



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 316, S-2005

ORDINANCE PRESCRIBING SAFETY MEASURES IN REFUELING
AT ANY GASOLINE STATION WITHIN THE TERRITORIAL
JURISDICTION OF THE CITY OF MANDALUYONG
AND PROVIDING PENALTIES FOR
VIOLATION THEREOF

BE IT ORDAINED by the Sangguniang Panlungsod of Mandaluyong, in session assembled that:

SECTION 1. DEFINITIONS OF TERMS. Within the context of this Ordinance, the following terms shall mean:

- a. FORECOURT. A driveway or open space leading to and within the gasoline refueling station.
- b. NOZZLE. A small tube or spout attached to a pipe or hose, usually as an outlet.
- c. PUMP CREW. A person employed by the gasoline refueling station to operate machine or device for transferring gasoline or diesoline into the fuel tank of motor vehicle; any such person who dispenses petroleum products.
- d. REFUEL. To supply a motor vehicle again with fuel.
- e. STRADDLE. To sit on a motorbike with the legs wide apart.

SECTION 2. PROHIBITED ACTS. As safety measures for the protection of motorists, personnel of gasoline refueling stations, and the public at large, the following acts are hereby 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 fuel products in containers, by any pump attendant or station employee on duty therein and by any person delivering fuel products within the area of the forecourt and the entire station compound.
- b. Using mobile phone while within the forecourt area of the gasoline station by any such person as identified herein-above.
- c. Refueling while 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 fuel, in which case both purchaser and pump crew shall be liable.

SECTION 3. 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 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 4. PENALTIES. The following shall be the penalties for violation of the prohibited acts described under Section 2 hereof:

- a. 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).
- b. Running the motor vehicle engine while refueling: Fine of One Thousand Pesos (P1,000.00) each for motorist and forecourt crew.
- c. 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.
- d. Straddling on motorbike or tricycle while vehicle is being refueled: Fine of One Thousand Pesos (P1,000.00) each for motorist and forecourt crew.
- e. Using unauthorized container for take-out purchasing of fuel: Fine of Five Hundred Pesos (P500.00) each for purchaser and forecourt crew.
- f. 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 through the City Fire Marshal or his deputized agent.

SECTION 5. ADMINISTRATIVE PROVISIONS. Geared toward the effective implementation of this Ordinance:

- a. The City Mayor shall deputize teams from the Philippine National Police City of Mandaluyong Station, Task Force Ordinance and Traffic Enforcement Unit to conduct from time-to-time unannounced surveillance and monitoring of strict observance of this Ordinance in all gasoline refueling stations within the territorial jurisdiction of the City of Mandaluyong and to apprehend violators of the prohibited acts provided under Section 2 hereof.

These deputized teams shall issue an ordinance violation receipt to every apprehended offender, indicating therein the name and address of the offender, the violated act, date and time of apprehension, and the corresponding fine imposed under Section 4 hereof.

- b. The City Fire Marshal; or his deputized agents shall conduct from time-to-time unannounced inspection of all gasoline stations within the City of Mandaluyong to evaluate safety measures as prescribed in this Ordinance.

Whenever necessary, the City Fire Marshal shall recommend to the City Mayor appropriate sanctions against gasoline refueling stations that have been found negligent or deficient in their compliance with such safety measures.

- c. The Sangguniang Panlungsod Secretariat shall furnish all gasoline stations within the City of Mandaluyong with copies of this Ordinance for posting in conspicuous places therein.

SECTION 6. NO CONTEST PROVISION. Any person, individual or entity who is apprehended or cited for violation and who does not wish to contest the violation and is willing to pay voluntarily the minimum fine imposed upon him/her prior to the filing of formal charges with the proper court shall be allowed to pay said fine with the City Treasurer to avoid being criminally prosecuted within six (6) hours from apprehension otherwise the case shall be prosecuted.

SECTION 7. EFFECTIVITY. Upon its approval, this Ordinance shall take effect ten (10) days after its publication in a newspaper of general circulation in the City of Mandaluyong.

ENACTED on this 21st day of November, 2005 in the City of Mandaluyong.

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

ATTESTED:


JESUS C. CRUZ
City Vice Mayor &
Presiding Officer

APPROVED:


JIMMAY D. LACEBA
Sanggunian Secretary


NEPTALI M. GONZALES II
City Mayor

Date: **DEC 01 2005**



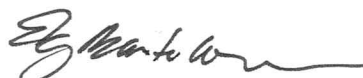
DANILO L. DE GUZMAN
Councilor



CHERRY LYNN P. SANTOS
Councilor



JONATHAN D.C. ABALOS
Councilor



EDWARD G. BARTOLOME
Councilor



LUISITO E. ESPINOSA
Councilor



RENATO B. STA. MARIA
Councilor



TERESITA C. PILLAS
Councilor



NOEL E. BERNARDO
Councilor



EPIFANIO C. DE GUZMAN
Councilor

ROBERTO J. FRANCISCO (Official Business)
Councilor



GERARDO B. PE
Councilor



MICHAEL R. OCAMPO
Councilor



JUAN A. AMON
ABC President



THOMASIN KAE I. DOMINGUEZ
SK Federation President