

BPLW  
OPSS  
Market Office  
PNP

Publication

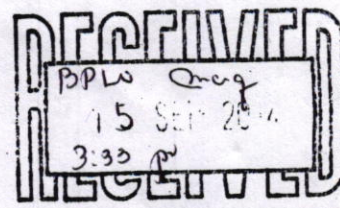


Republika ng Pilipinas  
**SANGGUNIANG PANLUNGSOD NG MARIKINA**  
7<sup>th</sup> City Council

City Government of Marikina  
GSO Records Management Division  
Document Tracking System



**14-026844**



Present:

HON. JOSE FABIAN I. CADIZ, MD

City Vice-Mayor/  
Presiding Officer

District 1

HON. RONNIE S. ACUÑA  
HON. FRANKIE C. AYUSON  
HON. JOSEPH B. BANZON  
HON. WILLIE N. CHAVEZ  
HON. MARIO M. DE LEON  
HON. SAMUEL S. FERRIOL  
HON. EVA AGUIRRE-PAZ  
HON. THADDEUS ANTONIO M. SANTOS, JR

City Councilor  
City Councilor  
City Councilor  
City Councilor  
City Councilor  
City Councilor  
City Councilor  
City Councilor

District 2

HON. ARIEL V. CUARESMA  
HON. PAUL B. DAYAO  
HON. MARK ALBERT J. DEL ROSARIO  
HON. XY-ZA R. DIAZEN  
HON. ERNESTO M. FLORES  
HON. SUSANA P. MAGTUBO  
HON. ROMMEL F. ORTIZ  
HON. RUBEN R. REYES

City Councilor  
City Councilor  
City Councilor  
City Councilor  
City Councilor  
City Councilor  
City Councilor  
City Councilor

SECTORAL REPRESENTATIVE:  
HON. LEVY DL DE GUZMAN

Liga President

**Ordinance No. 047**  
Series of 2014

**ORDINANCE TO CURTAIL THE SALE, RENTAL, TRANSFER, DISTRIBUTION, MANUFACTURE AND/OR PRODUCTION OF PIRATED, PORNOGRAPHIC TAPES OR CDs, COUNTERFEIT OR FAKE GOODS, ARTICLES OR SERVICES IN MARIKINA CITY, THEREBY REPEALING ORDINANCE NO. 164, SERIES OF 2009**

Introduced by:  
Co-sponsored by:

Councilor Ariel V. Cuaresma  
Councilor Mark Albert J. del Rosario  
Councilor Ernesto M. Flores  
Councilor Frankie C. Ayuson  
Councilor Samuel S. Ferriol  
Councilor Ronnie S. Acuña  
Councilor Willie N. Chavez  
Councilor Paul B. Dayao  
Councilor Susana P. Magtubo  
and Vice-Mayor Jose Fabian I. Cadiz, MD

**WHEREAS**, Republic Act No. 8293, Series of 1998 otherwise known as the Intellectual Property Code of the Philippines, recognizes the protection of the exclusive rights of scientists, investors, artists and other gifted citizens to their intellectual property creations



**WHEREAS**, the City Government of Marikina adheres to the policy of the national government to curb the proliferation and introduction into commerce of pirated, counterfeit, pornographic tapes or CDs, or fake goods, articles of services, and the commission of other acts that violates intellectual property rights as protected by law;

**WHEREAS**, piracy and counterfeiting of intellectual property rights not only cause economic prejudice among legitimate businessmen and establishments which offer products and other services dependent on intellectual property protection, but also undermine the City's strategy for growth and development which results in unrealized revenues taxes;

**WHEREAS**, the proliferation of pirated pornographic tapes and CDs nowadays, corrupts the minds of the youth and even young children;

**WHEREAS**, a proactive response from the local government units must be enforced to protect the welfare of its constituents;

**WHEREAS**, Section 458 of the Local Government Code of 1991 provides that the sangguniang panlungsod as the legislative body of the city shall enact ordinance for the general welfare of the City and in this connection shall:

*"Maintain peace and order by enacting measures to prevent and suppress lawlessness x x x x."*

**NOW, THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED BY THE SANGGUNANG PANLUNGSOD OF MARIKINA**, in session, duly assembled:

**Section 1.** All business licenses and permits issued by the City Government of Marikina through its Business Permits and License Office (BPLO) shall carry the express condition that the licensee shall not engage in the sale of pornographic tapes or CDs, rental, transfer, distribution, manufacture and/or production of pirated, counterfeit or fake goods and articles of 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 contraptions, containing pirated pornographic materials, counterfeit or fake goods, 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.** The pirated pornographic tapes or CDs, 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 all illegal materials or articles shall be confiscated.

**Section 3.** All illegal materials, pirated pornographic tapes and CDs confiscated during the operation or apprehension shall be conducted with a proper inventory and that a person in authority must stand and affix his signature as witness to the inventory of confiscated goods. A Report of the Apprehension must be furnished the Optical Media Board (OMB) prior to the destruction of confiscated illegal materials.

**Section 4.** The City may seek the assistance and coordination of the Philippine National Police-Marikina, National Bureau of Investigation (NBI), and Optical Media Board and other law enforcement agencies in conducting the inspection, monitoring and apprehension of vendors selling pirated pornographic tapes and CDs and destruction of all illegal materials confiscated.

*mm*



**Section 5. PENALTY CLAUSE.** Violation of any of the provisions of this Ordinance shall be fined the amount of Php 3,000.00 and confiscation of all illegal pirated pornographic tapes and CDs and materials and revocation/cancellation of the business permit/license and/or an imprisonment for a period not exceeding Six (6) months, or both, upon the discretion of the court shall be imposed upon the following:

5.1. Any person who having been issued a business license or permit shall commit a breach of the condition imposed hereof 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 pornographic tapes and CDs, counterfeit or fake goods, articles or services.

5.3. Any person who shall violate the order of the City Mayor suspending or canceling a license or permit, or taking the subject goods in custody.

5.4. The prosecution for the 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 6. PERSONS LIABLE.** Should the offense be committed by a juridical person, the stockholder, chairperson, president, officer, director, trustee partner or manager who committed or caused the commission of such offense.

**Section 7. IMPLEMENTING AGENCIES.** The Business Permits and License Office (BPLO), Office for Public Safety and Security (OPSS), Market Office with the assistance of PNP -Marikina, are hereby tasked to implement this Ordinance.

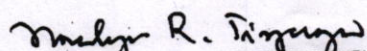
**Section 8. SEPARABILITY CLAUSE.** If any part or provision of this Ordinance is declared invalid or unconstitutional, the remainder of the Ordinance or part thereof not otherwise affected shall remain valid and in effect.

**Section 9. REPEALING CLAUSE.** Ordinance No. 164, Series of 2009 and other Ordinances inconsistent with this Ordinance are hereby deemed repealed or modified accordingly.

**Section 10. EFFECTIVITY.** This Ordinance upon approval shall take effect after Fifteen (15) days from posting in at least three (3) conspicuous places within the City.

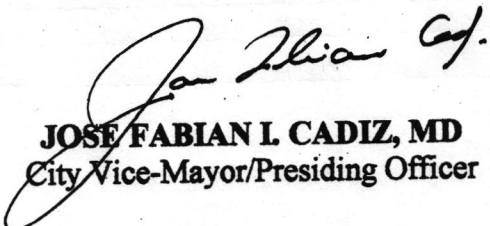
ENACTED by the SANGGUNIANG PANLUNGSOD of MARIKINA this 3<sup>rd</sup> day of September 2014.

I hereby certify to the passage of the foregoing Ordinance which was duly approved by the Sangguniang Panlungsod of Marikina during its 33<sup>rd</sup> Regular Session held on September 03, 2014.

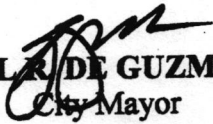
  
**NORALYN R. TINGUNCO**  
Secretary to the Sanggunian



ATTESTED:

  
**JOSE FABIAN L. CADIZ, MD**  
City Vice-Mayor/Presiding Officer

APPROVED BY THE HONORABLE CITY MAYOR on \_\_\_\_\_

  
**DEL R. DE GUZMAN**  
City Mayor