



Republic of the Philippines
 Province of Cavite
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
 Trece Martires City



EXCERPTS FROM THE MINUTES OF THE 24th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF CAVITE HELD ON 25 OCTOBER 2005 AT SESSION HALL, CAPITOL BUILDING, TRECE MARTIRES CITY

PRESENT:

Hon. Juanito Victor C. Remulla, Jr.	Vice-Governor/Presiding Officer
Hon. Recto M. Cantimbuhan	Temporary Floor Leader
Hon. Hermogenes C. Arayata III	Majority Floor Leader
Hon. Cesario R. del Rosario, Jr.	Minority Floor leader
Hon. Eileen R. Beratio	Sanggunian Member
Hon. Hilda P. Mendoza	Sanggunian Member
Hon. Dencito P. Campaña	Sanggunian Member
Hon. Arleen C. Arayata	ABC Prov'l. Fed. Pres.
Hon. Rodell R. Bacos	SB Prov'l. Fed. Pres.
Hon. Sophia Marie G. Pagtakhan	SK Prov'l. Fed. Pres.

ABSENT:

Hon. Alex L. Advincula	Sanggunian Member
Hon. Iluminada F. Silao	Sanggunian Member
Hon. Luis T. Pagtakhan	Sanggunian Member
Hon. Rafael S. Rodriguez	Sanggunian Member

RESOLUTION NO. 396-S-2005

AN ORDINANCE PRESCRIBING SAFETY MEASURES IN REFUELING AT ANY GASOLINE STATION WITHIN THE TERRITORIAL JURISDICTION OF THE PROVINCE OF CAVITE AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

Sponsored by: HON. RECTO M. CANTIMBUHAN
Co-sponsored by: HON. HERMOGENES C. ARAYATA III

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 provides that all local government units shall ensure and support, among others, the promotion of health and safety;

WHEREAS, cognizant to this mandate, local government units shall provide mechanisms which would ensure the safety of its inhabitants;

WHEREAS, one of the pressing issues that confront the safety of the Filipinos in general and of the Caviteños in particular is the harmful effect that improper refueling in gasoline stations may bring;

WHEREAS, there is a need to prescribe safety measures in refueling in any gasoline station within the province;

WHEREFORE, a legislative measure to this effect shall be enacted;



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NOW, THEREFORE, be it ordained by the Sangguniang Panlalawigan in session assembled that:

PROVINCIAL ORDINANCE NO. 2005-07

SECTION 1. TITLE. This ordinance shall be known and cited as "***An Ordinance Prescribing Safety Measures in Refueling at Any Gasoline Station Within the Province of Cavite and Providing Penalties for Violations Thereof.***"

SECTION 2. DECLARATION OF POLICY. It shall be declared as the policy of the Provincial Government to ensure the health and safety of its inhabitants.

SECTION 3. DEFINITION OF TERMS. As used in this ordinance, the following terms shall mean:

1. Forecourt – refers to driveway within the gasoline station
2. Refueling – refers to the act of dispensing fuel to the motor vehicle
3. Pump Attendant – refers to a person who dispenses petroleum products
4. Mobile Phone – refers to cellular phone, pager, and other communication devices electronically-ignited
5. Engine - refers to engine motor of any vehicle
6. Motorbike – refers to any motorized two or three-wheeler vehicles including ATVs (All Terrain Vehicles)
7. Straddling – refers to the act of sitting on a motorcycle with the legs wide apart
8. Retail Stores – refers to stores illegitimately selling gasoline and other types of fuel in retail
9. Unauthorized containers – refers to tin containers, dirty containers and non-heat resistant containers not suitable for storing gasoline

SECTION 4. BASIC SAFETY PILLARS. All gasoline stations within the territorial jurisdiction of the province shall strictly implement the following safety measures:

1. All gasoline stations are hereby declared as a non-smoking area. No person shall be allowed to smoke within the premises of a gasoline station
2. Using mobile phones while refueling may cause sparks, thus, all mobile phones must be switched off prior to refueling.
3. When refueling motorbikes, the motorist shall switch off engine of such vehicle and shall avoid straddling.
4. Running the engine while refueling may cause fire. All motorists shall be required to switch off engine while refueling.



5. Using unauthorized containers for storing gasoline is strictly prohibited. In case there is no available authorized containers, any plastic container, except those that can easily be melt, can be used provided that there is a drop pipe or improvised funnel made of pipe to be used before the nozzle.
6. Using open flame or cooking in the forecourt is strictly prohibited.
7. The operation of retail stores selling gasoline and other types of fuel in retail is prohibited.

SECTION 5. ADMINISTRATIVE PROVISIONS.

1. The gasoline station through its Manager is directed to conduct orientation to its pump attendants and other personnel on how to manage customers in observing the basic safety pillars.
2. All Municipal and City Mayors are hereby directed to implement the provisions of this ordinance and shall ensure that the basic safety pillars are implemented by all gasoline stations within the area of their jurisdiction.
3. All local government units are hereby directed to inspect all retail stations and be advised for closure, provided, however, that necessary permits and licenses are secured from appropriate authority.
4. For the effective implementation of this ordinance, all owners and/or operators of gasoline stations are hereby directed to post appropriate signages/advocacy materials in their respective areas.

SECTION 6. PENALTY. For any violation in the provision of this ordinance, the following penalties shall be imposed:

For motorists:

1. The pump attendants shall refrain from refueling the vehicles of motorists who are not complying with the requirements of this ordinance.
2. Further, the violators shall be meted the following penalties:

First Offense	-	a fine of P 2,000.00
Second Offense	-	a fine of P 3,000.00
Third Offense	-	a fine of P 5,000.00 or imprisonment of not exceeding one (1) year or both fine and imprisonment at the discretion of the court

For gasoline stations:

- 1) First Offense - a fine of P 2,000.00 and warning for suspension of business permit



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- 2) Second Offense - a fine of P 3,000.00 and two-week suspension of business permit
- 3) Third Offense - a fine of P 5,000.00 and revocation of business permit

SECTION 7. EFFECTIVITY. This ordinance shall take effect within fifteen (15) days after its publication to any newspaper of local circulation.

UNANIMOUSLY APPROVED.

RECTO M. CANTIMBUHAN
Temporary Presiding Officer

CESARIO R. DEL ROSARIO, JR.
Minority Floor Leader

HILDA P. MENDOZA
Sanggunian Member

ARLEEN C. ARAYATA
ABC Prov'l. Fed. President

JOSE R. DE CASTRO, SR.
Provincial Board Secretary

HERMOGENES C. ARAYATA III
Majority Floor Leader

EILEEN R. BERATIO
Sanggunian Member

DENCIO P. CAMPAÑA
Sanggunian Member

RODEL R. BACOS
SB Prov'l. Fed. President

SOPHIA MARIE G. PAGTAKHAN
SK Prov'l. Fed. President

ATTESTED:

JUANITO VICTOR C. REMULLA, JR.
Vice-Governor/Presiding Officer

APPROVED:

AYONG S. MALIKSI
Provincial Governor