



OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 2020-04

AN ORDINANCE TEMPORARILY BANNING THE SALE AND DELIVERY OF LIOUOR, AND REGULATING THE CONSUMPTION OF THE SAME IN THE MUNICIPALITY OF ALBUERA, LEYTE TO PROMOTE SOCIAL DISTANCING WHILE THE ENTIRE MUNICIPALITY IS UNDER COMMUNITY QUARANTINE

Sponsored by: HON. MARIO T. BARTE

WHEREAS, the 1987 Constitution provides that the maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.

WHEREAS, the State shall also protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991" states 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. Within their respective territorial jurisdictions, local government units shall ensure and support the promotion of health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, the same Code provides that the Sangguniang Bayan shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants, and for an efficient and effective government thereof, maintain peace and order by enacting measures to prevent and suppress lawlessness and disorder, and adopt measures to protect the inhabitants from the harmful effects of man-made or natural disasters and calamities;

WHEREAS, the Sangguniang Bayan also has the power to approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities, and approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases. In connection thereto, it can regulate the sale, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors such as coconut wine (tuba) at any retail outlet;

WHEREAS, President Rodrigo Roa Duterte issued Presidential Proclamation No. 922 series of 2020, declaring the entire country under a State of Public Health Emergency due to GOVID-19 and enjoining all government agencies and Local Government Units to render full assistance and cooperation in this time of health crisis on March 8, 2020;

WHEREAS, the Municipality of Albuera, Leyte has been placed under General Community Quarantine pursuant to Executive Order No. 4 and 5;

WHEREAS, social distancing is the strict maintenance of a distance of at least one (1) meter radius between and among individuals;

WHEREAS, the temporary ban on the selling and serving of liquor, and the regulation of its consumption is intended to promote social distancing, and decreasing person-to-person contact in order prevent the introduction and spread of a contagious disease such as COVID-19;

MANUEL E. BANTASAN

LENY S. BILBAO

IMELDA A. FADUL

MARY JANE B. CAGULA

TITA P. ALAJAS

SIXTO B. DELA VICTORIA

PAMELA M. BOHOLST

JOY S. PATRICIO

ALBERTO L. SUMALJAG

ROXANNE R. ZALDIVAR

MARIO T. BARTE

MIGUEL D. RETUYA

NOW THEREFORE, BE IT ORDAINED, by the Sangguniang Bayan of Albuera, Leyte in Session that:

Section 1. Short Title. – This Ordinance shall be known as the "Liquor Ban to Promote Social Distancing".

Section 2. Declaration of Policy and Objectives. – The Municipality of Albuera, Leyte recognizes the right of every Albuerano to health and shall protect their lives and limbs from any form of danger.

This Ordinance aims to promote social distancing by banning or regulating the sale, delivery or consumption of alcohol, wine, beer, liquor and other intoxicating beverages by and to any person during the General Community Quarantine.

Section 3. Ban on the selling and delivery/serving of liquor, and the regulation of its consumption. – During the General Community Quarantine in the Municipality of Albuera, Leyte, business establishments such as restaurants, retail stores, convenient stores, and similar businesses within the territorial jurisdiction of the Municipality are hereby prohibited from selling, serving or delivering wine, beer, liquor and other intoxicating beverages to any person.

Consumption of liquor in public places shall be prohibited but the consumption of liquor within the confines of one's home is allowed; provided that only members of the household shall consume the same; provided further that household heads/house owners shall not invite guests or visitors for drinking sessions;

Section 4. Enforcement. – This Ordinance shall be primarily implemented by the Albuera-RNP, to be assisted by the Punong Barangays and their Barangay Tanods.

Section 5. Penalties. – Any person, natural or juridical, found to have violated this Ordinance shall be penalized with a fine of Two Thousand Pesos (Php. 2,000.00), or an imprisonment of one (1) month, or both, at the discretion of the court;

For succeeding offences, both penalties shall be imposed. In any case, the liquor shall be confiscated by the authorities;

If the offence is committed by a corporation, partnership, or other juridical entity duly organized in accordance with law, the Chief Executive Officer, President, General Manager, or such other Officer-in-Charge of the said entity shall be held liable;

In addition, the business permit and license to operate, of the concerned entity shall be suspended or cancelled after due hearing. As preventive measure, immediate closure of the establishment shall be made pending such hearing;

Any public officer mentioned in Section 4 hereof, who shall knowingly and maliciously, prevent, prohibit, refuse, discontinue or violate the implementation of this Ordinance shall suffer the penalty of imprisonment of two (2) months and temporary suspension from public service. In addition, the public officer concerned shall be held administratively liable under applicable laws;

Section 6. Separability Clause. – If any provision of this Ordinance is determined to be invalid, illegal or unenforceable, its remaining provisions shall remain in full force as though this Ordinance did not originally include such invalid, illegal or unenforceable provision.

Section 7. Repealing Clause. – All Ordinances and Rules inconsistent with the provisions of this Ordinance are hereby deemed modified or repealed accordingly;

Section 8. Dissemination – After the approval of this Ordinance, the Secretary to the Sangguniang Bayan of this Municipality shall cause the immediate and municipality-wide dissemination of this Ordinance by posting a copy in a conspicuous place of every Barangay;

Section 9. Effectivity – The provisions of this Ordinance shall take effect immediately upon its approval.

MANUEL E. BANTASAN

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TITAP. ALAJAS

SIXTO B. DELA VICTORIA

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ROXANNE R. ZALDIVAR

MARIO T. BARTE

MIGUEL D. RETUYA


APPROVED.

ENACTED BY THE 10TH SANGGUNIANG BAYAN OF ALBUERA, LEYTE DURING ITS 41ST REGULAR SESSION HELD ON APRIL 27, 2020 AT THE SB SESSION HALL.

ATTESTED AND CERTIFIED TO BE DULY ADOPTED:

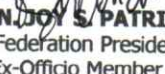

HON. MARY JANE B. CAGULA
SB Member


HON. MIGUEL D. RETUYA
SB Member


HON. ALBENZO C. SUMALJAG
Liga ng Mga Barangay President/
Ex-Officio Member


HON. IMELDA A. FADUL
SB Member


HON. MARIOT T. BARTE
SB Member


HON. JOY S. PATRICIO
SK Federation President/
Ex-Officio Member


HON. LENY S. BILBAO
SB Member


HON. ROXANNE R. ZALDIVAR
SB Member

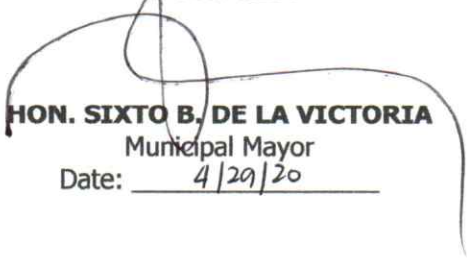

HON. MANUEL E. BANTASAN
SB Member

I HEREBY CERTIFY that this is a true and accurate copy of the ordinance duly enacted by the 10th Sangguniang Bayan of Albueria, Leyte on its 41st Regular Session on April 27, 2020 at the SB Session Hall of Albueria, Leyte.


PAMELA M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I


HON. TITA P. ALAJAS
Municipal Vice-Mayor/Presiding Officer

APPROVED:


HON. SIXTO B. DE LA VICTORIA
Municipal Mayor
Date: 4/29/20