

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 952



Introduced by Representatives Ron P. Salo

EXPLANATORY NOTE

As enunciated in Article II, Section 15 of the 1987 Philippine Constitution, "The State shall protect consumers from trade malpractices and from substandard or hazardous substances." The constitutional injunction to protect the rights of consumers was further strengthened under Republic Act No. 7394, otherwise known as the Consumer Act of the Philippines, "to protect the interest of the consumers, promote their general welfare, as well as establish standards of conduct for business and industry, in furtherance of the above stated state policies.

This bill builds on the objectives set forth under RA 9236, which provides, among others, that the State shall provide support to Research and Development (R&D) in Metrology covering the environment and climate change, public health and safety, transportation Information Communication Technology (ICT), Biotechnology/Genomics, Materials Science, Nanotechnology, Photonics, Metrology in Chemistry, Space Technology applications and other emerging and enabling technologies.

This bill endeavors to facilitate progress in the national economy by encouraging the standardization and modernization of units and standards of measurements to adapt to the needs of times. It seeks to encourage the adoption of international best practices in measurements in response to future developments and requirements. In 2003, Republic Act No. 9236, also known as "National Metrology Act of 2003 was enacted

The proposed legislation seeks to harmonize Philippine national metrological standards with international standards, mutual recognition arrangements and statistical controls as envisioned in the ASEAN economic integration, the World Trade Organization (WTO), other international agreements and covenants resulting to globally competitive and quality products and services that conforms with national standards. This bill will also provide greater consumer protection, transparency and confidence in measurements.

For the purpose of strengthening the NMIS and to attain harmonization of metrology standards consistent with the ASEAN and other recognized international standards, the National Metrology Institute (NMI) is hereby created and shall be placed directly under the NMB. The NMI shall be headed by an Executive Director, and under

the policy, technical, administrative supervision and control of the Department of Science and Technology.

The passage of this important piece of legislation will further boost global competitiveness and quality of Philippine products and services.



RON P. SALO
KABAYAN Partylist

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AN ACT
STRENGTHENING THE NATIONAL MEASUREMENT INFRASTRUCTURE
SYSTEM (NMIS) AMENDING RA 9236 ALSO KNOWN AS THE NATIONAL
METROLOGY ACT OF 2003 AND FOR OTHER PURPOSES

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

SECTION 1. This Act shall be known as the “*Enhanced National Measurement Infrastructure System (NMIS) Act.*”

SEC. 2. Declaration of Policy. — The State shall support the harmonization of national metrological standards with international standards, mutual recognition arrangements and statistical controls as envisioned in the ASEAN Economic Integration, World Trade Organization (WTO) and international agreements and covenants resulting to globally competitive and quality products and services.

In addition to Section 2 of Republic Act No. 9236, the State shall provide support to research and development in metrology covering environment and climate change, public health and safety, transportation, information and communication, Biotechnology, Genomics, Material Science, Nanotechnology, Photonics, Metrology in Chemistry, Space technology applications and other emerging and enabling technologies; encourage the adoption of international best practices in measurement and quality infrastructures for maximum national benefit; and accord greater consumer protection, transparency and confidence in measurements in response to future developments and requirements.

SEC. 3. Objectives. — This law builds on Republic Act No. 9236 also known as the “National Metrology Act of 2003.” In furtherance of the policies enunciated in R.A. 9236 and this Act, the following objectives shall be pursued:

- a) Establish the National Metrology Institute (NMI) under the Department of Science and Technology;
- b) Provide capacity building programs through competency training to strengthen the local metrology authorities at the local level; and

- c) Foster a metrology culture that will instill a keen appreciation of the importance of metrology.

SEC. 4. Scope. — This law shall have a national application and shall cover all agencies, institutions, private entities performing metrological activities, and processes.

SEC. 5. Definition of Terms. — Section 3 of R.A. 9236 is amended to read as follows:

“SEC. 3. *Definition of Terms.* — For the purpose of this Act, the following terms and phrases shall have the following definitions:

- a) **ACCREDITATION REFERS TO THIRD PARTY ATTESTATION RELATED TO A CONFORMITY ASSESSMENT BODY CONVEYING FORMAL DEMONSTRATION OF ITS COMPETENCE TO CARRY OUT SPECIFIC CONFORMITY ASSESSMENT TASKS.**

THE NATIONAL ACCREDITATION SYSTEM, IN GENERAL, IS A VOLUNTARY SYSTEM WHICH ESTABLISHES THE COMPETENCE AND IMPARTIALITY OF:

- (i) **CALIBRATION LABORATORIES TO PERFORM TRACEABLE CALIBRATIONS AND MEASUREMENTS;**
 - (ii) **TESTING LABORATORIES;**
 - (iii) **INSPECTION BODIES; AND**
 - (iv) **CERTIFICATION BODIES WHICH PERFORM PRODUCT CERTIFICATION, QUALITY SYSTEMS CERTIFICATION OR CERTIFICATION OF PERSONNEL.**
- b) [a)] **ACCREDITED LABORATORY** [–] refers to a laboratory that has been evaluated and has complied with the requirements of the International Standardization Organization (ISO) 17025 Standard “General Requirements for the Competence of Testing and Calibration Laboratories,” and accredited by the national accrediting body.
- c) [b)] **BOARD-AUTHORIZED UNITS (BAU)** [~~—are~~] **REFERS TO** units prescribed by the International System of Units (SI) and other units of measurement authorized by the Board.
- d) [c)] **CALIBRATION** [–] **REFERS TO THE** set of operations establishing under specified condition, relationship between values indicated by a measuring instrument or measuring system, or values represented by material measure, and its corresponding known values of measure.

- e) **CONFORMITY ASSESSMENT** REFERS TO THE DEMONSTRATION THAT SPECIFIED REQUIREMENTS RELATING TO A PRODUCT, PROCESS, SYSTEM, PERSON OR BODY ARE FULFILLED.
- f) **DOST REGIONAL OFFICES** REFERS TO THE FOCAL POINTS FOR THE PLANNING AND IMPLEMENTATION OF SCIENCE AND TECHNOLOGY (S & T) PROGRAMS AND PROJECTS IN THEIR RESPECTIVE REGIONS IN CONSONANCE WITH THE NATIONAL S & T PLAN. THEY PROVIDE LOCAL S & T SERVICES TO THE LOCAL POPULACE AND COORDINATE WITH OTHER GOVERNMENT AGENCIES AND OTHER STAKEHOLDERS ON S & T MATTERS.
- g) **DOST RESEARCH AND DEVELOPMENT INSTITUTES (RDIS)** REFERS TO DOST AGENCIES CONCERNED WITH BASIC AND APPLIED RESEARCH ON VARIOUS S & T FIELDS.
- h) **DOST SCIENCE AND TECHNOLOGY SERVICES INSTITUTES** REFERS TO DOST AGENCIES PROVIDING SCIENCE AND TECHNOLOGY-RELATED SERVICES.
- i) **EMERGING OR ENABLING TECHNOLOGIES** INCLUDES BIOTECHNOLOGY, GENOMICS, MATERIAL SCIENCE, NANOTECHNOLOGY, PHOTONICS, METROLOGY IN CHEMISTRY, SPACE TECHNOLOGY APPLICATIONS.
- j) **LOCAL METROLOGY AUTHORITY (LMA)** REFERS TO THE OFFICE OR PERSON RESPONSIBLE IN THE IMPLEMENTATION OF LEGAL METROLOGICAL CONTROLS AT THE LOCAL LEVEL OR IN THE LEVEL OF LOCAL GOVERNMENT UNITS (LGUS).
- k) [d] **MEASUREMENT [-]** REFERS TO THE set of operations having the object of determining the value of a quantity.
- l) [e] **MEASUREMENT STANDARD [-]** REFERS TO a measuring instrument or system intended to define, realize, conserve or reproduce a unit or one or more known values of a quantity in order to transmit them to the measuring instrument by comparison.
- m) [f] **METROLOGY [-]** REFERS to the field of science concerned with weights and measures which includes all aspects of measurements in whatever level of accuracy and in any field of science and technology.
- n) [g] **METROLOGY CONTROLS [-]** REFERS to the type approval, verification, calibration and other processes and means of checking the accuracy and reliability of measurement standards and measuring equipment.

- o) **MUTUAL ACCEPTANCE ARRANGEMENT (MAA)** refers to an arrangement among conformity certificate issuing authorities providing confidence in test and examination results through a formal and mandatory peer evaluation process.
- p) *Mutual Recognition Arrangement (MRA)* refers to an arrangement among countries designed to facilitate the freer movement and employment of qualified and certified personnel between countries.
- q) *Pre-Packaged Products* refers to any commodity that is enclosed in a container or wrapped in any manner, and for which its quantity has been determined and indicated on its label prior to being offered for sale. The quantity of the product contained cannot be changed without opening or perceptibly modifying the packaging.
- r) [j)] **PRIMARY STANDARD [-] REFERS TO** a standard which has highest metrological quality in a specified field.
- s) [h)] **REGULATED AREAS OF APPLICATION [-]** refers to field of endeavors or areas which are critical to citizens as they affect health, safety, welfare, physical conditions, trade and commerce, legal transactions, environment and other areas as may be determined by the Board.
- t) [k)] **SECONDARY STANDARD [-] REFERS TO** one which value is fixed by comparison with primary standard.
- u) **STAKEHOLDERS REFER TO ALL INDIVIDUALS AND ENTITIES INVOLVED IN ANY METROLOGICAL ACTIVITIES AND PROCESSES.**
- v) [l)] **TRACEABILITY [-] REFERS TO** the property of a result of a measurement relating to appropriate standards, generally national or international through an unbroken chain of comparison.
- w) [i)] **TYPE [Approval] OR PATTERN APPROVAL ON MEASURING INSTRUMENTS, [-]** the approved evaluation of conformity based on one or more specimens of a product. **REFERS TO CONFORMITY ASSESSMENT PROCEDURE ON ONE OR MORE SPECIMENS OF AN IDENTIFIED TYPE OR PATTERN OF MEASURING INSTRUMENTS WHICH RESULTS IN AN EVALUATION REPORT AND/OR AN EVALUATION CERTIFICATE.**
- x) [m)] **VERIFICATION [-] REFERS TO** a confirmation by examination of evidence that the measuring equipment fulfills specified requirements.

SEC. 6. Organizational Structure. — For the purpose of strengthening the NMIS and to attain harmonization of metrology standards consistent with the ASEAN and other recognized international standards, the National Metrology Institute (NMI) is hereby created. The NMI shall be headed by an Executive Director, and under the policy, technical, administrative supervision and control of the Department of Science and Technology. The existing National Metrology Board (NMB) shall have oversight function over the NMI.

The NMI, in coordination with the Department of Budget and Management (DBM) and the Civil Service Commission (CSC), shall determine the appropriate administrative support complement necessary for the effective and efficient operations of the Institute.

SEC. 7. Functions of the National Metrology Institute (NMI). — The NMI shall fulfil the following functions:

- a) Establishing and maintain the national physical and chemical standards for basic and derived quantities;
- b) Define the requirements for the appointment of private bodies to perform Legal Metrology services;
- c) Harmonize qualifications of stakeholders for licensing of verifiers;
- d) Adopt the Mutual Recognition Arrangements (MRA);
- e) Broaden Type or Pattern Approval to allow acceptance of Mutual Acceptance Arrangements (MAA);
- f) Formulate mechanisms for initial statistical validation of utility meters from manufacturers and subsequent statistical in-service inspection of utility meters;
- g) Adopt OIML Recommendations to legal metrology regulations as well as alignment with international traceability and conformity standards;
- h) Provide administrative support to the NMB and set up proper coordination, reporting and feedback to the NMB regularly;
- i) Establish cooperation or linkages on Metrology at the national and international levels; and
- j) Ensure the effective and efficient operations of the NMI in carrying out the above functions and responsibilities.

SEC. 8. Strengthening the National Metrology Board. — Section 5 of R.A. 9236 is hereby amended to read as follows:

“SEC 5. *Creation of the National Metrology Board (NMB).* – A National Metrology Board, hereinafter referred to as the Board, is hereby created and to be chaired by the Secretary of the Department of Science and Technology (DOST). It shall be composed of the Secretaries of the following agencies or their duly authorized representatives with the rank of Undersecretary, as ex officio members:

- (a) Department of Trade and Industry (DTI);
- (b) Department of Transportation (DOTR);
- (c) Department of Health (DOH);
- (d) Department of Interior and Local Government (DILG);
- (e) Department of Justice (DOJ);
- (f) Department of Environment and Natural Resources (DENR); ~~[and]~~
- (g) Department of Agriculture (DA)~~[-];~~
- (h) Department of Energy (DOE);
- (i) Department of Public Works and Highways (DPWH);
- (j) Department of National Defense (DND);
- (k) Philippine Information Agency (PIA); and
- (l) Committees on Science and Technology of the Senate of the Philippines and the House of Representatives.

THE NMB SECRETARIAT INCLUDING ITS PLANTILLA POSITIONS IS HEREBY TRANSFERRED FROM THE INDUSTRIAL TECHNOLOGY DEVELOPMENT INSTITUTE (ITDI) TO THE OFFICE OF THE DOST SECRETARY ~~[The Industrial Technology and Development Institute (ITDI) is hereby mandated to serve as the Board's Secretariat.]~~ The National Metrology Laboratory presently existing as the laboratory arm of the ITDI is likewise hereby maintained and shall carry out the technical, calibration and laboratory

functions to effectively implement the provisions of this Act. For the purpose of enforcing its mandate, the **OFFICE OF THE DOST SECRETARY [ITDI]** shall call upon the personnel of other departments and agencies of the government and private institutions to assist in the implementation of this Act."

SEC. 9. Functions, Duties and Responsibilities of the Board. – Section 6 of R.A. 9236 is hereby amended to include the following:

"SEC 6. Functions, Duties and Responsibilities of the Board. – The Board shall have the following duties and responsibilities:

- (a) To ensure the execution ~~[upkeeping]~~ **OF THE UPKEEP** and conservation of national primary and secondary standards in conformity with the Board-Authorized Units;
- (b) To **GUARANTEE** ~~[promote and to coordinate]~~ the use in the country of a uniform system of units and measurement standards of physical **AND CHEMICAL** quantities;
- (c) To ~~[issue and enforce]~~ **MAKE SURE THAT** the necessary guidelines **ARE ISSUED AND ENFORCED** on such areas of metrology but not limited to utilization of measuring equipment and devices, type approval on measuring equipment, verification, calibration, use of control marks and other metrological controls on measurement standards and measuring equipment;
- (d) To **WARRANT** ~~[ensure]~~ that the accuracy and application of quantities and similar metrological requirement are met in all commercial, economic, scientific, technical and similar endeavors;
- (e) To **APPROVE** ~~[fix]~~ rates ~~[collect fees]~~ for the metrological work and similar calibration services rendered ~~[for both public and private entities]~~ **by the NMI, DOST REGIONAL METROLOGY LABORATORIES AND OTHER GOVERNMENT METROLOGY LABORATORIES;**
- (f) To **ENSURE THAT** ~~[carry out the testing for]~~ type approval of measuring **INSTRUMENTS** ~~[equipment]~~ **ARE CARRIED OUT BY NMI AND OTHER COMPETENT LABORATORIES;**
- (g) To supervise and to assure the execution and calibration of standards and verification equipment;
- (h) To ensure that persons or business entities regularly engaged in importing, manufacturing, repairing, selling or hiring certain measuring equipment comply with the **PROVISIONS OF THIS ACT** ~~[guidelines of the Board]~~; and

- (i) To perform such other functions, duties and responsibilities as may be necessary to implement this Act.”

SEC. 10. The Role of the Department of Trade and Industry (DTI). – DTI through their regional and provincial offices shall coordinate and monitor the implementation of the national metrology policy at the local level to ensure that consumer protection and safety from inaccurate and false measurements of consumer products, goods and services, pursuant to Chapter II, Articles 61 to 65 of Republic Act No. 7394, otherwise known as the Consumer Act of the Philippines.

The DTI shall also conduct surveillance, inspections and verifications on the sale of pre-packaged products.

SEC. 11. The Role of the Local Metrology Authority. – Each LGU, through their Treasurer’s Office, shall be tasked to perform the following functions pursuant to Book II, Section 148 of Republic Act No. 7160, otherwise known as the Local Government Code, and Chapter II, Article 61 to 65 of R.A. 7394:

- (a) Implement the national metrology policy at the local level;
- (b) Enforce the legal metrology regulations at the local level;
- (c) Set-up a Weights and Measures Office;
- (d) Conduct registration of measuring instruments for commercial applications;
- (e) Issue certification for measuring instruments that are verified to be correct and ready for commercial applications.

The DILG shall ensure that the LGUs shall implement the provisions of this Act.

SEC. 12. Labelling, Verification of Quantity in Pre-Packaged Products. — Section 10 of R.A. 9236 is hereby amended to read as follows: include conformity to pre-packaged products requirements.

“SEC. 10. *Labelling.* – In addition to the requirements for the labeling of products, commodities, goods and merchandise pursuant to Republic Act No. 7394, otherwise known as the “The Consumer Act of the Philippines,” the products, commodities, goods or merchandise must contain contents and quantities of substances, nutritional and health value and relevant other information in units prescribed in this Act.

LABELLING REQUIREMENTS, PROCEDURES AND REGULATIONS AS DEFINED AND FORMULATED IN ACCORDANCE WITH RECOGNIZED INTERNATIONAL METROLOGY STANDARDS SUCH AS, BUT NOT LIMITED TO, OIML R79, R87 AND ASEAN COMMON REQUIREMENTS ON PRE-PACKAGED PRODUCTS SHALL BE FORMULATED THROUGH THE IMPLEMENTING RULES AND REGULATIONS OF THIS ACT.”

SEC. 13. Market Surveillance of Measuring Instruments and Pre-Packaged Products — The appropriate government agencies shall undertake metrological surveillance for measuring instruments and pre-packaged products. For this purpose, measuring instruments and pre-packaged products intended to be placed on the market and/or put into service shall be consistent with conformity assessment system requirements.

SEC. 14. Laboratories and Procedures. — Section 11 of R.A. 9236 is hereby amended to read as follows:

“SEC 11. *Laboratories and Procedures.* – Metrological controls undertaken in the country shall be conducted by the Board, the National Metrological Laboratory, **THE NATIONAL METROLOGY INSTITUTE, LOCAL METROLOGY AUTHORITIES**, and other laboratories, **manufacturers, and other entities** accredited under the national accreditation body ~~[strengthened under this Act and authorized by and registered with the Board.]~~ **DEFINED UNDER SECTION 13 AND 14 OF THIS ACT.** Metrological controls done outside the country must be made by laboratories recognized by the Board.

Procedures to be followed in conducting tests shall be based on national of international standards or upon the recommendation of the International Organization of Legal Metrology (Organization Internationale de Metrology Legale, OIML) or any other established standards recognized by the National Metrology Board.”

SEC. 15. Mutual Recognition Arrangement (MRA). — The MRA among countries designed to facilitate the freer movement of certified products and services among countries for Type Approval Procedures and Conformity Assessment shall be formulated in the Implementing Rules and Regulation (IRR) of this Act.

SEC. 16. Accrediting Body. — Section 13 of R.A. 9236 is hereby amended to read as follows:

“SEC 13. *Accrediting Body.* – The laboratory accrediting body attached to the Department of Trade and Industry (DTI) is hereby strengthened and recognized under this Act as the national accreditation body.

The laboratory accreditation body shall have the following government agencies or offices as members:

- a) Department of Trade and Industry (DTI);
- b) Department of Science and Technology (DOST);
- c) **FOOD AND DRUG ADMINISTRATION (FDA);**
- d) Fertilizer and Pesticides Authority (FPA);

- e) Environment and Management Bureau (EMB);
- f) National Telecommunications Commission (NTC);
- g) Department of Energy (DOE);
- h) Bureau of Health Devices and Technology (BHDT); [and]
- i) Department of National Defense (DND)[~~];~~ **AND**
- j) **DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH)."**

SEC. 17. Public Information/Education and Advocacy. — A National Metrology Training Program shall be pursued to undertake information dissemination, education and training on Metrology.

The Research and Development Institutes, Service Institutes and Regional Offices of the Department of Science and Technology and the Philippine Information Agency, in collaboration with other concerned government agencies and Non-Government Organizations shall conduct information, education and advocacy programs to promote Metrology.

SEC. 18. Penalties. — Section 17 of R.A. 9236 is hereby amended to read as follows:

"Sec. 17. *Penalties.* – Any person who violates any provision of this Act shall be penalized by imprisonment of not less than two (2) months but not more than one (1) year or fine of not less than Five thousand pesos (Php 5,000.00) nor more than Fifty thousand pesos (Php 50,000.00) or both upon the discretion of the court: Provided, however, That if the violator is a corporation, firm, partnership or association, the penalty shall be imposed upon the president or the manager of any officer thereof who knows or ought to have known the commission of the offense: Provided, finally, That in case the offender is an alien engaged in business in the country, his license shall be revoked and shall be ipso facto deported after service of sentence without need of further proceedings.

The penalties provided under this Section shall be subject to review every five (5) years."

The review of penalties under Section 17 of R.A. 9236 shall be subject to review every five years following the effectivity of this Act.

SEC. 19. Appropriations. — Section 18 of R.A. 9236 is hereby amended to read as follows:

"SEC 18. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act for the year following its enactment and every year thereafter.

~~[Fifty percent (50%) of the fees and charges collected as a result of the metrological work and calibration services shall be used by the Board and the ITDI in the enhancement of their capabilities and modernization of metrological measurement standard activities. The remaining amount shall be remitted to the National Treasury.]~~ **All fees or income generated from the metrological services shall be used by the Board, NMI, DOST Research and Development Institutes (RDIs), Service Institutes and Regional Offices, and other government offices involved in metrology activities, to augment its funds for the regular maintenance and upkeep of metrology instruments and needed services.**

SEC. 19. *Transitory Provisions.* — The ITDI shall formulate a transitory implementation plan in its IRR, for the phasing in/transfer of Metrology Division to the NMI created under this Act, including a schedule for the application of enforcement of the policies and regulations provided under this Act.

The National Metrology Laboratory Philippines, a division under ITDI responsible for establishing and maintaining the national physical standards for basic and derived quantities (mass, length, temperature, time interval, voltage and resistance and other related metrology services) are hereby transferred to NMI. Thereafter, all powers, functions, duties, records, files and assets including plantilla positions of the NML shall be transferred to NMI.

There shall be no diminution of rank and salaries, allowances and benefits between transferred employees, new employees of NMI shall be entitled to the same allowances and benefits as transferred employees.

SEC. 20. *Implementing Rules and Regulations.* — Within ninety (90) days from the effectivity of this Act, the DOST with other concerned government departments, agencies and representatives mentioned in Section 5 hereof shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 21. *Separability Clause.* — Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SEC. 22. *Repealing Clause.* — All laws, decrees, orders, rules, and regulations or other issuances or parts inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 23. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved.