



REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLUNGSOD
CITY OF MANDALUYONG



ORDINANCE NO. 1013, S-2025

ORDINANCE PROHIBITING THE UNDER-DELIVERY, SELLING OF ADULTERATED AND ILLEGAL TRADING OF PETROLEUM PRODUCTS, PRESCRIBING SAFETY MEASURES IN REFUELING STATIONS WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF MANDALUYONG, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

BE IT ORDAINED by the City Council of Mandaluyong, in session duly assembled that:

SECTION 1. TITLE. - This Ordinance shall be known and cited as the "ORDINANCE PROHIBITING THE UNDER-DELIVERY, SELLING OF ADULTERATED, AND ILLEGAL TRADING OF PETROLEUM PRODUCTS".

SECTION 2. COVERAGE. - This Ordinance shall apply to all persons, natural or juridical, engaged in the business of sale of petroleum products within the territorial jurisdiction of Mandaluyong City, including customers, drivers and passengers of both public and private vehicles and all persons found within the area of the entire station compound.

SECTION 3. DEFINITION OF TERMS. - For the purpose of this Ordinance, the terms shall be defined as follows:

1. **ADULTERATED** – refers to an impure petroleum product due to addition of a foreign substance or inferior ingredient, or the presence of water or any other inferior ingredients co-mingled with it thereby debasing its quality.
2. **CALIBRATION** – refers to the act, method, or process of either:
 - a. testing the accuracy of a dispensing pump meter used in delivering the product; or
 - b. measuring that the actual quantity of petroleum product being dispensed is within the tolerable minimum quantity as determined under the Department of Energy (DOE) Rules and Circulars.
3. **DELIVER/SELL** – refers to the act of knowingly passing, giving, or transferring possession of any petroleum product by the refueling station to the end user whether for money or any consideration.
4. **FORECOURT** – refers to a driveway or open space leading to and within the refueling station.

5. **ILLEGAL TRADING** – refers to any act of:
 - a. failing to have its dispensing pump meters calibrated and sealed by the proper authority.
 - b. operating a retail outlet without first securing valid permits, licenses and certificates for the retailing, storage, handlings, transfer and/or dispensing of liquid petroleum products from the LGU concerned, the Bureau of Fire Protection (BFP), the Department of Environment & Natural Resources (DENR), Department of Energy (DOE) and other relevant government authorities.
 - c. operating or selling of liquid petroleum products without the Certificate of Compliance first secured from the Department of Energy (DOE) through the Oil Industry Management Bureau (OIMB).
 - d. Hoarding of petroleum products shall also be considered as illegal trading.
6. **NOZZLE** – refers to a small tube or sprout attached to a pipe or hose, usually as an outlet.
7. **PETROLEUM PRODUCTS** - refers to products formed in the course of refining crude petroleum through distillation, cracking, solvent refining and chemical treatment coming out as primary stocks from the refinery such as, but not limited to: LPG, naphtha, gasolines, solvent, kerosene, aviation fuels, diesel oils, fuel oils, waxes and petrolatum, asphalt, bitumen, coke and refinery sludges, or such refinery petroleum fractions which have not undergone any process or treatment as to produce separate chemically-defined compounds in a pure or commercially pure state and to which various substances may have been added to render them suitable for particular uses: Provided, That the resultant product contains not less than fifty percent (50%) by weight of such petroleum products;
8. **PNS** – refers to the Philippine National Standard
9. **PROPER AUTHORITY** – the Office of the Treasurer and/or its representative from the Weights and Measurement Section is the authorized calibrating entity or the proper authority referred to in this Ordinance.
10. **PUMP CREW** – refers to a person employed by the refueling station to operate a machine or device for transferring gasoline or diesoline into the fuel tank of motor vehicle; any such person who dispenses petroleum products.

11. REFUEL – refers to the act of supplying a motor vehicle again with fuel.
12. RETAIL OUTLET – refers to a gasoline station, facility or business establishment, which sells or dispense gasoline directly to individual and user/s or to the public.
13. STRADDLE – refers to the act of sitting on a motorbike with the legs wide apart.
14. UNDER-DELIVERY – refers to the act of a refueling station of delivering or dispensing less than the tolerable minimum quantity of less than (50) milliliters for every (10) liters of gas as measured by a calibrating bucket certified and sealed by the DOST.

SECTION 4. PROHIBITED ACTS. –

- A. It shall be unlawful for retail outlet, as defined in this Ordinance to:
 - a. Engage in the under-delivery, selling of adulterated and illegal trading of petroleum products within the territorial jurisdiction of Mandaluyong City.
 - b. Sell, or abet in selling adulterated or otherwise inferior quality and/or impure petroleum products due to additional foreign substance or lack of ingredient, or due to the presence of water or other inferior ingredients co-mingled with petroleum products debasing its quality.
- B. As safety measures for the protection of refueling station and its personnel, of the motorists, and of the public at large, the following acts shall be strictly prohibited:
 - a. Igniting a lighter or match for any purpose and smoking by a motorist while refueling, by any person not a customer who happens to be within the location, including a passenger of private motor vehicle or public utility vehicle, by any person while buying take-out petroleum products in containers, by any pump attendant or station employee on duty therein and by any person delivering petroleum products within the area of the forecourt and the entire station compound.
 - b. Using of mobile phone while within the forecourt area of the refueling station by any such person as identified herein-above.
 - c. Refueling while the engine of motor vehicle is still running, in which case both customer-motorist and pump crew shall be liable.

- d. Refueling of motorbike or tricycle while customer is straddling on the vehicle, in which case both this customer and pump crew shall be liable.
- e. Using an unauthorized plastic container for take-out purchasing of petroleum products, in which case both purchaser and pump crew shall be liable.

SECTION 5. NOTICE AND WARNING. - The refueling station, through its station manager, shall post the following signs in a conspicuous place within the forecourt to notify and warn customers, station pump attendants and other employees, and the public at large:

- a. No smoking area or non-smoking area.
- b. Switch off mobile phone while refueling. Using of mobile phone while refueling can cause fire and/or explosion.
- c. Switch off engine before vehicle is refueled. Running the engine while refueling can cause fire.
- d. Get off from motorbike or tricycle before refueling.
- e. Use only approved containers for take-out fuel purchases. Such approved containers are available on deposit refundable upon return of the container.

The station manager may post other related signs that he/she may deem appropriate for the further information and compliance of all concerned.

SECTION 6. PRESUMPTIONS. - For the purpose of this Ordinance, the following shall constitute prima facie evidence of hoarding:

- a. the refusal of refueling station to sell liquid petroleum products shortly before a price increase or in times of tight supply, and in both instances if the buyer or consumer has the ability to pay in cash for the product; or
- b. the undue accumulation of retail outlets of liquid petroleum products in times of tight supply or shortly before a price increase. Undue accumulation shall mean the keeping or stocking of quantities of liquid petroleum products beyond the normal inventory levels maintained by retail outlets for thirty (30) days immediately preceding the period of tight supply or price increase.

Possession of petroleum products which do not meet the Philippine National Standards (PNS) shall continue *prima facie* evidence of adulteration and the sale, distribution, transportation, exchange or barter of adulterated products shall constitute illegal trading. Only petroleum products complying with the PNS, including the prescribed color coding scheme for the same shall be dispensed at retail outlets.

On the other hand, it shall be presumed that a refueling station committed under-delivery and/or short-selling when it is found using a dispensing pump that is not approved by the DOE or has tampered, destroyed or altered the government seal affixed or attached by the proper authority.

Under-delivery and/or short-selling of gas shall be presumed committed when the seal affixed by the duly authorized representatives or service contractors of the oil company, in cases contemplated under Section 8 of this Ordinance, has been tampered, destroyed or altered.

The absence of an "out-of-order" sign or padlock locking the dispensing pump that gone off-calibration shall be deemed an actual use of the pump for the conduct of retailing, and shall give rise to the presumption of under-delivery and/or short-selling. A dispensing pump found with a broken or no seal shall constitute *prima facie* evidence of under-delivery and/or short-selling.

SECTION 7. CALIBRATION AND SEALING BY THE PROPER AUTHORITY. - All Retail Outlets shall be responsible for the proper calibration and accuracy of their dispensing pumps. All dispensing pumps must be properly inspected and calibrated quarterly or every three (3) months and sealed by designated local Treasury personnel subject to the imposition or collection of sealing fee in the amount of:

Sealing fee per nozzle	Php 150.00
Service fee per nozzle	Php 100.00
Re-testing fee and resealing outside the office upon request of owner or operator	Php 250.00

SECTION 8. SERVICE/MAINTENANCE CONTRACTORS; EXCEPTION TO THE RULE. - In the event that the proper authority is unable to calibrate and reseal a dispensing pump meter within two (2) business days from the date and time of reporting by the gasoline or refueling station, the duly authorized representatives or service contractors of the oil company may calibrate the dispensing pump provisionally, subject to the final calibration by the Office of the City Treasurer and/or its representatives from the Weights and Measurement Section who shall impose the corresponding resealing fee.

The contractor performing the calibration provisionally shall install a seal to guard against the unauthorized adjustments of the dispensing pump, which seal should not be broken or removed until the final calibration of the proper authority.

For this purpose, gasoline or refueling stations and oil companies shall be required to submit a list of its duly accredited service/maintenance contractors.

SECTION 9. PENALTIES. - Any person found violating the prohibited acts mentioned in Section 4 hereof shall be imposed the following penalties:

- a. For violation of Section 4.A.a. and b.:

First Offense: Fine of Three Thousand Pesos (P3,000.00) and/or imprisonment of one (1) month or both at the discretion of the Court;

Second Offense: Fine of Four Thousand Pesos (P4,000.00) and/or imprisonment of two (2) months or both at the discretion of the Court;

Third and Subsequent offenses: Fine of Five Thousand Pesos (P5,000.00) or both at the discretion of the Court.

- b. Igniting a lighter or match for any purpose and/or smoking by any person within the forecourt area: Fine of One Thousand Five Hundred Pesos (P1,500.00).
- c. Running the motor vehicle engine while refueling: Fine of One Thousand Pesos (P1,000.00) each for motorist and forecourt crew.
- d. Using mobile phone while motor vehicle is being refueled, by motorist and/or any other person within the forecourt area: Fine of One Thousand Pesos (P1,000.00) for each violator.
- e. Using unauthorized container for take-out purchasing of petroleum products: Fine of Five Hundred Pesos (P500.00) each for the purchaser and forecourt crew.

- f. Straddling on motorbike or tricycle while vehicle is being refueled: Fine of One Thousand Pesos (P1,000.00) each for motorist and forecourt crew.
- g. Reprimand for the station manager for unabated, repeated violation of the prohibited acts in his/her refueling station, which shall be served with a warning of more severe penalty by the Office of the City Mayor.
- h. For violation of Section 7:

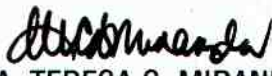
First Offense – penalty of One Thousand Pesos (Php1,000.00) per nozzle on top of the regular sealing and service fees or imprisonment of not less than three (3) months but not more than six (6) months or both at the discretion of the court.

Subsequent violations by the same person shall be meted the same penalty provided for herein. In addition, the license to operate business issued in his/her favor shall be automatically deemed revoked.

- SECTION 10. INITIATION OF CRIMINAL AND ADMINISTRATIVE ACTIONS. - The initiation of criminal and administrative actions under this Ordinance shall be without prejudice to the filing of an administrative action against the owner of the retail outlet for the suspension, cancellation or revocation of its business permit and license.
- SECTION 11. APPLICABILITY CLAUSE. - DOE issuances and circulars as well as other existing laws, insofar as they are not inconsistent with the provisions of this Ordinance, shall be applied suppletorily.
- SECTION 12. SEPARABILITY CLAUSE. - If any provision of this Ordinance is declared unconstitutional or invalid, the provisions that are not affected thereby shall continue to be in force and effect.
- SECTION 13. REPEALING CLAUSE. - Ordinance Nos. 311 and 316 and all existing Resolutions, Ordinances or rules that are inconsistent with the provisions of this Ordinance are hereby repealed.
- SECTION 14. EFFECTIVITY. - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in Metro Manila.

ENACTED on this 24th day of March 2025, in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE
WAS ENACTED BY THE SANGGUNIANG PANLUNGSOD
OF MANDALUYONG IN A REGULAR SESSION HELD ON
THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:

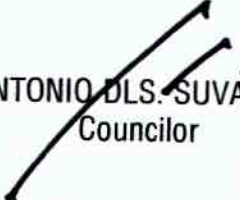

CARMELITA A. ABALOS
City Vice Mayor &
Presiding Officer

APPROVED BY:


BENJAMIN S. ABALOS
City Mayor

Date: APR 03 2025

DISTRICT I


ANTONIO DLS. SUVA, JR.
Councilor


ANJELO ELTON P. YAP
Councilor


DANILO L. DE GUZMAN
Councilor

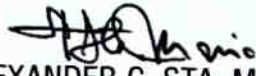

RODOLFO M. POSADAS
Councilor


CARISSA MARIZ S. MANALO
Councilor


ESTANISLAO V. ALIM III
Councilor

DISTRICT II


BENJAMIN A. ABALOS III
Councilor


ALEXANDER C. STA. MARIA
Councilor


REGINALD S. ANTOJO
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LESLIE F. CRUZ
Councilor


MICHAEL ERIC G. CUEJILO
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