

**REPUBLIKA NG PILIPINAS**  
**TANGGAPAN NG SANGGUNIANG PANLUNGSOD**  
**LUNGSOD NG BAKOLOD**  
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**CITY ORDINANCE NO. 885**  
**March 6, 2019**

**AN ORDINANCE PROHIBITING THE REFILLING, DISTRIBUTION AND RETAILING OF LIQUEFIED PETROLEUM GAS (LPG) IN CANISTERS WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF BACOLOD.**

**WHEREAS**, the Department of Energy (DOE) has urged the general public to refrain from using LPG-refilled canisters of butane camping stoves because many fire incidents were reported in the Visayas and Mindanao caused by "explosion" of LPG-refilled canisters and millions of pesos worth of properties were destroyed and injuries suffered. Due to its popularity with low-income households, future fire incidents are expected;

**WHEREAS**, pure butane fuel is designed for outdoor use and can only be used once, and refilling it is not advisable for safety reasons. Butane and LPG do not have the same characteristics. LPG in the Philippines is composed of a mixture of propane and butane and LPG has a higher pressure (480-1050 kPa) than pure butane (485 kPa max). The canister is not suited to the gas pressures expected of the LPG. Using LPG-refilled canisters has jeopardized public safety and is now a major issue that needs public awareness;

**WHEREAS**, forcing LPG on a butane canister may cause a leak that will lead to emission of volatile gas, that can cause explosion and fire. The Bureau of Fire Protection (BFP) has reported several butane related incidents of fire from Y2010 up to the present.

**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 as the "Anti-LPG-Refilled Canisters of Butane Ordinance."

**Section 2. Definition of Terms.**

- a. **BCPO** – shall refer to the Bacolod City Police Office
- b. **B.F.P.** – shall refer to the Bureau of Fire Protection
- c. **Butane** – is a colorless flammable gas and a derivative of natural gas or petroleum refining, and is used as fuel, refrigerant, among others.
- d. **C.T.O.** – shall refer to the City Treasurer's Office
- e. **D.O.E.** – shall refer to the Department of Energy
- f. **D.T.I.** – shall refer to the Department of Trade and Industry
- g. **G.S.O.** – shall refer to the General Services Office

Handwritten initials and signatures in the bottom right corner of the page. There are three distinct marks: a large 'B' with a horizontal line through it, a smaller 'B', and a signature that appears to be 'S'.

- h. **Hauler** – shall refer to any person, whether natural or juridical, engaged in the transport, distribution, hauling and carriage of petroleum products, whether in bulk or packed form, from the oil companies and independent marketers to the petroleum dealers and other consumers.
- i. **Liquefied Petroleum Gas** – or LPG for brevity; is a colorless and flammable gas which is a mixture of propane and butane, and is used in the Philippines as fuel for heating, cooking and vehicles. It is commercially refilled and sold in cylinders approved by the Bureau of Philippine Standards.
- j. **Refiller** – a person or entity engaged in refilling LPG into a canister previously filled with butane or into a canister not approved by the Bureau of Philippine Standards.
- k. **TMU** – shall refer to the Traffic Management Unit of the BTAO under the Philippine National Police (PNP)

### **Section 3. Purpose of this Ordinance**

The purpose of this Ordinance is to ensure the safety of end-users and the buying public by prohibiting the refillers from using LPG-refilled canisters of butane, and by penalizing refillers of the same.

### **Section 4. Minimum Standards for LPG Industry Participants**

All persons and those engaged in the downstream oil industry shall comply with the following:

- (a) All persons and entities engaged in the downstream oil industry, including selling of petroleum and petroleum-based products, shall use only facilities, and equipment that comply with the specification, design, fabrication, inspection, marking and requalification provision of the safety codes set and observed in the industry.
- (b) All other matters affecting the safe and proper handling, transport, storage, installation and use of equipment and facilities used in the downstream oil industry shall be governed by the pertinent provisions of the different international safety codes now observed and adopted in the industry.
- (c) To ensure safety of consumers, all LPG marketers are enjoined to procure only brand new cylinders from duly licensed cylinder manufacturers with their brand name clearly embossed on the cylinder body and shall conform to the provisions of the Philippine National Standards ("Specification for Steel Cylinders for LPG"). All cylinders shall be re-qualified ten (10) years from the date of manufacture and every five (5) years thereafter.
- (d) All LPG marketers shall have appropriate provisions for the safe handling of all cylinders in circulation.





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- (e) Vehicles used in transporting LPG cylinders shall have substantially flat floors and equipped with suitable racks for holding the cylinders which shall be securely fastened in a position that shall minimize the possibility of movement and tipping over, which might cause danger to life and property.
  - (f) All brand owners who sell LPG in bulk or retail shall carry a product liability insurance to answer for whatever damage or liability that may result from the unsafe condition of LPG tanks, installation and equipment.

**Section 5. Prohibition.**

It is unlawful for any person or entity to perform the following within the City of Bacolod, to wit:

- a. To refill LPG into a canister, previously filled with butane or not registered or approved by the Bureau of Philippine Standards.
- b. To distribute and transport, by any means of transportation, any LPG in canister, or from a known refiller of LPG into canister, previously filled with butane or not registered or approved by the Bureau of Philippine Standards, to any customer; and
- c. To retail LPG in canister previously filled with butane or in canister not approved by the Bureau of Philippine Standards.

**Section 6. Enforcement**

In order to come up with an action plan that will prevent the spread of refilled containers, the following agencies shall be tasked to lead the strict enforcement of this Ordinance.

The Bacolod City Police Office (BCPO) and the Traffic Management Unit of BTAO shall apprehend haulers of LPG-refilled butane canisters, by any means of transportation. A citation ticket to this effect shall be issued to the hauler, and the refilled butane canisters in possession shall be taken into custody by the BCPO for evidence purposes and shall be endorsed to the GSO for storage and proper disposal thereafter. The Department of Energy (DOE) shall be consulted for technical and legal support.

On the other hand, the Bacolod City Police Office (BCPO), and the Barangay Officials and its Barangay Tanods, in coordination with the Department of Trade and Industry (DTI)-Bureau of Product Standards shall monitor all commercial and community "sari-sari" stores that sell butane canisters. The owner of the commercial and community store shall be appropriately charged, and the refilled butane canisters in possession shall be taken into custody by the BCPO and/or Barangay Officials/Tanods as the case may be, for evidence purposes and proper disposal thereafter.

Finally, the City Permits and Licensing Division shall monitor and cease from issuing business permits to firms or individuals who are engaged or shall intend to engage in the refilling, distribution, hauling and retailing of LPG in canister, previously filled with butane, or not approved by the Bureau of Fire Protection. The Bureau of Fire Protection (BFP) shall assist the City Permits and Licensing Division in the implementation of this provision.



### **Section 7. Penalties**

Violators, who are haulers set forth in the preceding section of this Ordinance, shall be held liable to pay an administrative fine of Three Thousand Pesos (P3,000.00), which shall be paid to the City Treasurer's Office within twenty-four (24) hours from the time of apprehension during office days. During the 24-hour period, pending the payment of the administrative fine, or during Saturdays, Sundays or Holidays when the Treasurer's Office concerned is closed, the motorcycle or vehicle used for the commission of the offense shall be taken into the custody of the TMU, subject to towing fees as provided for in the City's Towing Ordinance.

However, when the administrative fine required in the next preceding paragraph is not paid, after the 24-hour period from time of apprehension or on the next business day when apprehension falls on a Saturday, Sunday or Holiday, the motorcycle or vehicle used for the commission of the offense shall be impounded in favor of the Bacolod City Government, and shall only be released to the owner upon payment of its corresponding towing fees based on the existing towing tariff rates, impounding fees and an administrative fine of Five Thousand Pesos (P5,000.00), which shall be paid to the City Treasurer's Office.

Violators, who are owners of commercial and community stores set forth in the preceding section of this Ordinance, shall be held liable to pay an administrative fine of Three Thousand Pesos (P3,000.00) which shall be paid to the City Treasurer's Office. After the payment, the owner shall be ordered to refrain from selling refilled butane canisters, otherwise his business permit will be revoked on subsequent apprehension/s.

However, when the commercial and/or community stores do not possess a business permit, the owner shall be held liable to pay an administrative fine of Five Thousand Pesos (P5,000.00) which shall be paid to the City Treasurer's Office. In addition, he shall be compelled, for a prescribed period, to secure a business permit for the operation of his commercial and/or community store, Provided, he will not be selling refilled butane canisters.

Corollary thereto, the Bacolod City Police Office (BCPO), with the assistance of the Department of Energy (DOE), may file a separate criminal case against the illegal refillers, distributors, haulers and retailers of LPG in canisters pursuant to the provisions of Presidential Decree No. 1865, or an **"Act Defining and Penalizing Certain Prohibited Acts Inimical to the Public Interests and National Security Involving Petroleum and/or Petroleum Products"**.

### **Section 8. Impounding and Disposal**

The General Services Office (GSO) shall designate an area for the confiscated refilled canisters. The GSO under the City Mayor's Office, with the assistance of the BFP, shall provide transport of the seized canisters to the designated impounding area, and shall provide 24 hours security when the evidence is in transit, and during which it is impounded. The Bureau of Fire Protection (BFP) shall be properly consulted in determining the impounding area.

The General Services Office (GSO), in coordination with the DOE and BFP, shall provide with a proper and safe procedure in the disposal of the seized canisters, including its hazardous contents.





**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 after its mandatory publication in a newspaper of general circulation in Bacolod City.

**CARRIED BY THE VOTE OF:**

Affirmative:

Councilors : Caesar Z. Distrito, Cindy T. Rojas, Renecito S. Novero, Em L. Ang, Elmer T. Sy, Ana Marie V. Palermo, Wilson C. Gamboa, Jr., Dindo C. Ramos, Bartolome N. Orola, Sr., Sonya M. Verdeflor, Lady Gles Gonzales-Pallen, Ayesha Joy Y. Villaflor.

Negative : N o n e .

Official Leave : Councilor Ricardo L. Tan.


Absent : N o n e .

Author : Councilor Sonya M. Verdeflor.

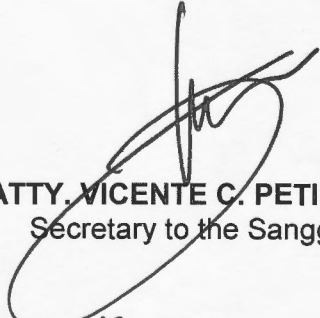
Passed : March 6, 2019 (140<sup>th</sup> Regular Session of the 9<sup>th</sup> Council).

Comments : P a s s e d .

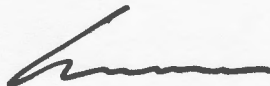
Councilor Claudio Jesus Raymundo A. Puentevella was not around when this ordinance was passed.

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**EL CID M. FAWLIARAN**  
Vice Mayor  
Presiding Officer

ATTESTED:

  
**ATTY. VICENTE C. PETIERRE III**  
Secretary to the Sanggunian

APPROVED: March 19, 2019.

  
**EVELIO R. LEONARDIA**  
City Mayor

VCP/CGT/jbz

