



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
16th City Council

43rd Regular Session

ORDINANCE NO. SP- 1619, S-2005
(PO2005-255)

AN ORDINANCE REGULATING THE SALE OF SECOND-HAND ARTICLES WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY BY PROVIDING A PROCEDURE FOR THE ISSUANCE BY THE BUSINESS PERMIT AND LICENSING OFFICE (BPLO) OF BUSINESS PERMITS AND CLEARANCES TO BUSINESS ENTITIES IN THE BUYING AND/OR SELLING OF SECOND-HAND ARTICLES.

Introduced by Councilors EDCEL B. LAGMAN, JR., ANTONIO E. INTON, JR., ELIZABETH A. DELARMENTE, JOSEPH P. JUICO, WINSTON "Winnie" T. CASTELO, RAMON P. MEDALLA, VOLTAIRE GODOFREDO L. LIBAN III, RESTITUTO B. MALANGEN and XYRUS L. LANOT.

Co-Introduced by Councilors Jorge B. Banal, Jr., Julian M.L. Coseteng and Bayani V. Hipol.

WHEREAS, the General Welfare Clause of the Local Government Code of 1991 provides that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, Mayor's permit is necessary before a business may be establishes, operated or conducted;

WHEREAS, the issuance of mayor's permit is an exercise of the police power of the city to promote the health, moral, peace, good order and safety, and the general welfare;

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WHEREAS, reports from law enforcement agencies reveal that carnapping cases and cellular phone snatching in Quezon City are prevalent and said articles are being offered for sale to the public by establishments engaged in the buying and selling of second hand articles;

WHEREAS, there is an urgent need to regulate the sale of second hand articles by instituting a more stringent procedure in the issuance of business permits to establishments engaged or known to be engaged in the buying and selling of said second hand articles such as but not limited to car spare parts and cellular phones.

NOW, THEREFORE,

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

SECTION 1. Definition of Terms -

- a. "Business" - trade or commercial activity regularly engaged in as a means of livelihood or for profit.
- b. "Used second hand article" - any goods, article, item, object or anything of value obtained from an unlicensed dealer or supplier, regardless of whether the same has actually or in fact been used.
- c. "Store", "establishment" or "entity" - shall be construed to include any individual dealing in the buying and selling used second hand articles, as defined in the preceding paragraph.
- d. "Buy and Sell" - refers to the transaction whereby one purchases used second hand articles for the purpose of resale to third persons.

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SECTION 2. Any store or establishment desiring to engage in the business of buying and selling second hand articles within the city shall first secure a Mayor's permit and pay the corresponding fee therefore.

SECTION 3. The procedure for the issuance of the business permit by the Business Permit and Licensing Office (BPLO) upon authority of the City Mayor prescribed under Ordinance No. SP-91, S-93, the Quezon City Revenue Code shall likewise apply to this Ordinance.

SECTION 4. Consistent with the provisions of the Anti-Fencing Law (Presidential Decree No. 1612), the Station Commander of the Quezon City Police District (QCPD) shall have supervision over the activities of stores or establishments dealing with the buying and selling of second hand articles located within its territorial jurisdiction.

SECTION 5. The BPLO shall furnish information, upon request by the Station Commander concerned, as to whether or not the establishment included in the list prepared by the latter is covered by a permit or license engage in the business of buying and selling used second hand articles.

SECTION 6. Penalties. - Violation of this Ordinance shall be penalized by a fine not exceeding Five Thousand Pesos (P5,000.00) or an imprisonment for a period not exceeding one (1) year, or both at the discretion of the court, with permanent cancellation of business permit or license.


SECTION 7. Repealing Clause. - Any ordinance or resolution or portion thereof, which is inconsistent herewith, is hereby modified, amended and/or repealed accordingly.

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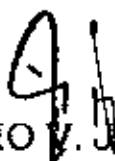
SECTION 8. Separability Clause. - If for any reason or reasons, any part or provisions of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions thereof not affected thereby shall continue to be in full force and effect.

SECTION 9. EFFECTIVITY. - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in Quezon City.

ENACTED: November 22, 2005.


BERNADETTE HERRERA-DY
President Pro-Tempore
Acting Presiding Officer

ATTESTED:


EUGENIO V. JURILLA
City Secretary

APPROVED: JAN 02 2006


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on November 22, 2005, was finally PASSED on Third/Final Reading by the City Council on November 29, 2005.


EUGENIO V. JURILLA
City Secretary