



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 501, S-2012

AN ORDINANCE PROHIBITING REFILLING, SELLING OR TRADING
OF TAMPERED, DILAPILATED AND SUBSTANDARD
LIQUEFIED PETROLEUM GAS (LPG) CYLINDERS
IN THE CITY OF MANDALUYONG AND
PRESCRIBING PENALTIES FOR VIOLATION THEREOF

WHEREAS, there is a growing clamor to ban and penalize the use of tampered and substandard LPG cylinder, including refilling and use of dilapidated LPG cylinders;

WHEREAS, the Sangguniang Panlungsod, as the law making Body of the City, must take the initiative in the enactment of laws designed to protect families, homes, properties and the community from possible causes of fires and explosions brought about by unsafe LPG gas cylinders or illegal refilling stations;

WHEREAS, this Ordinance aims to control, if not totally eliminate, unscrupulous LPG industry owners or traders from selling or trading tampered, dilapidated and substandard LPG cylinders including dealers and retailers who indulge in the sale or trading of under-filled LPG tanks with impunity.

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod, in session assembled:

SECTION 1. The selling of tampered, dilapidated and substandard liquefied petroleum gas (LPG) cylinders in the City of Mandaluyong is hereby prohibited and penalties for violation thereof are herein prescribed.

SECTION 2. DEFINITION OF TERMS:

- a. "dealer/retailer" means a registered person, firm, company, institution, association that has been granted liquefied petroleum gas connection or supply, either in bulk or cylinder, by a distributor;
- b. "cylinder" means a metal container utilized for storing liquefied petroleum gas conforming to the specifications laid down by the appropriate agency of the National Government;
- c. "delivery person" means a person engaged by distributor to deliver liquefied petroleum gas in cylinder to customers;
- d. "distributor" means a person firm, association of persons, company, institution, organization or a cooperative society and engaged in the business of purchase, sale, or storage for sale of liquefied petroleum gas in cylinders to consumers on the strength of a franchise or authority issued by the appropriate Agency of the National Government;
- e. "tampered/dilapidated/substandard LPG cylinder" means uncertified, damaged, unsafe LPG due to corrosion or pitting, dents, cuts, gauges, digs, bulges, leaks, and other similar defects that render the cylinder unsafe for distribution in accordance with the guidelines prescribed by competent authority;

SECTION 3. DUTIES AND RESPONSIBILITIES OF DEALERS/RETAILERS WHO TRADE OR SELL LPG CONTAINED IN LPG CYLINDERS. Owners, dealers and retailers of LPG are mandated to undertake the following measures in their operations:

- a. Ensure strictly that Liquefied Petroleum Gas (LPG) are contained in cylinders that conform to the standards prescribed by competent authority;
- b. Report to the local Police or to the Barangay any distributor who will deliver defective LPG cylinders or those offering to sale or re-sale under filled LPG tanks without proper authorization;
- c. Comply with the regular safety inspection to be conducted as prescribed in Section 4 hereof.

SECTION 4. REGULAR INSPECTION. The Business Permit and License Department shall conduct regular inspection of all retailers/dealers engaged in the selling or trading of LPG in the City of Mandaluyong during reasonable business hours to ensure strict compliance with the requirements of this Ordinance.

SECTION 5. PENALTIES. In addition to the administrative penalty of cancellation or revocation of the Mayor's Permit issued by the City Government, a fine of not less than Five Hundred Pesos (P500.00) but not more than Five Thousand Pesos (P5,000.00) or imprisonment for a period of not less than one (1) month and one (1) day but not more than six (6) months shall be imposed upon the offender.

If the offender is a corporation or partnership, the penalty above prescribed shall be imposed upon the President and/or the General Manager of the corporation or the Managing Partner of the partnership, as the case may be, of the erring entity.

The same penalty shall be imposed upon any person who, though not licensed to refill, sell or trade Liquefied Petroleum Gas (LPG), was established to have committed any of the acts prohibited under Section 1 hereof.

SECTION 6. NO CONTEST PROVISION. Any person cited for violation of this Ordinance who does not wish to contest the apprehension may opt to pay the minimum fine herein prescribed prior to the institution of formal charges.


SECTION 7. SEPARABILITY CLAUSE. If any provision or part of this Ordinance shall be declared unconstitutional or invalid, other provisions that are not affected shall continue to be in force and effect.

SECTION 8. REPEALING CLAUSE. Ordinances or regulations that are inconsistent with the provisions of this Ordinance are hereby repealed or modified.


SECTION 9. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days after publication in a newspaper of general circulation in the City of Mandaluyong.

ENACTED on this 30th day of July, 2012 in the City of Mandaluyong.

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


JIMMY D. LACEBAL
Sanggunian Secretary

ATTESTED:


PABLITO A. GAHOL
LnB President &
Acting Presiding Officer

APPROVED:


BENJAMIN DC. ABALOS, JR.
City Mayor

Date: AUG 06 2012