

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD

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CITY ORDINANCE NO. 884

February 27, 2019

**AN ORDINANCE PROHIBITING THE RETAIL OF LIQUID FUELS IN BOTTLES
("BOTE-BOTE") OR SUCH OTHER SIMILAR CONTAINERS AND PROVIDING PENALTIES
FOR VIOLATION THEREOF.**

WHEREAS, the illegal trading of Liquid Petroleum Products using bottles (bote-bote) or barrels or similar containers are proliferating in Bacolod City per advisory from the Department of Energy (DOE) and the Department of Trade and Industry (DTI);

WHEREAS, there is an urgent need to curb such illegal activities thus the City Government of Bacolod must intensify its efforts with the assistance of the Bacolod City Police Office (BCPO) under the Philippine National Police (PNP) and the Bureau of Fire Protection (BFP) to control these unsafe practices;

WHEREAS, it is necessary to provide the implementing government agencies with increased administrative and criminal penalties with which it can effectively curtail petroleum product adulteration and shortselling as well as other prohibited acts and activities involving petroleum and/or petroleum products which are inimical to public interest and national security.

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of Bacolod City, in regular session assembled, that:"

Section 1. Title. This Ordinance shall be known and cited as, Prohibition on the Retail of Liquid Fuels in "Bote-bote" or Such Other Similar Containers Ordinance".

Section 2. Definition of Terms.

- a. **BCPO** – shall refer to the Bacolod City Police Office;
- b. **Bote-bote** – shall refer to the manner of retailing and dispensing of Liquid Fuels using soda bottles, plastic containers, jugs and such other similar portable containers;
- c. **DOE** – shall refer to the Department of Energy;
- d. **DTI** – shall refer to the Department of Trade and Industry;
- e. **Liquid Fuels** – or LF, shall refer to gasoline, diesel and kerosene;
- f. **Peddler** – shall refer to any person involved in the retail/sale of Liquid Fuels in "Bote-bote", including the owner thereof, or whether such person is under consignment to retail/sell the same.



- g. **PNP** – shall refer to the Philippine National Police.
- h. **TMU of BTAO** – Traffic Management Unit of the Bacolod Traffic Authority Office under the Philippine National Police (PNP).

Section 3. Scope and Coverage. This Ordinance shall cover the business related to the distribution and retailing of Liquid Fuels in “Bote-bote” within the territorial jurisdiction of Bacolod City.

Section 4. Objective. This Ordinance is being made in order to provide the City Government of Bacolod and other implementing government agencies with increased administrative and criminal penalties with which it can effectively curtail the illegal trading of Liquid Petroleum Products using bottles or barrels or similar containers proliferating in the City of Bacolod.

Section 5. Prohibition. It shall be unlawful for any person to distribute and retail Liquid Fuels in “Bote-bote” or any such similar container in the City of Bacolod.

Section 6. Enforcement. The following agencies shall be tasked to enforce this Ordinance:

The Bacolod City Police Office and the Traffic Management Unit of the BTAO shall apprehend/arrest peddlers of Liquid Fuels in “Bote-bote”, take custody of the Liquid Fuels (LF) in “Bote-bote” for evidence purposes and proper disposal in coordination with the Bureau of Fire Protection, and file appropriate administrative and proper criminal charges against such peddlers/violators.

The City Treasurer’s Office and/or the City Permits and Licensing Division shall cause the non-approval/cancellation/suspension of the business permits of business establishments found to be engaged in the distribution and retail of Liquid Fuels in “Bote-bote”.

Section 7. Penalties. Any person who commits any acts herein prohibited shall, upon conviction, be punished with the fine of not less than Two Thousand Pesos (P2,000.00) but not more than Five Thousand Pesos (P5,000.00), or imprisonment of at least two (2) months but not more than six (6) months, or both in the discretion of the Court.

In cases of second and subsequent conviction under this Ordinance, the penalty shall be both fine and imprisonment as provided herein. Furthermore, the petroleum and/or petroleum products subject matter of the illegal trading, adulteration or shortselling shall be forfeited in favor of the government; Provided, that if the petroleum and/or petroleum product have already been delivered and paid for, the offended party shall be indemnified twice the amount paid and if the seller who has not yet delivered has been fully paid, the price received shall be returned to the buyer with an additional amount equivalent to such price, and in addition, if the offender is a trader/oil company, marketer, distributor, refiller, dealer, sub-dealer and other retail outlets, or hauler, the cancellation of his license.



When the offender is a corporation, partnership or other juridical person, the president, general manager, managing partner, or such other officer charged with the management of the business affairs thereof, or employee, responsible for the violation, shall be criminally liable, in case the offender is an alien, he shall be subject to deportation after serving the sentence.

If the offender is a government official, or employee, he shall be sanctioned under Civil Service Rules and Regulations.

Section 8. Storage and Disposal of Confiscated Liquid Fuels in "Bote-bote". The City Government of Bacolod, through the General Services Office, shall take responsibility of temporarily storing the confiscated Liquid Fuel in "Bote-bote" until they are cleared to be disposed on established standard of disposal in coordination with the DOE and BFP.

Section 9. Repealing Clause. Any and all other existing Ordinances or parts thereof containing provisions which are inconsistent or contrary with any of the provisions declared in this Ordinance are hereby deemed repealed, amended or modified accordingly.

Section 10. Separability Clause. If any provision of this Ordinance is, for any reason(s), declared to be unconstitutional or invalid, the remainder of this Ordinance or any provision hereof which are not affected thereby shall continue to be valid and enforceable.

Section 11. Effectivity Clause. This Ordinance shall take effect after its posting at a conspicuous place in the Bacolod City Government Center for fifteen (15) days and publication in a newspaper of general circulation.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors : Caesar Z. Distrito, Cindy T. Rojas, Elmer T. Sy, Ana Marie V. Palermo, Wilson C. Gamboa, Jr., Dindo C. Ramos, Bartolome N. Orola, Sr., Claudio Jesus Raymundo A. Puentevella, Sonya M. Verdeflor, Lady Gles Gonzales-Pallen, Ayesha Joy Y. Villaflor.

Negative : N o n e .

Absent : N o n e .

Official Leave : Councilors Ricardo L. Tan and Em L. Ang.

Author : Councilor Sonya M. Verdeflor.

Passed : February 27, 2019 (139th Regular Session of the 9th Council).

Comments : P a s s e d .

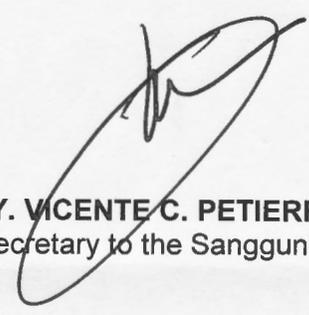
Vice Mayor El Cid M. Familiaran was designated as Officer-in-Charge, Office of the City Mayor.





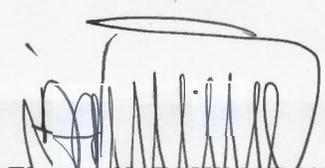
RENECITO S. NOVERO
Acting Presiding Officer

ATTESTED:



ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

APPROVED: February 26, 2019.



EL SID M. FAMILIARAN
Officer-in-Charge
Office of the City Mayor

VCP/CGT/jbz

