ORDINANCE NO. SP- **1608** , S-2005
(PO2005-143)

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.

Introduced by Councilors ANTONIO E. INTON, JR., RESTITUTO B. MALANGEN, JULIAN M.L. COSETENG, JORGE B. BANAL, JR., EDCEL B. LAGMAN, JR. and BAYANI V. HIPOL

WHEREAS, the Quezon City government 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;

WHEREAS, 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 City's strategy for growth and development and result in unrealized revenues and taxes;

WHEREAS, the state policy to enhance the enforcement of intellectual property rights requires the determined and active support of the local government at its grassroots level.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL, OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

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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 goods, articles and/or services nor shall permit other persons to commit said acts within the licensee's business establishment or premises.

For this purpose, any stall, table or equivalent contraptions, containing pirated, counterfeit or fake goods and articles, and 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 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 the second violation; and cause the cancellation thereof for the 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 business license or permit or to take custody of pirated, counterfeit or fake goods, articles or services, move to reconsider said orders. 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, articles and services.

The City may seek the assistance or coordination of the Philippine National Police (PNP), the National Bureau of Investigation (NBI), the Optical Media Board (OMB), and other law enforcement agencies, in conducting the inspection.

SECTION 5. OFFENSES.- The penalty of a fine of Two Thousand Five Hundred Pesos (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, articles or services.

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. Person 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.
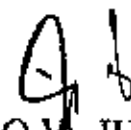
SECTION 9. REPEALING CLAUSE.- All ordinances and resolutions inconsistent herewith are hereby deemed repealed or accordingly modified.

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 /Municipality and publication in a newspaper of general or local circulation.

ENACTED: November 22, 2005

BERNADETTE HERRERA-DY
President Pro Tempore
Acting Presiding Officer

ATTESTED:

EUGENIO V. JURILLA
City Secretary

APPROVED: ___DEC 0 5 2005___

FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on November 15, 2005, was finally PASSED on Third/Final Reading by the City Council under Suspended Rules on the same date.

EUGENIO V. JURILLA
City Secretary