



Province of Cavite  
**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**  
 Trece Martires City



**EXCERPTS FORM THE MINUTES OF THE 122<sup>nd</sup> REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF CAVITE HELD ON APRIL 08, 2013 AT THE CONFERENCE ROOM II, LEGISLATIVE BUILDING, TRECE MARTIRES CITY**

**PRESENT:**

Hon. Recto M. Cantimbulan	Vice-Governor/Presiding Officer
Hon. Irene P. Bencito	Majority Floor Leader
Hon. Ryan R. Enriquez	Board Member, 1 <sup>st</sup> District
Hon. Rolando S. Remulla	Board Member, 2 <sup>nd</sup> District
Hon. Rodrigo P. Arguelles, Sr.	Board Member, 3 <sup>rd</sup> District
Hon. Raul Rex D. Mangubat	Board Member, 4 <sup>th</sup> District
Hon. Teofilo B. Lara	Board Member, 4 <sup>th</sup> District
Hon. Marcos C. Arutan	Board Member, 5 <sup>th</sup> District
Hon. Maurito C. Sison	CCL President
Hon. Ramon Jolo B. Revilla III	Liga ng mga Barangay President

**ON OFFICIAL BUSINESS:**

Hon. Larry Boy S. Nato	Board Member, 3 <sup>rd</sup> District
Hon. Albert G. Ambagani, Jr.	Board Member, 6 <sup>th</sup> District

**ABSENT:**

Hon. Dino Carlo R. Chua	Board Member, 1 <sup>st</sup> District
Hon. Edwin E. Malvar	Board Member, 2 <sup>nd</sup> District
Hon. Aristides Jose D. Velazco	Board Member, 5 <sup>th</sup> District
Hon. Hermogenes C. Arayata III	Board Member, 6 <sup>th</sup> District
Hon. Meldon G. de Sagun	SK Provincial Fed. President

**PROVINCIAL ORDINANCE NO. 2013-008**

**WATER CONSUMERS PROTECTION ORDINANCE OF CAVITE**

Sponsored by:  
**HON. RYAN R. ENRIQUEZ**

**WHEREAS**, the Provincial Government of Cavite is mandated to manage legislative functions through the enactment of ordinances designed to deliver basic services and facilities for the promotion of the general welfare of the Caviteños;

**WHEREAS**, Republic Act No. 7394 or known as *"The Consumer Act of the Philippines"*, states that it is policy of the state to protect the interest of the consumers, promote his general welfare and to establish Standards of conduct for business and industry;

**WHEREAS**, it is the government's responsibility to protect water consumers from deceptive, unfair and unconscionable sales acts or practices by supplier;

**NOW, THEREFORE**, on motion of Hon. Enriquez, duly seconded by Hon. Bencito and all the members present, be it enacted by Sangguniang Panlalawigan in session duly assembled that

**SECTION 1. TITLE**

This ordinance shall be known as the "WATER CONSUMER PROTECTION ORDINANCE OF CAVITE"

*[Handwritten signatures and initials on the right margin, including 'R. Enriquez', 'Irene P. Bencito', and others.]*

*[Handwritten initials 'ESL' and '4' on the left margin.]*

*[Handwritten initials 'MB' on the left margin.]*

*[Handwritten signature at the bottom center.]*

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### SECTION 2. COVERAGE

This ordinance shall apply to all water service provider and water consumers in the province of Cavite.

### SECTION 3. DEFINITION OF TERMS

**Deceptive-** A deceptive act or practice by a seller or supplier in connection with a consumer transaction violates this Act whether it occurs before, during or after the transaction. An act or practice shall be deemed deceptive whenever the producer, manufacturer, supplier or seller, through concealment, false representation of fraudulent manipulation, induces a consumer to enter into sales or lease transaction of any consumer product service. Without limiting the scope of the above paragraph, the act or practice of a seller or supplier is deceptive when it represents that a consumer product or services can be supplied in a quantity greater that the supplier intends.

**Unfair or unconscionable Sales Act or Practice-** An unfair or unconscionable sales act or practice by seller or supplier in connection with a consumer transaction violates this Chapter whether it occurs before, during or after the consumer transaction. An act or practice shall be deemed unfair or unconscionable whenever the producer, manufacturer, distributor, supplier or seller, by taking advantage of the consumer's physical or mental infirmity, ignorance, illiteracy, lack of time or the general conditions of the environment or surroundings, induces the consumer to enter into sales or lease transaction grossly inimical to the interest of the consumer or grossly one-sided in favor of the producer, manufacturer, distributor, supplier or seller;

In determining whether an act or practice is unfair and unconscionable, the following circumstances shall be considered:

- a) that the producer, manufacturer, distributor, supplier or seller took advantage of the inability of the consumer to reasonably protects his interest because of this inability to understand the language of an agreement, or similar factors;
- b) that when the consumer transaction was entered into, the consumer was unable to receive a substantial benefit from the subject of the transaction;
- c) that when the consumer was entered into, the seller supplier was aware that there was no reasonable probability or payment of the obligation in full by the consumer; and
- d) that the transaction that the seller or supplier induced the consumer to enter into was excessively one-sided in favor of the supplier.

### SECTION 4. GENERAL PROVISIONS

- a) If the billing is contested or under protest and it falls in the following criteria as in violation of R.A. 7394 the consumer act of the Philippines in protection against deceptive, unfair and unconscionable sales acts and practices the water service provider can only charge the amount of average uncontested billing for the past six months.



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b.) No disconnection shall be made in the nature where unconscionable, deceptive, unfair, unrealistic and contested billing accounts

**SECTION 5. MONITORING AND IMPLEMENTATION**

The local government units and local police force shall monitor the full implementation of the ordinance.

**SECTION 6. PENALTIES**

Any person who shall violate the provisions of this ordinance shall be subject to fine of not less than five hundred pesos (Php.500.00) but not more than five thousand pesos (Php.5,000.00) or imprisonment of not less than six (6) months but not more than one (1) year, or both, upon the discretion of the court.

In addition to the penalty provided for in paragraph (1) the aggrieved consumer may avail of other legal remedies provided R.A. 7394.

**SECTION 7. SEPARABILITY CLAUSE**

Should any section or provision of this ordinance is declared unconstitutional or invalid, the other section or provisions not affected thereby shall remain in full force and effect.

**SECTION 8. REPEALING CLAUSE**

All previous ordinance inconsistent with this ordinance shall be deemed modified accordingly.

**SECTION 9. EFFECTIVITY CLAUSE**

This ordinance takes effect immediately after its approval.

**UNANIMOUSLY APPROVED.**

I hereby certify that the foregoing ordinance was duly passed by the Sangguniang Panlalawigan of Cavite during its 122<sup>nd</sup> Regular Session on April 08, 2013.

**MICHELLE F. ALCID**  
 Provincial Board Secretary



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**IRENE P. BENCITO**  
Majority Floor Leader

**DINO CARLO R. CHUA (Absent)**  
Provincial Board Member

**RYAN R. ENRIQUEZ**  
Provincial Board Member

**EDWIN E. MALVAR (Absent)**  
Provincial Board Member

**ROLANDO S. REMULLA**  
Provincial Board Member

**LARRY BOY S. NATO (OB)**  
Provincial Board Member

**RODRIGO P. ARGUELLES, SR.**  
Provincial Board Member

**RAUL REX D. MANGUBAT**  
Provincial Board Member

**TEOFILO B. LARA**  
Provincial Board Member

**MARCOS C. AMUTAN**  
Provincial Board Member

**ARISTIDES JOSE A. VELAZCO (Absent)**  
Provincial Board Member

**HERMOGENES C. ARAYATA III (Absent)**  
Provincial Board Member

**ALBERT G. AMBAGAN, JR. (OB)**  
Provincial Board Member

**MAURITO C. SISON**  
CCL President

**RAMON JOLO B. REVILLA III**  
Liga ng mga Barangay President

**MELDON G. DE SAGUN (Absent)**  
SK Provincial Fed. President

ATTESTED:

APPROVED:

**RECTO M. CANTIMBUHAN**  
Vice-Governor/Presiding Officer

**JUANITO VICTOR C. REMULLA, JR.**  
Provincial Governor

Date Signed 4/29/13  
MFA/ncimentie