



Republic of the Philippines
CITY COUNCIL
City of Manila

REGULAR SESSION NO. 111

12TH CITY COUNCIL

Begun and held in the City Council on Tuesday,
the fifteenth day of November, Two Thousand Twenty-Two

ORDINANCE NO. 9029

AN ORDINANCE FURTHER AMENDING SECTION 1 AND SECTION 2 OF
ORDINANCE NO. 6507, AS AMENDED BY ORDINANCE NO. 7716, AND INSERTING
SEVERAL SECTIONS THERETO

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HON. ARLENE MAILE I. ATIENZA, HON. DON JUAN "DJ" BAGATSING, HON. LARIS
T. BORROMEO, HON. RUBEN F. BUENAVENTURA, HON. CARLOS C.
CASTAÑEDA, HON. LOUISITO N. CHUA, HON. NIÑO M. DELA CRUZ, HON. JESUS
E. FAJARDO, JR., HON. PAMELA "Fa" G. FUGOSO-PASCUAL, HON. JAYBEE S.
HIZON, HON. MARTIN V. ISIDRO, JR., HON. RICARDO "Boy" A. ISIP, JR.,
HON. RODOLFO N. LACSAMANA, HON. MOISES T. LIM, HON. ERICK IAN O.
NIEVA, HON. DARWIN B. SIA, HON. LUCIANO M. VELOSO, HON. JOEL "JTV"
VILLANUEVA, HON. RAYMUNDO R. YUPANGCO, HON. TIMOTHY OLIVER I.
ZARCAL, HON. LEILANI MARIE H. LACUNA, HON. JULIANA RAE M. IBAY,
HON. MACARIO M. LACSON, President Pro-Tempore, **HON. ERNESTO C. ISIP, JR.**,
Majority Floor Leader, **HON. JOHANNA MAUREEN C. NIETO-RODRIGUEZ**,
Acting Vice-Mayor and Acting Presiding Officer and **HON. JOHN MARVIN C. "Yul
Servo" NIETO**, Vice-Mayor and Presiding Officer



EXPLANATORY NOTE

There have been instances in the past and recent times wherein law enforcement units/elements in the guise of an inspection ended in business owners being harassed, which gave rise for the enactment of City Ordinance No. 6507, amended by Ordinance No. 7716.

Section 1 of Ordinance No. 7716 clearly shows that the prohibition to inspect business establishments in the City of Manila, for the purpose of enforcing sanitary rules and regulations, as well as their licenses and permits, and/or enforcing internal revenue and custom laws and regulations, applies solely to the then Western Police District (WPD), now the Manila Police District


The said provision is restrictive and insufficient in character as it does not cover other law enforcement agencies who may commit the proscribed act thereby rendering the efforts of the City Government of Manila of averting police harassment, which is the very evil that Ordinance No. 7716 seeks to deter.

Perusal of Section 2 of Ordinance No. 6507, likewise reveals the inadequacy of the penalties for its violation to prevent, preclude and stop the corruption resulting from police harassment, as well as in securing and protecting owners and operators of business establishments in the City of Manila.

Considering that Ordinance No. 6507 and Ordinance No. 7716 are both deficient and lack of coercive power to deter police personnel from violating their commandments, it will have deleterious effect on the business sector and the public welfare, unless revised, improved and modified.

Section 5, Article II of the 1987 Philippine Constitution declares that the maintenance of peace and order, the protection of life, liberty and property and the promotion of general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, emphatically declares that "every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare".


HON. ROBERTO S. ESPIRITU II
Councilor, Fifth District
Manila

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

SECTION 1. PROHIBITED ACTS. - Section 1 of Ordinance No. 6507, as amended by Ordinance No. 7716, is hereby further amended to read as follows:

“Section 1. No member of the Philippine National Police and other law enforcement agencies shall conduct inspection of any store, business, industrial and commercial establishments in the City of Manila, including, but not limited to, permits and licenses duly and regularly issued to them by the City Government of Manila, for the purpose of or in the guise of enforcing sanitary, internal revenue and custom laws, rules and regulations without proper coordination with, knowledge and assistance of and authority from the concerned departments, bureaus and offices of the National or Local Government, as the case may be, pursuant to existing and applicable guidelines”.

SEC. 2. PENALTIES. - Section 2 of Ordinance No. 6507, is hereby amended to read as follows:

“Sec. 2. Any violation of this Ordinance shall be punishable as follows:

FIRST OFFENSE: A fine of One Thousand Pesos (PhP. 1,000.00) or imprisonment of not less than 10 days nor more than 30 days or both, at the discretion of the court.

SECOND OFFENSE: A fine of Three Thousand Pesos (PhP. 3,000.00) or imprisonment of not less than 20 days nor more than 30 days or both, at the discretion of the court.

THIRD AND SUCCEEDING OFFENSE: A fine of Five Thousand Pesos (PhP. 5,000.00) and imprisonment of not less than 1 month nor more than 6 months or both, at the discretion of the court.”

SEC. 3. SHORT TITLE. – This Ordinance shall now be known and cited as the **“Anti-Business Harassment Ordinance of 2024”** for brevity.

SEC. 4. SCOPE. – This Ordinance shall cover all employees, uniformed personnel and units of the Philippine National Police (PNP) and other law enforcement agencies.

SEC. 5. DEFINITION OF TERMS. – As used in this Ordinance, the following shall mean:

- a) **Store** – any business facility that sells goods directly to the consumer including, but not limited to, retail shops, restaurants, pharmacies, and supermarkets, whether seasonal or temporary;
- b) **Business Establishment** – any person, natural or juridical, whether single proprietorship or corporation engaged in or doing business, either in selling goods or providing services;
- c) **Commercial Establishment** – any establishment where people are employed to provide services or do office work, including, but not limited to, banks, insurance and trading companies, hotels, cafes, boarding houses, dormitories and institution of similar nature;

- d) **Industrial Establishment** – any establishment engaged in manufacturing or processing business, including, but not limited to, factories, slaughterhouses, mills, refineries, processing plants and enterprise of similar nature; and
- e) **Law Enforcement Agency** – any government agency responsible for the enforcement of laws, as well as discovering, deterring, rehabilitating or penalizing those violating the same.


SEC. 6. SEPARABILITY CLAUSE. – In the event any part or provisions of this Ordinance is declared illegal or invalid, other parts or provisions hereof which are not affected thereby shall remain valid and in full force and effect.

SEC. 7. REPEALING CLAUSE. – All previous ordinances and rules/regulations which are inconsistent with the provisions of this Ordinance are hereby deemed modified or repealed accordingly.

SEC. 8. EFFECTIVITY CLAUSE. - This Ordinance shall take effect after all requirements for official posting prescribed in Section 511 of R.A. No. 7160, otherwise known as “The Local Government Code of 1991” have been met.

This Ordinance was finally enacted by the City Council of Manila on February 13, 2024.


PRESIDED BY:


JOHANNA MAUREEN C. NIETO-RODRIGUEZ
 Acting Vice Mayor and Acting Presiding Officer
 City Council, Manila


ATTESTED:


LUGH R. GEMPIS, JR.
 City Government Department Head III
 (Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON FEB 29 2024


MARIA SHEILAH “Honey” H. LACUNA-PANGAN, MD, FPDS
 Mayor
 City of Manila

ATTESTED:


ATTY. MARLON M. LACSON
 City Government Department Head III
 (Secretary to the Mayor)

RRB: jhb/rmd/kjm/agv/egv/eys