



Republic of the Philippines PROVINCE OF LEYTE

SP Records

PROVINCIAL LEGAL OFFICE

Province of Leyte

Legal Office

Released: 72

Time: 72

Date: 72

Released: 73

2nd Indorsement January 19, 2023

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2022-11 of the SB of Tanauan, Leyte recommending for the declaration of its validity, pursuant to its power under Section 56 (c) of R.A 7160, the same being, to the opinion of the Provincial Legal Office (PLO), an exercise of the power essential to the promotion of the General Welfare, health and Safety authorized under Section 16 of the Code, in relation with the mandate of R.A. 9502 mentioned in the Ordinance.

ATTY. OSE RAYMUND A. ACOL Assi Provincial Legal Officer Republic of the Philippines
PROVINCE OF LEYTE
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st INDORSENMENT 17 January 2023

Respectfully indorsed to the PROVINCIAL LEGAL OFFICE the herein ORDINANCE NO. 2022-11 of the MUNICIPALITY OF TANAUAN, LEYTE," AN ORDINANCE INSTITUTIONALIZING THE FREE ACCESS TO MEDICINE (FAMed) PROGAM IN THE MUNICIPALITY OF TANUAN, LEYTE; PROVIDING GUIDELINES IN THE IMPLEMENTATION THEREOF AND APPROPRIATING FUNDS THEREFOR", for review and recommendations.

FLORINDA JILLS: UYVICO Secretary to the Sanggunian

SP Records 17723



Republic of the Philippines Province of Leyte **TANAUAN** -000-OFFICE OF THE SANGGUNIANG BAYAN

January 16, 2023

THE SECRETARY

Sangguniang Panlalawigan Province of Leyte **Capitol Building Tacloban City**



Madam:

Respectfully submitting herewith ORDINANCE NO. 2022- 11, "AN ORDINANCE INSTITUTIONALIZING THE "FREE ACCESS TO MEDICINE (FAMed) PROGRAM" IN THE MUNICIPALITY OF TANAUAN, LEYTE; PROVIDING GUIDELINES IN THE IMPLEMENTATION THEREOF AND APPROPRIATING FUNDS THEREFOR".

Sponsored by: Hon. Jasmin U. Borja

Trusting that you will accord this matter with your kindest attention.

Truly Yours,

ELEUTERIO T. LEAIOS

SB Secretary

Republic of the Philippines **Province of Leyte** TANAUAN -000-16th SANGGUNIANG BAYAN

25th REGULAR SESSION December 21, 2022; 9:00 A.M. SB Session Hall, Tanauan Presidencia Bldg.

ORDINANCE NO. 2022-11

AN ORDINANCE INSTITUTIONALIZING THE "FREE ACCESS TO MEDICINE (FAMed) **PROGRAM" IN THE MUNICIPALITY OF TANAUAN, LEYTE; PROVIDING GUIDELINES** IN THE IMPLEMENTATION THEREOF AND APPROPRIATING FUNDS THEREFOR.

SPONSORED BY: HON. JASMIN U. BORJA

WHEREAS, Section 15 Article III of the Philippines Constitution provides that the State shall protect and promote the right to health of the people and instils health consciousness among them;

WHEREAS, Section 11, Article XIII likewise stipulates that the state shall also adopt an "integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost:"

WHEREAS, Republic Act No. 9502 otherwise known as the Universally Accessible Cheaper and Quality Medicines Act of 2008 mandates the State to protect public health and, when public interest or circumstance so requires, to adopt appropriate measure to promote and ensure access to affordable quality drugs and medicines for all.

WHEREAS. Section 16 of the local Government Code of 1991. partly states that every local government unit shall exercise the power 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:

WHEREAS, the new administration of the municipality of Tanauan has made known in its campaign advocacy to implement programs among others the free access to medicines by qualified constituents noting that there are more or less Four Thousand Seventy-One (4,071) identified poor households in the municipality;

NOW THEREFORE, BE IT ENACTED BY THE SANGGUNIANG BAYAN OF TANAUAN, LEYTE IN A REGULAR SESSION ASSEMBLED THAT:

SECTION 1. SHORT TITLE. This Ordinance shall be known as "The Free Access to Medicine (FAMed) Program" of the Municipality of Tanauan, Leyte.

SECTION 2. OBJECTIVE. In order to carry out the policy of the state to promote the right to health and to provide for the general welfare and basic social welfare services mandated under Section 16 and 17 of the Local Government/Code of 1991, this

Ordinance is aimed to increase free access to safe, effective and quality medicines to qualified beneficiary constituents of the municipality of Tanauan.

SECTION 3. DEFINITION OF TERMS. For purpose of this Ordinance, the following terms or phrases shall be used to mean as follow:

- A. "Free Access"-shall mean to medicines available under this program subject to certain conditions as may be provided under this ordinance such as but not limited to the guidelines in qualified beneficiaries; and shall not mean absolute/unconditional access to the benefit under this program.
- B. Medicines- shall refer to the common or over the counter (or) medicines for common ailments and such other medicines as the MHO may be made available.
- C. Free Access to Medicine (FAMed) Program- this shall refer to the benefits provided under this ordinance and shall be hereunder interchangeably used as "The Program" for brevity;
- **D. Qualified Beneficiary-** For the purpose of this ordinance, this shall refer to a resident of Tanauan with an annual family income of less than Two Hundred Fifty Thousand Pesos (Php 250,000) who is availing the FAMed Program. *Provided that in emergency cases, any person may avail thereof regardless of their Annual income. Provided further that should another emergency occur, regardless if within the three-month period from the last emergency, they may still avail the benefits herein, as the same is deemed a separate case.*
- E. Emergency Cases- shall refer to situations where the life and health of the possible recipient is in grave danger.
- **D. PHARMACIST OR MHO-Designated Person-** shall refer to the pharmacist of the Municipal Health Office who is duly trained and authorized to dispense drugs and medicines.

SECTION 4. ESTABLISHMENT AND COVERAGE OF THE FREE ACCESS TO MEDICINES (FAMed) PROGRAM. There is hereby established the "Free Access to Medicine (FAMed)" program which shall provide medical assistance under this Ordinance to the medically in-need residents in the municipality of Tanauan.

SECTION 5. GUIDELINES IN THE IMPLEMENTATION OF THE PROGRAM. To ensure a fair, orderly and effective implementation of this Ordinance, the following shall be strictly complied with, to wit:

A. Access to the FAMed Program. The qualified beneficiary shall be provided full benefits and access to the FAMed Program on a quarterly basis. Free medicines shall be provided based on the medical prescription that will be presented dated not more than three (3) days since its prescription. Provided, that weekends and holidays will not be included in counting the days since the prescription.

B. Qualifications/Documentary Requirements for Availing the FAMed Program. In order to avail the benefits under this program the following requirements or qualifications must be established and supported with documents such as but not limited to the following:

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- Certificate of indigency or proof of residency from the barangay where the supposed qualified beneficiary or patient is a resident;
- 2. Prescription receipts from a government doctor or hospital where the patient sought for medical treatment or consultation;
- 3. Endorsement from the MSWD on the beneficiary's eligibility to avail the benefits herein provided;

Procedure. The following shall be the procedure in availing the FAMed Program:

- 1. The requesting party for the availability of medicines shall complete the documentary requirements.
- 2. Upon its completion, the requesting party may then proceed to the MHO-Tanauan and present same to the MHO-Designated Person for verification and checking the availability of the needed medicines.
- 3. If available, the medicines shall then be dispensed by the MHO-Designated Person based on the prescription receipt provided by the government doctor or hospital. For record purposes, the requesting party will then be required to sign a logbook indicating the date, full name of the requesting party, address and list of medicines that were availed.
- 4. If the medicines are not available, the MHO —Designated Person may then issue a letter or note certifying the non-availability of the medicines.
- The requesting party may then bring the letter or note to the MSWD which shall be the basis in availing the cash assistance under the AICS Program.

C. Specific Guidelines.

- 1. All requests for free medicines will be coursed through the FAMed Program.
- 2. Those who availed the FAMed Program will not avail the AICS Program.
- 3. If the medicines are not available, those availing the FAMed Program may seek cash assistance through AICS, subject to the governing guidelines and policies in the implementation of the AICS Program. Provided that any person who has availed of the benefits under the FAMed Program shall be barred and shall no longer avail of the Cash Assistance for Medicines under the AICS program within the covered period or quarter.
- 4. The documents presented for the FAMed Program will be used in the documentary requirements that will be presented in availing the cash assistance from the AICS Program
- 5. The dispensation of drugs and medicines will be undertaken at the Municipal Health Office or the health center established in the municipality of Tanauan for medical services of its constituents.

SECTION 6. DUTIES AND RESPONSIBILITIES. To ensure the efficient implementation of the Program, the following shall be the additional duties and responsibilities of entities involved in the FAMed Program:

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A. PHARMACIST OR MHO-Designated Person

- 1. Facilities and premises management;
- 2. Medicines supply management;
- 3. Dispensing of medicines and patient counselling;
- 4. Public health and pharmacy service such as, but not limited to Patient profiling and Drug therapy review; and
- 5. Other administrative and general services
- B. Municipal Social Welfare and Development shall maintain a database and list of indigent families or qualified beneficiaries. For this reason, the MSWD will develop a system for easier identification of the qualified beneficiaries.

C. Municipal Health Office

- 1. The MHO shall maintain a list of qualified beneficiaries who availed the Program. A monthly report on the list of qualified beneficiaries who availed the Program will be submitted by the MHO to the Office of the Mayor and the Legislative Committee on Health, Hospital Services and Sanitation, for monitoring purposes.
- The MHO shall maintain a list of medicines, its expenditure and the remaining medicines to be submitted monthly to the Office of the Mayor and the Legislative Committee on Health, Hospital Services and Sanitation, for monitoring purposes.
- The MHO shall strategize the listing and procurement of medicines to ensure that medicines for common ailments are readily available for the qualified beneficiaries of Tanauan.

D. The Local Government Unit

- The LGU will coordinate with the DOH for technical advice and MHO assistance in the implementation of this program
- The LGU shall hire two (2) pharmacist or medical health worker who
 is duly trained and authorized to dispense drugs and medicines. He /
 She will have a Salary Grade 12 and will be working at the MHO or
 health center where the FAMed Program will be implemented.

SECTION 7. PROHIBITED ACTS. For purposes of this Ordinance, the following acts or omission of any person, private or public, shall be deemed prohibited:

- A. To dispense in any manner said medicines without authority and without undergoing the procedural requirements provided under this ordinance,
- **B.** To sell or convey in any manner for a consideration the medicines obtained through and under this Ordinance.
- C. To falsely represent a beneficiary to this program.
- **D.** To deny any qualified beneficiary of the access to the benefits provided hereunder without any valid justification.

SECTION 8. PENAL PROVISION. Any person or entity, private or public, found to have violated the provisions in the next preceding section shall be penalized with a fine of Two Thousand Five Hundred Pesos (Php2,500.00) or imprisonment of not less than thirty (30) days but not more than that administrative provision shall allow.

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SECTION 9. APPROPRIATION. The funding necessary for the implementation of this Ordinance shall be included in the municipality's general appropriation or Supplement appropriation thereafter. A budget amounting to at least TWO MILLION FIVE HUNDRED THOUSAND PESOS (P 2,500,000.00) shall be allocated annually for this program.

SECTION 10. NON-DIMINUTION OF BENEFITS CLAUSE. Nothing in this Ordinance shall mean nor be construed to reduce nor prohibits the application from availing similar benefits from the national government or non-government programs.

SECTION 11. SEPARABILITY CLAUSE. If any or part hereof is held invalid or unconstitutional by a competent court, the remainder of the ordinance or provision not otherwise affected shall remain in full force and effect.

SECTION 12. REPEALING CLAUSE. Any ordinance, executive orders or issuances, rule or regulation contrary to or inconsistent with the provisions of this Ordinance are hereby, repealed, amended, or modified accordingly.

SECTION 13. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon approval hereof, subject to the publication requirement under the Local Government Code of 1991.

ENACTED: 21 DECEMBER 2022; TANAUAN, LEYTE.

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I HEREBY CERTIFY to the correctness of the foregoing Ordinance enacted by the 16th Sangguniang Bayan of this municipality during its 25th Regular Session held on the date and at a place above-stated.

BOARD SECRETARY

(DESIGNATED SB SECRETARY)

ATTESTED:

HON. ARCHIE LAWRENCE R. KAPUNAN

Vice-Mayor/ Presiding Officer

HON. ENGIR. MAN JANE ANGELIE M. MORABE

HON. ATTY. IS AGANI S. ESPADA

SB MEMBER

SB MEDWIBLER

HON. CHERRY ANNE T. FIEL

SB MEMBER

Which are

ANUEL R. CINCO

HON. JASMINDU. BORJA

SB MEMBER

HON, GREMARK L. FIEL SB MEMBER/ SK FED. PRES.

ON LEAVE:

HON. ENGR. JAN ELMER V. MAGDALAGA, SB MEMBER

HON. MARK EFREN E. MERILO, SB MEMBER

HON. JOSIE M. CREER, SB MEMBER

HON. MA. MARTINA L. GIMENEZ, SB MEMBER/ABC PRES.

APPROVED:

MUNICIPAL MAYOR
DATE: 9112 2423

Republic of the Philippines
Province of Leyte
TANAUAN
-oOo16TH SANGGUNIANG BAYAN

MINUTES OF THE PUBLIC HEARING

Tanauan Presidencia Lobby Tanauan Town Hall November 24, 2022 (2PM)

- I. OPENING PRAYER. (Overture)
- II. PRELIMINARIES.

The proponent of the proposed Ordinances, Hon. Borja, acknowledged the presence of the Chairman of the Committee on Rules, Hon. Isagani S. Espada; the Chairman of the Committee on Barangay Affairs, Hon. Ma. Martina L. Gimenez; the Chairman of the Committee Youth, Hon. Gil Mark L. Fiel; SB Member Hon. Mark Efren Merilo; the Chairpersons and representatives from the 54 barangays of the municipality and all other stakeholders and attendees of the said Public Hearing.

III. PRESENTATION OF THE FIRST PROPOSED ORDINANCE.

A PROPOSED ORDINANCE INSTITUTIONALIZING THE "FREE ACCESS TO MEDICINE (FAMed)" PROGRAM IN THE MUNICIPALITY OF TANAUAN, LEYTE; PROVIDING GUIDELINES IN THE IMPLEMENTATION THEREOF AND APPROPRIATING FUNDS THEREFOR.

IV. DISCUSSION/OPEN FORUM.

PB dela Cruz of Brgy. Cahumayhumayan asked the proponent when will the said Ordinance will take effect and Hon. Borja answered that once the same is approved it will be deemed in force. Hon. Espada also added that the said Ordinance will also be published and thus will be effective after the required publication.

PB Omega of Brgy. San Victor also asked if the budget allocation of the LGU for the said program will be sufficient and the proponent answered that though they have initially indicated a budget appropriation of 2.5 Million for the said program for CY 2023, the same may be insufficient. Hon. Espada added that at present there is only an allocation of 350 thousand for the said program but by the following year, if the initial amount of 2.5 Million will be insufficient then it may be subject for Supplemental Budget.

PB Badana of Brgy. Guingauan asked whether prescription receipts coming from private doctors will be honoured and Hon. Borja answered a qualified yes since under the proposed Ordinance, it will only be allowed in emergency cases. Hon. Borja added that the available medicines under the program will be those for common ailments only and should the said medicines are unavailable, the MHO will issue a note so that the client will be endorsed to cash assistance for medicines under the AICS.

The Municipal Accountant, Mr. Mar P. Villegas, verified if in the proposed Ordinance, there is an intent to amend the AICS ordinance so that those who can avail medicines under the FAMed are already barred from availing cash assistance under the AICS

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program emphasizing that the AICS program has been abused by most clients. He added that it should also be emphasized in the Ordinance that for purposes of availing cash assistance under the AICS program, the prescription receipts should be issued by government doctors only.

Hon. Borja answered that there will be a system or database so that it would be easy to determine if the client has already availed of medicines under the FAMed Program and the said client cannot anymore avail under the AICS program within the quarter within which said client has just availed from FAMEd.

Mr. Villegas exclaimed that the said provision should be expressly provided under the FAMed Ordinance to avoid any room for confusion especially to the implementing body. Hon. Espada that claims for cash assistance under the AICS Program will be governed by the AICS Ordinance and that any amendment thereto will be made separately. Mr. Villegas however countered that it is better to incorporate the said amendment as it may be forgotten to amend the AICS Ordinance and further contended that the later Ordinance may just contain a repealing or amendatory clause so that the FAMEd will be implemented in correlation with the AICS ordinance.

Hon. Borja, the sponsor of the proposed measure agreed with Mr. Villegas and noted to add the provision on the Specific Guidelines under Section 5. D. that any person who has availed of the benefits under the FAMed Program shall be barred and shall no longer avail of the Cash Assistance for Medicines under the AICS program within the covered period or quarter.

PB Garcia of Brgy. Binongto-an inquired whether all the required number of medicines as prescribed will be given and Hon. Borja answered in the affirmative provided that supply is available. PB Omega on the other hand ask about those who have monthly maintenance whether they can also avail once every quarter only and Hon. Borja said yes and further explained that they may resort to other national agencies or NGOs who provide similar assistance. Hon. Espada seconded that it is provided under the proposed Ordinance on non-diminution clause.

Hon. Gem Fiel asked if the provision under Section5 (a) (2), means that any patient on emergency cases can avail of the program regardless of his or her income or is not indigent and Hon. Borja answered in the affirmative. PB. Garcia again asked if prescription is not issued by a government doctor since no doctor at the RHU is available at all times and so most patients would resort to private doctors whether indigent or not and Hon. Espada answered that it will be considered even if issued by a private doctor when the same falls within the cases of emergencies.

Ms. Lala Cumpio asked whether the Certificate of Indigency required for availing the benefits under the FAMed should be under the name of the claimant representative just like in claiming the benefits under the AICS and Hon. Borja that for FAMed purposes, the said certificate should be under the name of the patient.

There having no further questions on the said proposed Ordinance, the Proponent proceeded with the presentation of the second proposed Ordinance.

Page 2 of 3

V. PRESENTATION OF THE 2ND PROPOSED ORDINANCE.

A PROPOSED ORDINANCE INSTITUTIONALIZING THE "MOBILE HEALTH CARE SERVICE FOR THE ELDERLY" PROGRAM IN THE MUNICIPALITY OF TANAUAN, LEYTE; PROVIDING GUIDELINES IN THE IMPLEMENTATION THEREOF AND APPROPRIATING FUNDS THEREFOR.

VI. DISCUSSION/OPEN FORUM.

Hon. Espada emphasized that the Mobile Health Care Program has already been implemented during the previous administration and that the present administration has just continued the same.

Kap. Josephine Angelio of Brgy. Pasil raised her complaint about their farm labourer who was wounded by the land master blades in the morning of that day and was brought to the RHU of this municipality however, according to her the nurse on duty was hesitant to accommodate the patient in fact it was the patient who did the dressing on his own wounds.

Mrs. Coronado, the mobile nurse assigned for the COSE program raised her hand to answer the concern of PB Angelio and stated that "it is a general rule, that we prioritize our safety first…kun nangingiw-iw an nurse, maybe there were no more gloves that is why."

Hon. Espada asked if Dr. Santo was notified and if a representative was sent to attend the said Public Hearing and Hon. Borja stated that Dra. Santo was invited but texted that she was sick.

The HRMO, Ms. Baranda, after being recognized by the proponent explained that all of the Health Personnel are on a training except for the newly-hired nurse who is still processing her documents. Ms. Baranda expressed that she was disheartened to her of what Mrs. Coronado said and further exclaimed that if the reason was there were no more gloves, the personnel should have procured to replenish the supplies already even before all the supplies are depleted. Hon. Espada exclaimed that they will raise the said concern under their Committee for a legislative inquiry.

VII. ADJOURNMENT.

There having no further query, the Public Hearing as adjourned at 4:15 in the afternoon.

I HEREBY CERTIFY to the correctness of the foregoing Committee Report in a Committee Meeting held at the SB Session Hall, Tanauan Town Hall on the date above-stated.

ATTESTED:

HON. ATTY. ISAGANI S. ESPADA

Chairman, Rules

ATTY. MIAMOR D. MATIVIDAD

Local Legislative Officer

HON. JASMIN U. BORJA

Chair Health

PUBLIC HEARING

A PROPOSED ORDINANCE INSTITUTIONALIZING THE "FREE ACCESS TO MEDICINE (FAMed)" PROGRAM IN THE MUNICIPALITY OF TANAUAN, LEYTE; PROVIDING GUIDELINES IN THE IMPLEMENTATION THEREOF AND APPRORIATING FUNDS THEREFOR

NOVEMBER 24, 2022 (THURSDAY) 2:00 PM at Presidencia Lobby

ATTENDANCE

1. COVARDI A-DE LA QUE PIB. 2. PERTUDICIO V. COVARLA PIB. 3. JOEL P. LOGORONIO P.B. LIMBUHAN DACO 4. FLORE B. MANITA P.B. GUINDAG-AN 5. VEONEL C. PARA PA P.B. GUINDAG-AN 6. Marifu B. Salvan v P.B. Gacam 7. Lorde B. Monte P.B Amanjuran	NATURE
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5. LEONEL C. BARAVA P.B. GUINDAG -AN S. LEONEL C. BARAVA P.B. CUNCAUAN D.B. Sacom P.B. Sacom T. Lorde B. Monte P.B Amanjuran	
5. LEONEL C. PARA HA P.B. CUINCAUXI DE 6. Marifu B. Salvan P.B. Gacom 7. Lorde B. Monte P.B Amanjuran	
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Republic of the Philippines
Province of Leyte
TANAUAN
-000OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that ORDINANCE NO. 2022-11, "AN ORDINANCE INSTITUTIONALIZING THE "FREE ACCESS TO MEDICINE (FAMED) PROGRAM" IN THE MUNICIPALITY OF TANAUAN, LEYTE; PROVIDING GUIDELINES IN THE IMPLEMENTATION THEREOF AND APPROPRIATING FUNDS THEREFOR.", have been posted in the bulletin boards at the following: Entrance of the Municipal Hall, Office of the Sangguniang Bayan, and Public Market beginning January 16, 2023 and shall remain posted for a minimum of three consecutive weeks.

This certification is issued in compliance with the pertinent provisions of R.A. 7160.

Issued: January 16, 2023

ELEUPERIO T. LERIOS

SB Secretary