

TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 5624

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


MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 5624

**“AN ACT
ESTABLISHING THE NATIONAL MEASUREMENT INSTITUTE OF THE PHILIPPINES, AND
APPROPRIATING FUNDS THEREFOR”**

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

SECTION 1. Short Title. – This Act shall be known as the “National Measurement Institute of the Philippines (NMIPhil) Act”.

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to:

- (a) Develop the National Measurement System (NMS) to advance scientific and technical progress in the national economy and ensure measurement integrity in the Philippines while aligning with the regional and international standards;
- (b) Support the National Quality Infrastructure (NQI) institutions, namely, the National Standards Body, National Accreditation Body, and National Metrology Institute, to uphold standards, accreditation, and measurement accuracy to enhance the competitiveness of Philippine products and services; and
- (c) Promote the adoption of international standards and best practices in metrology.

SEC. 3. Establishment of the National Measurement Institute of the Philippines. The National Metrology Division of the Industrial Technology Development Institute of the Department of Science and Technology (DOST-ITDI) is hereby transformed as the country’s national metrology institute to be known as the National Measurement Institute of the Philippines (NMIPhil). The NMIPhil shall be attached to the DOST for policy, program coordination, and administrative supervision.

The existing buildings, equipment, and facilities of the National Metrology Division of DOST-ITDI shall be transferred to the NMIPhil.

SEC. 4. Objectives of the Institute. – The objectives of the Institute are:

- (a) To adopt and establish metrological standards according to the international and regional standards;
- (b) To develop competencies and strengthen the implementation of legal metrological controls in the country;
- (c) To disseminate knowledge on measurement standards development;
- (d) To foster a metrology culture that will instill an appreciation of metrology;
- (e) To provide the highest measurement accuracy in the country, necessary advice, and technical support for the government, industry, academe/research institutions, civil society organizations, commerce, and the public in measurement related issues; and

- (f) To represent the country in international organizations and ensure international recognition of measurements.

SEC. 5. Powers and Functions of the Institute. The Institute shall be responsible for maintaining and disseminating the national measurement standards of the country, and it shall:

- (a) Maintain and update the national measurement standards, ensuring compliance with international requirements to support the compliance of all metrology laboratories and standards;
- (b) Provide metrological traceability to the international system of units (SI) and allow non-SI units for measurements done in the country;
- (c) Facilitate international harmonization of measurements through participation in relevant metrological activities and collaborate with calibration laboratories and other metrological bodies for capacity building and protocol harmonization;
- (d) Conduct research and development and innovation to provide measurement solutions for the country;
- (e) Appoint designated institutes for specific tasks to hold and maintain specific measurement standards and provide services that are not covered by the national metrology institute;
- (f) Conduct or adopt a system of type evaluation/approval activities for regulated measuring instruments, including accepting capabilities from recognized international metrology institutes;
- (g) Enhance the country's metrological human resources through education and capacity-building programs;
- (h) Represent the Philippines in international and regional metrology organizations and committees;
- (i) Levy fees and charges for products and services;
- (j) Support the National Quality Infrastructure (NQI) activities related to metrology;
- (k) Promulgate internal policies, rules, and regulations and disseminate guidelines, as well as create programs/projects related to the National Measurement System; and
- (l) Serve as the Administrative Secretariat of the National Metrology Board (NMB), overseeing the adoption and implementation of its policies, guidelines, and activities.

The NMB may assign additional powers and functions to the Institute: *Provided*, That it shall be in accordance with the objectives of the Institute as stated in this Act.

SEC. 6. Organizational Structure. The NMIPhil shall be headed by an Executive Director, to be appointed by the President upon the recommendation of the Secretary of the DOST, and shall receive the benefits, privileges, and emoluments equivalent to the rank of Executive Director IV. The Executive Director shall be responsible for promulgating and implementing policies, rules, and regulations and directing and controlling the activities of the NMIPhil.

The Executive Director shall be assisted by three (3) Deputy Executive Directors for scientific and industrial metrology, legal metrology, and quality management system, and finance, administration, who shall likewise be appointed by the President and shall receive the benefits, privileges and emoluments equivalent to the rank of Deputy Executive Director III.

The Executive Director and the Deputy Executive Directors must be Filipino citizens of good moral character of proven integrity, with advanced degrees in metrology, physical sciences, engineering, or related fields of study, with at least five (5) years of related supervisory experience.

The NMIPhil, in coordination with the Department of Budget and Management (DBM) and the Civil Service Commission (CSC), shall determine its organizational structure, including the specialized, technical and administrative personnel complement necessary for its effective and efficient operations.

SEC. 7. *Main Office, Regional Metrology Laboratories, and Other Centers and Facilities.* – The NMIPhil shall have its Main Office in New Clark City, Capas, Tarlac under the administration of the Bases Conversion and Development Authority (BCDA). A parcel of land shall be leased exclusively for the NMIPhil offices, laboratories and training center based on the terms and conditions agreed upon by the NMIPhil and BCDA, and in accordance with existing laws, rules and regulations.

The Regional Metrology Laboratories (RMLs) of the DOST Regional Offices shall operate and provide calibration and measurement services with a scope and capacity distinct from, and complementary to, those offered by the National Measurement Institute of the Philippines (NMIPhil), thereby enhancing accessibility and responsiveness to the needs of local industries, government agencies, and academic institutions.

To sustain these functions and continuously improve their capabilities, the DOST, in coordination with the DBM and CSC, shall strengthen and provide the necessary requirements for the upgrading of the RML's calibration service capability, including sufficient manpower and other resources, to ensure their knowledge and capabilities align with the specific metrological requirements and needs of their specific regions.

A National Metrology Training Center under the NMIPhil will be established to undertake training on metrology for building the competence and capabilities of metrology-related entities and implementing legal metrological controls in the country.

SEC. 8. *Executive Board of the Institute.* The National Metrology Board (NMB) shall be the Executive Board of the Institute. It shall be the national authority responsible for harmonizing, delineating, overseeing, and coordinating the implementation of the regulation of measurements and measuring instruments in the country by National Regulatory Authorities (NRAs), Local Government Units (LGUs), and their contracted public and private entities.

In fulfilling its mandate, the NMB shall adhere and may create a technical working group/s to assist them to the attainment of the objectives of this Act and other mandated national policies and regulations related to metrology and pursue conformance with the relevant international and regional agreements and guidelines.

SEC. 9. *Composition and Meetings of the NMB.* – The NMB shall be composed of the following:

- (a) The DOST, with the DOST Secretary as Chair or an Undersecretary as alternate Chair;
- (b) The Department of Trade and Industry (DTI), with the DTI Secretary as vice-chair or the Undersecretary for Competitiveness and Innovation as alternate vice-chair;
- (c) The Department of Health (DOH), or his or her duly authorized representative who must at least be a Director IV;
- (d) The Department of Energy (DOE), or his or her duly authorized representative who must at least be a Director IV;
- (e) The Department of Agriculture (DA), or his or her duly authorized representative who must at least be a Director IV;
- (f) The Department of Environment and Natural Resources (DENR), or his or her duly authorized representative who must at least be a Director IV;
- (g) The Department of Interior and Local Government (DILG), or his or her duly authorized representative who must at least be a Director IV;

- (h) The Department of Public Works and Highways (DPWH), or his or her duly authorized representative who must at least be a Director IV;
- (i) The Department of Transportation (DOTr), or his or her duly authorized representative who must at least be a Director IV;
- (j) The Department of Justice (DOJ), or his or her duly authorized representative who must at least be a Director IV;
- (k) The Department of National Defense (DND), or his or her duly authorized representative who must at least be a Director IV;
- (l) The Department of Education (DepEd), or his or her duly authorized representative who must at least be a Director IV;
- (m) The Commission on Higher Education (CHED), or his or her duly authorized representative;
- (n) The Executive Director of the National Measurement Institute of the Philippines (NMIPhil);
- (o) The President of the Union of Local Authorities of the Philippines (ULAP) or his/her duly authorized representative;
- (p) One (1) Representative each from the:
 - i. Manufacturing industry associations;
 - ii. Associations of local manufacturers of measuring instruments;
 - iii. Association of private calibration laboratories; and
 - iv. Professional Metrology Association of National membership.

The Representatives of the private sector shall serve for three (3) years, to be appointed by the Secretary of the DOST from nominees submitted by their respective organizations.

The Board shall convene at least once a year. Special meetings may be convened upon the request of the Chair or majority of the members of the NMB.

The NMIPhil being the Secretariat of the Board, in coordination with CSC and DBM, shall provide office, technical, and administrative support to the NMB.

SEC. 10. *Compensation and Other Benefits.* The NMB Chair and members, or his or her representatives, and members of the technical working group shall be entitled to *per diems*, allowances, and other reimbursable expenses for their attendance to regular and special meetings subject to pertinent laws, rules and regulations.

SEC. 11. *Powers and Functions of the NMB.* – The NMB shall have the following additional powers and functions:

- (a) Promulgate national policies and guidelines that will guarantee the adoption by all NRAs and LGUs of uniform regulation of measurements and measuring instruments throughout the country;
- (b) Oversee the implementation and application of regulation of measurements and measuring instruments by NRAs, LGUs, and other public and private entities contracted by them;

- (c) Harmonize and/or delineate the authority of NRAs and LGUs to regulate the importation, sale, and repair of measuring instruments, to implement regulation of measurements and measuring instruments, and to impose fees, charges, and fines, and, as necessary;
- (d) Call upon any government department, agency or instrumentality, LGUs, private sector organizations and entities, and non-government organizations to provide data, information, expertise, and recommendations in formulating and promulgating policies and guidelines for efficient and effective regulation of measurements and measuring instruments;
- (e) Create technical working committees and perform other functions that may be necessary for the attainment of its mandates.

SEC. 12. *Human Resource Development Program.* – The NMIPhil shall formulate a continuing human resource development program on the different aspects of the national measurement system to recruit and maintain a cadre of highly proficient personnel in its roster. It shall include:

- (i) Scholarship and financial assistance – Not later than three (3) years from the enactment of this Act, scholarship and financial assistance grants shall be provided for undergraduate and graduate studies in metrology and related fields, as well as for specialized training programs, in coordination with the DOST, Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), Higher Education Institutions (HEIs), and other entities providing support for metrology development in the country. Cooperation with international organizations on human resources development and capacity enhancement may also be pursued;
- (ii) Organizational Structure – the NMIPhil, in coordination with the DBM and the CSC, shall determine its organizational structure, including the technical and administrative support complement necessary for its effective and efficient operations.

SEC. 13. *Capacity Enhancement Plan.* The DOST Secretary and the Director of the NMIPhil, in consultation with the Secretary of the DBM, shall formulate the NMIPhil Capacity Enhancement Plan.

The plan, to be implemented within ten (10) years, shall indicate, among others:

- (a) The Objectives and Key Performance Indicators;
- (b) Requirements in terms of equipment, facilities and personnel, and the concomitant technical expertise necessary to attain the plan's objectives;
- (c) The projects to be undertaken, which shall indicate the equipment and technology acquisitions, including major construction or upgrade of facility and;
- (d) The schedules and estimated cost of each project.

Through its sectoral councils, the DOST shall be responsible for, among others, facilitating the development of the National Metrology Research and Development Roadmap and ensuring continuous fund support for its implementation.

To fund the establishment of NMIPHIL, an amount of Three billion pesos (P3,000,000,000.00) to be taken from the share of the national government in the gross income of the Philippine Amusement and Gaming Corporation. For three (3) years from the start of the

effectivity of this act, a minimum amount of One billion pesos (P 1,000,000,000.00) per year shall be released to the NMIPhil. The entire amount, including any interest income thereon, shall be used exclusively for the construction and purchase of facilities, equipment, information technology systems, and instruments for metrology research and development, calibration purposes, implementation of the resource development and capacity building program, and other activities outlined in the capacity enhancement plan.

SEC. 14. *Acquisition and Upgrading of Physical Resources and Operational Techniques.* – To efficiently and effectively address the expanding measurement needs of society, industry, research institutions, and the academe, the acquisition and/or upgrade of state-of-the-art instruments, equipment, facilities, and systems shall be immediately pursued and complemented with technical capability-building programs for NMIPhil personnel.

SEC. 15. *Loans, Grants, Bequests, and Donations, Whether from Local or Foreign Sources.* The Secretary of the DOST is authorized to solicit and manage loans, grants, bequests, and donations from local and foreign sources, including entering into loan agreements with foreign financial institutions, in compliance with existing laws, rules and regulations.

SEC. 16. *Public Information and Advocacy.* – The NMIPhil, in collaboration with other concerned government agencies and stakeholders, shall engage in information campaigns and advocacy programs to increase the public's awareness on metrology and instill greater appreciation of metrology by the public.

SEC. 17. *Education and Curriculum Development.* The NMIPhil, Department of Education, CHED, TESDA and other public and private agencies shall formulate the design and details of a curriculum on metrology and its inclusion in all levels of the Philippines' education system.

The NMIPhil will have a close collaboration with the public and private higher education institutions including state universities and college in metrological research and development, including creating specialized subjects or courses related to metrology.

SEC. 18. *Memberships.* - The NMIPhil shall, on behalf of the Republic of the Philippines, maintain membership in and actively participate in relevant international and regional metrology organizations, consultative committees, and technical working groups, as may be necessary or appropriate for the discharge of its mandate. It shall represent the national interest in such bodies and shall perform all obligations and responsibilities attendant to such memberships, in accordance with applicable laws, international agreements, and established standards and practices in metrology.

SEC. 19. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriation of the DOST-ITDI. Thereafter, such amount shall be included in the General Appropriations Act.

There shall be additional funds appropriated by the national government for the enhancement of the capacity and capability of the NMIPhil. Said funds shall be administered by the Executive Director in accordance with existing government budgeting, accounting, and auditing rules and regulations, and shall be subject to the coordination and approval of the Department of Budget and Management (DBM). The appropriation shall be utilized exclusively for activities and programs aimed at strengthening the institutional functions and mandates of the NMIPhil as provided under this Act and its Implementing Rules and Regulations.

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, the NMIPhil and the DOST-RMLs in the

enhancement of their capabilities and modernization of metrological and measurement standard activities. The remaining amount shall be remitted to the National Treasury.

SEC 20. *Implementing Rules and Regulations (IRR)*. – Within ninety (90) days from the start of the effectivity of this Act, the DOST, in consultation with the relevant national government departments and agencies, LGUs, the private sector, and other concerned organizations, shall issue the necessary implementing rules and regulations of this Act.

SEC 21. *Separability Clause*. – If, for any reason, any provision of this Act is declared unconstitutional, the other section or provisions hereof which are not hereby affected shall continue to be in full force and effect.

SEC. 22. *Repealing Clause*. – All laws, decrees, orders, rules, and regulations or portions thereof inconsistent with this Act, including Sections 5, 6, and 18 of Republic Act No. 9236, are hereby repealed or modified accordingly.

SEC 23. *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,