

NINETEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

House Bill No. 9780

EXPLANATORY NOTE

Republic Act No. 9236, also known as "National Metrology Act of 2003" was enacted into law last February 3, 2004.

Under this Act, it was “declared the policy of the State to facilitate the development of scientific and technical knowledge and progress in the national economy by encouraging the standardization and modernization of units and standards of measurements to adapt to the needs of the times, thereby complying with international standards and protecting the health, interest and safety of every consumer and his environment from the harmful effects of inaccurate or false measurements.”

This bill seeks to enhance RA 9236 and help facilitate progress in the national economy by encouraging the standardization and modernization of units and standards of measurements to adapt the needs of times. It seeks to encourage the adoption of international best practices in measurements in response to future developments and requirements.

This bill supports the harmonization of national metrological standards with international standards, mutual recognition arrangements, and statistical controls as envisioned in the ASEAN economic integration, the World Trade Organization (WTO), international agreements, and covenants resulting to globally competitive and quality product and services that conforms to the national standards. In addition, this bill will accord greater consumer protection, transparency, and confidence in measurements.

In view of the foregoing, immediate approval of this measure is earnestly requested.

RUFUS B. RODRIGUEZ

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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 House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title. – This Act shall be known as the "Enhanced National Measurement Infrastructure System (NMIS) Act"

SECTION 2. Declaration of Policies. – 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 R.A. 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.

SECTION 3. Objectives. — This law builds on Republic Act No 9236 also known as the "National Metrology Act of 2003". Based on the policies enunciated in RA 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;
c. Foster a metrology culture that will instill a keen appreciation of the importance of metrology.

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

SECTION 5. Definition of Terms - Section 3 of RA 9236 is hereby expanded to include the following:

a. Accreditation - third party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks;

b. Conformity Assessment - demonstration that specified requirements relating to a product, process, system, person, or body are fulfilled;
c. DOST Regional Offices - serve as focal points for the planning and implementation of 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.
d. DOST Research and Development Institutes (RDIs) - DOST regular agencies concerned with basic and applied researches on various S&T fields;
e. DOST Science and Technology Service Institutes - DOST regular agencies providing science and technology-related services.
f. Emerging or enabling technologies - include Biotechnology / Genomics, Material Science, Nanotechnology, Photonics, Metrology in Chemistry, Space Technology applications;
g. Local Metrology Authority (LMA) - the office or person responsible in the implementation of legal metrological controls at the local level (i.e. LGUs);
h. Mutual Acceptance Arrangement (MAA) - is an arrangement among conformity certificate issuing authorities for providing confidence in test and examination results through a formal and mandatory peer evaluation process;
i. Mutual Recognition Arrangement (MRA) - is an arrangement among countries designed to facilitate the freer movement and employment of qualified and certified personnel between countries;
j. Pre-Packaged Products - 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 offer for sale. The quantity of the product contained cannot be changed without the pre-package being opened or doing a perceptible modification;
k. Stakeholders - as used in this Act shall refer to all individuals and entities involved in any metrological activities and processes.
l. Type or Pattern Approval on Measuring Instruments as defined in R.A. 9236 – shall refer to conformity assessment procedure on one or more specimens of an identified type (pattern) of measuring instruments which results in an evaluation report and/or an evaluation certificate.

SECTION 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 (DOST). The existing NMB shall have oversight function over the NMI.

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

SECTION 7. Functions of the National Metrology Institute (NMI). - The NMI shall fulfill the following functions:

a. Establish and maintain the national physical 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. Adapt International Organization of Legal Metrology (OIML) recommendations to legal metrology regulations as well as alignment with international traceability and conformity standards;
h. Provide administrative support to the National Metrology Board 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.

SECTION 8. Strengthening the National Metrology Board - The National Metrology Board under Section 5 of RA 9236, shall be strengthened to include the Secretary/Chairman or the duly authorized representative of the following agencies/offices:

• Department of Energy (DOE)
• Department of Public Works and Highways (DPWH)
• Department of National Defense (DND)
• Philippine Information Agency (PIA); and
• Committees on Science and Technology of the Senate and House of Representatives

The third paragraph of Section of R.A. 9236 is hereby amended as follows:
"The NIMB Secretariat including its plantilla positions is hereby transferred from ITDI to the Office of the DOST Secretary."

SECTION 9. Functions, Duties and Responsibilities of the Board. Section 6 of RA 9236 is hereby amended to include the following:

a. To ensure the execution of the upkeep and conservation of national primary and secondary standards in conformity with the Board-Authorized Units; To guarantee the use in the country of a uniform system if units and measurement standards of physical and chemical quantities;
b. To 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 marls and other metrological controls on measurement standards and measuring equipment;
c. To warrant that the accuracy and application of quantities and similar metrological requirement are met in all commercial, economic, scientific, technical and similar endeavors;
d. To approve rates for the metrological work and similar calibration services rendered by the NMI, DOST Regional Metrology Laboratories and other government metrology laboratories;
e. To ensure that type approval of measuring instruments is carried out by NMI and other competent laboratories;
f. 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; and
g. To perform such other functions, duties and responsibilities as may be necessary to implement this Act.

SECTION 10. The Role of the Department of Trade and Industry (DTI) - Pursuant to the Chapter II, Art. 61-65 of R.A. 7394 also known as the Consumer Act of the Philippines, and to ensure

consumer protection and safety for inaccurate and false measurements of consumers products, goods and services, the D11, through their regional and provincial offices shall coordinate and monitor the implementation of the national metrology policy at the local level.

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

SECTION 11. The Role of the Local Metrology Authority. - Pursuant to Section 148 of Book II of the Local Government Code or R.A. 7160 and Chapter H, Art. 61-65 of R.A.7394, each LGU through their Treasurer's Office shall be tasked to perform the following functions:

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; and
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.

SECTION 12. Labelling, Verification of Quantity in Pre-Packaged Products - Section to of RA 9236 is hereby amended to include non-conformity to pre-packaged products requirements.

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.

SECTION 13. Market Surveillance of the Use of Measuring Instruments and Pre-Packaged Products. -The appropriate government agencies or their accredited private laboratories 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 for the first time, shall be consistent with conformity assessment system requirements.

SECTION 14. Laboratories and Procedures. – Section 11 of RA 9236 is hereby amended to include the following: NMI, LMAs, accredited laboratories, manufacturers and other entities accredited under the national accreditation body, as defined under Sections 13 and 14 of RA 9236.

SECTION 15. Mutual Recognition Arrangement (MRA). The Philippines shall enter into international agreements recognizing the equivalence of the national measurement standards, and legal metrology systems and controls of countries that are signatories of the Global Mutual Recognition Arrangements such as those issued under the International Committee of Weights and Measures (CIPM NRA). Also, the Philippines shall participate in international legal metrology conformity assessment systems.

SECTION16. Accrediting Body - Section 13 of RA 9236 is hereby amended to include the Department of Public Works and Highways (DPWH).

SECTION 17. Education and Public Information/Advocacy. - A National Metrology Training Center attached to the NMI shall be established to undertake education and training on Metrology.

In addition, the NMI, in collaboration with the Philippine Information Agency (PIA) and other concerned government agencies, shall conduct information, education, and advocacy programs to promote Metrology.

SECTION 18. Penalties. - The penalties provided under Section 17 of R.A. 9236 shall be subject to review every five years following the effectivity of this Act and amended accordingly.

SECTION 19. Appropriations. The second paragraph of Section 18, RA 9236 is hereby amended as follows:

“All fees/ income generated from metrological services shall be used by the Board, NMI, DOST Research and Development Institutes (RDIs)—Service Institutes and Regional Offices, and other government offices performing metrology activities, to augment its funds for their operation and other metrology-related functions and activities.”

SECTION 20. Transitory Provisions. - The National Metrology Laboratory Philippines (NML Phil), a division under ITDI responsible for establishing and maintaining the national physical standards for basic and derived quantities, is hereby transformed into the NMI. Thereafter, all powers, functions, duties, records, tiles and assets including plantilla positions of the NML shall be transferred to the 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.

The ITDI shall formulate a transitory implementation plan in its IRR, for phasing/transfer of the NML Phil to the NMI created under this Act, including a schedule for the implementation and enforcement of the policies and regulation provided under this Act.

SECTION 21. Implementing Rules and Regulations (IRR) - The DOST with other concerned government departments, agencies and representatives mentioned in Section 5 hereof shall within ninety (90) days from the effectivity of this Act issue the necessary implementing rules and regulations of this Act.

SECTION 22. Separability Clause. - If for any reason, any provision of this Act is declared unconstitutional, the other sections or provisions hereof which are not hereby affected shall continue to be in full force and effect.

SECTION 23. Repealing Clause. - All laws, decrees, orders, rules and regulations or portions thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 24. Effectivity. - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,