



EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE 10TH SANGGUNIANG PANLALAWIGAN, THIS PROVINCE HELD AT THE SP SESSION HALL, 2ND FLOOR, GTIC BUILDING ON SEPTEMBER 26, 2023

PRESENT:

Atty. John Edward G. Gando	-	Vice Governor and Presiding Officer
Hon. Felipe Hilan A. Nava, MD	-	SP Member and Floor Leader
Hon. Cecile C. Gumarin, MD	-	SP Member and Deputy Floor Leader
Hon. Aurelio G. Tionado	-	SP Member
Hon. Alejandro D. Araneta, DMD	-	SP Member
Hon. Luben G. Vilches	-	SP Member
Hon. Marilyn G. Edang	-	SP Member
Hon. Perfecto T. Habaña, Jr.	-	SP Member
Hon. Raymond H. Gavileño	-	SP Member
Hon. Marcelo G. Malones, Jr.	-	Ex-Officio SP Member (LNB Federation President)
Hon. Jimmy O. Gajo	-	Ex-Officio SP Member (PCL Federation President)

ABSENT:

Hon. Karren Kaye A. Gadnanan - Ex-Officio SP Member (SK Federation President)

ORDINANCE NO. 2023-05

Author

HON. MARILYN G. EDANG

Co-Author

VICE GOVERNOR ATTY. JOHN EDWARD G. GANDO

AN ORDINANCE PROVIDING PROTECTION AGAINST ONLINE FRAUD AND PROVIDING PENALTIES THEREOF

SECTION 1. Short Title. This Ordinance shall be known as the ONLINE TRADE PROTECTION.

SECTION 2. Definition of Terms.

a. Online Advertisement- Refers to any form of online mass medium subsequently applied, circulated or published using the internet as the basic platform with the intention of promoting and selling a particular consumer item, product or goods.

b. Consumer items, products or goods- Refers to units that are being sold which includes items, product and goods for reselling, personal and/or household purposes in exchange for some pecuniary or monetary value.

c. Product Information- Refers to display of written, printed or graphic representation on any consumer item, product or goods for the objective of providing information as to the identity, components, attributes, ingredients and specifications and such other information as may be required by law.

d. Online Fraud- Refers to the situations where seller(s), reseller(s) and/or courier(s) deliberately create false shipments to defraud buyers.

e. Online Selling- Refers to Sale transactions, agreements or sales arrangement of items, product or goods to a person through utilization of electronic, optical and similar medium, instrumentality and/or technology. These items, products or goods are directly consumed by the end user for his/her personal and/or household use.

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ProvinceofGuimaras

f. Online Reselling- Refers to sales activities , understanding or sales arrangement of items, products or goods to a person and/or business entity through utilization of electronic, optical and similar medium, instrumentality and/or technology with the sole intention of selling them rather than consuming or using them for personal and/or household purpose.

g. Online Transaction- Refers to online selling and/or online reselling activities.

h. Account- Refers to online account of the seller and/or reseller used to identify his or her business to the buyer and the general public.

i. Third Party Service Courier - Refers to a company or business that engages in door to door service that picks an order/parcel and delivers it to the customers. This includes the agent, employee or delivery personnel who actually delivers the parcel.

SECTION 3. Prohibited Acts. The following acts constitute prima facie proof of online fraud:

3.1 Use of Fraudulent or misleading Account- seller's shipping order is invalid or cannot be viewed or processed with the intention of misleading and deceiving the buyer/receiver and the general public;

3.2 Sending of empty parcels to buyer/receiver despite meeting of the minds to pursue the online transaction, agreement and/or arrangement;

3.3 Sending of items, products or goods different from what has been advertised online or agreed upon by seller and buyer and inconsistent with the product information provided on the container, packaging, labels or product information as expressly provided by the seller at the beginning of the selling transaction;

3.4 Sending of items whose value, quantity, quality and/or other specifications are different from what have been advertised online or agreed upon by seller and buyer and/or inconsistent with the product information provided on the container, packaging or labels; and,

3.5 Sending of goods, supplements, and food products beyond their best-before-date/expiry date as indicated in the container, packaging or labels.

For purposes of this Ordinance, receiver refers to appointed person of the buyer to receive the items/product/goods ordered, in his or her physical absence to receive the same.

SECTION 4. Obligation of the Third-Party-Service Courier. The Third-Party-Service courier is under obligation to open the parcel upon the instruction of the buyer/receiver. Failure of the Third-Party-Service courier to comply the same shall be punishable under Section 5 of this Ordinance.

SECTION 5. Penalties. Any such person (juridical or natural) found violating any of the prohibited acts as enumerated in Sections 3 and 4 hereof shall be punished by an imprisonment of one (1) year or a fine ranging from the amount of One Thousand Pesos (P1,000.00) to Five Thousand Pesos (P5,000.00), or both fine and imprisonment, at the discretion of the court.

In case of juridical person, the manager, owner or the officers of the said corporation shall be held liable.

SECTION 6. Separability Clause. If for any reason or reasons any part of provision of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof not be affected thereby shall continue to be in full force and effect.

SECTION 7. Repealing Clause. All previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

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[Handwritten signatures and initials on the left margin]

SECTION 8. Effectivity. This Ordinance shall take effect ten (10) days after its publication in a newspaper of local circulation and after its compliance with posting requirements whichever comes later.

ENACTED: September 26, 2023

I hereby attest to the correctness of the foregoing ordinance which was duly enacted by the 10th Sangguniang Panlalawigan of the Province of Guimaras during its regular session on September 26, 2023.



ANNA ROSE E. CABASAC
R.O. II, COMSEC Head
Acting Secretary to the Sangguniang Panlalawigan

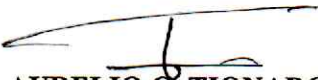
We Concur:



FELIPE HILAN A. NAVA, MD
SP Member



CECILE C. GUMARIN, MD
SP Member



AURELIO G. TIONADO
SP Member



ALEJANDRO D. ARANETA, DMD
SP Member



LUBEN G. VILCHES
SP Member



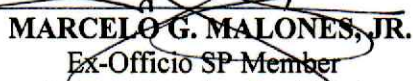
MARILYN G. EDANG
SP Member



PERFECTO T. HABAÑA, JR.
SP Member



RAYMOND H. GAVILEÑO
SP Member



MARCELO G. MALONES, JR.
Ex-Officio SP Member
(LNB Federation President)



JIMMY D. GAJO
Ex-Officio SP Member
PCL Federation President

Certified Correct:



ATTY. JOHN EDWARD G. GANDO
Vice Governor
Presiding Officer

Approved:



JC RAHMAN A. NAVA, MD
Governor