

REPUBLIC ACT NO. 4109

AN ACT TO CONVERT THE DIVISION OF STANDARDS
UNDER THE BUREAU OF COMMERCE INTO A BUREAU
OF STANDARDS, TO PROVIDE FOR THE STANDARDIZA-
TION AND/OR INSPECTION OF PRODUCTS AND IM-
PORTS OF THE PHILIPPINES AND FOR OTHER PUR-
POSES

Be it enacted by the Senate and House of Representatives of the
Philippines in Congress assembled:

SECTION 1. The Division of Standards under the Bureau of Commerce
is hereby converted into a Bureau of Standards under the Department of
Commerce and Industry. I

SECTION 2. The Bureau shall have as its head a Director of Stan-
dards and two Assistant Directors, one for technical matters and the
other for administrative matters, who shall be appointed by the Pre-
sident of the Philippines with the consent of the Commission on Appoint-
ments. There shall be in the Bureau such officials and employees to
be appointed by the Secretary of Commerce and Industry as may be neces-
sary to carry out the purpose of this Act: Provided, That personnel of
the Bureau whose duties and functions are technical in nature shall be
exempted from the operation of the Wage and Position Classification
Office.

SECTION 3. The Bureau shall have charge of the establishment of
standards for, and inspection of, all agricultural, forest, mineral,
fish, industrial and all other products of the Philippines for which
no standards have as yet been fixed by law, executive order, rules and
regulations; and the inspection and certification of the quality of com-
modities imported into the Philippines, to determine the country of ori-
gin of the articles which are the growth, raw materials, manufacture,
process, or produce, and to determine if they satisfy the buyer's or
importer's requirements or specifications for domestic consumption; and
to prohibit the discharge and/or release of any article which are the
growth; raw materials, manufacture, process, or produce of countries
without trade relations with the Philippine government. Physical, bio-
logical and/or chemical tests or analyses necessary for the examination
of products under the provisions of this Act may be undertaken in any
branch of the Government having facilities for the purpose until such
times as the Bureau may have its own facilities.

¹ New Ministry of Trade

SECTION 4. Subject to the general supervision and control of the Secretary of Commerce and Industry, the Director of the Standards shall possess the general powers conferred by law upon Bureau Chiefs, and the following specific powers and duties which he may perform personally or through his duly authorized representatives;

(a) Under such rules and regulations as the Director of Standards may promulgate which the Secretary of Commerce and Industry must approve within one year, to establish standards for the products within the purview of Section three of this Act; to inspect in order to sample and determine the standards of said products, and to certify the inspection and standard thereof;

(b) Before the government, including government owned or controlled corporation, make any purchase of any of the products within the purview of Section three of this Act, and/or the producer, manufacturer and/or dealer offers for sale any commodity which affects the life, health and property of the people, to inspect and sample in order to determine if, and to certify that products satisfy the requirements as to kind, class, grade, quality or standard in accordance with the provisions of sub-section (a) above;

(c) Before the exportation or shipment abroad of any of the products within the purview of Section three of this Act, for which no standard has or shall have, as yet, been established in accordance with the provisions of sub-section (a) above, to inspect and sample in order to determine if, and to certify that, the whole shipment satisfies the buyer's or importer's requirements as to kind, class, grade, quality or standard: Provided, however, That shipments which are not standardized but conforms to buyer's or importer's requirements, shall have their corresponding customs or shipping papers or documents stamped conspicuously with the caption "not under government commodity standardization" and may be released by the Collector of Customs in accordance with the existing Tariff and Customs Laws;

(d) Before any commodity imported into the Philippines is discharged and/or released by the Bureau of Customs, to inspect such commodity in order to sample and determine the country of origin where the articles are the growth, raw materials, manufacture, process or produce, and to certify that, the whole shipment satisfies local buyer's or importer's requirements as to kind, class, grade, quality or standard which may be indicated on the corresponding customs or shipping papers or commercial documents: provided, however, That imports which are not shown covered by, or do not conform to, buyer's or importer's requirements, shall be labelled or stamped conspicuously with the caption "do not conform to buyer's or importer's specifications": Provided, further, That imports of any article which are the growth, raw materials, manufacture, process or produce of countries wherein the Philippines has no

trade agreement shall be confiscated and/or seized at the disposal of the government;

(e) To fix and collect fees for the services of inspection and certification of inspection and standard, and/or testing or analyzing samples and certification of tests or analysis, and other services, the nature of which require scientific and/or technological knowledge and skill;

(f) To take testimony or evidence on matters of official business relating to the exercise of his powers, the performance of his duties, and the accomplishment of the purpose of this Act or any of the rules and regulations promulgated in accordance therewith;

(g) To initiate and undertake official investigation to determine the nature of organization and business methods of any entrepreneur, person, corporation, association, partnership or firm engaged in the manufacture, marketing and distribution of the products within the purview of Section three of this Act: Provided, however, That this power shall be exercised only in connection with any known or reported violation of any provision of this Act, or non-compliance with any rule or regulation promulgated in accordance therewith.

SECTION 5. Any person who fails or refuses to comply with a legal summon, or subpoena, or subpoena duces tecum, of the Director of Standards or his duly authorized agent or representative, or refuses to be sworn to, prior to giving testimony or refuses to answer pertinent questions, or gives false or misleading data or information or willful concealment of a material fact, in any investigation made pursuant to sub-section (c), (d), (e), (f), and (g) of Section four of this Act, shall be punished by imprisonment of not less than two nor more than six months, and by a fine of not less than five hundred nor more than one thousand pesos and deportation if he is an alien, after serving the entire period of his imprisonment: Provided, however, That, if the false or misleading data or information shall have been given under oath, the maximum penalty for giving false testimony shall be imposed.

SECTION 6. No customs export entry, import entry, declaration, release certificate, manifest, clearance, import permit, or permit to ship abroad and/or discharge shall be issued for any of the products within the purview of Section three of this Act and/or imported commodity, unless it is first inspected in accordance with the provisions of sub-section (b), (c), (d), and/or (e) of Section four of this Act: Provided, however, That no product of the Philippines for which a standard has been established and promulgated by virtue of this Act shall be sold and/or disposed of in any manner and/or exported unless and until its standard shall have been certified by the Director of Standards or his duly authorized representatives as conforming to the standard set

for, either for local distributions and/or for export: Provided, further, That no such certification shall be required upon application under oath by the manufacturer and/or exporter to the Director of Standards that the shipment is in small quantity and the product is not for sale but for private use or consumption only. It shall be the duty and the responsibility of all collectors of customs to enforce the prohibition on the exportation and/or importation of any product herein above referred to.

SECTION 7. Any public official, employee, individual, corporation, association, partnership, or firm effecting or abetting the shipment abroad and/or facilitate the discharge or distribution and/or sale for domestic consumption of any product in violation of any of the provisions of Section six of this Act or any rules or regulations issued therewith, shall be punished by imprisonment of not less than six months nor more than two years and by a fine of not less than one thousand nor more than five thousand pesos, and deportation if he is an alien after serving the entire period of his imprisonment.

Whenever the violation is committed by a corporation, association, partnership or firm, the President and each one of the directors or managers of said corporation, association, partnership or firm who shall have knowingly permitted or failed to prevent the commission of said violation shall be held liable as principals thereof.

In case the offender is a naturalized citizen he shall, in addition to the penalty prescribed herein, suffer the penalty of cancellation of his naturalization certificate and such registration in the civil registry and immediate deportation.

In case the violation is committed by, or in the interest of a foreign juridical person duly licensed to engage in business in the Philippines, such license to engage in business in the Philippines shall immediately be revoked.

If the offender is a public officer or employee, he shall, in addition to the penalty of imprisonment and fine prescribed herein, be dismissed from office and perpetually disqualified from holding public office.

SECTION 8. The Division of Standards under the Bureau of Commerce is hereby converted and its personnel, appropriations, and share in the appropriations of the Bureau of Commerce, funds, furniture, equipment, properties, supplies, records, assets, and liabilities are hereby constituted to the Bureau: and all powers conferred upon, and all duties, functions, and activities assigned to the said division and to the Director of Commerce by virtue of the provisions of Sections one hundred fifty-five, one hundred fifty-six and one hundred fifty-seven of Executive Order Numbered ninety-four, series of nineteen hundred and forty-seven, together with the execution and enforcement of Commerce Administrative Orders on Standardization and inspection of Philippine products already promulgated in accordance with the provisions of the said sections of the executive order, are hereby transferred to the Director of Standards.

SECTION 9. In addition to such funds and appropriations as may be transferred to the Bureau as provided in Section eight of this Act, there is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, the amount of one million pesos for the salaries, wages, sundry and other expenses, furniture, and equipment of such personnel of the Bureau as will be needed and required to carry out the purpose of this Act.

SECTION 10. Twenty-five per centum of all receipts and collections accruing from the enforcement of this Act and the rules and regulations on inspection and certificate of inspection and standard shall be set aside and be available for disbursement for salaries, wages, sundry and other expenses, furniture, and equipment of such additional personnel as may be needed and required to intensify or extend the activities and services of the Bureau. Any amount thus set aside, or so much thereof as may be needed for the intensification or extension of activities and services, shall be itemized in special budget to be approved by the President upon recommendation of the Secretary of Commerce and Industry; and any such special budget thus approved shall be incorporated in the draft of the regular budget for the ensuing fiscal year for the consideration of the Congress in its regular or special session. Unitemized and unexpended balances of amounts thus set aside shall be cumulative from year to year, and shall constitute, a special fund to be called "Philippine Standardization and Inspection Fund" to be used for the purposes herein stated, and for such other aims and projects as may render the services of the Bureau efficient and effective.

SECTION 11. All Acts, executive orders, administrative orders and proclamations or parts thereof inconsistent with any of the provisions of this Act is hereby repealed or modified accordingly. If any part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect the remainder thereof, but shall be confined in its operation to the part directly involved in the controversy in which such judgment shall have been rendered.

SECTION 12, Effectivity. This Act shall take effect upon its approval.

Approved, June 20, 1964.

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