

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



Senate

Office of the Secretary

SENATE

S. No. 2141



Senate

Office of the Secretary

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

19 JAN 14 P 1:16

AN ACT
MODERNIZING THE NATIONAL MEASUREMENT SYSTEM (NMS) OF THE
PHILIPPINES, APPROPRIATING FUNDS THEREFORE AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

We take for granted how measurement is an integral part of our daily lives. We measure weight, height, temperature, blood pressure, to assess the health of our loved ones. We measure the dose of prescribed medicine to treat illness and disease. We measure the weight of products we buy in the market to make sure we are paying for value. We measure the amount of pollution in the air, and the quality of drinking water for safety purposes. We measure and monitor flood water levels as part of disaster preparedness and management.

Measurement is an invaluable tool for people in the conduct of daily activities, work and interactions. Inaccurate measurements and unreliable measuring instruments may result to illness, injustice, low quality, shortchange, and damage.

While citizens do not have the means and time to check the accuracy and reliability of measurements, we must encourage our metrologists and empower the body tasked with ensuring precision, accuracy and reliability of the measurements and measuring instruments in the country.

Currently, this is the task of the National Metrology Division (NMD), a small division of DOST's Industrial Technology Development Institute, in need of resources so it can better serve our countrymen. As such, this bill will transform the NMD into the National Measurement Institute of the Philippines (NMIPhil).

Under the proposed measure, the NMIPhil shall be responsible for maintaining and continuously updating the national measurement standards in all relevant fields for the Philippines. It will be designated as the country's national metrology institute, which shall be an attached agency of the Department of Science and Technology (DOST) for policy, program coordination and administrative supervision.

A National Metrology Training Center shall also be established and operated by the NMIPhil to undertake training on metrology for the capacity building of calibration laboratories, National Regulators, Local Government Units and other Board-authorized entities responsible for implementing legal metrological controls in the country.

The NMIPhil in collaboration with other agencies shall engage in information campaigns and advocacy programs to increase the public's awareness on metrology and instill greater appreciation for the field. The NMIPhil, Department of Education, Commission on Higher Education and other concerned government agencies shall formulate the design and details of a curriculum on metrology and its inclusion in all levels of the Philippines' education system.

When we harmonize the country's measurement systems in accordance to international best practices, we ensure that measurements in the country are reliable and support confidence in measurements for regulation, trade and manufacturing. When we implement legal metrological controls for measuring instruments in the country, we also promote fair trade, health, safety, law enforcement, and environment protection.

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

A handwritten signature in black ink, appearing to read "Ben Aguero". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

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AN ACT
MODERNIZING THE NATIONAL MEASUREMENT SYSTEM (NMS) OF THE
PHILIPPINES, APPROPRIATING FUNDS THEREFORE AND FOR OTHER
PURPOSES

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 and cited as the "Modernized
2 National Measurement System Act".

3 Sec. 2. *Declaration of Policy.* – It is hereby declared to be the policy of the
4 State to facilitate the development of scientific and technical knowledge and
5 progress in the national economy by providing a modernized National Measurement
6 System (NMS) that will ensure the integrity of measurements in the country, meet
7 regional and international requirements, and provide support for the competitiveness
8 of Philippine products and services. The State shall also support the undertaking of
9 necessary activities to promote metrology, to develop appropriate infrastructures, to
10 support research in metrology and to protect the health, safety and interest of every
11 citizen and his environment against possible abuse related to measurements.

12 The State shall support the harmonization of national requirements, including
13 technical regulations, document standards and conformity assessment procedures,
14 with international requirements as envisioned in the ASEAN Economic Community
15 (AEC), World Trade Organization (WTO) and other international agreements and

1 covenants resulting to free flow of goods and services, and a predictable trading
2 environment.

3 The State shall provide support to metrology research and development for
4 the purpose of continuously improving the national measurement standards and
5 their measurement uncertainties, developing novel measurement techniques and
6 technologies aiming at Philippine industry take-up to stimulate industrial innovation;
7 coming-up with solutions for societal challenges focusing on contributions for energy
8 efficiency, food security, environment protection, and citizen's health, security and
9 economic well-being; and address locally the measurement needs of society and
10 industry.

11 Sec. 3. *Scope.* – This Act shall cover all agencies, institutions, entities involved
12 in metrological activities and processes, both private and public.

13 Sec. 4. *Objectives.* – In furtherance of the policies enunciated in this Act, the
14 following objectives shall be pursued:

- 15 (a) Transform the existing National Metrology Division of the Industrial
16 Technology Development Institute to the National Measurement Institute of
17 the Philippines directly under the Department of Science and Technology;
- 18 (b) Designate the National Measurement Institute of the Philippines as the
19 country's national metrology institute;
- 20 (c) Ensure that measurements in the country are reliable;
- 21 (d) Strengthen and harmonize the country's measurement system in accordance
22 to international best practices to support confidence to in measurements in
23 for regulation, trade and manufacturing;
- 24 (e) Implement legal metrological controls of measuring instruments in the
25 country—in the interest of fair trade, health, safety, law enforcement, and
26 environment protection.
- 27 (f) Disseminate knowledge on state-of-the-art calibration techniques and
28 develop competencies on legal metrological controls through capacity
29 building programs; and

- 1 (g) Foster a metrology culture that will instill a keen appreciation of the
2 metrology as a discipline through the integration of metrology courses in the
3 educational system.

4 Sec. 5. *Definition of Terms.* –For the purpose of harmonizing with
5 international best practices, the following terms are in reference to the International
6 Vocabulary of Metrology and International Vocabulary of Legal Metrology:

- 7 (a) **Accreditation** – is the process in which an authoritative body formally
8 recognizes the competence, impartiality and capability of an organization to
9 carry out specific activities, such as certification, testing, calibration and
10 inspection.
- 11 (b) **ASEAN Common Requirements of Prepackaged Products** – is a
12 regionally-agreed document specifying the labeling requirements and
13 allowed quantity deficiency in prepackaged products for ASEAN Member
14 States namely Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia,
15 Myanmar, Philippines, Singapore, Thailand and Viet Nam.
- 16 (c) **Asia Pacific Legal Metrology Forum (APLMF)** – is a grouping of legal
17 metrology authorities from the Asia Pacific Economic Co-operation Member
18 economies and other economies in the Pacific Rim for the development of
19 legal metrology and promotion of free and open trade in the Asia Pacific
20 region through harmonization and removal of technical or administrative
21 barriers to trade in the field of legal metrology.
- 22 (d) **Asia Pacific Metrology Programme (APMP)** – is a grouping of national
23 metrology institutes from the Asia-Pacific region for the promotion and
24 support of a measurement infrastructure in the Asia Pacific region that
25 facilitates international trade, improves industrial efficiency and
26 competitiveness, ensures equity in the marketplace, and enhances the
27 quality of life and the environment through reliable measurements.
- 28 (e) **Calibration** – operation that, under specified conditions, in a first step,
29 establishes a relation between the quantity values with measurement
30 uncertainties provided by measurement standards and corresponding
31 indications with associated measurement uncertainties and, in a second

1 step, uses this information to establish a relation for obtaining a
2 measurement result from an indication.

- 3 (f) **Calibration laboratories** – public or private entities that perform tests
4 and/or calibrations in a permanent, temporary, or remote location.
- 5 (g) **Certification** – procedure by which a third party provides written
6 attestation that a product, process or service meets specified requirements.
- 7 (h) **Conformity assessment** – is a set of processes that shows a product,
8 service or system meets specified requirements. The main forms of
9 conformity assessment are testing, certification, and inspection.
- 10 (i) **Designated institutes** – are organizations or entities appointed by a
11 country's national metrology institute to hold specific measurement
12 standards or services that are not covered by the national metrology
13 institute.
- 14 (j) **Inspection** – examination of a measuring instrument to ascertain all or
15 some of the following: verification mark and/or certificate is valid, no sealing
16 marks are damaged, after verification the instrument suffered no obvious
17 modification, its errors do not exceed the maximum permissible in service
18 errors. Inspection of a measuring instrument may be done only after
19 verification.
- 20 (k) **International System of Units or *Système International d'Unités***
21 **(SI) in French** – is the modern metric system establishing seven base
22 units for base quantities namely metre for length, kilogram for mass, second
23 for time, ampere for electric current, kelvin for thermodynamic temperature,
24 mole for amount of substance and candela for luminous intensity. The
25 derived units of the SI (e.g. metre per second, watt, newton, etc.) are then
26 formed as products of powers of the base units, according to the algebraic
27 relations that define the corresponding derived quantities in terms of the
28 base quantities.
- 29 (l) **Legal metrological controls** – series of evaluations and periodic checks
30 performed on regulated measuring instruments throughout their lifetime to
31 monitor if they are still suitable for their intended use. For prepackaged

1 products, it refers to the checking of the quantities contained in the package
2 with reference to the quantity indicated in the label.

- 3 (m) **Legal metrology** – is the practice and process of applying regulatory
4 structure and enforcement to measurements and measuring instruments to
5 ensure trade and legal decisions are fair, and that the health, safety and
6 interest of every citizen and his environment are protected against possible
7 abuse related to wrong measurements.
- 8 (n) **Legal units of measurement** – units of measurement required or
9 permitted by regulations.
- 10 (o) **Measurement standard** – is a material measure, measuring instrument,
11 reference material or measuring system intended to define, realize,
12 conserve or reproduce a unit, or one or more values of a quantity to serve
13 as a reference.
- 14 (p) **Measuring instrument** – is a device used for making measurements,
15 alone or in conjunction with one or more supplementary devices. This may
16 be an indicating measuring instrument or a material measure.
- 17 (q) **Metre Convention** – is a diplomatic treaty which established a permanent
18 organizational structure for member governments to act in common accord
19 on all matters relating to metrology.
- 20 (r) **Metrological traceability** – is the property of a measurement result
21 whereby the result can be related to a reference through a documented
22 unbroken chain of calibrations, each contributing to the measurement
23 uncertainty.
- 24 (s) **Metrology** – science of measurement and its application. It includes all
25 theoretical and practical aspects of measurement.
- 26 (t) **National accreditation body** – is a national organization which attests to
27 the competence and impartiality of conformity assessment bodies (testing
28 and calibration laboratories, certification and inspection bodies), according
29 to internationally accepted standards.
- 30 (u) **National measurement standards** – measurement standard recognized
31 by national authority to serve in a state or economy as the basis for

- 1 assigning quantity values to other measurement standards for the kind of
2 quantity concerned.
- 3 (v) **National Measurement System (NMS)** – collective infrastructure of
4 national facilities, expertise, knowledge and research, and is also a legal
5 framework for reliable, consistent and internationally recognized
6 measurement. The infrastructure encompasses essential elements of both
7 the public and private sector.
- 8 (w) **National metrology institutes** – are bodies with the responsibility of
9 maintaining the national measurement standards and disseminating the SI
10 Units nationally (i.e. they provide metrological traceability).
- 11 (x) **International Organization for Legal Metrology or Organisation**
12 **Internationale de Métrologie Légale (OIML) in French** – is an
13 intergovernmental organization comprising of one hundred twenty-six (126)
14 governments that establishes the coordination and harmonization at the
15 international level the administrative and technical regulations applied to
16 measurements and measuring instruments passed by different
17 governments.
- 18 (y) **OIML recommendations** – are model regulations that establish the
19 metrological characteristics required of certain measuring instruments and
20 which specify methods and equipment for checking their conformity. These
21 model regulations are concerned with the acceptable tolerances referred to
22 as maximum permissible errors, within which regulated measurements and
23 measuring instruments should operate despite variations in temperature and
24 humidity, power supply and electromagnetic interference.
- 25 (z) **Prepackaged products** – are commodities that are enclosed in a
26 container or wrapped in any manner, and for which their quantities have
27 been determined and indicated on their labels prior to being offered for
28 sale. The quantity contained cannot be changed without the prepackaged
29 product being opened or doing a perceptible modification.
- 30 (aa) **Proficiency testing** – is a comparison activity that determines the
31 performance of individual laboratories for specific tests or measurements
32 and is used to monitor laboratories' continuing performance.

1 (bb) ***Working measurement standard*** – is a measurement standard that is
2 used routinely to calibrate or verify measuring instruments or measuring
3 systems.

4 Sec. 6. *National Measurement Institute of the Philippines.* – The National
5 Metrology Division (NMD), a division under Industrial Technology Development
6 Institute responsible for establishing and maintaining the national measurement
7 standards in physical quantities, is hereby transformed to the National Measurement
8 Institute of the Philippines (NMIPhil). Thereafter, all powers, functions, duties,
9 records, files and assets including plantilla positions of the NMD shall be transferred
10 to the NMIPhil. There shall be no diminution of rank and salaries, allowances and
11 benefits of transferred employees. New employees of NMIPhil shall be entitled to the
12 same allowances and benefits as those of the transferred employees.

13 The NMIPhil shall be designated as the country's national metrology institute.
14 It shall be an attached agency of the Department of Science and Technology (DOST)
15 for policy, program coordination and administrative supervision.

16 The NMIPhil shall be headed by a Director General. The Director General shall
17 be appointed by the President upon recommendation by the Secretary of the DOST
18 and shall receive the benefits, privileges and emoluments equivalent to the rank of
19 Undersecretary.

20 As the chief executive officer of the NMIPhil, the Director General shall
21 exercise general supervision and control to its technical and administrative personnel
22 and shall be assisted by at least one (1) Deputy Director General.

23 The NMIPhil, in coordination with the Department of Budget and Management
24 and the Civil Service Commission, shall determine the appropriate administrative and
25 technical support complement necessary for the effective and efficient operations of
26 the Institute.

27 Sec. 7. *Functions, Duties and Responsibilities of the National Measurement*
28 *Institute of the Philippines.* – The NMIPhil shall have the following functions:

- 29 (a) Maintain and continuously update the national measurement standards in all
30 relevant fields for the Philippines; as such the NMIPhil shall guarantee that
31 all metrological laboratories, infrastructure, equipment, instruments,

1 artifacts, reference standards and other similar articles are in good
2 condition, internationally compliant and reliant and other qualities that may
3 be required in the future;

4 (b) provide metrological traceability to the International System of Units (SI) for
5 measurements used in regulations, trade and manufacturing;

6 (c) facilitate international harmonization and comparability of measurements;

7 (d) strengthen the collaboration with calibration laboratories in the areas of
8 capacity building-and harmonization of measurement procedures;

9 (e) offer technical support to industry in measurement related issues;

10 (f) appoint competent laboratories as "Designated Institutes" for specific
11 measurement fields of national interest not covered by the national
12 metrology institute e.g. ionizing radiation and time among others;

13 (g) coordinate with other local institutes/bodies having metrological
14 responsibilities (radiation, standard time and dissemination, etc)

15 (h) disseminate knowledge and competencies in metrology through education
16 and capacity building programs to relevant regulatory bodies and other
17 entities responsible for the implementation of legal metrological controls

18 (i) engage and/or coordinate research and development work in metrology;

19 (j) strengthen and develop a human resource development program. Hence,
20 there shall be a continuing human resource development program; provided
21 that capacity building activities needed to upgrade capacities of technical
22 personnel to a travel bond or its equivalent return of service as determined
23 by existing laws. Otherwise, the NMIPhil may invite foreign experts to
24 conduct trainings, render technical services such as repair, calibration and
25 the like, which shall be charged to its funds.

26 (k) represent the Philippines' interest in international and regional metrology
27 organizations; and,

28 (l) provide support to Quality Infrastructure-related institutes, especially
29 standardization and accreditation in aspects related to metrology

30 *Sec. 8. National Measurement Standards.* – The NMIPhil shall periodically
31 undertake metrological activities, calibration, re-calibration and other related

1 activities to effectively undertake its functions, duties and responsibilities, and
2 comply with international standards.

3 Any equipment, instrument, artifact, and/or other National Measurement
4 Standards used by NMIPhil that shall be subject to such activities, including
5 proficiency testing, comparison measurements, preventive maintenance and repair,
6 requiring foreign technical services; such processes shall be exempt from any taxes,
7 dues, and other impositions by the Bureau of Customs, Bureau of Internal Revenue
8 or by the Secretary of Finance. The implementing mechanism shall be included in
9 the Implementing Rules and Regulations of this Act.

10 Sec. 9. *Memberships of the Philippines.* – The State shall ensure, through the
11 NMIPhil, that the Philippines' measurement system is linked to the global metrology
12 system by becoming a Signatory to the Metre Convention, a Full Member of the Asia
13 Pacific Metrology Programme (APMP), a Member State of the International
14 Organization for Legal Metrology (OIML) and a Full Member of the Asia Pacific Legal
15 Metrology Forum (APLMF).

16 Linkages or affiliations to other international and regional metrology
17 organizations and/or associations, other than those mentioned, that are of interest
18 to the country's national measurement system, shall be established.

19 Sec. 10. *National Metrology Board.* – The National Metrology Board (NMB),
20 hereinafter referred to as the Board, shall be chaired by the Secretary of the DOST.
21 It shall be composed of the Secretaries of the following agencies or their duly
22 authorized representative preferably with the rank of Undersecretary, as ex officio
23 members:

- 24 (a) Department of Environment and Natural Resources (DENR)
- 25 (b) Department of Health (DOH)
- 26 (c) Department of Trade and Industry (DTI)
- 27 (d) Department of Energy (DOE)
- 28 (e) Union of Local Authorities of the Philippines (ULAP)
- 29 (f) National Measurement Institute of the Philippines (NMIPhil)
- 30 (g) One (1) representative each from the:

- 1 i. manufacturing industry sector;
2 ii. local manufacturer of measuring instruments; and
3 iii. private calibration laboratories / professional metrology association
4 of national membership;

5 with a term of (3) years to be appointed by the Secretary of the DOST.

6 The Board may call upon the heads of the following departments/agencies
7 and private institutions such as, but not limited to:

- 8 • Department of Agriculture (DA)
- 9 • Department of Justice (DOJ)
- 10 • Department of Interior and Local Government (DILG)
- 11 • Department of National Defense (DND)
- 12 • Department of Information Communication Technology (DICT)
- 13 • Department of Public Works and Highways (DPWH)
- 14 • Department of Transportation (DOTr)
- 15 • Local Government Units (LGUs)
- 16 • Bureau of Customs (BOC)
- 17 • Energy Regulatory Commission (ERC)
- 18 • Food and Drug Administration (FDA)
- 19 • Manila International Airport Authority (MIAA)
- 20 • Manila Electric Company (MERALCO)
- 21 • Manila Water Company, Inc.
- 22 • Maynilad Water Services, Inc.
- 23 • Metropolitan Manila Development Agency (MMDA)
- 24 • Metropolitan Waterworks and Sewerage System (MWSS)
- 25 • National Food Authority (NFA)
- 26 • National Meat Inspection Service (NMIS)
- 27 • National Telecommunications Commission (NTC)
- 28 • Oil Industry Management Bureau (OIMB)
- 29 • Philippine Drug Enforcement Agency (PDEA)
- 30 • Sugar Regulatory Authority (SRA)

31 as the Board deems necessary for the effective implementation of this Act.

1 The Board shall convene at least twice a year. Special meetings may be
2 convened upon the request of the Chair or majority of the Board members. Each
3 member of the Board shall be entitled to incentives and allowances for his/her
4 attendance to regular and special meetings based on prevailing DOST guidelines.

5 The National Measurement Institute of the Philippines is hereby mandated to
6 serve as the Board's Secretariat.

7 Sec. 11. *Functions, Duties and Responsibilities of the National Metrology*
8 *Board.* – The Board shall be responsible for legal metrological controls in the country
9 through the coordination with other executive branches of government, and
10 ensuring uniformity of procedures in the same prescribed manner and their
11 implementation.

12 In the exercise of its functions, duties and responsibilities, the Board shall
13 have the power to delegate authority to public and private entities to ensure that
14 measurements and measuring instruments used in trade, health, safety, law
15 enforcement and environment protection are subjected to legal metrological controls
16 and are complying with the relevant regulations.

17 The Board shall likewise perform such other functions to progressively
18 implement this Act.

19 Sec. 12. *National Measurement System.* – The National Measurement System
20 (NMS) shall provide and maintain the necessary infrastructure to support confidence
21 in measurements used for regulation, trade, and manufacturing in the country.

22 The NMS shall cover the:

- 23 (a) legal units of measurement;
- 24 (b) national measurement standards;
- 25 (c) hierarchy of measurement standards and metrological traceability;
- 26 (d) national legal metrology regulations for measurements and measuring
27 instruments;
- 28 (e) legal metrological controls;
- 29 (f) certification system; and
- 30 (g) accreditation system.

1 Sec. 13. *Registration of Regulated Measuring Instruments.* –The State shall
2 require the registration of all measuring instruments used in trade, health, safety,
3 law enforcement and environment protection with the relevant National Regulators
4 and Local Government Units.

5 Those measuring instruments used as working measurement standards by the
6 National Regulators, Local Government Units, and Board-authorized entities in the
7 implementation of legal metrological controls, shall be registered with the Board,
8 through the NMB Secretariat.

9 Sec. 14. *Legal Units of Measurement.* – The International System of Units (SI)
10 and combinations of those units shall be the legal units of measurement mandated
11 to be used in the Philippines including the following:

- 12 (a) non-SI units accepted for use with the SI (e.g. minute, hour, day for time,
13 hectare for area, tonne for mass, bar for pressure, angstrom for length,
14 nautical mile for distance, decibel for sound level); and
15 (b) non-SI units allowed by international agreement (e.g feet for altitude
16 navigation and mm Hg for blood pressure).

17 Sec. 15. *Hierarchy of Measurement Standards.* – The NMIPhil shall maintain
18 the national measurement standards for the legal units-having the highest accuracy
19 for the country, and provide calibrations at appropriate levels of accuracy for the
20 calibration laboratories, National Regulators and Board-authorized public or private
21 entities to disseminate the SI units. The national measurement standards shall in all
22 cases be those assumed to be the most accurate measurement standards of the
23 country.

24 Private and public calibration laboratories including the DOST Regional
25 Offices shall, in turn provide lower-accuracy calibrations and measurements to
26 industry and the community using working measurement standards that have been
27 calibrated by the NMIPhil. Similarly, National Regulators, Local Government Units
28 and entities authorized by the Board, on the premise that their working
29 measurement standards are of the same accuracy level as those of the calibration

laboratories, shall provide legal metrological controls of measuring instruments using working measurement standards calibrated by the NMIPhil.

Sec. 16. *Metrological Traceability.* – Measurements in both the regulated and non-regulated areas shall be traceable to the SI through the national measurement standards maintained by the country's national metrology institute to ensure international compatibility and acceptance of measurement results.

For traceability not provided through the NMIPhil, the State shall recognize measurement standards of other national metrology institutes provided they are internationally accepted by the global metrology community.

Sec. 17. *Legal Metrological Controls.* – Measuring instruments used in trade, health, safety, law enforcement and environment protection shall be evaluated based on the relevant OIML Recommendations and/or ASEAN Guidelines by the National Regulators, Local Government Units and other Board-authorized entities.

Compliance to quantity and labeling requirements of prepackaged products shall be checked by the National Regulators, Board-authorized public and private entities in accordance with the ASEAN Common Requirements of Prepackaged Products and/or OIML Recommendations.

Sec. 18. *Right of Access.* –The National Regulators, Local Government Units and Board-authorized public or private entities, upon presentation of their credentials and to perform their duties, shall have the right of access to every establishment or commercial premise, where regulated measuring instruments are, or may be installed, kept or used.

In the same manner, they shall also have the right of access to every premise or facility where prepackaged products are manufactured, or may be filled, packed, labeled, kept or offered for sale.

Any officer or agent of the establishments, commercial premises or other facilities who shall refuse the inspection shall be liable to the penalties imposed under Section 25 of this Act.

1 Sec. 19. *Certification System.* – The State shall establish a certification system
2 to ensure that legal metrological controls are carried-out only by competent
3 personnel.

4 Sec. 20. *Accreditation System.* – The State shall maintain an accreditation
5 system to ensure the technical competence of calibration and testing laboratories in
6 the performance of their services under the terms of ISO/IEC 17025 "General
7 Requirements for the Competence of Testing and Calibration Laboratories."

8 The Philippine Accreditation Bureau (PAB), as the national accreditation body
9 of the Philippines shall be responsible to accredit inspection, testing and certifying
10 bodies, and other bodies offering conformity assessment services.

11 Sec. 21. *Prohibited Acts.* – The following shall constitute prohibited acts of
12 any person or juridical person and are hereby declared unlawful:

- 13 (a) to sell, offer, or expose for sale goods or products with a quantity less than
14 the quantity represented;
- 15 (b) to represent the quantity in any manner or intending to mislead or in any
16 way deceive another person;
- 17 (c) failure to register regulated measuring instruments;
- 18 (d) use of unregistered regulated measuring instruments;
- 19 (e) hinder or obstruct any National Regulators, Local Government Units and
20 Board-authorized entities in the performance of their duties;
- 21 (f) impersonate a National Regulator, Local Government Units and Board-
22 authorized public and private entity;
- 23 (g) affix fake or undue conformity marking or verification marks;
- 24 (h) use of units other than the legal units of measurement in trade, commercial
25 transactions, documentation and advertisements for products and services,
26 publications, or training
- 27 (i) use of regulated measuring instruments which have not been submitted to
28 legal metrological control;
- 29 (j) use of regulated measuring instruments which have failed the legal
30 metrological control and are giving false/wrong measurements;

- 1 (k) affix false conformity markings or affix conformity markings illegally on
2 measuring instruments;
- 3 (l) falsification of documents relative to legal metrological control;
- 4 (m) remove or tamper any tag, seal, or mark from any weight or measure or
5 measuring instrument without being duly authorized by the proper
6 authority; and
- 7 (n) manipulate software and/or hardware of measuring instruments to give
8 false measurements.

9 *Sec. 22. National Metrology Training Center.* – A National Metrology Training
10 Center shall be established and operated by the NMIPhil to undertake training on
11 metrology for the capacity building of calibration laboratories, National Regulators,
12 Local Government Units and other Board-authorized entities responsible for
13 implementing legal metrological controls in the country.

14 *Sec. 23. Public Information/Advocacy.* – The NMIPhil in collaboration with
15 other concerned government agencies and stakeholders, shall engage in information
16 campaigns and advocacy programs to increase the public's awareness on metrology
17 and instill greater appreciation of metrology by the public.

18 *Sec. 24. Education.* The NMIPhil, Department of Education, Commission on
19 Higher Education and other concerned government agencies shall formulate the
20 design and details of a curriculum on metrology and its inclusion in all levels of the
21 Philippines' education system.

22 *Sec. 25. Penalties.* – Any person who violates any provision of this Act shall
23 be penalized by imprisonment of not less than six (6) months but not more than five
24 (5) years or fine of not less fifty thousand (Php 50,000.00) but not more than five
25 hundred thousand (Php 500,000.00) or both upon the discretion of the court:
26 Provided, however, that if the violator is a corporation, firm, partnership or
27 association, the penalty shall be imposed upon the president or the manager or any
28 officer thereof who knows or ought to have known the commission of the offense.

1 Sec. 26. *Transitory Provisions.* - The transfer of functions, assets, funds,
2 equipment, properties, transactions, and personnel of the affected agency, and the
3 formulation of the internal organic structure, staffing pattern, operating system, and
4 revised budget of NMIPhil, shall be completed within six (6) months from the
5 effectivity of this Act, during which time, the existing personnel shall continue to
6 assume their posts in holdover capacities until new appointments are issued.

7 Provided, That after the transformation of National Metrology Division as
8 specified in Section 6 of this Act, the DOST, in coordination with the DBM, shall
9 determine and create new positions.

10 Sec. 27. *Appropriations.* – The amount necessary to carry out the provisions
11 of this Act shall be included in the General Appropriations Act for the year following
12 its enactment and every year thereafter.

13 In addition to the GAA, eighty percent (80%) of the fees and charges
14 collected by the NMIPhil, NMB Secretariat and the DOST Regional Offices from
15 metrology-related works including calibration and measurement services, technical
16 trainings, and proficiency testing services shall be retained and correspondingly used
17 by the NMIPhil and DOST Regional Offices in the upkeep and modernization of
18 measurement standards and facilities, purchase of measurement standards and
19 equipment, promotion of metrology culture, awareness raising programs and
20 advocacy campaigns, among others. The remaining amount shall be remitted to the
21 National Treasury.

22 Sec. 28. *Implementing Rules And Regulations.* – The DOST in coordination
23 with other concerned government departments, agencies and representatives
24 mentioned in Section 9 hereof shall within one hundred eighty (180) days from the
25 effectivity of this Act issue the necessary implementing rules and regulations of this
26 Act.

1 Sec. 29. *Separability Clause.* – If for any reason, any provision of this Act is
2 declared unconstitutional, the other sections or provisions hereof which are not
3 hereby affected shall continue to be in full force and effect.

4 Sec. 30. *Repealing Clause.* – Republic Act No. 9236 and all laws, decrees,
5 orders, rules and regulations or portions thereof inconsistent with this Act are hereby
6 repealed or modified accordingly.

7 Sec. 31. *Effectivity.* – This Act shall take effect fifteen (15) days after its
8 complete publication in the Official Gazette or in at least two (2) newspapers of
9 general circulation.

10 Approved,