



OFFICE OF THE SANGGUNIAN BAYAN

KGG. FRANCISCO R. MACABUHAY

Kalihim

Sangguniang Panlalawigan

Sta. Cruz, Laguna

Mahal na Kalihim:

Magalang na isinusumite sa inyong Tanggapan ang naritong kalakip na Pambayang Kautusan at Aproprasyon Ordinance na napagtibay ng Sangguninang Bayan ng Cavinti, Laguna, gaya ng mga sumusunod:

1. Appropriation Ordinance No. 09-2023—An Ordinance Approving Supplemental Budget No. 3 for the FY 2023 of the Municipality of Cavinti, Laguna, Amounting Eight Million Four Hundred Twenty Nine Thousand and SeventyFive Pesos(P8,429,075.00) to be Appropriated in various Programs, Projects and Activities for the Celebration of the 9th Sambalilo Festival this August 2023 .

Attachments:

- 1.Res. No. 248-2023
- 2.MDC Res. No. 2023-03
- 3.LBP Form No.08
- 4.SAIP

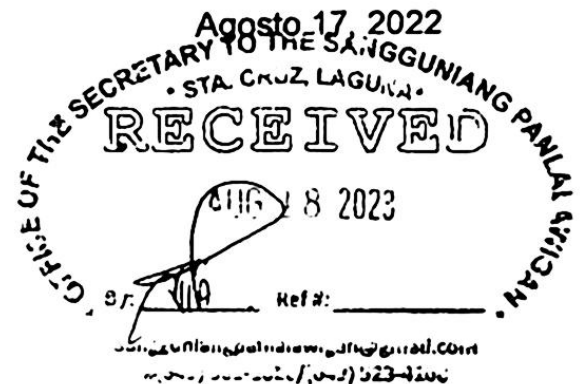
2. Municipal Ordinance No. 015-2023 – An Ordinance to Curtail the Sale,Rental,Transfer, Distribution, Manufacture and/or Production of Pirated, Counterfeit of Fake Goods Articles or Services, and for Other Services, and Other Purposes.

Mangyaring patunayan ang pagtanggap nito.

Lubos na gumagalang,

NANETTE V. JUAREZ

Book Binder/II/Pansamantalang Kalihim ng Sangguniang Bayan





OFFICE OF THE SANGGUNANG BAYAN

EXCERPT FROM THE MINUTES OF THE 51st REGULAR SESSION OF THE SANGGUNANG BAYAN (2022-2025) OF CAVINTI, LAGUNA, HELD ON JULY 31, 2023 AT THE SANGGUNANG BAYAN SESSION HALL, ABC BUILDING, CAVINTI, LAGUNA

PRESENT: Hon. Habshan Dave D. Blastique, SB Member;

Acting Presiding Officer;

HON. MILBERT L. OLIVEROS, VICE MAYOR

Hon. Charles Clifford F. Matta, SB Member;

Hon. Jimmy Jose V. Oliveros, SB Member;

Hon. Romel J. Villanueva, SB Member;

Hon. Stephanie Princess P. De Guzman, SB Member;

Hon. Godfrey L. Lubuguin, SB Member;

Hon. Elma P. Flores, SB Member;

Hon. Glenn Haze M. Cabuhat, SB Member;

Hon. Manuel A. Dela Roca, ABC-President; and

Hon. Hyra Jane A. Valdopeñas, SKF President

ABSENT: "NONE"

MUNICIPAL ORDINANCE NO. 015 - 2023

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

Sponsored by: Hon. Romel J. Villanueva

Chairman, Committee on Ordinances and Legal Matters and Education

Co-Sponsors:

Hon. Charles Clifford F. Matta

Hon. Jimmy Jose V. Oliveros

Hon. Stephanie Princess P. De Guzman;

Hon. Godfrey L. Lubuguin;

Hon. Elma P. Flores;

Hon. Glenn Haze M. Cabuhat;

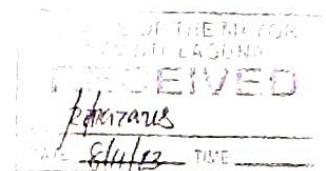
Hon. Habshan Dave D. Blastique;

Hon. Manuel A. Dela Roca; and

Hon. Hyra Jane A. Valdopeñas

WHEREAS, the Municipal Government of Cavinti adheres 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 offers products and services dependent on intellectual



ARRANT LEE R. ARROYO
Municipal Mayor

HABSHAN DAVE D. BLASTIQUE
SB Member/Acting Presiding Officer

NANETTE V. JUAREZ
Bookbinder III



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property protection, but also undermine the Municipal's Strategy for growth and development and result in unrealized revenues and taxes;

WHEREAS, it is the State's 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 to issue an ordinance banning the sale, transfer, distribution, manufacture, and/or production of pirated, counterfeit, or fake goods within the LGU;

NOW THEREFOR, be it ordained by the Sangguniang Bayan, in session duly assembled that:

SECTION 1. TITLE. This Ordinance shall be known and referred to as the **ANTI-ILLCIT TRADE AND FAKE GOODS ORDINANCE.**"

SECTION 2. GENERAL PROVISIONS.

Section 2.1. Condition in the Business Permits.

(a) All business licenses and permits issued by the Municipality of Cavinti, Laguna shall be issued by prior requirement of an Optical Media Board Clearance/Certificate to those engaged in the business or activities of importation, exportation, acquisition, sale or distribution of optical media, manufacturing equipment, parts and accessories and manufacturing used of intended for use in the mastering, manufacture or replication of optical media, pursuant tp Section 13 of Republic Act No. 9239 (The Optical Media Board Act).

(b) All business licenses and permits issued by the Municipality of Cavinti shall carry the express conditions; (1) that the licensee shall not engage in the sale, rental, transfer, counterfeit, non-compliant and/or fake goods, articles and/or services and (2) that 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 (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 2.2. 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 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 violation, thirty (30) days for the second violation; and the revocation thereof for the third and subsequent violations.


ARRANTLEE R. ARROYO
Municipal Mayor


HABSHAN DAVE D. BLASTIQUE
SB Member/Acting Presiding Officer


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OFFICE OF THE SANGGUNIANG BAYAN

Section 2.3. 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 2.4. Notice of Order to Suspend, Revoke, or Confiscate. In the cases covered under Section 2.1. and Section 2.2. 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 Ten (10) 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 occasion of a general inspection regularly conducted by the Municipal Government, or for such purpose only upon the receipt of a complaint or information that the license 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 Municipal Government of Cavinti may seek the assistance or coordination of the Philippine National Police (PNP), National Bureau of Investigation (NBI), the Optical Media Board (OMB), Department of Trade and Industry and/or other law enforcement agencies, in conducting the inspection or in securing the goods seized during the conduct of enforcement operations, to maintain peace and order.


ARRANTLEE R. ARROYO
Municipal Mayor

SECTION 3. PENAL PROVISIONS. The penalty of imprisonment for a period not exceeding six (6) months, or a fine not exceeding of Two Thousand Five Hundred Pesos (PHP2,500.00) both, in the discretion of the court, shall be imposed upon;

Section 3.1. Any person who having been issued a business permit or license shall commit a breach of the condition imposed by Section 2.1 and 2.2 of this ordinance; or

Section 3.2. 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;


HABSHAN DAVE D. BLASTIQUE
SB Member/Acting Presiding Officer

Section 3.3. Any person who shall violate the order of the Mayor suspending or cancelling a license or permit, or taking the subject goods into custody;

SECTION 4. 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 Intellectual Property Code of the Philippine, 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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Bookbinder III

SECTION 5. JURIDICAL PERSON LIABLE. Should the offence be committed by a juridical person, the chairperson, president, officer, director,



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trustee, partner, manager and/or executive officers who committed or caused the commission of such offenses, shall be held liable.

SECTION 6. PUBLIC BILLBOARDS AND NOTICE IN BARANGAYS. Upon effectivity of this ordinance, the respective Municipal Administrator Office and Information Office shall put in Billboards and conspicuous spaces within the Municipality to notify the public of the restrictions and sanctions imposed by the Ordinance. And also immediately issue for dissemination at the barangay level notices on obligations of persons under this ordinance.

SECTION 7. SEPARABILITY CLAUSE. - If any provision or part hereof is held invalid or unconditional, the remaining provisions not affected thereby remain valid subsisting.

SECTION 8. REPEALING CLAUSE. - Any ordinances, executive or administrative orders, rules or regulations and other local issuances of this LGU, contrary to or inconsistent with the provisions of this ordinance is hereby repealed, modified or amended accordingly.

SECTION 9. EFFECTIVITY. - This ordinance shall take effect fifteen (15) days after its publication in the Official Website and Social Media Account of the Sangguniang Bayan or by posting in three conspicuous places in this municipality

APPROVED.

I **HEREBY CERTIFY** that the above-quoted ordinance is an excerpt from the minutes of the 51st Regular Session of the Sangguniang Bayan of Cavinti, Laguna (2022-2025) held on July 31, 2023.

NANETTE V. JUAREZ
ACTING SB SECRETARY

ATTESTED:


SB HABSHAN DAVE D. BLASTIQUE
SB MEMBER/ ACTING PRESIDING OFFICER

APPROVED:


HON. ARRANTLEE R. ARROYO
MUNICIPAL MAYOR
Date Signed: 8/17/2023

Republika ng Pilipinas
Lalawigan ng Laguna
Bayan ng Cavinti

TANGGAPAN NG SANGGUNIANG BAYAN

KATITIKAN NG PAMPUBLIKONG PAGDINIG TUNGKOL SA "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 SERVICES, AND OTHER PURPOSES NA GINANAP NOONG IKA-05 NG HULYO 2023.

MGA DUMALO: SB ROMEL J. VILLANUEVA-Chairman - Comm. On Laws,
Ordinances & Legal Matters;
SB GODFREY L. LUBUGUIN
SB HABSHAN DAVE T. BLASTIQUE

PANAUHIN: (SEE ATTACHED ATTENDANCE)

PAKSA: "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 SERVICES, AND OTHER PURPOSES."

PAGTALAKAY SA PAKSA:

Binuksan ni SB. Romel J. Villanueva ang Pampublikong Pagdinig sa ganap na ika-9:45 ng umaga. Kasunod ang pag-aalay ng panalangin na pinamunuan ni SB Godfrey L. Lubuguin.

Sa pagpapatuloy ni SB Romel J. Villanueva ay pinasalamatan niya ang lahat-lahat ng nag-abala at nagbigay ng oras upang makadalo sa patawag na ito. Gayundin ay binati at kinilala ng kagawad ang mga panauhing nagsidalo rito. Sinabi niya na napakahalaga ng kanilang pagdalo upang makapagbahagi ng mga opinyon/suhestyon sa pagbabalangkas ng isang ordinansa. Aniya'y lalo na sa mga opisyal ng barangay sapagkat ang paggawa ng ordinansa ay hindi lamang tungkulin ng Sangguniang Bayan at bahagi rin ito ng kanilang paglilingkuran sa barangay. Dahil ito daw ay naging bahagi ng karanasan ni SB Romel J. Villanueva noong mga panahong siya ay nanungkulan pa sa barangay. Ipinaliwanag niya na ang ordinansang pag-uusapan na may kaugnayan sa mga peke (*fake*) ay mahalaga dahil ito ay mandato de gobyerno at dinadala sa mga lokal na pamahalaan para i-localize at kung ano ang aakma sa bawat LGU ay iyon ang isasaad sa probisyon bago ito ipatutupad. Kaya para bigyan ng komento/suhestyon ang ordinansa na tumutukoy sa pagbebenta ng mga pekeng produkto, binasa ni SB Romel J. Cabuhat sa hapag ang nilalaman nito.

Matapos itong basahin, ibinukas ni SB Romel J. Villanueva ang hapag upang bigyan ng pagkakataon kung sino ang may nais iparating sa kapulungan o aniya'y baka may nais pang idagdag/alisin sa bahagi ng ordinansa na ibinaba ng nasyonal na pamahalaan sa mga LGU sa pamamagitan ng DILG.

Kaugnay sa paksang pinag-uusapan, nagbahagi si SB Godfrey L. Lubuguin ng isang pangyayari noong mga panahon na kasagsagan ang Covid 19, kung kailan minsan daw na ang kagawad ay may pinuntahan at inabot siya ng pagsakit ng ulo, kaya nakabili ng Biogesic sa Mercury Drug para inumin. Ngunit ng makarating si SB Godfrey L. Lubuguin sa kanilang bahay/tindahan ay napansin niyang iyong Biogesic na kanilang itinitinda na binili sa mga ahente na umiikot sa kabayanan ay kakaiba ang kulay dahil medyo malamlam/Malabo-labo kumpara doon sa binili niya sa Mercury Drug at aniya'y napaisip ang kagawad na baka *fake* ang kanilang tinda. Kaya panawagan ni SB Godfrey L. Lubuguin sa bawat isa na huwag basta-basta bumili ng gamot/ano mang produkto sa mga inilalako lamang para maiwasan na makabili ng *fake*. Tagubilin pa rin niya na kung mayroong mga nagbebenta ng *fake* na gamot/ano mang uri ng produkto dito sa ating bayan ay agad silang ipagbigay alam sa kinauukulan.

Para sa iba pang opinyon/suhestyon, hinikaya't pa rin ni SB Romel J. Villanueva ang bawat isa na makapagbigay ng pahayag kaugnay sa mga pekeng produkto na ma-aaring ipagbili dito sa ating bayan, tulad aniya'y ng gasolina, ang tungkol rito ay ibinigay niya kay SB Habshan Dave Blastique ang pagkakataon para sa ilang pagpapaliwanag.

Sang-ayon kay SB Habshan Dave T. Blastique, gaya nga sa ordinansa tungkol sa mga pagbebenta ng mga pekeng produkto, aniya ay halos wala naman daw siyang kapunahan sa mga nakasaad sa probisyon nito. Subalit kaugnay rito, binanggit ng kagawad ang tungkol sa *accuracy* ng mga timbangan na ginagamit sa pamilihang bayan. Dahil hindi raw maiwasan ang minsang pagdududa ng mamimili sa kanilang binili na baka ito ay kulang sa timbang. Kaya para mawala ang pagdududa ay tinagubilinan ni SB Habshan Dave T. Blastique ang mga magtitinda na gumamit ng eksaktong/hustong timbangan at ito daw ay nabanggit na rin niya minsan sa sesyon ng Sangguniang Bayan. Tungkol naman sa gasolina total naman daw ito ay nabanggit na rin, kaya sinabi ni SB Habshan Dave Blastique na garantisado daw ang Petron o ang kanilang gasolina na walang halong tubig at sumasailalim din sa calibration, kaya ito daw ay *legit*. Sang-ayon pa sa kagawad na sigurado naman daw na sa mga darating na panahon ay madadagdagan pa ang magtatayo ng gasolinahan, kaya aniya ay kailangang makasiguro din tayo na *legit* ang kanilang gasolina at dapat din daw ay may *calibration* ng *fuel pumps*.

Bilang karagdagang impormasyon, sinabi ni SB Godfrey L. Lubuguin na para daw maiwasan ang mga *fake* na produkto/lalo na sa mga gamot ay ipina-aala-ala ng kagawad sa bawat isa na kapag may pumunta na ahente sa mga tindahan/barangay ay hingan ng kaukulang dokumento/ID upang sa ganoon, sakali't *fake* ang dala nilang produkto ay may mananagot/hahabulin. Dagdag pa ng kagawad na sa pamamaraang ganito ay mai-i-apply ang batas na ito.

Susog sa binanggit ni SB Godfrey L. Lubuguin, sianbi ni SB Romel J. Villanueva na kadalasan nama'y ang mga ahente ng na nagbebenta ng mga produkto/gamot ay dumadaan sa barangay bago umikot kaya doon ay kailangang suirin at tingnan kung ang kanilang inilalako ay *legit*/hindi *fake*. Sa pagtatapos ni SB Romel J. Villanueva ay ipinaaala sa hapag na ang ordinansang pinag-uusapan ay ibinaba ng gobyerno sa mandato ng DILG at kailangang i-localize para ilapat sa pang-araw-araw na gawain sa LGU.

Sapagkat wala ng nais pang magbigay ng komento/suhestyon sa paksang pinagtalakayan, kung kaya't iminungkahi ni SB Habshan Dave T. Blastique na ang Panukalang Ordinansa na may pamagat na "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 SERVICES, AND OTHER PURPOSES." ay maikalendaro na sa Nakatakdang mga Gawain sa ilalim ng IKALAWANG PAGBASA upang ito ay muling mapagdeliberasyunan sa kapulungang ng Sangguniang Bayan para sa kaukulang pagpapatibay. Dito ay sinunod na rin niya ang mungkahi na itindig na ang Pampublikong Pagdinig.

Pinagalwahan ni SB Godfrey L. Lubuguin ang mga mungkahi ni SB Habshan Dave T. Blastique at ito ay sinang-ayunan ng lahat ng nasa kapulungan.

Tinapos ang pampublikong pagdinig sa ganap na ika-10:30 ng umaga.

Inihanda ni:


Zaine A. LACOSTALES
Admin. Asst. I

MAY KINALAMAN:


SB ROMEL J. VILLANUEVA
TAGAPANGULO-LUPON SA MGA BATAS, ORDINANSANG AT LEGAL NA USAPIN


SB GODFREY L. LUBUGUIN
KASAPI


SB HABSHAN DAVE T. BLASTIQUE
KASAPI