than that of the brand owner indicated on the LPG cylinder tank,
40 otherwise called "pirate filling" or "cross-filling";

41 (c) Refilling of LPG cylinder bearing defaced, tampered or illegible markings contrary
42 to the mandatory labelling and stamping requirements under this Act;

- 1 (d) Refilling of LPG cylinder which is due for repair, re-qualification or scrappage as
2 provided in this Act or is subject to the recall or prohibition order of the DOE;
- 3 (e) Filling of LPG cylinder directly from LPG tank trucks without the use of approved
4 filling machines;
- 5 (f) Refilling LPG from one LPG cylinder to another without using the prescribed
6 equipment;
- 7 (g) Backyard refilling of LPG cylinder other than in properly designed LPG refilling
8 plants;
- 9 (h) Filling LPG cylinder with products or substances other than LPG in an effort to
10 achieve the correct net weight;
- 11 (i) Refilling of LPG cylinders for household or commercial use by Auto-LPG Dispensing
12 Stations;
- 13 (j) Refilling of LPG into single-trip or tin canister or cartridge not designed or
14 intended for LPG or not in compliance with existing PNS or, in the absence of a PNS, without
15 the express consent, approval or conformity of the DTI;
- 16 (k) Any other refilling of LPG cylinders in violation of the mandatory requirements or
17 prescribed standards under this Act; and
- 18 (l) Unauthorized loading of bulk LPG tanks in industrial accounts.

19 An LPG industry participant found guilty of illegal refilling under this section shall,
20 upon conviction, be penalized with a fine of Five Thousand Pesos (Php5,000.00) for each
21 illegally-filled or refilled LPG cylinder, or imprisonment of at least six (6) months but not
22 more than two (2) years, or both, at the discretion of the court: *Provided*, That subsequent
23 violations shall be penalized with both fine and imprisonment: *Provided, further*, That the
24 maximum fine to be imposed shall be five hundred thousand pesos (P500,000.00) for an
25 individual and one million pesos (P1,000,000.00) for a corporation: *Provided, finally*, That
26 illegally refilled LPG cylinders described in sub-paragraphs (c), (d), (e), (f), (g), (h) and (i)
27 above shall be confiscated outright and the refillers, dealers or retail outlets thereof shall be
28 penalized with the aforementioned penalties.

29 **SEC. 37. Hoarding.** – Any concerned LPG industry participant who, before a price
30 increase or in times of tight supply, unduly accumulates LPG products beyond his normal
31 inventory levels and unreasonably limits or refuses to dispose of, sell, or distribute LPG
32 products to the general public, even if the buyer or consumer has the ability to pay in cash
33 for the LPG products, shall, upon conviction, be penalized with a fine of at least one
34 hundred thousand pesos (P100,000.00) but not more than one million pesos (P1,000,000.00)
35 and imprisonment of at least six (6) months but not more than two (2) years.

36 The determination of said participant's usual inventory shall be reckoned from the
37 third (3rd) month immediately preceding the discovery of the stocks in case said participant
38 has been engaged in the business for at least three (3) months. Otherwise, it shall be
39 reckoned from the time the participant started the business.

40 For purposes of this Act, it shall be considered as *prima facie* evidence of hoarding
41 when the following conditions concur:

- 42 (a) said LPG industry participant has stocks of LPG products fifty percent (50%)
43 higher than his inventory capacity; and

1 (b) said LPG industry participant unreasonably limits, refuses or fails to sell the same
2 to the general public at the time of discovery of the stocks.

3 **SEC. 38. Unauthorized Trading of LPG Cylinders.** – Any concerned LPG industry
4 participant who, without the consent of the LPG brand owner, stores or sells empty LPG
5 cylinders in excess of those allowed by the DOE, through LPG cylinder swapping and other
6 similar industry practices and exchanges, barter, sells, distributes or otherwise transfers
7 ownership or possession thereof to a person or entity other than the LPG brand owner and
8 without the authority of the LPG brand owner, shall, upon conviction, be penalized with a
9 fine of five thousand pesos (P5,000.00) for each illegally-stored or sold empty LPG cylinder
10 or imprisonment of at least six (6) months but not more than two (2) years, or both, at the
11 discretion of the court: *Provided*, That subsequent violations shall be penalized with both
12 fine and imprisonment: *Provided, further*, That the maximum fine to be imposed shall be
13 five hundred thousand pesos (P500,000.00) in case of an individual and one million pesos
14 (P1,000,000.00) in case of a corporation.

15 **SEC. 39. Tampering of LPG Cylinders and Similar Acts.** – Any person who destroys,
16 tampers, alters or modifies LPG cylinders through any means such as, but not limited to,
17 changing the LPG cylinder valve, repainting and re-labelling, by any person other than the
18 LPG cylinder owner shall, upon conviction, be penalized with a fine of five thousand pesos
19 (P5,000.00) for each tampered or altered LPG cylinder or imprisonment of at least six (6)
20 months but not more than two (2) years, or both, at the discretion of the court: *Provided*,
21 That subsequent violations shall be penalized with both fine and imprisonment: *Provided*,
22 *further*, That the maximum fine to be imposed shall be five hundred thousand pesos
23 (P500,000.00) for an individual and one million pesos (P1,000,000.00) for a corporation.

24 **SEC. 40. Illegal Possession of LPG Cylinder Seal.** – Any person found in possession of
25 LPG cylinder seals, including the seals already used in the LPG cylinders without authority
26 from the LPG cylinder owner or its authorized refiller shall, upon conviction, be penalized
27 with a fine of five thousand pesos (P5,000.00) for each LPG seal found in its or his
28 possession: *Provided*, That the maximum fine to be imposed shall be five hundred thousand
29 pesos (P500,000.00) for an individual and one million pesos (P1,000,000.00) for a
30 corporation.

31 **SEC. 41. Failure to Comply with Weighing Device Requirements.** – Any refiner,
32 importer, refiller, dealer or retail outlet who fails to comply with the requirements
33 pertaining to weighing devices as required by the DOE and DTI, shall be penalized with a fine
34 of ten thousand pesos (P10,000.00) in case of an individual or twenty thousand pesos
35 (P20,000.00) in case of a corporation.

36 **SEC. 42. Overloading.** – Any hauler who loads and transports or permits the loading
37 and transportation of LPG cylinders in quantities greater than the rated capacity of the
38 vehicle or in such a manner that endangers the life and safety of its passengers or the
39 public, shall be penalized with a fine of twenty thousand pesos (P20,000.00) in case of an
40 individual and fifty thousand pesos (P50,000.00) in case of a corporation: *Provided*, That the
41 penalties provided herein shall be without prejudice to its liability under other laws for any
42 damage or injury to person or property.

1 **SEC. 43. Importation of Used or Second-Hand LPG Cylinders.** – Any person who
2 imports used or second-hand LPG cylinders or containers, without securing authority to
3 import from the DTI, shall, upon conviction, be penalized with a fine of one hundred
4 thousand pesos (P100,000.00) or five thousand pesos (P5,000.00) per LPG cylinder or
5 container whichever is higher and imprisonment of at least six (6) months and one (1) day to
6 two (2) years.

7 **SEC. 44. Sale or Distribution to Non-complying Persons or Entities.** – Any LPG
8 industry participant who knowingly sells or distributes LPG products, LPG cylinders or LPG
9 seals to persons or entities committing any of the prohibited acts provided in this Act and in
10 such other issuances or orders to be issued by the DOE or the DTI as the case may be, shall
11 upon conviction, be penalized for each sale or distribution with a fine of not less than one
12 hundred thousand pesos (P100,000.00) but not more than five hundred thousand pesos
13 (P500,000.00) or imprisonment of at least six (6) months but not more than two (2) years, or
14 both at the discretion of the court.

15 **SEC. 45. Pilferage of LPG.** – Any person who pilfers LPG shall, upon conviction, be
16 penalized with a fine of five hundred thousand pesos (P500,000.00) for an individual and
17 one million pesos (P1,000,000.00) for a corporation or imprisonment of at least six (6)
18 months but not more than two (2) years, or both, at the discretion of the court: *Provided,*
19 *That subsequent violations shall be penalized with both fine and imprisonment: Provided,*
20 *further, That the maximum fine to be imposed shall be five hundred thousand pesos*
21 *(P500,000.00) for an individual and one million pesos (P1,000,000.00) for a corporation.*

22 **SEC. 46. Sale or Distribution of LPG-filled Cylinders Without Seals.** – Any person,
23 brand owner, its authorized refiller, dealer or retail outlet who sells or distributes LPG-filled
24 cylinders without seal, with tampered, fake or broken seals, or with seal not belonging to
25 the brand owner shall be penalized with a fine of not less than five thousand pesos
26 (P5,000.00) for each LPG cylinder or imprisonment of at least six (6) months but not more
27 than two (2) years, or both, at the discretion of the court: *Provided, That the maximum line*
28 *to be imposed shall be five hundred thousand pesos (P500,000.00) for an individual and one*
29 *million pesos (P1,000,000.00) for a partnership or corporation.*

30 **SEC. 47. Refusal to Refund the Deposit.** – Any LPG brand owner, its authorized
31 dealer or retail outlet that refuses to refund the deposit on the LPG cylinder to any
32 consumer shall be administratively charged and upon proper proof, shall be imposed a fine
33 of one thousand five hundred pesos (P1,500.00) for each LPG cylinder and a warning that its
34 License to Operate shall be suspended or revoked: *Provided, That subsequent violations*
35 *thereof shall be imposed a fine of five thousand pesos (P5,000.00) per LPG cylinder and the*
36 *suspension and revocation of its License to Operate.*

37 **SEC. 48. Sale of LPG in Single-trip (non-refillable) Container or Canister.** – Any
38 person who sells or distributes LPG in single-trip (non-refillable) containers or canisters
39 which have been previously filled with butane, or not designed or intended for refilling of
40 LPG due to non-compliance with PNS or not certified or allowed by the DTI shall be
41 penalized with a fine of not less than five thousand pesos (P5,000.00) for each LPG cylinder

1 or imprisonment or at least six (6) months but not more than two (2) years, or both, at the
2 discretion of the court: *Provided*, That the maximum fine to be imposed shall be five
3 hundred thousand pesos (P500,000.00) for an individual and one million pesos
4 (P1,000,000.00) for a partnership or corporation.

5 **SEC. 49. *Other Prohibited Acts.*** – The following acts shall likewise be declared
6 unlawful:

7 (a) Sale and distribution to or transactions with an LPG industry participant who has
8 no License to Operate;

9 (b) Manufacture, sale or distribution of LPG cylinders to the local market without the
10 necessary PS marks and other markings as required by the PNS and its future amendments
11 or the detailed standard governing LPG cylinder manufacture, requalification and repair;

12 (c) Sale and distribution of LPG cylinders considered substandard as defined by the
13 PNS;

14 (d) Manufacture or sale of LPG cylinders carrying a brand name, logo, mark or
15 distinction without the express approval of the registered brand owner;

16 (e) Manufacture of LPG cylinders using substandard or non-industrial steel plates;

17 (f) Wrong or misleading information stamped on the LPG cylinder such as the tare
18 weight; and

19 (g) Knowingly selling illegally-filled or refilled LPG cylinders by marketers, dealers or
20 retail outlets;

21 A fine of at least five hundred thousand pesos (P500,000.00) but not more than one
22 million pesos (P1,000,000.00) and imprisonment of at least six (6) years and one (1) day to
23 twelve (12) years shall be imposed on any person, firm, partnership or corporation found
24 guilty of committing any of the other prohibited acts enumerated above.

25 **SEC. 50. *"Strike Three" Penalty.*** – Any person convicted or found administratively
26 liable with finality of committing any prohibited act for three (3) instances shall be
27 perpetually disqualified from engaging in any activity in the LPG industry.

28 **SEC. 51. *Publication of Persons Convicted of Violations of this Act.*** – The DOE shall,
29 on a quarterly basis, publish in a newspaper of general circulation, the names of LPG
30 industry participants found liable for prohibited acts in Chapter X of this Act.

31 **SEC. 52. *Violations by Juridical Entities.*** – If the violation is committed by a
32 corporation, partnership, association or other juridical entity, the penalty of imprisonment
33 shall be imposed on the responsible directors or officers thereof. Any new juridical entity
34 formed by persons (or agents of such persons) previously found in violation of the
35 prohibited acts under Chapter X of this Act shall not be eligible for any License to Operate by
36 the DOE. If the offender is an alien, he shall be deported immediately, without further
37 proceedings, after service of sentence.

38 **CHAPTER XI**
39 **EDUCATION AND RESEARCH**

40 **SEC. 53. *Usage Requirements for Customers and End-Users.*** – The DOE and the DTI
41 shall jointly undertake educational and information dissemination activities to enhance

1 customer awareness among LPG consumers and end-users. In addition to such educational
2 program, the DOE and the DTI, after consultation with the LPG industry participants, may
3 prescribe rules and regulations in relation to the following:

4 (a) For industrial or large end-users, installation of sign at storage facilities;

5 (b) Use of only branded, legally-filled and certified LPG cylinders; and

6 (c) Installation of LPG appliances and devices approved by the DTI: *Provided*, That
7 such appliances and devices shall be installed only by qualified servicemen as provided in
8 this Act.

9 **SEC. 54. *Development Research.*** – The DOE shall, in coordination with the
10 Department of Science and Technology (DOST) and the DTI, conduct study and research for
11 the purpose of developing more efficient methods of providing safe, clean and hazard-free
12 LPG to consumers.

13 **CHAPTER XII**
14 **FINAL PROVISIONS**

15 **SEC. 55. *Implementing Rules and Regulations.*** – Unless otherwise expressly
16 provided in this Act, the DOE shall, in consultation with the DTI, other appropriate agencies,
17 and the LPG industry participants, be the lead agency to formulate, issue and promulgate
18 the necessary implementing rules and regulations within sixty (60) days from the effectivity
19 of this Act. The implementing rules and regulations shall cover, among others, guidelines
20 and standards for LPG weighing devices, cylinder sealing, labeling requirements, quality
21 standards, delivery vehicles, drivers, and attendants, and the Philippine LPG Cylinder
22 Improvement Program.

23 **SEC. 56. *Transition Phase.*** – The DOE shall, upon prior consultation with the LPG
24 industry participants and other government agencies and taking into account data obtained
25 from LPG industry participants and other sources, determine the appropriate period for the
26 transition phase to allow for compliance by all LPG industry participants with the objectives
27 of this Act.

28 **SEC. 57. *Appropriations.*** – The amount of two billion pesos (P2,000,000,000.00)
29 annually for the first five (5) years of the implementation of this Act is hereby appropriated
30 out of the Malampaya Fund being administered by the DOE. Thereafter, the same shall be
31 included in the regular budget of the DOE in such amounts as may be necessary to fully
32 implement the Philippine LPG Cylinder Improvement Program. Appropriations herein shall
33 be utilized by the DOE only for the purpose of providing financial support and assistance to
34 fund the implementation of the Philippine LPG Cylinder Improvement Program and shall in
35 no way unduly burden, financially or otherwise, any LPG industry participant and or
36 consumer. Not more than Ten Percent (10%) of the amount herein appropriated shall be
37 used for administrative costs in implementing the Philippine LPG Cylinder Improvement
38 Program.

39 **SEC. 58. *Joint Congressional Oversight Committee.*** – There is hereby created a Joint
40 Congressional Oversight Committee to monitor the implementation of this Act. The
41 committee shall be composed of three (3) senators and three (3) representatives to be

1 appointed by the Senate President and the Speaker of the House of Representatives,
2 respectively. The oversight committee shall be jointly chaired by the Chairmen of the Senate
3 Committees on Energy and Trade and Commerce and the House Committees on Energy and
4 Trade and Industry: *Provided*, That the Minority in both the Senate and the House of
5 Representatives shall be equitably represented therein.

6 The mandate given to the Joint Congressional Oversight Committee under this Act
7 shall be without prejudice to the performance of the duties and functions by the respective
8 existing oversight committees of the Senate and the House of Representatives.

9 **SEC. 59. *Construction and Interpretation.*** – Any doubt in the interpretation of any
10 provision in this Act shall be interpreted in favor of the interests of the consumers
11 particularly to ensure access to reasonably priced LPG and the safety of the consumers and
12 the general public.

13 **SEC. 60. *Separability Clause.*** – If for any reason, any chapter, section or provision of
14 this Act shall be declared unconstitutional, illegal, or invalid, such parts not affected thereby
15 shall remain in full force and effect.

16 **SEC. 61. *Repealing Clause.*** – All laws, decrees, executive orders, proclamations and
17 administrative regulations, or parts thereof inconsistent herewith are hereby repealed or
18 modified accordingly.

19 **SEC. 62. *Effectivity.*** – This Act shall take effect after fifteen (15) days after its
20 publication in the Official Gazette or in two (2) newspapers of general circulation.

21 *Approved,*