



Republic of the Philippines
City Government of Meycauayan
Province of Bulacan

Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE 1ST SPECIAL SESSION IN THE YEAR 2023
OF THE 7TH SANGGUNIANG PANLUNGSOD OF THE CITY OF MEYCAUAYAN, BULACAN,
HELD AT THE SESSION HALL OF THE CITY HALL BUILDING ON JULY 10, 2023.

Present:

JOSEFINA O. VIOLAGO	City Vice Mayor (Presiding Officer)
ANNA KATHRINA M. HERNANDEZ	City Councilor
MARIANO V. ALARILLA II	City Councilor
RONALD S. PALOMARES	City Councilor
JERIMECO S. DULALIA	City Councilor
RAOUL M. ATADERO	City Councilor
MARIO T. BERBOSO	City Councilor
DANILO B. ABACAN, JR.	City Councilor
LARISSA DS. ABRACERO-SAN DIEGO	City Councilor
WILFREDO DS. MACATULAD	City Councilor
ROVIELYN A. CABIGQUEZ	City Councilor
OLIVERT Y. DUYA	President, LnB
CRISANTO NIÑO D. CAPARAS	President, SK Federation

All are present.

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CITY ORDINANCE NO. 355 (OF 2023)

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

WHEREAS, Section 2 of Republic Act No. 9239, otherwise known as the “Optical Media Act of 2003 declares the policy of the State to ensure the protection and promotion of intellectual property rights.

WHEREAS, Department of the Interior and Local Government (DILG) Memorandum Circular No. 2011-056 dated April 27, 2011, requires the submission of a license issued by the Optical Media Board (OMB) before the release of a business permit to an Optical Media establishment.

WHEREAS, the City of Meycauayan 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 offer products and services dependent on intellectual property protection, but also undermine the City’ strategy for growth and development and result in unrealized revenues and taxes;

WHEREAS, the State’s policy to enhance the enforcement of intellectual property rights requires the determined and active support of the local government units;

NOW, THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the Sangguniang Panlungsod of Meycauayan, in a session duly assembled that:

SECTION 1. Optical Media Board Clearance/Certificate. All business licenses and permits issued by the City of Meycauayan shall be issued with 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 or intended for use in the mastering, manufacture or replication of optical media, pursuant to Section 13 of Republic Act No. 9239 (The Optical Media Board Act).

SECTION 2. Definition of Terms. As used in this ordinance, the following terms shall mean:

- a. *Fake* - not genuine; counterfeit.
- b. *Goods* - merchandise or items for sale, or possessions that can be moved. These shall not include articles or goods that are already regulated by other ordinances.
- c. *Optical Media* - a storage medium or device in which information, including sounds and/or images, or software code, has been stored, either by mastering and/or replication, which may be accessed and read using a lens scanning mechanism employing a high intensity light source such as a laser or any such other means as may be developed in the future. The term shall include, but not be limited to, devices which shall be listed in the IRR of this Act, or as prescribed by the OMB (Section 3[i] of Republic Act No. 9239).

SECTION 3. Express Condition in the Business Licenses and Permits. All business licenses and permits issued by the Business Permit and Licensing Office (BPLO) shall carry the express condition that the licensee shall not engage in the sale, rental, transfer, distribution, manufacture, 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 establishments or premises.

For this purpose, any stall, table, or equivalent contraptions or devices 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 4. Ground for Suspension. Any violation of the condition as set forth in the preceding Section shall be a 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 cancellation thereof for the third and subsequent violations.

SECTION 5. Motion for Reconsideration. In the cases covered under Sections 2 and 3, the respondent may move to reconsider said order/s, within twenty (20) hours from notice of an order to suspend or cancel the business license or permit to take custody of pirated, counterfeit, or fake goods, articles, or services. The Local Chief Executive or his duly authorized representative shall decide the said motion within fifteen (15) days from receipt thereof.

The notice of suspension or cancellation of the business license or permit shall be issued by the Local Chief Executive or his duly authorized representative after an inspection of the business establishment concerned is conducted. The inspection may be on occasion of a general inspection regularly conducted by the City, 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, or services.

The LGU may seek the assistance or coordination of the Philippine National Police (PNP), the National Bureau of Investigation (NBI), the Optical Media Board (OMB) 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.

SECTION 6. Offenses and Penalties. A fine of Five Thousand Pesos (P5,000.00) or imprisonment of not less than one (1) month nor more than one (1) year, or both, at the discretion of the court shall be imposed on any person, natural or juridical, who shall:

- a. Having been issued a business license or permit, violate any of the conditions imposed by Section 1 of this Ordinance;
- b. Without any business license or permit, engage in the sale, rental, transfer, distribution, manufacture, and/or production of pirated, counterfeit, or fake goods, articles, or services; and
- c. Violate the order of the Local Chief Executive or his duly authorized representative suspending or cancelling a license or permit or taking the subject goods into custody.

All fines and penalties are to be paid at the City Treasurer's Office only. The aforementioned penalties shall be without prejudice to the revocation of business permit and license to operate within the City of Meycauayan. In addition, 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.

SECTION 7. Prosecution of Offense. The prosecution of commission of any of the foregoing offenses shall not constitute a bar for the prosecution of offense under the Intellectual Property Code and other related laws.

SECTION 8. Juridical Person. Should the offense be committed by a juridical person, the stockholder, chairperson, president, office director, trustee, partner, or manager who committed or caused the commission of such offense, shall be liable.

SECTION 9. Separability Clause. If any provision or part thereof is declared invalid or unconstitutional, the remainder of the ordinance or part hereof not otherwise affected shall remain valid and subsisting.

SECTION 10. Repealing Clause. Any existing laws, ordinance, and executive orders contrary to or inconsistent with this Ordinance are hereby repealed, modified, or amended accordingly.

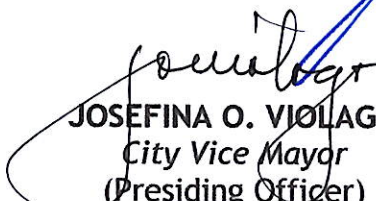
SECTION 11. Effectivity. This Ordinance shall take effect after its posting at the Sangguniang Panlungsod Bulletin Board in the City Hall for a period of three (3) consecutive weeks and its publication in a newspaper of general circulation within the territorial jurisdiction of the City of Meycauayan.


APPROVED UNANIMOUSLY.


I hereby CERTIFY that this Ordinance was approved by the Sangguniang Panlungsod.


ATTY. BERNARD JOSEPH E. DOMINGO
Secretary to the Sangguniang Panlungsod

ATTESTED BY:


JOSEFINA O. VIOLAGO
City Vice Mayor
(Presiding Officer)


ANNA KATHRINA M. HERNANDEZ
City Councilor



MARIANO V. ALARILLA II
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City Councilor


OLIVERT Y. DUYA
President, LnB


CRISANTO NIÑO D. CAPARAS
President, SK Federation

APPROVED by the City Mayor this _____ day of 12 JUL 2023, 2023:


ATTY. HENRY R. VILLARICA
City Mayor