

Republic of the Philippines
Province of Ilocos Sur
MUNICIPALITY OF NARVACAN

OFFICE OF THE SANGGUNIANG BAYAN

26th Regular Session
Held at the SB Session Hall
On 30 June 2008

ORDINANCE NO. 05
Series of 2008

**AN ORDINANCE TO CURTAIL THE SALE, RENTAL, TRANSFER, DISTRIBUTION,
MANUFACTURE AND/OR PRODUCTION OF PIRATED COUNTERFEIT OR FAKE GOODS,
ARTICLES OR SERVICES, AND FOR OTHER PURPOSES**

WHEREAS, the Municipal Government 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 establishment which offer products and services dependent on intellectual property protection; but also undermine the municipality's strategy for growth and development and result in unrealized revenues and taxes;

WHEREAS, the state policy to enhance the enforcement of the intellectual property rights requires the determined and active support of the local government at its grass roots level;

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Bayan of Narvacan, Ilocos Sur, in session assembled that:

SECTION 1. All business license and permits issued by the Local Government Unit of Narvacan, Ilocos Sur shall carry the express condition that the licensee shall not engage in the sale, rental, transfer, distribution, manufacture and/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 establishment or premises.

For this purpose, any stall, table or equivalent corporations, containing pirated, counterfeit, or fake goods and articles, and services, within two (2) meters from the door, window or any opening leading to the licensee's establishment shall be deemed included in the term "premises".

SECTION 2. Any breach or violation of the condition as set forth in preceding Section shall be a ground for the revocation or 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 a second violation, and cause the cancellation thereof for a third and subsequent violations.

SECTION 3. 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 4. In the cases covered under Section 2 and 3, the respondent may, within twenty-four (24) hours from notice of an order to suspend or cancel the business license or permit or to take custody of the pirated, counterfeit or fake goods, articles or services, move to consider said order/s. The Municipal Mayor shall decide said motion within fifteen (15) days from receipt.

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

The Municipality may seek the assistance or coordination of the Philippine National Police (PNP), the National Bureau of Investigation (NBI), the Videogram Regulatory Board (VRB), and other law enforcement agencies, in conducting the inspection.

SECTION 5. OFFENSES. The penalty of a fine or two thousand five hundred pesos (P2,500.00) or an imprisonment for a period not exceeding six (6) months, or both, in the discretion of the court shall be imposed upon.

5.1. Any person who, having been issued a business license or permit, shall commit a breach of the condition thereof imposed by SECTION 1 of this Ordinance.

5.2. 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 services.

5.3. Any person who shall violate the order of the Municipal Mayor shall be subject to suspension or cancellation of a license or permit or taking the subject goods into custody.

SECTION 6. The prosecution for commission of any of the foregoing offenses shall not constitute a bar for the prosecution of offenses under the Intellectual Property Code and other related laws.

SECTION 7. Person liable, should the offense be committed by a judicial person, the stockholder, chairperson, president, officer, director, trustee, partner or manager who committed or caused the commission of such offense, shall be liable.

SECTION 8. SEPARABILITY CLAUSE. If any provision or part hereof is declared invalid or unconstitutional, the remainder of the ordinance or part thereof not otherwise affected shall remain valid and subsiding.

SECTION 9. REPEALING CLAUSE. All ordinances and resolutions inconsistent herewith are hereby deemed repealed or accordingly modified.

SECTION 10. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon approval and after fifteen (15) days from posting in at least three (3) conspicuous places, within the Municipality and publication in a newspaper of general or local circulation.

APPROVED.

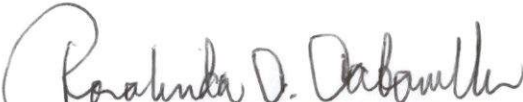
Certified Correct:


CHARITO S. ZARAGOZA
Vice Mayor/Presiding Officer

Attest:


SAMUEL M. CORDERO
Acting SB Secretary


CONFORME:


ROSALINDA C. CABANILLA
SBM


CARLITO F. CORRALES
SBM


MARIA PAZ V. CACHOLA
SBM


THELMA C. COPIOZO
SBM


TERESITO C. VALERA, SR.
SBM


ELISEO D. CABRADILLA
SBM



IRVIN R. LIM
SBM

PRIEMSON J. CABOTAGE
SBM


EDUARDO PEDRO Q. CABUENA
ABC President

JESKA MEDINA C. DELA CUADRA
SKF President

Approved:


EDGARDO D. ZARAGOZA
Municipal Mayor