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Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

Item No.: 14
Date: 07 MAR 2023

SP Records
FEB 27 2023

SANGGUNIANG PANLALAWIGAN

PROVINCIAL LEGAL OFFICE

2023 2/27/23
PROVINCE OF LEYTE

Province of Leyte
Legal Office
Released: [Signature]
Time: [Signature]
Date: 2-27-23

2nd INDORSEMENT
February 21, 2023

Respectfully returned to the, Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 19-22-005 of the SB of Isabel, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) of R.A 7160; the same being to the opinion of Provincial Legal Office [PLO] an exercise of the power essential to the promotion of the General Welfare, health and Safety, authorized under Section 16 of the Code. In relation with Section 447 (2) (xv) thereof. Provided, That, pursuant to Section 186 of the same, Fees, or Charges shall not be unjust, excessive, oppressive, confiscatory, or contrary to declared national policy.


ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
15 February 2023

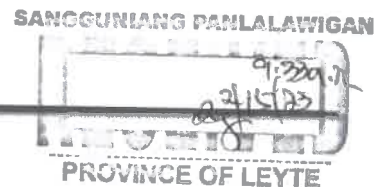


The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 19-22-005** of the **MUNICIPALITY OF ISABEL, LEYTE**, entitled: **AN ORDINANCE PRESCRIBING RULES AND REGULATIONS ON THE BUSINESS OPERATION OF RETAILING LIQUID PETROLEUM PRODUCTS BY GASOLINE STATIONS OPERATION WITHIN THE JURISDICTION OF THE MUNICIPALITY OF ISABEL, LEYTE AND SETTING PENALTIES FOR NON COMPLIANCE THEREOF AND FOR OTHER PURPOSES.**


ANDRE S. SANICO
Provl. Govt. Asst. Dept. Head



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
Municipality of Isabel
-o0o-
OFFICE OF THE SANGGUNIANG BAYAN



TRANSMITTAL

Date: February 14, 2023

THE SANGGUNIANG PANLALAWIGAN
Province of Leyte
Provincial Capitol, Tacloban City

THRU: THE OFFICE OF THE SECRETARY TO THE SANGGUNIANG PANLALAWIGAN
Legislative Building, Provincial Capitol
Tacloban City

MA'M:

RESPECTFULLY TRANSMITTING YOUR END FIFTEEN (15) SETS OF THE FOLLOWING DOCUMENTS.
WITH DETAILS AS FOLLOWS:

<u>ITEM NO.</u>	<u>REF. NO.</u>	<u>TITLE/CAPTION/DESCRIPTION</u>
1	Municipal Ordinance No. 19-22-005	AN ORDINANCE PRESCRIBING RULES AND REGULATIONS ON THE BUSINESS OPERATION OF RETAILING LIQUID PETROLEUM PRODUCTS BY GASOLINE STATIONS OPERATION WITHIN THE JURISDICTION OF THE MUNICIPALITY OF ISABEL, LEYTE AND SETTING PENALTIES FOR NON COMPLIANCE THEREOF AND FOR OTHER PURPOSES.

ATTACHMENTS:

- 1 Certificate of Public Hearing Conducted
- 2 Copy of the Attendance of the Public Hearing
- 3 Certificate of Posting

FOR YOUR INFORMATION, REFERENCE, AND APPROPRIATE ACTION.

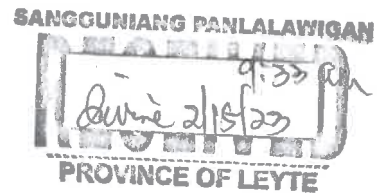
THANK YOU.

Respectfully yours,


JULIUS CESAR T. MATIGA
Secretary to the Sangguniang Bayan



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
Municipality of Isabel
-o0o-
OFFICE OF THE SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE 21st REGULAR SESSION OF THE 19th SANGGUNIANG BAYAN OF THE MUNICIPALITY OF ISABEL, PROVINCE OF LEYTE, HELD ON DECEMBER 12, 2022 AT THE SB SESSION HALL.

Present: Vice-Mayor Adam A. Fuentes, Presiding Officer
SB Member Teddy E. Alemia
SB Member Romelo P. Mappala
SB Member Rey Zaldy S. Rojas
SB Member Deborah G. Bertulfo
SB Member Alden A. Martin
SB Member Manuel D. Amodia
SB Member Ailene Jubida Dearos
SB Member Dan Antonio G. Tentativa
SK Fed. Pres. Mariel M. Astillero

Absent: NONE

SB Member Manuel D. Amodia – SPONSOR

MUNICIPAL ORDINANCE NO. 19-22-005

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS ON THE BUSINESS OPERATION OF RETAILING LIQUID PETROLEUM PRODUCTS BY GASOLINE STATIONS OPERATION WITHIN THE JURISDICTION OF THE MUNICIPALITY OF ISABEL, LEYTE AND SETTING PENALTIES FOR NON COMPLIANCE THEREOF AND FOR OTHER PURPOSES

WHEREAS, RA 7160 known as the Local Government Code of 1991 gave power and responsibilities to Local Government Units for effective and efficient governance and promotion of general welfare.

WHEREAS, Section 447 (2) (xv) empowers the Sangguniang Bayan to regulate the inspection, weighing and measuring of article of commerce;

WHEREAS; every now and then, there is a price hike and roll back of petroleum products as declared by the Regulatory Commission on petroleum products which requires retailers to have the dispensing pumps calibrated;

WHEREAS, Batas Pambansa Blg, 33, as amended by Presidential Decree No. 1865, and the Implementing Rules and Regulations thereof, defiance and penalize certain prohibited acts that are considered inimical to the public interest and national security, including illegal trading in petroleum and /or petroleum products, hoarding of petroleum products, adulteration and under delivery , among others;

WHEREAS, per findings of the municipal price control monitoring team with the DTI representative, there are retailers of petroleum products who have out of order dispensing pumps and some under delivery thereby detrimental to consumers;

[Handwritten signatures and initials]

For and in consideration of the foregoing, BE IT ORDAINED by the Sangguniang Bayan that:

SECTION 1 - TITLE- This Ordinance shall be known As "AN ORDINANCE PRESCRIBING RULES AND REGULATIONS ON THE BUSINESS OPERATION OF RETAILING LIQUID PETROLEUM PRODUCTS BY GASOLINE STATIONS OPERATING WITHIN THE JURISDICTION OF THE MUNICIPALITY OF ISABEL, LEYTE AND SETTING PENALTIES FOR NON COMPLIANCE THEREOF AND OTHER PURPOSES".

SECTION 2 - COVERAGE : These retail Rules and Regulations shall apply to all persons engaged in the business of retailing Liquid Petroleum Products within the jurisdiction of Isabel, Leyte.

SECTION 3 - DEFINITION OF TERMS — As used in this ordinance, the following words and phrases are construed to mean as herein defined;

1. Calibration- to fix or correct the graduation of a measuring instrument such as dispensing pumps.
2. Calibrator- an authorized trained person who calibrates/ fixed or correct the graduations of the above mentioned dispensing pumps.
3. Calibrating Bucket- used in the calibration and dispensing pumps for accuracy.
4. Customer- any person buying or transacting petroleum products with retailers.
5. Dispensing Pump- a machine that draws gas from the depository tank.
6. Gasoline- a flammable liquid distilled from petroleum products with retailers.
7. LGU- shall refer to the Local Government Units.
8. Operator- refers to the person actually running and operating the business whether he or she is the owner or not.
9. Liquid Petroleum Products- shall mean gasoline, diesel, kerosine, L.P.G., etc.
10. Owner- refers to the person n whose name the business is named or licensed.
11. Retail Outlet- shall refer to gasoline station, outlet, facility or business establishment which sells or dispensed Liquid Petroleum Products directly to individual end users or to the public.
12. Retailing – shall refer to the act of selling and/or dispensing Liquid Petroleum Products directly to end users or to the public.
 - a. Underdelivery – a dispensing pump delivery less than the tolerable minimum quantity.
13. Underselling – to sell at a price lower than that value of petroleum products.

SECTION 4 – RETAILING – any person engaged in the retailing of Liquid Petroleum Products shall comply with the following prescribed rules and regulations.

4.1. The Retailing of Liquid Petroleum Products shall be carried out through fixed and permanent dispensing pumps duly approved by the department of energy and further subject to the following:

- a) The dispensing pumps clearly indicates on its face the type of the Liquid Petroleum Products being dispensed and its brand name, if any
- b) The dispensing pumps accurately displays both the volume of Liquid Petroleum Products dispensed (in liters) and the corresponding amount (in pesos) up to the 1/100th/part.
- c) The dispensing pump for gasoline displays the Octane Rating of the Product as required under Department Circular No. 2001-09-003
- d) All dispensing pumps and storage tanks of Liquuid Petroleum Products are distinct and labeled to ensure that there shall be no product contamination or inadvertent mixing or miscueing of the different petroleum products and
- e) Dispensing pumps are properly calibrated and sealed in accordance wit section 12 of the Retail Rules.

SECTION 5 – CONSUMER SAFETY AND INFORMATION SIGN – The following signs shall be prominently displayed by the owner and /or operator of the Retail Outlet in strategic and appropriate location within the premises of the said outlet for the awareness and information of the buying public and service station personnel.

- a) Price Display Board with updated prices for each Liquid Petroleum Product sold in the Retail Outlet pursuant to Rule V, Section 18 a (1) of Department Circular No. 2002-05-002;
- b) Signs which require the switching – off cellar phones while filling pursuant to Department Circular No. 2002-05-002;
- c) No smoking signs
- d) Switch off engine while filling signs; and
- e) Other safety signs as maybe required by the DOE, other government agencies and LGU's

SECTION 6 – CALIBRATING AND SEALING OF DISPENSING PUMPS.

- a) All dispensing pumps used in Retail Outlets must be properly calibrated once every ninety (90) days and sealed by a duly authorized calibrating entity immediately after calibration. A dispensing pump that is not calibrated and sealed or goes off-calibration shall be clearly marked with an 'OUT OF ORDER' sign and shall not be used until the said pump is recalibrated and resealed.
- b) For the purpose of these Retail Rules, the authorize calibrating entities is the Municipal Treasurer.
- c) All calibrations shall be duly documented and signed by the mechanic technician performing the calibration and countersigned by the Retail Outlet owner/operator. A copy of this calibration documents shall be kept by the retail outlet.
- d) Failure of the Retail owner/operator to have his/her dispensing pumps calibrated and sealed shall constitute **ILLEGAL TRADING**.

SECTION 7 – CALIBRATION AND TESTING OF DISPENSING PUMPS – using a properly sealed Calibration bucket.

- a) Owners and /or operators of retail outlets shall maintain in their Retail Outlets a DOST – DTI calibrated and sealed calibrating bucket available for use pursuant to Section 12 hereof. The Retail Outlets calibrating bucket/s must be recalibrated and resealed once every twelve (12) months.
- b) All dispensing pump meters of Retail Outlets shall be tested daily not later than 9:00 A.M for accuracy in delivering Liquid Petroleum Products using calibrated bucket.
- c) Any dispensing pump not delivering the correct quantity shall be marked by the owner/operator with an "OUT OF ORDER" signed and padlocked and shall not be used until said pump is recalibrated and resealed by proper authorities/the LGU.
- d) The calibrating bucket and a written record or logbook of the daily testing thereof shall be maintained at all times in the Retail Outlet premises for inspection and to the public upon demand thereof.
- e) Failure to provide written record or logbook the properly sealed Calibrating bucket shall give rise to the presumption that the dispensing pump is **UNDER DELIVERING**.
- f) Dispensing pumps delivering less than the tolerable minimum quantity shall be deemed to be **UNDERDELIVERING**. The absence of "OUT OF ORDER" sign or padlock locking the dispensing pump shall be deemed an actual used of the pump for the conducting of retailing. A dispensing pump found with a broken or no seal constitute a prima facie evidence of **UNDERDELIVERING**.

SECTION 8 – ISSUANCE OF OFFICIAL RECEIPT

- a. All transactions involving the retail of LIQUUID PETROLEUM PRODUCTS must be evidenced by an Official receipt bearing the registered name and address of the seller and detailing the quantity, price and type of LIQUID PETROLEUM PRODUCT sold, the date of the transaction and such other information required under RA No. 8424, otherwise known as "An Act Amending the National Internal Revenue Code" and section 237 of the National Internal Revenue Tax Code. Duplicate copies of Official Receipts shall be made available for verification by agencies concerned.

SECTION 9 – HOARDING

- 1) For purposes of these Retail Rules, the following shall constitute prima facie evidence of Hoarding:
 - a) The refusal of Retail Outlets to sell Liquid Petroleum Products shortly before a price increase or in times of tight supply, and in both instances of the buyer or consumer has the ability to pay in cash for the product.

SECTION 10 – PENALTIES AND SANCTIONS BY LGU –

- a) Any person engaged in the business of retailing Liquid Petroleum Products who commits any of the prohibited acts as defined or provided in this Ordinance like "Illegal Trading, Adulteration, UNDERDELIVERING and Hoarding" shall be imposed the following:

First Offense _____	P1,500.00 for every prohibited acts
Second Offense. _____	P2,000.00. -do-
Third Offense _____	P2,500.00 -do-

- b) In the event that said operator is found to have committed the same offense for the fourth time, the LGU will suspend or revoke the business permit of the said business firm.
- c) Any person who does not comply with the consumer safety and informational signs required under section 8 of the Retail Rules shall be issued a warning for the first offense, In the event such person is found to have committed the same violation for the second time, upon the recommendation of the DOE, the LGU may suspend or revoked the business permit of the said business firm.

SECTION 11 – IMPOSITION OF FEES.

The following are hereby levied for the calibration and sealing of every dispenser:

Calibration fee	-	P 250.00/noozle
Sealing	-	50.00/noozle
Calibration Certificate	-	50.00

SECTION 12 - ACCRUAL OF FUNDS – fines/penalties collected in connection with this Ordinance shall accrue to the general fund of the municipality.

SECTION 13 – SEPARABILITY – If for any reason, any provision of this ordinance is found to be inconsistent or violative of any law and is declared not valid by a court, only that portion that is declared such shall be affected and shall not affect or impair the other parts of this Ordinance.

SECTION 14 – REPEALING CLAUSE – Any ordinance, rules and regulations or parts thereof found to be inconsistent with this Ordinance is hereby repealed or amended.

SECTION 15 – EFFECTIVITY - This Ordinance shall take effect upon its approval and after ten (10) days from date a copy hereof is posted in the bulletin board at the entrance of the Municipal Hall and in at least two (2) other conspicuous places within the Municipality.

Voting on the foregoing Ordinance as follows:

Ayes:

HON. TEDDY ALEMIA

HON. ROMELO P. MAPPALA

HON. REY ZALDY S. ROJAS

HON. DEBORAH G. BERTULFO

HON. ALDEN A. MARTIN

HON. MANUEL D. AMODIA

HON. AILENE JUBIDA DEAROS

HON. DAN ANTONIO G. TENTATIVA

HON. MARIEL M. ASTILLERO




Nays: NONE

I HEREBY CERTIFY to the correctness and authenticity of the foregoing Ordinance.


JULIUS CESAR T. MATIGA
Secretary to the Sangguniang Bayan

ATTESTED BY:


HON. ADAM A. FUENTES
Vice-Mayor and Presiding Officer

APPROVED:


HON. ATTY. EDGARDO C. CORDENO
Municipal Mayor



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
Municipality of Isabel
-o0o-
OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF PUBLIC HEARING CONDUCTED

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that a hearing/consultation was conducted last December 5, 2022 3:00 P.M., at SB Session Hall for the Municipal Ordinance No.19-22-005 – AN ORDINANCE PRESCRIBING RULES AND REGULATIONS ON THE BUSINESS OPERATION OF RETAILING LIQUID PETROLEUM PRODUCTS BY GASOLINE STATIONS OPERATING WITHIN THE JURISDICTION OF THE MUNICIPALITY OF ISABEL, LEYTE AND SETTING PENALTIES FOR NON-COMPLIANCE THEREOF AND FOR OTHER PURPOSES. This hearing/consultation was attended by the owners/representatives from the different gasoline stations operating in the municipality as well as representatives from the Isabel Police Station, Isabel Fire Station, Leyte Province BFP, and the Municipal Treasury Office.

Done this 14TH day of February 2023, at SB Office, LGU-Isabel, Leyte, Philippines.


JULIUS CESAR T. MATIGA
SB Secretary



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
Municipality of Isabel
 -000-
OFFICE OF THE SANGGUNIANG BAYAN

COMMITTEE MEETING ON THE DRAFT ORDINANCE NO 19-22-005

Date: 12/05/22
 Time: _____
 Venue: SB Session Hall

ATTENDANCE

NAME	OFFICE/DESIGNATION	ADDRESS	TIME OF ARRIVAL	CONTACT NUMBER	SIGNATURE
1 REY ZALDY S. REJAS	SB	ISABEL, LEYTE	1:00 PM	09177700795	
2 Debrahe. Portillo	SB	Isabel, Leyte	1:00 pm		
3 Rome T. Uudon	GM	Isabel, Leyte	1:00 pm	09167228715	
4 Jeannette Lopez	SB	Isabel, Leyte	1:00	09977734416	
5 JERALYN DELMO		Isabel, Leyte	1:05	09159527000	
6 NILD S. MORALES	KATO/BPLD	ISABEL	1:05	091599108101	
7 Manuel Amador	SB	ISABEL	1:10		
8 ALFONSO S. TEBATA		ISABEL		09159784800	
9 ALMIRA, REYDY	SB	ISABEL	1:10		
10 STAN BALENA, ALVIN	BFP NOB	TACUBANAN CITY	1:00:15		
11 STAN Henry B. Camante	BFP	ISABEL	1:00		
12 MA FLORANZO S. RESOLTE	PNP	ISABEL	1:00 pm	09260819399	
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REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
Municipality of Isabel
-o0o-
OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT pursuant to Section 59 of RA 7160, otherwise known as "Local Government Code of 1991", as amended, a copy of MUNICIPAL ORDINANCE NO. 19-22-005- AN ORDINANCE PRESCRIBING RULES AND REGULATIONS ON THE BUSINESS OPERATION OF RETAILING LIQUID PETROLEUM PRODUCTS BY GASOLINE STATIONS OPERATION WITHIN THE JURISDICTION OF THE MUNICIPALITY OF ISABEL, LEYTE AND SETTING PENALTIES FOR NON-COMPLIANCE THEREOF AND FOR OTHER PURPOSES, was posted within the period from January 9 to January 24, 2023 on the Bulletin Board located at the lobby of Isabel Town Hall, another one (1) copy at Isabel Public Market Bulletin Board, and one (1) more copy at Isabel Public Utility Vehicles Terminal, this municipality.

This certifies further that this document is being posted by the Sangguniang Bayan for public information, guidance, and for whatever legal purpose this may serve best.

Done this 14th day of February 2023 , at SB Office, LGU-Isabel, Leyte, Philippines.


JULIUS CESAR T. MATIGA
SB Secretary