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Item No.: 03

Date: 26 2024 NOV



SANGGUNIANG PANLALAWIGAN



PROVINCE OF LEYTE

Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office

Released: [Signature]
Time: 11:11 AM
Date: 11-11-24

2nd INDORSEMENT
November 4, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 09 series of 2024 of the Sangguniang Bayan of Merida, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 09 series of 2024 entitled: "An Ordinance to curtail the sale, rental, transfer, distribution, manufacture and/or production of pirated, counterfeit or fake goods, articles or services and for other purposes."

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 447(a)¹ of the Local Government Code of 1991 (R.A 7160) in relation to RA 8293² and RA 10667³ and in compliance with DILG memorandum circular No. 2020-124⁴. Hence, we recommend for the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.



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

¹;(a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:
(1) Approve ordinances and pass resolutions necessary for an efficient and effective municipal government

² "Intellectual Property Code of the Philippines."

³" Philippine Competition Act "

⁴ Intellectual Property Rights Protection Memo

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
25 October 2024

Province of Leyte
Legal Office
Received *[Signature]*
Date: *10-25-24*

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 09, series of 2024 of the MUNICIPALITY OF MERIDA, LEYTE**, entitled: **An Ordinance to curtail the sale, rental, transfer, distribution, manufacture and/or production of pirated, counterfeit or fake goods, articles or services and for other purposes.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

24 OCTOBER 2024

THE SANGGUNIANG PANLALAWIGAN OF LEYTE
CAPITOL BUILDING
PALO LEYTE



DEAR HONORABLE MEMBERS;

I have the honor to submit to the Sangguniang Panlalawigan of Leyte copies of **MUNICIPAL ORDINANCE NO. 09, SERIES OF 2024 – “AN ORDINANCE TO CURTAIL THE SALE, RENTAL, TRANSFER, DISTRIBUTION, MANUFACTURE AND/OR PRODUCTION OF PIRATED, COUNTERFEIT OR FAKE GOODS, ARTICLES OR SERVICES, AND FOR OTHER PURPOSES”** enacted by the 18th Council of this Municipality, for review and consideration.

Hoping everything is in order.

Thank you.

Respectfully,


JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF MERIDA

SANGGUNIANG PANLALAWIGAN

RECEIVED
OCT 25 2024

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 98TH REGULAR SESSION OF THE SANGGUNIANG BAYAN (15TH COUNCIL) MERIDA, LEYTE HELD ON JULY 22, 2024 AT THE LEGISLATIVE BUILDING SESSION HALL.

-RESOLUTION NO. 18-24-121-

A RESOLUTION APPROVING MUNICIPAL ORDINANCE NO. 09, SERIES OF 2024 ENTITLED "AN ORDINANCE TO CURTAIL THE SALE, RENTAL, TRANSFER, DISTRIBUTION, MANUFACTURE AND/OR PRODUCTION OF PIRATED, COUNTERFEIT OR FAKE GOODS, ARTICLES OR SERVICES, AND FOR OTHER PURPOSES."

NOW, WHEREFORE, ON MOTION OF Hon. Nenfa C. Oyao, Chairman Committee on Business, Trade, Industry, Consumer Protection, Labor and Employment, duly seconded by Hon. Felipe H. Perez, Jr. and Hon. Stephanie M. Miralles, BE IT;

BE IT RESOLVED TO ENACT;

MUNICIPAL ORDINANCE NO. 09
Series of 2024

"AN ORDINANCE TO CURTAIL THE SALE, RENTAL, TRANSFER, DISTRIBUTION, MANUFACTURE AND/OR PRODUCTION OF PIRATED, COUNTERFEIT OR FAKE GOODS, ARTICLES OR SERVICES, AND FOR OTHER PURPOSES."

Introduced by: Hon. Nenfa C. Oyao, Hon. Felipe H. Perez, Jr. and Hon. Stephanie M. Miralles

WHEREAS, the Municipality Government of Merida adhered to the policy of the National Government to curb the proliferation and introduction into commerce of pirated, counterfeit or fake goods, articles or services, and the commission of other acts that violate intellectual property rights as protected by law;

WHEREAS, piracy and counterfeiting of intellectual property rights not only cause economic prejudice and demoralization among legitimate businessmen and establishments which offer products and services dependent on intellectual property protection; but also undermine the Municipality's strategy for growth and development and result in unrealized revenues and taxes;

WHEREAS, the state policy to enhance the enforcement of intellectual property rights requires the determined and active support of the local government at its grassroots level;

NOW, THEREFORE, BE IT ORDAINED by the Sangguniang Bayan in Session duly assembled that:

SECTION 1. All business licenses and permits issued by the Municipal Government shall carry the express condition that the licensee shall not engage in the sale, rental, transfer, distribution, manufacture and/or production of pirated, counterfeit or fake goods, articles or services nor shall permit other persons to commit said acts within the licensee's business establishment or premises.

For this purpose, any stall, table or equivalent contraptions, containing pirated, counterfeit or fake goods and articles, and services within Two (2) meters from the door, window or any opening leading to the licensee's establishment shall be deemed included in the term "premises".

SECTION 2. Any breach or violation of the condition as set forth in the preceding section shall be a ground for the revocation or suspension of the business permit or license for a period of not more than Ten (10) days for the first violation; Thirty (30) days for the second violation; and cause the cancellation thereof for the third and subsequent violations.

SECTION 3. The pirated, counterfeit or fake goods and articles, of any person engaged in any business or trade, with or without any license or permit shall be taken into preventive custody and disposed of in accordance with law.

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SECTION 4. *In the cases covered under Section 2 and 3, the respondent may, within Twenty-four (24) hours from notice of an order to suspend or cancel the business license or permit or to take custody or pirated, counterfeit or fake goods, articles or services, move to reconsider said order/s. The Municipal Mayor shall decide said motion within Fifteen (15) days from receipt.*

The notice of suspension or cancellation of the business license or permit shall be issued by the Municipal Mayor after an inspection of the business establishment concerned is conducted. The inspection may be on the occasion of a general inspection regularly conducted by the Municipality, or for such purpose only upon receipt of a complaint or information that the licensee is engaged in the sale, rental, transfer, distribution, manufacture and/or production of pirated, counterfeit or fake goods, articles and services.

The Municipality may seek the assistance or coordination of the Philippine National Police (PNP), the National Bureau of Investigation (NBI), the Videogram Regulatory Board (VRB), and other law enforcement agencies in conducting the inspection.

SECTION 5. OFFENSES. *The penalty of a fine or Two Thousand Five Hundred Pesos (Php2,500.00) or an imprisonment for a period not exceeding Six (6) months, or both, in the discretion of the court, shall be imposed upon:*

5.1 Any person who, having been issued a business license or permit, shall commit a breach of the condition thereof imposed by Section 1 of this Ordinance;

5.2. Any person who, without any business license or permit, shall engage in the sale, rental, transfer, distribution, manufacture and/or production of pirated, counterfeit or fake goods, articles or services;

5.3. Any person who shall violate the order of the Municipal Mayor suspending or cancelling a license or permit or taking the subject good into custody;

SECTION 6. *The prosecution for commission of any of the foregoing offenses shall not constitute a bar for the prosecution of offenses under the Intellectual Property Code and other related laws.*

SECTION 7. PERSONS LIABLE. *Should the offense be committed by a juridical person, the stockholder, chairperson, president, officer, director, trustee, partner or manager who committed or caused the commission of such offense, shall be liable.*

SECTION 8. SEPARABILITY CLAUSE. *If any provision or part hereof is declared invalid or unconstitutional, the remainder of the ordinance or part thereof not otherwise affected shall remain valid and subsisting.*

SECTION 9. REPEALING CLAUSE. *All Ordinances and Resolution inconsistent herewith are hereby deemed repealed or accordingly modified.*

SECTION 10. EFFECTIVITY CLAUSE. *This Ordinance shall take effect upon approval and after Fifteen (15) days from posting in a least Three (3) conspicuous places within the Municipality and publication in a newspaper of general or local circulation.*

ENACTED BY THE SANGGUNIANG BAYAN (18TH COUNCIL) OF MERIDA, LEYTE ON ITS REGULAR SESSION HELD ON JULY 22, 2024.

APPROVED UNANIMOUSLY.

SANGGUNIANG BAYAN MEMBERS


CHENIL C. CALDERON
Municipal Councilor
Assistant Floor Leader


JOEL A. MARSON
Municipal Councilor


JESUS ANTONIO R. MARTINEZ
Municipal Councilor


EMARITO A. LUZARES
Municipal Councilor
Majority Floor Leader


FELIPE H. PEREZ, JR.
Municipal Councilor


CAMILO L. DEJON
Municipal Councilor



(CONTINUATION OF MUNICIPAL ORDINANCE NO. 09, SERIES OF 2024 DATED JULY 22, 2024
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NENFA C. OYAO
Municipal Councilor


STEPHANIE M. MIRALLES
Municipal Councilor


ASHLEY NOREEN DIAZ
Ex-Officio (Mun. SK. Fed. President)

RONILLO O. LABANG
Ex-Officio (Mun. LnB President)
(Forced Leave)

APPROVED BY HIS HONOR, THE MUNICIPAL MAYOR ON August 20, 2024.

APPROVED BY:


ENGR. ROLANDO M. VILLASEÑICO
Municipal Mayor

CERTIFIED BY:


RODRIGO M. WENCESLAO
Municipal Vice Mayor / Presiding Officer

ATTESTED BY:


JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MERIDA

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that MUNICIPAL ORDINANCE NO. 09, SERIES OF 2024 - "AN ORDINANCE TO CURTAIL THE SALE, RENTAL, TRANSFER, DISTRIBUTION, MANUFACTURE AND/OR PRODUCTION OF PIRATED, COUNTERFEIT OR FAKE GOODS, ARTICLES OR SERVICES, AND FOR OTHER PURPOSES" had been posted in three (3) conspicuous places in the locality within three (3) consecutive weeks from **AUGUST 27, 2024 to SEPTEMBER 17, 2024.**

THIS CERTIFICATION has been issued in compliance to Section 511 (1), Title One, book IV of RA 7160, otherwise known as the Local Government Code of 1991.

DONE AND ISSUED this 24TH DAY OF OCTOBER at Merida, Leyte, Philippines.


JOSELITO T. DELOS ANGELES
Secretary to the Sangguniang Bayan