



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
20th City Council

PO20CC-281

52nd Regular Session

ORDINANCE NO. SP- 2677, S-2018

AN ORDINANCE PRESCRIBING FOR A MINIMUM STANDARD OF BUSINESS OPERATION OF LIQUEFIED PETROLEUM GAS (LPG) WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

Introduced by Councilor DONATO C. MATIAS.
Co-Introduced by Councilors Anthony Peter D. Crisologo, Lena Marie P. Juico, Elizabeth A. Delarmente, Victor V. Ferrer, Jr., Oliviere T. Belmonte, Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Ramon P. Medalla, Ranulfo Z. Ludovica, Estrella C. Valmocina, Roderick M. Paulate, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Franz S. Pumaren, Eufemio C. Lagumbay, Marvin C. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Ivy Xenia L. Lagman, Marra C. Suntay, Hero Clarence M. Bautista, Jose A. Visaya, Karl Edgar C. Castelo, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Andres Jose G. Yllana, Jr., Allan Butch T. Francisco, Marivic Co-Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Diorella Maria G. Sotto, Eric Z. Medina and Ricardo B. Corpuz.

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, empowers the local government units to enact and implement measures for the general well-being of their inhabitants;

WHEREAS, Republic Act No. 8479, otherwise known as the "Downstream Oil Industry Deregulation Act of 1998", and its Implementing Rules and Regulations issued by the Department of Energy (DOE) and the Department of Trade and Industry (DTI) and other concerned offices regulate all persons or entities engaged in any activity involving the domestic downstream oil industry which include the LPG Industry; ¶

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WHEREAS, the unsafe and underdelivery or underfilling beyond authorized limits in the sale of liquefied petroleum gas cylinders are pernicious practices that are rampant and widespread;

WHEREAS, the continued operation of unsafe and sub-standard retail outlets may (i) expose the consuming public to fire, health and environmental risks; (ii) deny the public the proper quality and quantity of the liquefied petroleum gas they purchase; (iii) deprive the legitimate retailers of additional sales volume; (iv) deprive the city government of revenue derived from licensing fees, local business taxes and other fees and charges; and (v) encourage the marketing of liquefied petroleum gas sources from illegal activities;

WHEREAS, the Quezon City Government perceives that there is an urgent need to enact a local counterpart prescribing for a minimum standard of operation of the Liquefied Petroleum Gas (LPG) Industry in order to curb, if not totally eliminate such nefarious practices in the transporting and selling of liquefied petroleum gas to better protect consumers and the LPG Industry Participants from all forms of danger and fraud that may arise therefrom.

NOW, THEREFORE,

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

SECTION 1. SHORT TITLE - This Ordinance shall be known as the "Quezon City LPG Safety Ordinance".

SECTION 2. DECLARATION OF POLICY - It is hereby declared the policy of the City to promote and protect the welfare and well-being of the consuming public against pernicious practices that are rampant and widespread in the business operation of liquefied petroleum gas. Hence, this Ordinance aims:

1. To establish minimum standard in the operation of the liquefied petroleum gas business in the city;
2. To minimize or totally eradicate the risk to the consuming public to fire and health hazard;
3. To penalize illegal activities in the business operation of liquefied petroleum gas. ✓

SECTION 3. COVERAGE – This ordinance shall apply to all Wholesalers and Retailers of Liquefied Petroleum Gas (LPG) for household and commercial use within the territorial jurisdiction of Quezon City.

SECTION 4. DEFINITION OF TERMS

1. *Cylinder or LPG Cylinder – shall refer to any pressure vessel or container for LPG, designed for the sale, transportation, storage or household consumption of LPG.*
2. *LPG – shall refer to liquefied petroleum gas, which consists of commercial butane gas or a mixture of two gases, with properties conforming to the standards set forth under Philippine National Standards (PNS), distributed or sold to consumers either in LPG cylinders or other means of distribution.*
3. *Wholesaler shall refer to any of the following:*
 - 3.1. *Refiller- shall refer to any person who is engaged in the business of refilling LPG into cylinders.*
 - 3.2. *Marketer - shall refer to any person engaged in the business of selling or trading of LPG, whether in bulk or retail, under its own brand name. A marketer may or may not manufacture or process the products sold.*
 - 3.3. *Dealer - shall refer to any person engaged in the business of selling or trading of LPG in cylinders to consumers or retail outlets.*
4. *Retail Outlet - shall refer to any person engaged in the business of selling or trading directly to the consumers of LPG in cylinders, supplied by a dealer or marketer.*

SECTION 5. DOCUMENTARY REQUIREMENTS – Applicants shall comply with the documentary requirements of Business Permits and Licensing Office (BPLO) before they can duly sell LPG.

In addition, Refillers must also secure a Special Use Permit from the Quezon City Council. †

[Handwritten signatures and initials]

Furthermore, a DOE Certification or DOE Standards Compliance Certificate as the case may be, shall be required from the LPG Wholesalers and Retailers.

SECTION 6. QUALIFICATIONS AND RESPONSIBILITIES OF WHOLESALERS AND RETAILERS - The qualifications and responsibilities of Wholesalers and Retailers shall be determined in the Implementing Rules and Regulations by the Offices/Departments mentioned in Section 9 of this Ordinance in accordance with the applicable national laws, rules and regulations pursuant to DOE Circular Number 2014-01-0001.

SECTION 7. POSTING OF SAFETY AND INFORMATIONAL SIGNS - For the awareness and information of the buying public Wholesalers and Retailers shall be required to put up a prescribed sign which shall be prominently displayed by the owner and/or operator of the LPG establishments in strategic and appropriate locations within the premises of the said establishments:

1. Price Display Board with updated prices for each LPG brand and cylinder size being sold or offered for sale. It shall have numeric entries of at least six (6) inches in height.
2. "No Smoking" Signs
3. "Special Use Permit" issued by the Sangguniang Panlungsod and/or Business Permit/Mayor's Permit; and
4. Other safety signs as may be required by law.

SECTION 8. PENALTY - Any violation of the provision of this Ordinance shall suffer the following penalties:

1. Wholesalers:
 - a. First Offense, a fine of Three Thousand Pesos (P3,000);
 - b. Second Offense:
 - b.1. a fine of Five Thousand Pesos (P5,000);



b.2. revocation of Business Permit and/or Special Use Permit; and

b.3. filing of appropriate legal charges before the court.

2. Retailers:

a. First Offense, a fine of One Thousand Five Hundred Pesos (P1,500);

b. Second Offense, a fine of Three Thousand Pesos (P3,000) and revocation of business permit.

SECTION 9. IMPLEMENTING RULES AND REGULATIONS –

Within thirty days (30) days upon approval of this ordinance, the Office of the City Mayor, in coordination with the following offices are task to create the implementing rules and regulations of this Ordinance:

1. Business Permit and Licensing Office
2. Bureau of Fire Protection – Quezon City Fire District
3. City Planning and Development Office
4. Department of Public Order and Safety

SECTION 10. INCORPORATING CLAUSE – All existing ordinances related and not inconsistent to the purpose for which this Ordinance has been passed and approved are deemed incorporated.

SECTION 11. REPEALING CLAUSE – All ordinances, circulars, memoranda, orders and any issuance inconsistent with any of the provisions of this Ordinance are hereby deemed modified, repealed and/or revoked accordingly.


SECTION 12. SEPARABILITY CLAUSE – If for any reason or reasons, any provision of this Ordinance is declared unconstitutional or invalid, other parts or provisions not affected thereby shall continue to be in full force and effect. †

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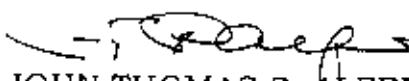
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SECTION 13. EFFECTIVITY CLAUSE – This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon posting to the website of the Quezon City Government.

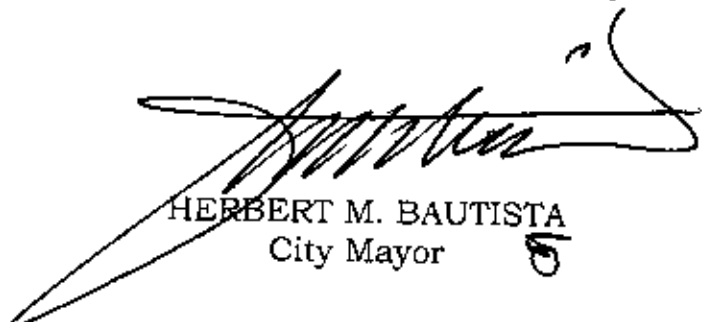
ENACTED: January 29, 2018.


MA. JOSEFINA G. BELMONTE
City Vice Mayor
Presiding Officer

ATTESTED:

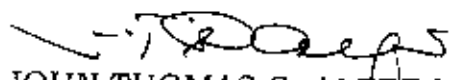

Atty. JOHN THOMAS S. ALFEROS III
City Secretary

APPROVED: 21 MAR 2018


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on January 29, 2018 and was PASSED on Third/Final Reading on February 12, 2018.


Atty. JOHN THOMAS S. ALFEROS III
City Secretary