



**ORDINANCE NO. 14090-2021**

**AN ORDINANCE AMENDING ORDINANCE NO. 13121-2016, OTHERWISE KNOWN AS THE ILLEGAL "BOTE-BOTE" RETAILING OF LIQUID PETROLEUM PRODUCTS ORDINANCE OF 2016, SO AS TO INCLUDE LIQUEFIED PETROLEUM GAS (LPG) WITHIN THE PURVIEW OF THE SAID ORDINANCE IN THE MANNER PROVIDED FOR HEREIN; AND FOR OTHER PURPOSES**

*WHEREAS*, Ordinance No. 13121-2016, otherwise known as the Illegal "Bote-bote" Retailing of Liquid Petroleum Products Ordinance of 2016, provides certain guidelines in the storage, handling, transfer and/or dispensing of liquefied petroleum products in Cagayan de Oro City and declares unlawful certain practices in the retailing of the same;

*WHEREAS*, the said Ordinance does not cover Liquefied Petroleum Gas (LPG) that is commonly used in the household for fueling cooking devices;

*WHEREAS*, it is imperative to regulate the retailing, sale and transport of LPG since it is one of the causes of conflagration due to its improper storage or dispensing;

**NOW, THEREFORE:**

**BE IT ORDAINED** by the 19th City Council (*Sangguniang Panlungsod*) of Cagayan de Oro in session duly assembled that:

**SECTION 1.** Section 2 (*Definition of Terms*) of Ordinance No. 13121-2016, otherwise known as the Illegal "Bote-bote" Retailing of Liquid Petroleum Products Ordinance of 2016, is hereby amended by adding therein paragraph (G), to read as follows:

"X-X-X

**SECTION 2.** *Definition of Terms* – Whenever used in this Ordinance the following terms shall be construed as follows:

'X-X-X

'G) **Liquefied Petroleum Gas (LPG)** – commercial propane gas or commercial butane gas or a mixture of the two gases, with properties conforming to the specifications set by the Bureau of Product Standards (BPS), that is used as fuel in heating appliances, cooking devices/equipment, and vehicles.

'X-X-X"

**SECTION 2.** Ordinance No. 13121-2016 is likewise hereby amended by adding therein Section 4-A to cover prohibited acts in the trade, sale or distribution of LPG, to read in full as follows:

"X-X-X

**SECTION 4-A.** *Prohibitions on LPG Trading* – Any of the following acts shall be unlawful and punishable under this Ordinance:

- 'a) Sale or distribution of LPG-filled cylinders without seals, tampered seals, or inappropriate seals;
- 'b) Illegal possession of and/or use of unregistered and/or inappropriate LPG cylinder seals;



- 'c) Sale of LPG in single-trip (non-refillable) container/canister previously filled with butane;
- 'd) Decanting or refilling small LPG tank/cylinder from bigger cylinder;
- 'e) Illegal storage of LPG;
- 'f) Pilferage of LPG;
- 'g) Tampering of LPG cylinders;
- 'h) Overloading in hauling LPG cylinders/tanks;
- 'i) Sale of LPG in cylinders that do not conform with Philippine National Standards (*Specification for Steel Cylinders for LPG*);
- 'j) Failure to comply with standards;
- 'k) Failure to comply with weighing device requirements;
- 'l) Underfilling of LPG cylinders; or
- 'm) Adulteration.

**SECTION 3.** Section 7 of the same Ordinance is likewise hereby amended to read as follows:

'x-x-x

**'SECTION 7. (Prohibited Acts and Penalty Clause)** - Any person, natural or juridical, found peddling, vending, retailing and selling in violation of, or not complying with, Sections 3, 4 and 4-A hereof, in addition to the confiscation of the liquid petroleum products, shall be penalized by a fine of not less than ₱3,000.00 but not more than ₱5,000.00 or imprisonment of not less than six (6) months but not more than one (1) year, or both such fine and imprisonment at the discretion of the court.

'The offender may, however, opt to settle his/her liability administratively by paying the following administrative fines within 72 hours from apprehension:

- 'a) First Offense -- Three Thousand Pesos (₱3,000.00)
- 'b) Second Offense -- Four Thousand Pesos (₱4,000.00)
- 'c) Third Offense -- Five thousand Pesos (₱5,000.00) and cancellation/ revocation of business permit when applicable.

'Failure to pay the said fine after the lapse of seventy-two (72) hours period, the City Legal Officer shall forward or file the appropriate complaint or information at the Office of the City Prosecutor or the Municipal Trial Courts in Cities in the City of Cagayan de Oro.

'If the offender is a corporation, partnership or association, the penalty shall be imposed upon the officer or officers thereof responsible for the offense.

'Illegal items confiscated by the Task Force or other law enforcement agencies pursuant to this Ordinance shall be disposed of in accordance with existing rules and regulations therefor. The City Government shall not be held liable for any damage arising from the removal, confiscation or disposale of the said items.

'x-x-x"

**SECTION 4.** The same Ordinance is hereby further amended to insert Section 9-A and Section 9-B therein, to read as follows:

'x-x-x



SECTION 9-A. Suppletory Clause - The provisions of Department of Energy (DOE) Circular No. 98-03-004 as well as other relevant and appropriate provisions and their applicable rules and regulations, shall apply in a suppletory manner to this Ordinance.

SECTION 9-B. Inclusion in the OVR System. - This Ordinance shall be included in the OVR System as provided for under Ordinance No. 12139-2011 and its Implementing Rules and Regulations (IRR) per Ordinance No. 13671-2019 whose provisions shall likewise apply suppletorily hereof.

'x-x-x'

SECTION 5. This Ordinance shall take effect after fifteen (15) days following its publication in a local newspaper of general circulation and posting in conspicuous public places as required by law.

UNANIMOUSLY APPROVED.

AUTHOR: COUNCILOR TEODULFO E. LAO, JR.

- Present: 1st District: - Councilor Edna M. Dahino - Councilor Roger G. Abaday - Councilor Jay R. Pascual - Councilor Lordan G. Suan - Councilor Zaldy O. Ocon - Councilor George S. Goking - Councilor Reuben R. Daba - Councilor Romeo V. Calizo - Councilor Joyleen Mercedes L. Balaba - Councilor Maria Lourdes S. Gaane - Councilor Suzette G. Magtajas-Daba - Councilor Teodulfo E. Lao, Jr. - Councilor Jocelyn B. Rodriguez - Councilor John Michael L. Seno - Councilor Yan Lam S. Lim - Councilor Enrico D. Salcedo On Official Business: - Councilor Ian Mark O. Nacaya Absent: - Councilor Edgar S. Cabanlas (Indisposed)

ENACTED this 10th day of May 2021 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

Attested as duly enacted:

Signature of Raineir Joaquin V. Uy, City Vice-Mayor Presiding Officer

RAINEIR JOAQUIN V. UY CITY VICE-MAYOR PRESIDING OFFICER

ARTURO S. DE SAN MIGUEL CITY COUNCIL SECRETARY

Approved:

Signature of Oscar S. Moreno, City Mayor

OSCAR S. MORENO CITY MAYOR

Attested:

Signature of Teodoro A. Sabuga-A, Jr., Acting City Administrator

TEODORO A. SABUGA-A, JR. ACTING CITY ADMINISTRATOR