

[REPUBLIC ACT NO. 4109, June 20, 1964]

AN ACT TO CONVERT THE DIVISION OF STANDARDS UNDER THE BUREAU OF COMMERCE INTO A BUREAU OF STANDARDS, TO PROVIDE FOR THE STANDARDIZATION AND/OR INSPECTION OF PRODUCTS AND IMPORTS OF THE PHILIPPINES AND FOR OTHER PURPOSES.

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

SECTION 1. The Division of Standards under the Bureau of Commerce is hereby converted into a Bureau of Standards under the Department of Commerce and Industry.

SEC. 2. The Bureau shall have as its head a Director of Standards and two Assistant Directors, one for technical matters and the other for administrative matters, who shall be appointed by the President of the Philippines with the consent of the Commission on Appointments. There shall be in the Bureau such officials and employees to be appointed by the Secretary of Commerce and Industry as may be necessary to carry out the purpose of this Act: *Provided*, That personnel of the Bureau whose duties and functions are technical in nature shall be exempt from the operation of the Wage and Position Classification Office.

SEC. 3. The Bureau shall have charge of the establishment of standards for, and inspection of, all agricultural, forest, mineral, fish, industrial and all other products of the Philippines for which no standards have as yet been fixed by law, executive order, rules and regulations; and the inspection and certification of the quality of commodities imported into the Philippines, to determine the country of origin of the articles which are the growth, raw materials, manufacture, process, or produce, and to determine if they satisfy the buyer's or importer's requirements or specifications for domestic consumption; and to prohibit the discharge and/or release of any article which are the growth, raw materials, manufacture, process or produce of countries without trade relations with the Philippine government. Physical, biological and/or chemical tests or analyses necessary for the examination of products under the provisions of this Act may be undertaken in any branch of the Government having facilities for the purpose until such time as the Bureau may have its own facilities.

SEC. 4. Subject to the general supervision and control of the Secretary of Commerce and Industry, the Director of Standards shall possess the general powers conferred by law upon Bureau Chiefs, and the following specific powers and duties which he may perform personally or through his duly authorized representatives:

- a. Under such rules and regulations as the Director of Standards may promulgate which the Secretary of Commerce and Industry must approve within one year,

to establish standards for the products within the purview of Section three of this Act; to inspect in order to sample and determine the standards of said products, and to certify the inspection and standard thereof:

- b. Before the government, including government owned or controlled corporation, make any purchase of any of the products within the purview of Section three of this Act, and/or the producer, manufacturer and/or dealer offers for sale any commodity which affects the life, health and property of the people, to inspect and sample in order to determine if, and to certify that the products satisfy the requirements as to kind, class, grade, quality or standard in accordance with the provisions of sub-section above;
- c. Before the exportation or shipment abroad of any of the products within the purview of Section three of this Act for which no standard has or shall have, as yet, been established in accordance with the provisions of subsection (a) above, to inspect and sample in order to determine if, and to certify that, the whole shipment satisfies the buyer's or importer's requirements as to kind, class, grade, quality or standard: *Provided, however,* That shipments which are not standardized but conforms to buyer's or importer's requirements, shall have their corresponding customs or shipping papers or documents stamped conspicuously with the caption not under government commodity standardization and may be released by the Collector of Customs in accordance with the existing Tariff and Customs Laws.
- d. Before any commodity imported into the Philippines is discharged and/or released by the Bureau of Customs, to inspect such commodity in order to sample and determine the country of origin where the articles are the growth, raw materials, manufacture, process or produce, and to certify that, the whole shipment satisfies local buyer's or importer's requirements as to kind, class, grade, quality or standard which may be indicated on the corresponding customs or shipping papers or commercial documents: *Provided, however,* That imports which are not shown to be covered by, or do not conform to, buyer's or importer's requirements, shall be labelled or stamped conspicuously with the caption "do not conform to buyer's or importer's specifications": *Provided, further,* That imports of any article which are the growth, raw materials, manufacture, process or produce of countries wherein the Philippines has no trade agreement shall be confiscated and/or seized at the disposal of the government.
- e. To fix and collect fees for the services of inspection and certification of inspection and standard, and/or testing or analyzing samples and certification of tests or analyses, and other services, the nature of which require scientific and/or technological knowledge and skill.
- f. To take testimony or evidence on matters of official business relating to the exercise of his powers, the performance of his duties, and the accomplishment of the purpose of this Act or any of the rules and regulations promulgated in accordance therewith.
- g. To initiate and undertake official investigation to determine the nature of organization and business methods of any entrepreneur, person, corporation, association, partnership or firm engaged in the manufacture, marketing and distribution of the products within the purview of Section three of this Act: *Provided, however,* That this power shall be exercised only in connection with any known or reported violation of any provision of this Act, or non-compliance with any rule or regulation promulgated in accordance therewith.