

Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Mahayag



OFFICE OF THE SANGGUNANG BAYAN

EXCERPT FROM THE MINUTES OF THE 60TH REGULAR SESSION OF THE SANGGUNANG BAYAN OF MAHAYAG, ZAMBOANGA DEL SUR, HELD IN THE MUNICIPAL SESSION HALL, ON NOVEMBER 4, 2011.

ATTENDANCE

Names	Position	Present	Absent	Remarks
1. Hon. Paulino P. Familag	Municipal Vice Mayor/Presiding Officer	(x)		
2. Hon. Kristoffer Dan L. Lambatan	SB Member/Floor Leader		(x)	On Leave
3. Hon. Teodoro N. Adon, Jr.	SB Member/Acting Floor Leader	(x)		
4. Hon. Jeffrey G. Arnaga	Sangguniang Bayan Member	(x)		
5. Hon. Rodolfo A. Caylan	- do -	(x)		
6. Hon. Ju Dandrea M. Apale	- do -	(x)		
7. Hon. Felipe A. Capalangan	- do -	(x)		
8. Hon. Felipa P. Naval	- do -	(x)		
9. Hon. Raquel V. Frasco	- do -	(x)		
10. Hon. Helen M. Maglasang	ABC President/S. B. Member	(x)		
11. Hon. Jafath J. Manapsal	SKF President/S. B. Member		(x)	O. B.

MUNICIPAL ORDINANCE NO. 105-2011

Be it enacted by the Sangguniang Bayan of Mahayag, Zamboanga del Sur, during its session duly assembled, that:

Section 1 – Title: This shall be known as “AN ORDINANCE CURTAILING THE SALE, RENTAL, TRANSFER, DISTRIBUTION, MANUFACTURE AND/OR PRODUCTION OF PIRATED, COUNTERFEIT OR FAKED GOODS, ARTICLES OR SERVICES, AND FOR OTHER PURPOSES.”

Section 2 – All business licenses and permits issued by the municipal government shall carry the expressed condition that the licensee shall not engage in the sale, rental, transfer, distribution, manufacture and/or production of pirated, counterfeit or faked 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 faked 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 in the term “premises”.

Section 3 – Any breach or violation of the condition set forth in the preceding Section shall be 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 a second violation; and cause the cancellation thereof for a third and subsequent violations.

Section 4 - The pirated, counterfeit or faked 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 5 - In the cases covered under Sections 2 and 3, the respondent may, twenty-four (24) hours from notice of an order to suspend or cancel the business license or permit or to take custody of pirated, counterfeit or faked goods, articles or services, move to consider said order/s. The Municipal Mayor shall decide the 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 faked goods, articles and services;

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

Section 6 - Offenses: The penalty of a fine of Two Thousand Five Hundred (Php2,500.00) Pesos or an imprisonment for a period not exceeding six (6) months, or both, in the discretion of the court, shall be imposed upon:

6.1 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;

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

6.3 Any person who shall violate the order of the Municipal Mayor suspending or canceling a license or permit or taking the subject goods into custody.

Section 7 - 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 8 - Persons Liable: Should the offense be committed by a juridical person, stockholder, chairperson, president, office director, trustee, partner or manager who committed or caused the commission of such offense, shall be liable.

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

Section 10 - Repealing Clause: All ordinances and resolutions inconsistent herewith are hereby deemed repealed or accordingly modified.

Section 11 - Effectivity Clause: This ordinance shall take effect upon approval and after fifteen (15) days from posting in at least three (3) conspicuous places within the Municipality and publication in a newspaper of general or local circulation.

ADOPTED this 4th day of November 2011, by acclamation.

CERTIFIED CORRECT:

ATTESTED:


PRISCO J. CLEOPAS III
Municipal Secretary


PAULINO P. FANILAG
Municipal Vice Mayor
Presiding

APPROVED:


LORNA S. ESPINA
Municipal Mayor

11-27, 2011

gsl/