



SENATE
S. No. 761

'19 JUL 24 P4:45

RECEIVED BY: _____

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**

EXPLANATORY NOTE

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 2012-2018 the Philippines registered an average of 2.8% inflation rate per annum, effectively reducing the purchasing power of the peso by about 14.7%¹. This is particularly prevalent in food and non-alcoholic commodities; whose prices rose by about 6.7% from December 2017 to December 2018². This makes it more difficult for the average Filipino households to provide for their basic food needs.

The 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

¹ 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 on July 17, 2019.

² Philippine Statistics Authority. *Summary Inflation Report Consumer Price Index (2012=100): December 2018*. Retrieved from <http://psa.gov.ph/statistics/survey/price/summary-inflation-report-consumer-price-index-2012100-july-2018> on July 17, 2018.


weighing instruments, many consumers are still unknowingly victimized because they have no means to proactively prevent fraud.

To remedy the 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.

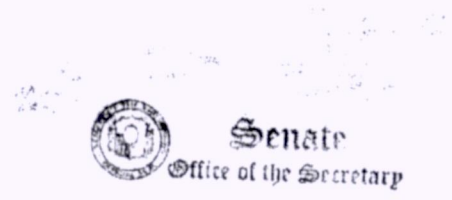
Ultimately, this bill seeks to aid in realizing the intentions of Republic Act No. 7394, otherwise known as the "Consumer Act of the Philippines" in protecting the interests of the consumers, promoting their general welfare, and in establishing standards of conduct for business and industry.

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

/mdg/fmpc



RALPH G. RECTO



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*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
2 No. 7394, otherwise known as the "Consumer Act of the Philippines," to read as
3 follows:

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

15 "THE SAFEKEEPING AND MAINTENANCE OF SAID
16 INSTRUMENTS SHALL BE UNDER THE CONTROL AND
17 SUPERVISION OF THE MARKET SUPERVISOR WHO SHALL

1 **LIKewise BE RESPONSIBLE FOR MAINTAINING A RECORD OF**
2 **EVERY PRODUCT FOUND TO BE WANTING IN QUANTITY OR**
3 **SUBSTANDARD IN DIMENSION, AS WELL AS THE**
4 **ESTABLISHMENT WHERE THE SAME WAS BOUGHT INCLUDING**
5 **THE NAME/S OF THE PROPRIETOR/S OR MANAGER/S**
6 **THEREOF. A CERTIFICATION DULY ISSUED BY THE MARKET**
7 **SUPERVISOR OR AN AUTHORIZED REPRESENTATIVE**
8 **REFLECTING THE CONTENTS OF SUCH RECORD SHALL BE**
9 ***PRIMA FACIE* EVIDENCE OF A VIOLATION OF ARTICLE 64 OF**
10 **THIS ACT.**

11 **"THE PROHIBITED ACTS RELATIVE TO WEIGHTS AND**
12 **MEASURES PROVIDED UNDER SECTION 64 OF THIS ACT**
13 **SHALL LIKEWISE APPLY TO *TIMBANGAN NG BAYAN***
14 **INSTRUMENTS."**

15 Sec. 2. Article 64 of Republic Act No. 7394, otherwise known as the
16 "Consumer Act of the Philippines," is hereby amended to read as follows:

17 "ARTICLE 64. *Fraudulent Practices Relative to Weights and*
18 *Measures.* – The following acts relating to weights and measures are
19 prohibited:

20 "x x x.

21 "i) for any person to fraudulently alter, **TAMPER,**
22 **VANDALIZE OR DESTROY** any scale, balance, ***TIMBANGAN NG***
23 ***BAYAN,*** weight or measure after it is officially sealed;"

24 Sec. 3. Article 65 of Republic Act No. 7394, otherwise known as the
25 "Consumer Act of the Philippines," is hereby amended to read as follows:

26 "Article 65. Penalties. – a) Any person who shall violate the
27 provisions of paragraphs (a) to (f) and paragraph (l) of Article 64 **OF**
28 **THIS ACT** or its implementing rules and regulations shall, upon
29 conviction, be subject to a fine of not less than [~~Two hundred pesos~~
30 (~~P200.00~~)] **FIFTY THOUSAND PESOS (P50,000.00)** but not more
31 than [~~One thousand pesos (P1,000.00)~~] **THREE HUNDRED**
32 **THOUSAND PESOS (P300,000.00)** or by imprisonment of not

1 ~~[more]~~ **LESS** than one (1) year **BUT NOT MORE THAN FIVE (5)**
2 **YEARS** or both upon the discretion of the court.

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

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

22 Sec. 4. *Assistance to Provincial, City and Municipal Governments.* – The
23 Department of Trade and Industry (DTI) shall provide assistance to cities and
24 municipalities in the establishment of *Timbangan ng Bayan* Centers nationwide
25 under its consumer protection and other relevant programs and projects: *Provided,*
26 That priority shall be accorded to cities and municipalities belonging to fourth, fifth
27 and sixth income classifications.

28 Sec. 5. *Implementing Rules and Regulations.* – Within sixty (60) days from
29 the approval of this Act, the Department of the Interior and Local Government and
30 the DTI shall, in coordination with the Union of Local Authorities of the Philippines,
31 the League of Cities of the Philippines, the League of Municipalities of the

1 Philippines, and other relevant government agencies and stakeholders, promulgate
2 the rules and regulations to effectively implement the provisions of this Act.

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

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

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

Approved,