



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

50th Regular Session

ORDINANCE NO. SP- 1679 , S-2006
(PO2005-241, PR2005-166)

AN ORDINANCE REGULATING THE ACT OF BUYING, SELLING AND/OR PAWNING SECONDHAND CELLULAR PHONES WITHOUT THE ACCOMPANYING ORIGINAL RECEIPT OF THE ORIGINAL PURCHASE OF THE UNIT AND PROVIDING PENALTIES THEREOF.

Introduced by Councilors RESTITUTO B. MALANGEN, ANTONIO E. INTON, JR., WINSTON "Winnie" T. CASTELO, ROMMEL R. ABESAMIS, VICTOR V. FERRER, JR., ERIC Z. MEDINA, EDCEL B. LAGMAN, JR., FRANCISCO A. CALALAY, JR., JANET M. MALAYA, JOSEPH P. JUICO and BAYANI V. HIPOL.

Co-Introduced by Councilor Bernadette Herrera-Dy.

WHEREAS, it is a universal concern of the private sector, particularly the business and industry sectors, that the issue of national economic recovery is one of the major determinant of the amount of new investments and in achieving a progressive and vibrant business environment;

WHEREAS, given the impressive track record of the City government, in coordination with the local law enforcement agency like the Quezon City Police Office in addressing the incidence of criminalities in Quezon City, the business sectors believe that the incidence of criminalities in the City can be addressed by further intensifying its crime prevention measures;

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[Signature]

WHEREAS, the proliferation and unregulated buying, selling and/or pawning of secondhand cellular phones have cause sharp increase in the crime of theft and/or robbery in the city;

WHEREAS, the occurrences of theft and/or robbery have become profitable on the part of the lawless elements due to the existence of ready buyers of the stolen cellular phones;

WHEREAS, the unregulated activities of buying and/or selling of secondhand cellular phones have also affected the viability of the legitimate distributors of cellular phones, and in some instances have caused the closure of said establishment;

WHEREAS, it is imperative for the government to create an environment conducive to the growth and development of all legitimate business industries.

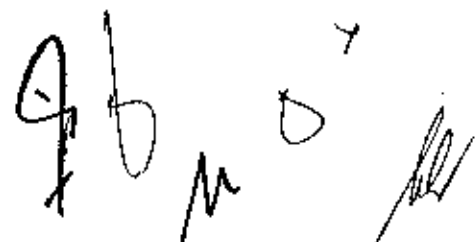
NOW, THEREFORE,

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

SECTION 1. It is hereby unlawful for any person to purchase, sell and/or pawn any secondhand or used cellular phones without the accompanying original receipt of the original purchase issued in the name of the seller or possessor thereof.

SECTION 2. As used in this Ordinance, the following terms shall mean as follows:

- a. "Purchasing/Buying" shall refer to the transaction whereby one purchases used secondhand cellular phones founded on a valuable consideration.
- b. "Selling" shall refer to the act of disposing by sale or transfer title or possession of property to another in exchange to another in exchange for valuable consideration, which includes but not limited to the following:

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- (i.) the display of cellular phones "FOR SALE";
- (ii.) the sale without the corresponding original receipt;
- (iii.) possession by the owner of the store and/or business establishment where the cellular phones are intended to be sold and shall include selling on consignment basis.

SECTION 3. The seller of the secondhand cellular phone shall have, in the absence of original receipt, the box of the cellular phone that bears the same serial number of the cellular phone and/other certificate of original purchase from the manufacturer or may substitute the original receipt required hereof in the absence thereof to produce and/or present an Affidavit of Loss, stating among other things, the name of the original owner/seller/distributor and the serial number of the cellular phone and shall submit the same to the subsequent buyer/new owner.

SECTION 4. Any person found violating the provisions of this Ordinance shall be penalized as follows:

First Offense - confiscation of secondhand cellular phones plus a fine of Three Thousand Pesos (P3,000.00) or imprisonment of three (3) days but not more than five (5) days or both at the discretion of the court.

Second Offense - confiscation of secondhand cellular phones plus a fine of Five Thousand Pesos (P5,000.00) or imprisonment of three (3) days but not more than five (5) days and cancellation or non-renewal of Business permit.

In case the violator is a corporation, the officers and employees responsible or who had participated in the act or omission shall be held liable therefore.


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SECTION 5. This Ordinance shall take effect fifteen (15) days following the completion of its publication in a newspaper of general circulation.


ENACTED: February 20, 2006.


BERNADETTE HERRERA-DY
President Pro-Tempore
Acting Presiding Officer

ATTESTED:


EUGENIO V. JURILLA
City Secretary

APPROVED: May 12, 2006


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on February 20, 2006, was finally PASSED on Third/Final Reading by the City Council on February 27, 2006.


EUGENIO V. JURILLA
City Secretary