



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 2003-092

AN ORDINANCE IMPOSING PENALTIES UPON PERSONS AND ESTABLISHMENTS FOR THE SALE, RENTAL, TRANSFER, DISTRIBUTION, MANUFACTURE AND/ OR PRODUCTION OF PIRATED, COUNTERFEIT OR FAKE GOODS, OR ARTICLES, AND FOR OTHER PURPOSES:

Author: Hon. Jose L. Grageda

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

SECTION 1. - All business licenses and permits issued by the City 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 or goods, 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, containing pirated, counterfeit or fake goods and articles, 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 a second violation; and cause the cancellation thereof for a 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.

SECTION 4. - In the cases covered under Sections 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 of pirated, counterfeit or fake goods, or articles, move to reconsider said order/s. The City 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 City 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 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, or articles.

The City 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 of two Thousand Five hundred pesos (P 2,500.00) 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, or articles.
- 5.3. Any person who shall violate the order of the City Mayor suspending or canceling a license or permit or taking the subject goods 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 resolutions 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 at least three (3) conspicuous places within the City and publication in a newspaper of general or local circulation.

ENACTED: September 3, 2003.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

ESTEBAN R. ABONAL
City Vice Mayor & Presiding Officer

GIL A. DE LA TORRE
Board Secretary II
& Secretary Designate

APPROVED:

JESSE M. ROBREDO
City Mayor