

HON. JULIUS G. JAMERO
SB Member

HON. JO VINCENT J. MORPOS
SB Member

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Ex-Officio Member

JESSY B. PALON
Secretary to the Sanggunian

HON. EDUARDO G. JAMERO
Municipal Vice Mayor

HON. GERRY T. PAGLINAWAN
Municipal Mayor

Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Dumingag
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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 108th REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON MARCH 17, 2025.

OFFICERS/MEMBERS:	POSITION	PRESENT	ABSENT	OB	OL
Hon. Edgardo G. Jamero	Municipal Vice Mayor	___/___	___	___	___
Hon. Julius G. Jamero	SB Member	___/___	___	___	___
Hon. Jo Vincent J. Morpos	SB Member	___/___	___	___	___
Hon. Dean Kaiser C. Tangalin	SB Member	___/___	___	___	___
Hon. Francis Joeray T. Gumban	SB Member	___/___	___	___	___
Hon. Jerson L. Cabahug	SB Member	___/___	___	___	___
Hon. Julito C. Mandac	SB Member	___/___	___	___	___
Hon. Percalixia Y. Bazar	SB Member	___/___	___	___	___
Hon. Efren A. Costanilla	SB Member	___/___	___	___	___
Hon. Domingo M. Gingco	Ex - Officio Member, LnB	___/___	___	___	___
Hon. Kirby Tracy V. Estillore	Ex - Officio Member, SK	___/___	___	___	___

Municipal Ordinance No. 11th-7-2025

AN ORDINANCE PRESCRIBING FOR THE CALIBRATION AND SEALING OF DISPENSING PUMPS OF RETAIL OUTLETS SELLING LIQUID PETROLEUM PRODUCTS IN THE MUNICIPALITY OF DUMINGAG, ZAMBOANGA DEL SUR, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

Be it ordained by the 11th Sangguniang Bayan of Dumingag, Zamboanga del Sur, in session assembled that:

SECTION 1. TITLE

This Ordinance shall be known and cited as the "Calibration and sealing of dispensing pumps of retail outlets selling liquid petroleum products Ordinance" in the municipality of Dumingag, Zamboanga del Sur.

SECTION 2. RATIONALE

The municipality of Dumingag, Zamboanga del Sur, recognizes the important role that retail outlets selling liquid petroleum products play in the local economy and daily life of its residents. To ensure these establishments operate fairly and protect consumers, this ordinance mandates the calibration and sealing of their dispensing pumps. This will ensure consumers receive the exact amount of product they pay for, building trust and reliability in commercial transactions.

Additionally, the Ordinance aims to protect the consuming public by requiring regular inspection and maintenance of dispensing pumps. Proper calibration and sealing reduce the risk of equipment malfunctions that could lead to inaccurate dispensing. By imposing penalties for non-compliance, the ordinance promotes accountability among retail outlets, contributing to the overall protection of consumers.

SECTION 3. LEGAL BASES

Section 447, of Republic Act No. 7160 otherwise known as the Local Government Code of 1991- Powers, Duties, Functions and Compensation states that, "The Sangguniang Bayan, as

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the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall."

Republic Act No. 8479, also known as the "Downstream Oil Industry Deregulation Act of 1998" aims to promote a competitive market environment by deregulating the downstream oil industry in the Philippines. It effectively removes government controls on pricing, export, and importation of petroleum products, fostering greater competition and efficiency within the industry.

Republic Act No. 9514, otherwise known as the "Revised Fire Code of the Philippines of 2008" and its Implementing Rules and Regulations. A comprehensive law that sets forth the regulations and standards for fire safety in the country.

Department of Energy (DOE) Department Order No. 2017-11-0011, providing for a revised rules and regulations governing the business of retailing liquid fuels.

SECTION 4. DEFINITION OF TERMS

- a. API - shall refer to the American Petroleum Institute
- b. Appropriate container - shall refer to portable containers that adhere to any existing international standard, specifically the American Society for Testing Materials (ASTM) such as, Designation: F852-99, Standard Specifications for Portable Gasoline Containers for Consumer Use and Designation: F976-02, Standard Specification for Portable Kerosene and Diesel Containers for Consumer Use, as well as the designs to be subsequently established by the Department of Energy (DOE)
- c. BFP - shall refer to the Bureau of Fire Protection
- d. Bote-bote - shall refer to the manner of Retailing Liquid Petroleum Products in soda bottles, plastic containers, jugs and other similar portable containers not intended or suited for storing, handling and dispensing Liquid Petroleum Products
- e. Calibration - shall refer to the process of checking, adjusting or determining by comparison with a standard condition of the dispensing pump to ensure delivery of accurate quantity of liquid fuels
- f. Dispensing - shall refer to the act of transferring liquid fuels from the dispensing pump or containers to the vehicles of motorists, end users or other consumers
- g. Dispensing Pump - shall refer to an equipment used to deliver or dispense liquid fuels and which is installed in a forecourt/curb area within the retail outlet which is composed of a dispensing nozzle and a volumetric meter
- h. DOE - shall refer to the Department of Energy
- i. DOST-ITDI - shall refer to the Department of Science and Technology Industrial Technology Development Institute
- j. Illegal Trading - the sale or distribution of petroleum and/or petroleum products for profit without license or authority from the government; non-issuance of receipts by license traders, misrepresentation as to quality and/or quantity; and sale by oil companies. Distributors, and/or dealers violating government rules and regulations
- k. LGU - shall refer to the Local Government Unit of Dumingag
- l. Liquid Petroleum Products - shall refer to petroleum products that are flammable liquids such as kerosene, gasoline and diesel and combustible liquid products formed in the course of refining crude petroleum through distillation,

cracking, solvent refining and chemical treatment coming out as primary stocks from the refinery and sold through retail outlets

- m. OIMB - refers to the Oil Industry Management Bureau of the Department of Energy
- n. PNS - refers to the Philippine National Standard
- o. Retail Outlet – shall refer to a gasoline station, outlet, or business establishment which or dispenses liquid petroleum products directly to individual end user/s or to the public
- p. Retailing - shall refer to the act of selling and/or dispensing Liquid Petroleum Products directly to individual end user/s or to the public
- q. Tank Truck - shall refer to any single self-propelled motor vehicle with or without a trailer equipped with a cargo tank mounted thereon or built as an integral part thereof and used for the transportation or handling of liquid fuels, otherwise known as lorry or road tanker
- r. Test Measure - shall refer to a calibration bucket that is used to measure the quantity of liquid fuels
- s. UGT - shall refer to the underground storage tank

SECTION 5. COVERAGE

This Ordinance shall apply to all persons engaged or intending to engage in the business of retailing petroleum products.

SECTION 6. CERTIFICATE OF COMPLIANCE AND CERTIFICATE OF NON-COVERAGE

No person, natural or juridical, shall engage or operate the business of retailing liquid fuels in the territorial jurisdiction of Dumingag without first securing a valid Certificate of Compliance (COC) from the Department of Energy - Oil Industry Management Bureau (DOE-OIMB) or its counterparts in the Field Offices. It will constitute as one of the requirements in the issuance of Business Permit by the LGU of Dumingag.

The Certificate of Compliance (COC) shall be prominently posted in the retail outlet, in a conspicuous location for easy viewing/inspection by its customers and the public. Failure to post COC shall constitute Illegal Trading.

For storage and dispensing of liquid fuels that are for own-use operation, a Certificate of Non-Coverage (CNC) is required. Own-use operation refers to the operation of a motor vehicle fleet. Additionally, their station shall only dispense liquid fuels to the vehicles of their members as identified through a distinguishing mark in their vehicles and membership identification cards.

SECTION 7. CALIBRATION AND SEALING OF DISPENSING PUMPS

- a. All dispensing pumps used in retail outlets of liquid petroleum products within the municipality of Dumingag must be properly calibrated once every ninety (90) days and sealed by the Municipal Treasurer or his authorized representative immediately after calibration.
- b. Calibration and the breaking of the seal shall be done only by the Municipal Treasurer or its authorized representatives or any entity as enumerated in Section 24 of DOE Department Circular No. DC2017-11-0011.
- c. A dispensing pump that is not calibrated and sealed or goes off-calibration shall be marked with an "OUT OF ORDER" sign and shall not be used until the said pump is calibrated and resealed.

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- d. All calibration shall be duly documented and signed by the mechanic performing the calibration and countersigned by the retail outlet owner and or operator of the shift supervisor of the retail outlet. A copy of these calibration documents shall be kept on file at the retail outlet
- e. After calibration, a sticker provided by the Municipal Treasurer having a dimension of at least one-half (1/2) inch by two (2) inches and bearing the date of the calibration and the signature of the personnel who calibrated the dispensing pump shall be posted on the face of the pump calibrated.
- f. The failure of the Retail Outlet Official and of Retail Outlet to have the dispensing pumps calibrated shall constitute UNDERDELIVERING notwithstanding the fact that the dispensing pumps are actually not underdelivering.

SECTION 8. AUTHORIZED CALIBRATING ENTITIES

The authorized calibrating entities are the Municipal Treasurer or his authorized representative or in their absence or incapacity, the National Metrology Laboratory (NML) of the Industrial Technology Development Institute (ITDI), Department of Science and Technology (DOST).

For this purpose, the LGU of Dumingag shall procure their own Test Measure which must be calibrated, verified, adjusted, as necessary and resealed once every twelve (12) months by the NML of the ITDI, DOST and DOST regional calibration laboratories.

In case that calibration shall be done by the oil company or a third-party contractor, it shall obtain a certification from the Municipal Treasurer or NML ITDI DOST that the latter are unavailable or incapable of doing the calibration.

SECTION 9. TEST MEASURE REQUIREMENT IN ALL RETAIL OUTLETS

- a. All Retail Outlets shall maintain a Test Measure, which must be inspected, calibrated, verified, adjusted, as necessary and resealed once every twelve (12) months by the NML of the ITDI, DOST and DOST regional calibration laboratories.
- b. The Retail Outlet Official shall verify the accuracy of the dispensing pump using a valid Test Measure and keep a written record or logbook of its weekly readings. The periodic calibration by the Retail Outlets shall guide them as to whether they have to request for the LGU calibration earlier than their schedule. The written record or logbook shall be duly-signed by the authorized calibrating entity and countersigned by the Retail Outlet Official or his authorized representative and shall be maintained at all times in the Retail Outlet premises and presented to authorized personnel and to the public upon demand thereof.
- c. All dispensing pump not delivering the correct quantity shall be marked by the owner/operator with an "OUT OF ORDER" sign and padlocked. It shall not be used until the said pump is recalibrated and sealed by the Municipal Treasurer or his/her authorized representative.
- d. The Retail Outlet Official shall ensure that the authority performing the calibration shall install a seal after calibration to guard against unauthorized adjustment of the dispensing pump meter, which seal shall not be broken until the next calibration by an authorized entity. Breaking the seal for the purpose of calibration by an entity other than the LGU shall have prior authorization by the LGU otherwise, unauthorized breaking of the seal shall constitute the offense of ILLEGAL TRADING.

Failure to maintain a NML calibrated and sealed Test Measure, or the duly documented, signed and countersigned written record or logbook, or maintaining or using dilapidated, unserviceable, expired or uncalibrated Test Measure notwithstanding the fact that the dispensing pumps are not actually underdelivering shall constitute ILLEGAL TRADING.


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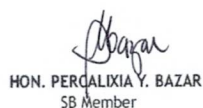

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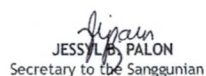

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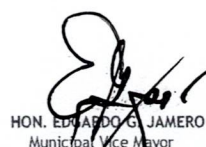

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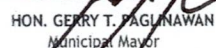

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SECTION 10. SEALING OF THE DISPENSING PUMP

- Only the LGU of Dumingag or the authorized persons enumerated in Section 24 of the DOE Department Circular No. DC2017-11-0011 can affix the seal after the calibration and conversely to break the seal. Calibration and the breaking of the seal by an entity other than the LGU or those enumerated shall constitute UNDERDELIVERING.
- The seal shall be installed either in the metering unit and mechanical or electronic adjustment device by the authorized persons performing the calibration to guard against the unauthorized adjustment of the dispensing pump.
- The Retail Outlet or Retail Outlet Official shall ensure to sell and dispense Liquid Fuels to customers regardless of quantity and amount, directly to their vehicles' fuel tank.

SECTION 11. UNDER DELIVERY IN DISPENSING PUMPS

- The quantity of liquid petroleum products delivered by the dispensing pump meter shall not be less than the actual quantity by more than fifty (50) milliliters for every ten (10) liters as measured by a properly calibrated calibration bucket as certified and sealed by the DOST-ITDI.
- The calibration bucket shall be filled to the ten (10) liter mark three (3) times at low, medium and fast flow rates and the average quantity shall constitute the quantity to be compared with the actual quantity of ten (10) liters. Dispensing pumps delivering less than the tolerable minimum quantity shall be immediately padlocked, with an "OUT OF ORDER" sign attached and deemed to be UNDERDELIVERING. It shall be recalibrated and sealed by the Municipal Treasurer or his/her authorized representative.
- The absence of an "OUT OF ORDER" sign or padlock shall be deemed an actual use of the pump for the conduct of retailing. A dispensing pump found with a broken or no padlock shall constitute prima facie evidence of UNDERDELIVERING and shall be penalized.

SECTION 12. PROHIBITED ACTS

The following acts or omissions shall constitute as violations of this Ordinance, to wit;

- Engage or operate a business of retailing liquid fuels without a valid Certificate of Compliance from the DOE-OIMB and a valid Business Permit from the LGU of Dumingag.
- Storing and dispensing liquid fuels for own-use operation without a valid Certificate of Non-Coverage from the DOE-OIMB.
- The possession of liquid petroleum products (LPP) which do not meet the Philippine National Standard (PNS) and the prescribed color-coding scheme shall constitute prima facie evidence of adulteration and its sale, distribution or barter shall constitute illegal trading.
- Unsafe practices in liquid petroleum products retailing particularly with the use of inappropriate containers, storage tanks and tank vehicles. Dispensing liquid fuels in inappropriate containers shall be allowed with the condition that it is for emergency use only and not for commercial purposes.
- Transportation of liquid petroleum products without a Conveyance Permit from the Bureau of Fire Protection (BFP).

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- f. Stocking of more than two hundred twenty-seven (227) liters of liquid petroleum products without license/permit to stock from the Bureau of Fire Protection (BFP) as well as failure of storage and handling in a prescribed container.
- g. Inaccurate display in the dispensing pump of both the volume of liquid fuels dispensed (in liters) and the corresponding amount (in pesos), up to two (2) decimal places.
- h. Price display board does not contain and display updated prices of each liquid fuels sold.
- i. Liquid fuels are not sold consistent with the price indicated in the dispensing pump and the price display board.
- j. Not posting consumer safety and informational signs as required by the DOE-OIMB, relevant government agencies and the LGU of Dumingag, such as but not limited to;
 1. Do not use cellular phone while filling.
 2. No smoking.
 3. Switch-off engine while filling.
 4. No straddling (motorbike/tricycle while filling).
 5. Other safety signs as may be required by relevant government agencies.
- k. Liquid fuels are not delivered, received and dispensed within the business premises of a retail outlet.
- l. Discharging of liquid fuels into any street, highway, drainage canal, body of water, near a source of water or directly into the ground.
- m. Adulteration or selling of liquid fuels not complying with the Philippine National Standard (PNS) and Biofuels Law.
- n. Illegal trading.
- o. Underdelivering.
- p. Refusal/obstruction of inspection and/or sampling by authorized personnel.
- q. Hoarding. Committed when, before a price increase or in times of tight supply,
 1. Retail outlet refuses or fails to sell the liquid fuels to the general public even when supply is available and customer offers to pay in cash.
 2. Retail outlet has unjustifiable increase in inventory, which stocks are fifty percent (50%) higher than his usual inventory as reckoned from the third (3rd) month immediately preceding the date that the said retail outlet refuses or fails to sell.
- w. Continues to operate after the revocation of the Business Permit issued by the LGU of Dumingag.

SECTION 13. INSPECTIONS IN RETAIL OUTLETS

Duly authorized employees of the municipal government of Dumingag shall undertake random and unannounced inspections to verify the compliance of the provisions of this Ordinance.

SECTION 14. IMPOSITION OF FEES

The following are hereby levied for the registration, sealing and calibrating of every dispensing pump:

Registration	- ₱ 75.00 per nozzle
Sealing and calibrating	- ₱ 40.00 per nozzle
Sticker	- ₱ 50.00 per pump
Testing Fee (set of slow, medium and fast)	- ₱ 50.00 per nozzle

The official receipt serving as license to use the instrument is valid for one (1) year from the date of sealing unless such instrument becomes defective before the expiration period. Failure to have the instrument re-tested and the corresponding fees therefor paid within the prescribed period shall subject the owner or user to a surcharge of five hundred percent (500%) of the prescribed fees which shall no longer be subject to interest.

SECTION 15. TIME AND PLACE OF PAYMENT

Payment of the above fees shall be upon calibration at the place where the pumps are located, and twice a year thereafter when the pumps are re-calibrated on or before anniversary date.

SECTION 16. SURCHARGE OF LATE PAYMENT

Failure to have the pumps tested and calibrated and the corresponding fees paid within the prescribed period shall subject the owner/operator to a surcharge of one hundred percent (100 %) of the prescribed rate.

SECTION 17. PENALTIES

Any person, natural or juridical, who violate, disobey, refuse, omit or neglect to comply with the prohibited acts and any provisions of this ordinance shall be meted with the following penalties, to wit:

First Offense - a fine of one thousand five hundred pesos (₱ 1,500.00)

Second Offense - a fine of two thousand pesos (₱ 2,000.00)

Third and Succeeding Offenses - a fine of two thousand five hundred pesos (₱2,500.00), revocation of the business permit and/or imprisonment for a period not exceeding three (3) months at the discretion of a competent court of law.

SECTION 18. REPEALING CLAUSE

Any portion of an ordinance, order or memorandum of local effect inconsistent with the provision/s of this ordinance is hereby repealed or modified accordingly.

SECTION 19. SEPARABILITY CLAUSE

If any portion of this ordinance is declared invalid or unconstitutional, other portions hereof not affected by such declaration shall remain in full force and effect.

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SECTION 20. EFFECTIVITY CLAUSE

This ordinance shall take effect after being declared as valid by the Sangguniang Panlalawigan of Zamboanga del Sur, after fifteen (15) days following the completion of the posting requirements in three (3) conspicuous places in the municipality of Dumingag and its publication in any newspaper of general circulation or posting of copies in all the municipalities and one (1) city within the province of Zamboanga del Sur.

Enacted: March 17, 2025

CONCURRED:

SANGGUNIANG BAYAN MEMBERS:

Hon. Julius G. Jamero

Hon. Dean Kaiser C. Tangalin

Hon. Jerson L. Cabahug

Hon. Percalixia Y. Bazar

Hon. Domingo M. Gingco

Hon. Jo Vincent J. Morpos

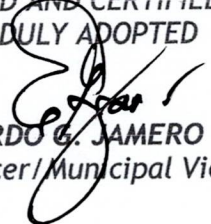
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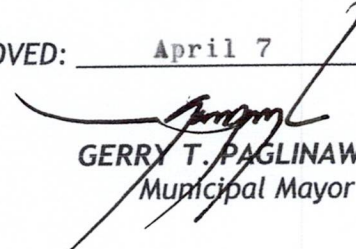
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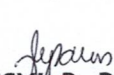
ATTESTED AND CERTIFIED
TO BE DULY ADOPTED


EDGARDO G. JAMERO
Presiding Officer/Municipal Vice Mayor

APPROVED: April 7, 2025


GERRY T. PAGLINAWAN
Municipal Mayor

I hereby certify that the foregoing Ordinance is true and correct.


JESSYL B. PALON
Secretary to the Sanggunian