

SENATE

'18 AUG 30 P2:12

S. No. 1970

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Introduced by Senator Ralph G. Recto

**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**

With the current global economic downturn and the relative volatility of our economy, prices of commodities in the local market have been increasing significantly. From 2012-2017, the Philippines registered an average of 2.2% inflation rate per annum, effectively reducing the purchasing power of the peso by about 10.3%<sup>1</sup>. This is particularly prevalent in food and non-alcoholic commodities; whose prices rose by about 7.1% from July 2017 to July 2018<sup>2</sup>. This makes it more difficult for the average Filipino households to provide for their basic food needs.

This adverse effect of rising prices is further aggravated by unscrupulous business practices in our local markets. One of the more pervasive frauds committed in the marketplace is the use of inaccurate weighing scales. While many national and local government operatives may have been diligent in confiscating defective weighing instruments, many consumers are unknowingly victimized because they have no means to proactively prevent fraud.

To remedy this problem, this bill seeks to mandate local government units, through the assistance of the Department of Trade and Industry, to establish *Timbangan ng Bayan* Centers in all public and private markets nationwide. *Timbangan ng Bayan* Centers will provide readily accessible standards and instruments for weights and measures that can benefit the public in two ways. One, it can enable consumers to protect themselves from deceptive, unfair and unconscionable sales and business practices. Two, it can deter underhanded merchants from committing fraudulent acts to improve their profit margins.

Ultimately, this bill seeks to aid in realizing the intentions of Republic Act No. 7394, otherwise known as the "Consumer Act of the Philippines" in protecting the interests of the consumers, promoting their general welfare, and in establishing standards of conduct for business and industry.

In view of the foregoing, the swift passage of the proposed measure is earnestly sought.

  
RALPH G. RECTO

*amg*

<sup>1</sup> Bangko Sentral ng Pilipinas. *Consumer Price Index, Core Inflation, Inflation Rate & Purchasing Power of the Peso*. Retrieved from [http://www.bsp.gov.ph/statistics/efs\\_prices.asp](http://www.bsp.gov.ph/statistics/efs_prices.asp) on August 30, 2018.

<sup>2</sup> Philippine Statistics Authority. *Summary Inflation Report Consumer Price Index (2012=100): July 2018*. Retrieved from <http://psa.gov.ph/statistics/survey/price/summary-inflation-report-consumer-price-index-2012100-july-2018> on August 30, 2018.

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**ACT OF THE PHILIPPINES," AND FOR OTHER PURPOSES**

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

1           **SECTION 1.** A new Article 62-A shall be inserted after Article 62 of Republic Act No.  
2 7394, otherwise known as the "Consumer Act of the Philippines," to read as follows:

3                   **"ARTICLE 62-A. ESTABLISHMENT OF *TIMBANGAN NG BAYAN* CENTERS. –**  
4           **ALL PROVINCIAL, CITY AND MUNICIPAL GOVERNMENTS, THROUGH THEIR**  
5           **PROVINCIAL, CITY AND MUNICIPAL TREASURERS, SHALL ESTABLISH *TIMBANGAN***  
6           ***NG BAYAN* CENTERS IN ALL PUBLIC AND PRIVATE MARKETS, INCLUDING**  
7           **SUPERMARKETS, FLEA MARKETS OR *TIANGGES*, WITHIN THEIR RESPECTIVE**  
8           **LOCALITIES, WHERE INSTRUMENTS FOR DETERMINING WEIGHTS AND MEASURES**  
9           **SHALL BE OPEN FOR AND ACCESSIBLE TO ANY PERSON WHO NEEDS TO VERIFY**  
10           **THE ACCURACY OF THE QUANTITY AND MEASUREMENTS OF THE PRODUCTS**  
11           **PURCHASED.**

12                   **"THE SAFEKEEPING AND MAINTENANCE OF SAID INSTRUMENTS SHALL BE**  
13           **UNDER THE CONTROL AND SUPERVISION OF THE MARKET SUPERVISOR WHO**  
14           **SHALL LIKEWISE BE RESPONSIBLE FOR MAINTAINING A RECORD OF EVERY**  
15           **PRODUCT FOUND TO BE WANTING IN QUANTITY OR SUBSTANDARD IN DIMENSION,**  
16           **AS WELL AS THE ESTABLISHMENT WHERE THE SAME WAS BOUGHT INCLUDING**  
17           **THE NAME/S OF THE PROPRIETOR/S OR MANAGER/S THEREOF. A CERTIFICATION**  
18           **DULY ISSUED BY THE MARKET SUPERVISOR OR HIS/HER AUTHORIZED**  
19           **REPRESENTATIVE REFLECTING THE CONTENTS OF SUCH RECORD SHALL BE**  
20           ***PRIMA FACIE* EVIDENCE OF A VIOLATION OF ARTICLE 64 OF THIS ACT.**

21                   **"THE PROHIBITED ACTS RELATIVE TO WEIGHTS AND MEASURES**  
22           **PROVIDED UNDER SECTION 64 OF THIS ACT SHALL LIKEWISE APPLY TO**  
23           ***TIMBANGAN NG BAYAN* INSTRUMENTS."**

1           **SEC. 2.** Article 64 of Republic Act No. 7394, otherwise known as the “Consumer Act of  
2 the Philippines,” is hereby amended to read as follows:

3                   “ARTICLE 64. *Fraudulent Practices Relative to Weights and Measures.* –

4           The following acts relating to weights and measures are prohibited:

5                   “x x x.

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

9           **SEC. 3.** Article 65 of Republic Act No. 7394, otherwise known as the “Consumer Act of  
10 the Philippines,” is hereby amended to read as follows:

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

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

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

34           **SEC. 4.** *Assistance to Provincial, City and Municipal Governments.* – The Department of  
35 Trade and Industry (DTI) shall provide assistance to provinces, cities and municipalities in the  
36 establishment of *Timbangan ng Bayan* Centers nationwide under its consumer protection and  
37 other relevant programs and projects: *Provided*, That priority shall be accorded to provinces,  
38 cities and municipalities belonging to fourth, fifth and sixth income classifications.

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

7           **SEC. 6. *Separability Clause.*** – If any provision, section or part of this Act shall be  
8 declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any  
9 other provisions, sections or parts hereof.

10           **SEC. 7. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations which are  
11 inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

12           **SEC. 8. *Effectivity.*** – This Act shall take effect fifteen (15) days following its publication  
13 in at least two (2) newspapers of general circulation or in the *Official Gazette*.

14           Approved,