



Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



EXCERPT FROM THE MINUTES OF THE 115TH REGULAR SESSION OF THE SANGGUNIAN PANLALAWIGAN OF BATAAN ON FEBRUARY 14, 2022 HELD AT THE SP SESSION HALL, THE BUNKER, CAPITOL COMPOUND, BALANGA CITY, BATAAN

PRESENT:

Hon. Ma. Cristina M. Garcia, Vice Governor and Presiding Officer

FIRST DISTRICT:

Hon. Benjamin C. Serrano, Jr., Board Member
Hon. Jomar L. Gaza J.D., Board Member
Hon. Reynaldo T. Ibe, Jr., Board Member
Hon. Godofredo B. Galicia, Jr., M.D., Board Member
Hon. Maria Khristine G. Dela Fuente, Board Member

SANGGUNIAN PANLALAWIGAN
CAPITOL BATAAN

RELEASED
RECORDS DIVISION
FEB 28 2022

SECOND DISTRICT:

Hon. Maria Margarita R. Roque, Board Member
Hon. Manuel N. Beltran, Board Member
Hon. Edgardo P. Calimbas, Board Member
Hon. Jose C. Villapando, Sr., Board Member
Hon. Romano L. Del Rosario, Board Member

Hon. Noel Joseph L. Valdecañas, Board Member (PCL President)
Hon. Doroteo M. Austria, Board Member (FABC President)
Hon. Precious D. Manuel, Board Member (SKF President)
Hon. Rosita N. Sison, Board Member (IPM Representative)

ABSENT:

None

PROVINCIAL ORDINANCE NO. 03 Series of 2022

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

**Authored By: Hon. Jomar L. Gaza J.D.
Sponsored By: Hon. Benjamin C. Serrano, Jr.**

WHEREAS, the Provincial Government of Bataan (PGB) adheres to the policy of the national government to curb the proliferation and introduction into commerce of illicit products, pirated, counterfeit, non-compliant and/or

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fake goods, articles and/or services, and the commission of other acts that violate intellectual property rights as protected by law;

WHEREAS, the PGB believes that the proliferation of illicit products, piracy and counterfeiting of intellectual property rights not only cause economic prejudice and demoralization among legitimate businessmen and establishments which offer goods, articles, and services dependent on intellectual property protection, but also discourage foreign investments and undermine the city strategy for growth and development resulting in unrealized revenues and taxes;

WHEREAS, the state policy to protect intellectual property rights against piracy and counterfeiting, curb illicit trade, and its efforts to effectively combat the same requires the participation of local government units in investigating and enforcing against illicit traders within their territorial jurisdiction;

WHEREAS, the Department of Interior and Local Government in its Memorandum Circular No. 2020-124 enjoins local government units (LGUs) to issue an ordinance banning the sale, transfer, distribution, manufacture, and/or production of pirated, counterfeit, or fake goods within the LGU;

NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN IN REGULAR SESSION ASSEMBLED:

Section 1. Title. This ordinance shall be known and referred to as the **"Anti-Illicit Trade and Fake Goods Ordinance."**

Section 2. Condition in the Business Permits. All business licenses and permit issued by City and Municipal Governments in the Province of Bataan shall carry the express conditions: (1) that the licensee shall not engage in the sale, rental, transfer, distribution, manufacture and/or production of illicit, pirated, counterfeit, non-compliant and/or fake goods, articles and/or services and (2) that the licensee shall not allow other persons to commit said acts within its business establishment or premises.

For this purpose, whenever applicable, illicit, pirated, counterfeit, non-compliant and/or fake goods, articles and/or services shall include products that have no genuine internal revenue stamp, do not have the requisite seal from the relevant regulatory agency, or do not have the required warnings, do not comply with the minimum reference price as required by relevant laws and regulations.

Any stall, table, or equivalent contraptions containing illicit, pirated, counterfeit, non-compliant and/or fake goods, articles and/or 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"; Provided that the said two (2) meter area falls within the property line of the licensee's business establishment.

Section 3. Suspension and Revocation of Permit. Any breach or violation of the condition set forth in the preceding section shall be ground for the suspension of the business permit or license for a period of not more than ten (10) days for the first

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violation; thirty (30) days for the second violation; and the revocation thereof for the third and subsequent violations.

Section 4. Confiscation of Goods and/or Services. The illicit, pirated, counterfeit, non-compliant, and/or fake goods and the articles of any person engaged in any business or trade, with or without any license or permit, shall be confiscated and disposed of in accordance with the law.

Section 5. Notice of Order to Suspend, Revoke, or Confiscate. In the cases covered under Sections 2 and 3 hereof, the violator-licensee or permittee may, within twenty-four (24) hours from the notice of an order to suspend or revoke the business permit or license or to confiscate illicit, pirated, counterfeit, non-compliant and/or fake goods, articles and/or services, present and submit to the office of the Mayor a request for reconsideration of the said order. The Mayor shall decide said request within fifteen (15) days from receipt thereof.

The notice of suspension or revocation of the business permit or license shall be issued by the 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 concerned LGU, or upon complaint or information that the licensee is engaged in the sale, rental, transfer, distribution, manufacture and/or production of illicit, pirated, counterfeit, non-compliant and/or fake goods, articles and/or services.

The concerned LGU may seek the assistance or coordination of the Philippine National Police, the National Bureau of investigation, Videogram Regulatory Board and/or other law enforcement agencies, in conducting the inspection.

Section 6. Penalties. The penalty of imprisonment for a period not exceeding six (6) months, or a fine not exceeding Five Thousand Pesos (PHP 5,000.00), both, in the discretion of the court, shall be imposed upon;

1. Any person who having been issued a business permit or license shall commit a breach of the condition imposed by Section 3 of this ordinance; or
2. Any person who without any business permit or license, shall engage in the sale, rental, transfer, distribution, manufacture and/or production of illicit, pirated, counterfeit, non-compliant, and/or fake goods, articles and/or services.

Section 7. No Double Jeopardy. The prosecution or commission of any of the foregoing offenses shall not constitute a bar to the prosecution of offenses under Republic Act No. 8293, otherwise known as the Intellectual Property Code of the Philippines, Republic Act No. 8424 as amended, otherwise known as the National Internal Revenue Code, Republic Act No. 10863, otherwise known as the Customs Modernization and Tariff Act and other related laws.

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Section 8. Juridical Person Liable. Should the offense be committed by a juridical person, the chairperson, president, officer, director, trustee, partner, manager and/or executive officers who committed or caused the commission of such offenses, shall be held liable.

Section 9. Public Billboards; Notices in Barangays. Upon effectivity of this Ordinance, the respective LGU Engineer's Office shall put up billboards in conspicuous spaces within the city and municipalities of the province to notify the public of the restrictions and sanctions imposed by the Ordinance. The respective Information Office of the LGUs of the province shall also immediately issue for dissemination at the barangay level notices on obligations of persons under this ordinance.

Section 10. Separability Clause. If any provision of this Ordinance is declared unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected thereby.

Section 11. Repealing Clause. All prior ordinances or parts thereof inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section 12. Effectivity. This Ordinance shall take effect after compliance with the relevant requirements of posting and/or publication as provided under the Local Government Code of 1991.

ENACTED this 14th day of February 2022, Balanga City, Bataan.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

MARY ANN R. DE JESUS, MPA
Board Secretary IV

BENJAMIN C. SERRANO, JR.
Board Member

MARIA MARGARITA R. ROQUE
Board Member

JOMAR L. GAZA J.D.
Board Member

MANUEL N. BELTRAN
Board Member

REYNALDO T. IBE, JR.
Board Member

EDGARDO P. CALIMBAS
Board Member

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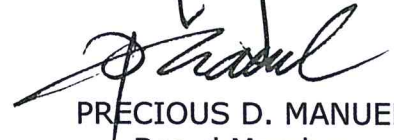

GODOFREDO B. GALICIA, JR., M.D.
Board Member


JOSE C. VILLAPANDO, SR.
Board Member


MARIA KRISTINE G. DELA FUENTE
Board Member


ROMANO L. DEL ROSARIO
Board Member


NOEL JOSEPH L. VALDECAÑAS
Board Member
(PCL President)


PRECIOUS D. MANUEL
Board Member
(SKF President)

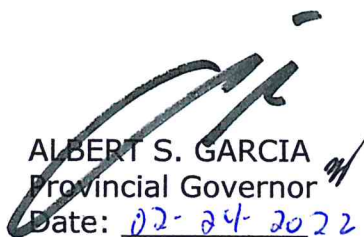

DOROTEO M. AUSTRIA
Board Member
(FABC President)


ROSITA N. SISON
Board Member
(IPM Representative)

ATTESTED:


MA. CRISTINA M. GARCIA
Vice Governor & Presiding Officer 

APPROVED:


ALBERT S. GARCIA
Provincial Governor
Date: 02-24-2022



