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Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

Item No.: 05
Date: 21 FEB 2023

SANGGUNIANG PANLALAWIGAN
FEB 08 2023 355920
PROVINCIAL LEGAL OFFICE
2-03-23
PROVINCE OF LEYTE

Province of Leyte
Legal Office
Released: [Signature]
Time: [Signature]
Date: 2.7.23

February 2, 2023

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 14, S. 2022 of the SB of Barugo, 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 authorized under Section 447 (4), (v) of the Code.


ATTY. JOSE RAYMUND A. ACUL
Acting Asst. Provincial Legal Officer

Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
31 January 2023



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 14, SERIES OF 2022 OF THE MUNICIPALITY OF BARUGO, LEYTE, ENTITLED: AN ORDINANCE LIFTING ORDINANCE NO. 08, S. 2020 ENTITLED: "AN ORDINANCE TO TEMPORARILY PROHIBIT THE BUYING, SELLING/SERVING, DRINKING OF BEER, LIQUOR OR ALCOHOLIC BEVERAGES WITHIN THE TERRITORIAL JURISDICTION OF BARUGO, LEYTE, ADOPTING THE IATF-MEID GUIDELINES AS OF JUNE 4, 2022"**.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
Local Government Unit
Barugo, Leyte

Office of the Sangguniang Bayan

January 30, 2023

HON. LEONARDO "SANDY" JAVIER, JR.
Vice-Governor/Presiding Officer
Sanggunian Panlalawigan
Province of Leyte

THRU: **THE SP SECRETARY**
Sanggunian Panlalawigan
Province of Leyte

Sir:

Respectfully submitted to your good office for review/approval the herein **RESOLUTION NO. 180, ORDINANCE NO. 14, S. 2022 ENTITLED "A RESOLUTION PASSED ENACTING AN ORDINANCE LIFITING ORDINANCE NO. 08, S. OF 2020 ENTITLED "AN ORDINANCE TO TEMPORARILY PROHIBIT THE BUYING, SELLING/SERVING, DRINKING OF BEER, LIQUOR OR ALCOHOLIC BEVERAGES WITHIN THE TERRITORIAL JURISDICTION OF BARUGO, LEYTE, ADOPTING THE IATF-MEID GUIDELINES AS OF JUNE 4, 2022"**

Anticipating your favorable action on this matter.

Very respectfully yours,


DANILO V. AYORQUE
SB Secretary

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Municipality of Barugo

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EXCERPT FROM THE MINUTES OF THE MEETING OF THE 11TH SANGGUNIANG BAYAN OF BARUGO, LEYTE ON ITS 20TH REGULAR SESSION HELD ON THE 21ST DAY OF NOVEMBER 2022, AT THE MUNICIPAL SESSION HALL, LEGISLATIVE BUILDING, BARUGO, LEYTE.

Present:	Hon. Josephine C. Tiu	Municipal Vice Mayor
	Hon. Don A. Dehayco	Presiding Officer
	Hon. Wayne B. Avestruz	SB Member
	Hon. Eduardo C. Calzita	SB Member
	Hon. Nikkos Rhet V. Astorga	SB Member
	Hon. Clinio A. Balais	SB Member
	Hon. Jeffrey P. Cañezal	SB Member
	Hon. Jesus B. Cabanacan	SB Member
	Hon. Domingo E. Adrales	SB Member
	Hon. Marl Oscar A. De Guzman	ABC President
	Hon. Jake Andrian C. Gerona	SK Federation President

Absent:

RESOLUTION NO. 180, S. 2022

A RESOLUTION PASSED ENACTING AN ORDINANCE LIFTING ORDINANCE NO. 08, S. 2020 ENTITLED "AN ORDINANCE TO TEMPORARILY PROHIBIT THE BUYING, SELLING/SERVING, DRINKING OF BEER, LIQOUR OR ALCOHOLIC BEVERAGES WITHIN THE TERRITORIAL JURISDICTION OF BARUGO, LEYTE, ADOPTING THE IATF-MEID GUIDELINES AS OF JUNE 4, 2022"

WHEREAS, on March 23, 2020, the Sangguniang Bayan of Barugo, Leyte enacted Ordinance No. 08, S. 2020, entitled "An Ordinance to Temporarily Prohibit the Buying, Selling/Serving, Drinking of Beer, Liquor or Alcoholic Beverages within the Territorial Jurisdiction of Barugo, Leyte;

WHEREAS, the Sangguniang Bayan of Barugo, Leyte is aware that the temporary liquor ban in the municipality has somehow affected the domestic liquor industry, especial the livelihood of tuba farmers, local buyers and sellers of tuba wines in the households and sari-sari stores, workers of liquor companies, sari-sari stores selling other liquor and alcoholic beverages. There is a need to assist local liquor industries and establishments selling and serving liquor and other alcoholic beverages to thrive in their respective businesses and contribute in refueling the local livelihood and economy;

WHEREAS, the Municipal Inter-Agency Task Force for Emerging Infectious Disease (MIATF-EID COVID-19) Council of Barugo, Leyte issued Resolution No. 1, s. 2022 recommending the lifting of the liquor ban as mandated by the aforesaid Ordinance No. 08, S. 2020;

WHEREAS, even with the lifting of the liquor ban within the territorial jurisdiction of the municipality, the Sangguniang Bayan of Barugo, Leyte's Joint Committees on Health, Police Matters and Youth met on August 3, 2022 and saw the need to reinforce

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and continue to strictly enforce its minimum safety protocols to help contribute in containing the possible spread, local transmission and/or re-infection of the virus;

WHEREAS, the Municipality of Barugo, Leyte is still placed under Alert Level 2 by the Leyte Provincial IATF and the MIATF-EID COVID-19 of Barugo, Leyte;

WHEREAS, the Inter-Agency Task Force for the Management of Emerging Infectious Disease (IATF-MEID) has issued the Guidelines on the Nationwide Implementation of Alert Level System for Covid-19 Response as of June 4, 2022. Section [5] thereof provides for the Guidelines for Areas under Alert Level 2. Protocol No. 1 thereof states that "1. Intrazonal and interzonal movements shall be allowed. However, reasonable restrictions may be imposed by the LGUs, which should not be stricter as those prescribed under higher alert levels and subject to the oversight monitoring, and evaluation of their respective RIATF";

WHEREAS, Section [5], Protocol No. 3 of the same IATF-MEID Guidelines provides that "3. The following establishments, or activities, shall be allowed to operate, or be undertaken at a maximum of 50% indoor venue capacity for fully vaccinated individuals and those below 18 years of age, even if unvaccinated, and 70% outdoor venue capacity. Provided that all on-site workers/employees of these establishments, or organizers of activities are fully vaccinated against COVID-19 and MPHS (minimum public health standards) shall be strictly maintained. Provided further, that there is no objection from the LGU where these activities may take place: xxx...b. Permitted venues for social events such as parties, wedding receptions, engagement parties, wedding anniversaries, debut and birthday parties, family reunions, and bridal or baby showers...xxx";

WHEREAS, Section [5], Protocol 3 (k) states that "Dine-in services of food preparation establishments, such as kiosks, commissaries, restaurants, and eateries, subject to DTI sector-specific protocols";

WHEREAS, pursuant to the same IATF-MEID Guidelines, particularly Part I, Alert Level System for COVID-19 Response, Section [1] General Guidelines No. 7 states that "7. LGUs are enjoined to enact the necessary ordinances to enforce protocols contained in these Guidelines and to penalize, in a fair and humane manner, violations of these protocols. Law enforcement agencies are likewise strongly enjoined to observe fair and humane treatment of violators";

WHEREAS, Executive Order No. 07, Series of 2022, by the President of the Philippines, was passed thereby allowing the voluntary wearing of face masks in indoor and outdoor settings with exceptions thereon. The wearing of face mask is still highly encouraged for the elderly, individuals with comorbidities, immunocompromised individuals, pregnant women, unvaccinated individuals and symptomatic individuals;

NOW THEREFORE:

ON MOTION of Hon. Nikkos Rhet V. Astorga, jointly seconded by Hon. Jake Andrian C. Gerona and Hon. Eduardo C. Calzita, resolved as it is hereby resolved to pass this Resolution Enacting an Ordinance Lifting Ordinance No. 08, S. 2020 Entitled "An Ordinance to Temporary Prohibit the Buying, Selling/Serving, Drinking of Beer, Liquor or

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Alcoholic Beverages within the Territorial Jurisdiction of Barugo, Leyte, Adopting the IATF-MEID Guidelines as of June 4, 2022”.

ORDINANCE NO. 14, S. 2022

(Sponsored and Authored By: Hon. Nikkos Rhet V. Astorga)

BE IT ORDAINED by the Honourable Members of the Sangguniang Bayan of Barugo, Leyte on its Regular Session assembled, to wit:

SECTION 1. TITLE. - This Ordinance shall be known as the “Lifting of the Temporary Liquor Ban and Adopting the IATF-MEID Guidelines on the Nationwide Implementation of Alert Level System for COVID-19 Response as of June 4, 2022”.

SECTION 2. DECLARATION OF POLICY. – It is the policy of the Local Government Unit of Barugo, Leyte to balance the local economy and protect its inhabitants from activities to their welfare, health and safety related to Corona Virus Disease-19 (COVID-19);

SECTION 3. DEFINITION OF TERMS. – The following word and phrases, whenever used in this Ordinance, shall be construed as defined in this Section:

- a. **Liquor** – refers to beer, alcoholic beverages, whether distilled or fermented, including, but not limited to, gin, brandy, rum, whiskey, or other locally fermented wines, such as coconut wine or tuba, lambanog, shoktong and the likes.
- b. **Minimum Public Health Standards** – refer to the national, local, and sector-specific guidelines on mitigation measures for its COVID-19 response across all settings by implementing non-pharmaceutical interventions (NPIs), consistent with the Department of Health (DOH) Administrative Order No. 2021-0043 or the Omnibus Guidelines on the Minimum Public Health Standards for the Safe Reopening of Institutions. This term shall also encompass specific NPIs of community mitigation strategies or public health measures that do not involve vaccines, medications, or other pharmaceutical interventions that individuals and communities can carry out in order to reduce transmission rates, contact rates, and the duration of infectiousness of individuals in the population.

SECTION 4. LIFTING OF THE LIQUOR BAN. – The Ordinance to temporarily prohibit the buying, selling/serving, drinking of beer, liquor or alcoholic beverages within the territorial jurisdiction of Barugo, Leyte is hereby **LIFTED**, *provided that* the Guidelines on the Nationwide Implementation of Alert Level System for Covid-19 Response as of June 4, 2022 is hereby **ADOPTED** and the minimum public health standards are **STRICTLY OBSERVED**, pursuant to Executive Order No. 7, Series of 2022, by the President of the Philippines;

SECTION 5. RE-IMPOSITION OF THE TEMPORARY BAN. – In the event that there is a spike in the number of Barugueños or Barugon-ons who tested positive for COVID-19, the Local Chief Executive and the MIATF-EID may ask and/or recommend to

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the Sangguniang Bayan the immediate re-imposition of the ban on selling of liquor and other intoxicating and alcoholic beverages in the Municipality of Barugo, Leyte, and to provide appropriate penalties or to impose additional conditions thereon.

SECTION 6. IMPLEMENTATION OF THE ORDINANCE. – The members of the local Philippine National Police, Barangay Officials and their respective Barangay Public Safety Officers (BPSO) or barangay tanod are hereby authorized to implement this Ordinance for the observance of the minimum public health standards.

SECTION 7. SEPARABILITY CLAUSE. - If, for any reasons, any part or provision of this Ordinance shall be held unconstitutional or invalid by competent authority, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 8. REPEALING CLAUSE. - All Ordinances, Resolutions, Local Executive Orders and/or Administrative Orders, or parts thereof which are inconsistent with or contrary to any of the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 9. EFFECTIVITY CLAUSE. - This Ordinance shall take effect immediately upon its approval and shall remain in full force and effect during the period of Alert Level 1 and 2 imposed by the National Government and the Local Government Unit of Barugo, Leyte.

RESOLVED FURTHER, to furnish copies of this Ordinance to the Local Chief Executive of Barugo, Leyte, the Chief of Police of the Barugo Municipal Police Station, Municipal Local Government Operation Officer (MLGOO) assigned in Barugo, Leyte, to all Punong Barangays of Barugo, Leyte, to all Sangguniang Kabataan Chairpersons of Barugo, Leyte, the Business Licensing and Permitting Officer of LGU-Barugo, Leyte, and to the Honourable Members of the Sangguniang Panlalawigan of Leyte for their information, review and approval.

UNANIMOUSLY APPROVED, this 21st day of November 2022 in Barugo, Leyte.

We hereby certify to the correctness of this foregoing Ordinance.


HON. DON A. DEHAYCO
SB Member


HON. EDUARDO C. CALZITA
SB Member


DANILO V. AVORQUE
SB Secretary

HON. WAYNE B. AVESTRUZ
SB Member


HON. NIKKOS RHET V. ASTORGA
SB Member

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HON. CLINIO A. BALAIS
SB Member

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HON. JESUS B. CABANACAN
SB Member

HON. MARL OSCAR A. DE GUZMAN
ABC President

[Signature]
HON. JEFFREY P. CANEZAL
SB Member

[Signature]
HON. DOMINGO E. ADRALES
SB Member

[Signature]
HON. JAKE ANDRIAN C. GERONA
SK Federation President

ATTESTED BY:

[Signature]
HON. JOSEPHINE C. TIU
Municipal Vice Mayor
Presiding Officer

APPROVED BY:

[Signature]
HON. ARON C. BALAIS, MD, FPCEM
Municipal Mayor

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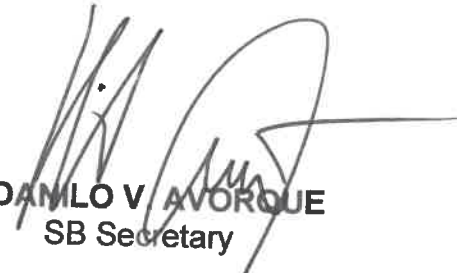
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CERTIFICATION OF PUBLIC HEARING

THIS IS TO CERTIFY that on October 28, 2022, a Public Hearing was conducted related to the proposal to pass **A RESOLUTION PASSED ENACTING AN ORDINANCE LIFTING ORDINANCE NO. 08, S. OF 2020 ENTITLED "AN ORDINANCE TO TEMPORARILY PROHIBIT THE BUYING, SELLING/SERVING, DRINKING OF BEER, LIQUOR OR ALCOHOLIC BEVERAGES WITHIN THE TERRITORIAL JURISDICTION OF BARUGO, LEYTE, ADOPTING THE IATF-MEID GUIDELINES AS OF JUNE 4, 2022"**

This certification is issued this 30th day of January 2023, for whatever legal purpose it may serve.


DANILO V. AVOROUÉ
SB Secretary

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CERTIFICATION OF POSTING

THIS IS TO CERTIFY that Resolution No. 116-A, Ordinance No. 05, S. 2022, RE: **“A RESOLUTION PASSED ENACTING AN ORDINANCE LIFITING ORDINANCE NO. 08, S. OF 2020 ENTITLED “ AN ORDINANCE TO TEMPORARILY PROHIBIT THE BUYING, SELLING/SERVING, DRINKING OF BEER, LIQUOR OR ALCOHOLIC BEVERAGES WITHIN THE TERRITORIAL JURISDICTION OF BARUGO, LEYTE, ADOPTING THE IATF-MEID GUIDELINES AS OF JUNE 4, 2022”**, was posted in three (3) conspicuous places in the Municipality of Barugo, Leyte from November 28 to December 16, 2022 in compliance with the provisions of RA 7160, otherwise known as Local Government Code of 1991.

This certification is issued this 30th day of January, 2023, for whatever legal purpose this may serve.


DANILO V. AVORQUE
SB Secretary

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