



Republic of the Philippines
Region IV-A (CALABARZON)
Province of Cavite
CITY OF GENERAL TRIAS
OFFICE OF THE SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 21-08 (GENERAL)

Authors : SP Member Florencio D. Ayos
Chair, Committee on Commerce, Trade
and Industry
SP Member Isagani L. Culanding
Chair, Committee on Peace, Public Safety
and Order

Sponsors : SP Member Jowie S. Carampot
SP Member Clarissel J. Campaña-Moral
SP Member Richard R. Parin
SP Member Hernando M. Granados
SP Member Jonas Glyn P. Labuguen
SP Member Gary A. Grepo
SP Member Kristine Jane M. Perdito-Barison
SP Member J-M Vergel M. Columna
SP Member Walter C. Martinez
SP Member Vivencio Q. Lozares, Jr.
SP Member Alfredo S. Ching
SP Member Reienel R. Ferrer

CURTAILING THE SALE, RENTAL TRANSFER, DISTRIBUTION, MANUFACTURE, AND/OR PRODUCTION OF PIRATED, COUNTERFEIT, OR FAKE GOODS, ARTICLES OR SERVICES, AND FOR OTHER PURPOSES IN THE CITY OF GENERAL TRIAS.

WHEREAS, the Local Government of General Trias 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's policy to enhance the enforcement of intellectual property rights requires the determined and active support of the local government units;

WHEREFORE, on motion of SP Member Florencio D. Ayos duly seconded by SP Member Isagani L. Culanding,

Be it ordained by the Sangguniang Panlungsod, that:

**ARTICLE I
TITLE**

SECTION 1. This Ordinance shall be known as "Curtiling the Sale, Rental Transfer, Distribution, Manufacture, and/or Production of Pirated, Counterfeit, or Fake Goods, Articles or Services, and for Other Purposes in the City of General Trias".

**ARTICLE II
GENERAL PROVISIONS**

SECTION 2. All business licenses and permits issued by the City shall be issued with prior requirement of an Optical Media Board Clearance/Certificate to

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Continuation...page 2 of City Ordinance No. 21-08 (General):

those engaged in the business or activities of importation, exportation, acquisition, sale or distribution of optical media, manufacturing equipment, parts and accessories and manufacturing used or intended for use in the mastering, manufacture or replication of optical media, pursuant to Section 13 of Republic Act No. 9239 (The Optical Media Board Act).

SECTION 3. All business licenses and permits issued by the City Business Permit and Licensing Office shall carry the express condition that the licensee shall not engage in the sale, rental, transfer, distribution, manufacture or production of pirated, counterfeit, or fake goods, articles, or services, nor shall permit other persons to commit said acts within the licensee's business establishments or premises.

For this purpose, any stall, table, or equivalent contraptions or devices within two (2) metres from the door, window or any opening leading to the licensee's establishment shall be deemed included in the term "premises".

SECTION 4. Any breach or violation of the condition as set forth in the preceding section shall be a ground for the 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 cancellation thereof for a third and subsequent violations.

SECTION 5. 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 6. In the cases covered under Sections 2 and 3, the respondent may move to reconsider said order/s, within twenty (20) hours from notice of an order to suspend or cancel the business license or permit to take custody of pirated, counterfeit, or fake goods, articles or services. The Local Chief Executive shall decide the said motion within fifteen (15) days from receipt.

The notice of suspension or cancellation of business license or permit shall be issued by the Local Chief Executive after an inspection of the business establishment concerned is conducted. The inspection may be on occasion of a general inspection regularly conducted by the City, or for such purpose only upon receipt of a complaint or information that the license is engaged in the sale, rental, transfer, distribution, manufacture, and/or production of pirated, counterfeit, or fake goods, articles, or services.

The City may seek assistance or coordination of the Philippine National Police (PNP), the National Bureau of Investigation (NBI), the Optical Media Board (OMB) and/or other law enforcement agencies, in conducting the inspection or in securing the goods seized during the conduct of enforcement operations to maintain peace and order.

**ARTICLE III
 PENAL PROVISIONS**

SECTION 7. The penalty of a fine of Two Thousand Five Hundred Pesos (Php 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:

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Continuation...page 3 of City Ordinance No. 21-08 (General):

7.1 Any person which, having been issued a business license or permit, shall commit a breach of the condition thereof imposed by Section 1 of this Ordinance;

7.2 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 service; and

7.3 Any person who shall violate the order of the Local Chief Executive suspending or cancelling a license or permit or taking the subject goods into custody.

SECTION 8. The prosecution of commission of any of the foregoing offenses shall not constitute a bar for the prosecution of offense under the Intellectual Property Code and other related laws.

SECTION 9. Should the offense be committed by juridical person, the stockholder, chairperson, president, office director, trustee, partner, or manager who committed or caused the commission of such offense, shall be liable.

ARTICLE IV
FINAL PROVISIONS

SECTION 10. If for any reason or reasons, any part or provision of this Ordinance shall be held unconstitutional or invalid, other parts which are not affected thereby shall continue to be in full force and effect.

SECTION 11. Any Ordinance, Executive Order, Local Issuances, or Rules and Regulations, or parts thereof, which are inconsistent with this Ordinance are hereby repealed and/or modified accordingly.

SECTION 12. This Ordinance shall take effect upon approval and after fifteen (15) days from posting in at least three (3) conspicuous places within the City or publication in a newspaper of general or local circulation.

ORDAINED under THIRD/FINAL READING on 01 FEBRUARY 2021.


JONAS GLYN P. LABUGUEN
SP Member


GARY A. GREPO
SP Member


CLARISSSEL J. CAMPAÑA-MORAL
SP Member


JOWIE S. CARAMPOT
SP Member


KRISTINE JANE M. PERDITO-BARISON
SP Member


ISAGANI L. CULANDING
SP Member


J.M. VERGEL M. COLUMNA
SP Member


WALTER C. MARTINEZ
SP Member


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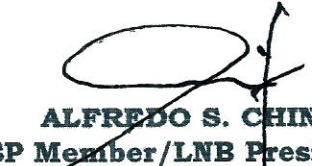
Continuation...page 4 of City Ordinance No. 21-08 (General):


FLORENCIO D. AYOS
SP Member


VIVENCIO Q. LOZARES, JR.
SP Member



RICHARD R. PARIN
SP Member


HERNANDO M. GRANADOS
SP Member


ALFREDO S. CHING
SP Member/LNB President


REINEL R. FERRER
SP Member/SKF President

CERTIFIED TRUE AND CORRECT:


WENCESLAO P. CAMINGAY
Secretary to the Sanggunian


ATTESTED:

MAURITO C. SISON
City Vice Mayor/Presiding Officer

APPROVED:


ANTONIO A. FERRER
City Mayor



kav/jbn/app/jfa