



Republic of the Philippines
Province of Bohol
MUNICIPALITY OF LOON

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 109TH REGULAR SESSION OF THE 14TH SANGGUNIANG BAYAN OF LOON, PROVINCE OF BOHOL HELD ON THE 5TH DAY OF OCTOBER 2021 AT JUAN M. RELAMPAGOS SESSION HALL, LOON, BOHOL-

PRESENT:

Hon. Pedro M. Literatus, Jr.	SB Member
Hon. Lydia L. Almasa	SB Member
Hon. Kristel P. Tecson	SB Member
Hon. Zaide Y. Coritico	SB Member
Hon. Priscila C. Branzuela	SB Member
Hon. Timoteo L. Legitimas	SB Member
Hon. Emalinda A. Veloso	LnB President, Ex-Officio Member
Hon. April Joseph L. Corciega	SKMF President, Ex-Officio Member

VIRTUAL PRESENCE:

Hon. Lloyd Peter M. Lopez, M.D.	Vice Mayor, Presiding Officer
Hon. Ana Lisa O. Go	SB Member

SICK LEAVE:

Hon. Judy Marie H. Veloso	SB Member
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MUNICIPAL ORDINANCE NO. 21-008 Series of 2021

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 PURPOSES IN THE MUNICIPALITY OF LOON, PROVINCE OF BOHOL

RATIONALE

The Municipality of Loon 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;

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 Municipality's strategy for growth and development and result in unrealized revenues and taxes;

The State's policy to enhance the enforcement of intellectual property rights requires the determined and active support of the local government units introduced by:

HON. ANA LISA O. GO
(CHAIRPERSON, COMMITTEE ON TRADE AND INDUSTRY)

Be it enacted by the Sangguniang Bayan of Loon, in session duly assembled:

GENERAL PROVISIONS

SECTION 1. ISSUANCE AND PERMITS. All business licenses and permits issued by the Municipality of Loon shall be issued with prior requirement of an Optical Media Board Clearance/Certificate to those who 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. CONDITIONS. All business licenses and permits issued by the Business Permit 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, containing pirated, counterfeit or fake goods and articles, services, 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 3. SUSPENSION OR CANCELLATION.

1. Effect of Breach. Any breach or 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.

2. Disposal. 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.

3. 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 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 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 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.

PENAL PROVISIONS

SECTION 4. PENALTY. The penalty of Two Thousand Five Hundred Pesos (P 2,500.00) or in the discretion of the court with an imprisonment for a period not exceeding six (6) months or shall be imposed upon:

- (a) Any person who violates Section 1 hereof or any certificate or clearance issued by the Optical Media Board 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 service; and
- (b) Any person which having been issued a business license or permit, commit a breach of the condition thereof imposed by Section 2 of this Ordinance;
- (c) Any person who in violation of Section 3 thereof shall violate the order of the Municipal Mayor suspending or cancelling a license or permit or taking the subject goods into custody.

SECTION 5. PROSECUTION. The prosecution of commission to 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 6. JURIDICAL LIABILITY. Should the offense be committed by juridical person, the stockholder, chairperson, president, office director, trustee, partner, or manager who committed or caused the commission of such offense, shall be liable.

FINAL PROVISIONS

SECTION 7. SEPARABILITY CLAUSE. If any provision or part thereof is declared invalid or unconstitutional, the remainder of this ordinance or part hereof not otherwise affected shall remain valid and subsisting.

SECTION 8. REPEALING CLAUSE. All ordinances and resolutions inconsistent herewith are hereby deemed rescinded or modified accordingly.

SECTION 9. EFFECTIVITY. This ordinance shall take effect upon its approval and after fifteen (15) days from posting of copies thereof in at least three (3) conspicuous places within the Municipality and publication in a newspaper of general or local circulation pursuant to Section 511a, RA 7160.

UNANIMOUSLY APPROVED.

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I hereby certify to the correctness of the above-quoted ordinance.

FIDELINO P. CORITICO, LLB
Secretary to the Sanggunian

ATTESTED:

LLOYD PETER M. LOPEZ, M.D.
Vice Mayor
Presiding Officer

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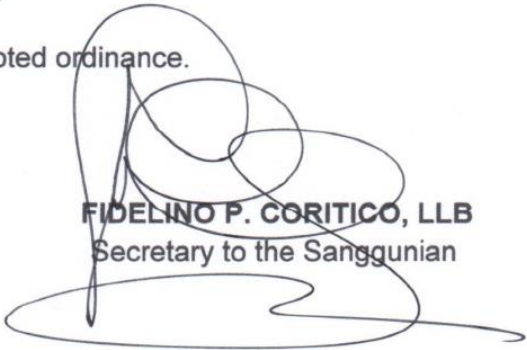


APPROVED:

ELVI PETER L. RELAMPAGOS
Municipal Mayor

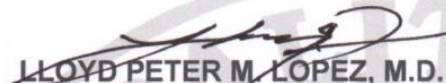
Date Signed: _____

I hereby certify to the correctness of the above-quoted ordinance.

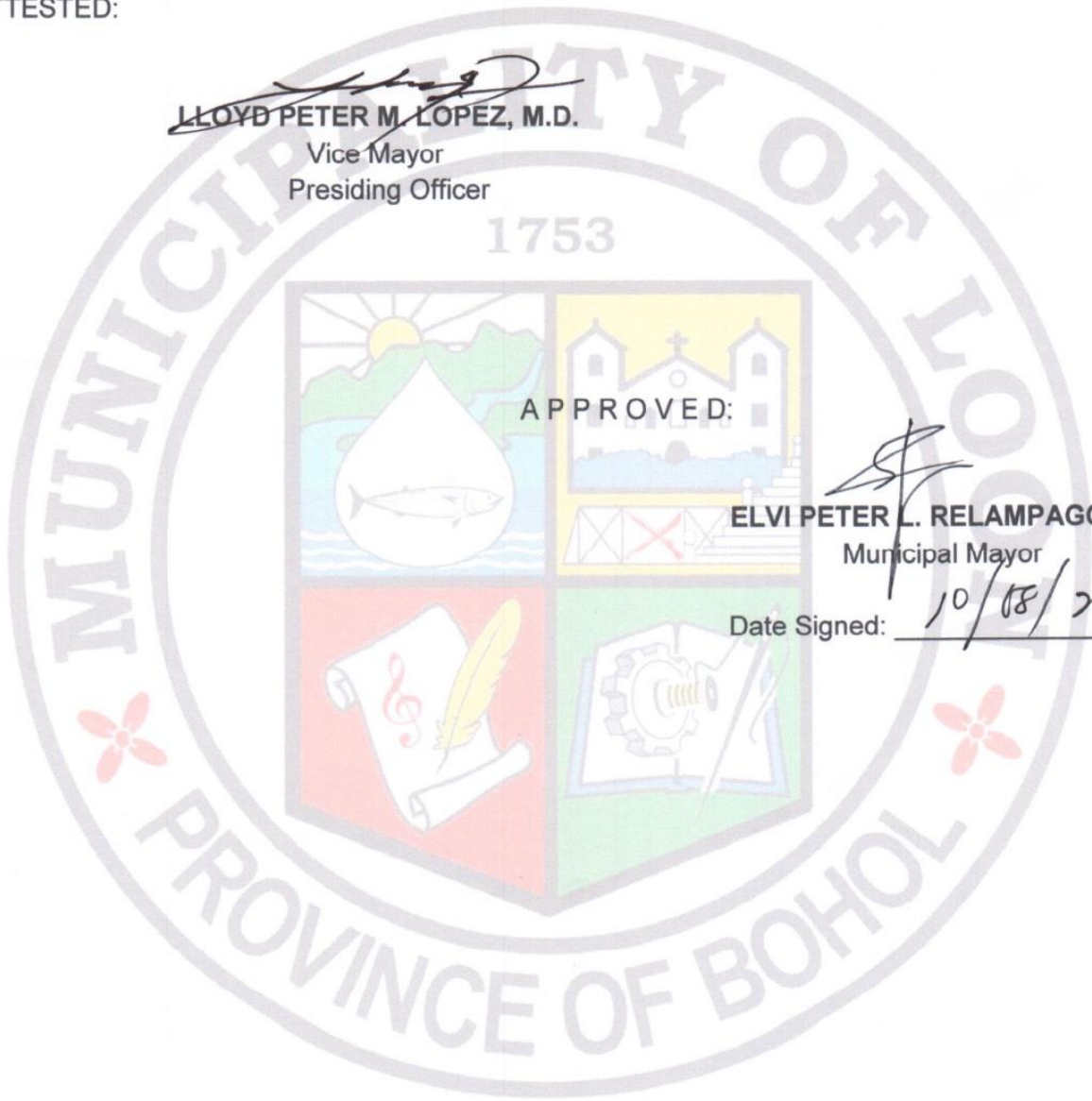


FIDELINO P. CORITICO, LLB
Secretary to the Sanggunian

ATTESTED:



LLOYD PETER M. LOPEZ, M.D.
Vice Mayor
Presiding Officer



APPROVED:



ELVI PETER L. RELAMPAGOS
Municipal Mayor

Date Signed: 10/18/2021