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Item No.: 14
Date: MAY 16 2023

Republic of the Philippines
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN
RECEIVED
May 2023
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
May 3, 2023

Province of Leyte
Legal Office
Jan 19 2023
5-5-23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary the attached Ordinance No. 159 of the SB of Matag-ob, Leyte, recommending for the declaration of 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.

Atty. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

(Handwritten signature and blue circular stamp)


Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
27 April 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations, on the herein enclosed **MUNICIPAL ORDINANCE NO. 159 SERIES OF 2023 OF MATAG-OB, LEYTE.**

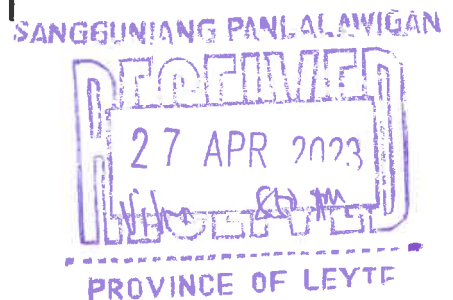

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN
-o0o-

INDORSEMENT

April 17, 2023



HONORABLE LEONARDO "SANDY" JAVIER
Vice-Governor
Presiding Officer
Sangguniang Panlalawigan of Leyte

Sir:

Respectfully forwarding to your good office the herein attached Municipal Ordinance No. 159 s. 2023 of the Sangguniang Bayan of Matag-ob, Leyte, entitled: "AN ORDINANCE BANNING THE SALE/ DISTRIBUTION/RE-SELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS WITHIN THE JURISDICTION OF THE MUNICIPALITY OF MATAG-OB, LEYTE.", subject to review by the Sangguniang Panlalawigan.

Respectfully yours,


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian




Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN
-o0o-

CERTIFICATION OF POSTING

THIS IS TO CERTIFY that copy of Municipal Ordinance No. 159 s. 2023 of the Sangguniang Bayan of Matag-ob, Leyte, entitled: "AN ORDINANCE BANNING THE SALE/ DISTRIBUTION/RE-SELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS WITHIN THE JURISDICTION OF THE MUNICIPALITY OF MATAG-OB, LEYTE.", have been posted in three (3) conspicuous places within the municipality of Matag-ob, Leyte starting from April 5, 2023. It shall continue to be posted therein until the required three consecutive weeks shall have been complied with.

This certification is issued in compliance with Section 59 of R.A. 7160, otherwise known as the Local Government Code of 1991.

Issued this 17th. Day of April, 2023.


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian



HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOEL N. DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 15th REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD AT THE LEGISLATIVE SESSION HALL ON APRIL 11, 2023.

MUNICIPAL ORDINANCE NO. 159
(Proposed Municipal Ordinance No. 171)

AN ORDINANCE BANNING THE SALE/ DISTRIBUTION/RE-SELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS WITHIN THE JURISDICTION OF THE MUNICIPALITY OF MATAG-OB, LEYTE.

Author: Honorable Joel N. Denoy

WHEREAS, Memorandum Circular No. 2022-025, dated March 2, 2022, issued by the Department of Interior and Local Government (DILG), mandates all Local Government Units to prohibit the sale, distribution and re selling, of pharmaceutical products in Sari-sari Stores and other similar retail outlets;

WHEREAS, section 30 of RA No. 10918, otherwise known as the Philippine Pharmacy Act, prohibits the compounding, dispensing, selling or re-selling of pharmaceutical products through retail drug outlets not licensed by the Food and Drugs Administration (FDA);

WHEREAS, Republic Act No. 8203, otherwise known as the Special Law on Counterfeit Drugs, also prohibits any person from manufacturing, selling, offering for sale, donating, distributing, trafficking, brokering, exporting, importing or possessing counterfeit drugs;

WHEREAS, the proliferation or creation of counterfeit pharmaceutical products and the sale of fake COVID-19 medicines by sari-sari stores, are a potential cause of serious harm to the health and safety of the general public;

Be it ordained by the Sangguniang Bayan of Matag-ob, Leyte in regular session assembled, that:

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MUNICIPAL ORDINANCE NO. 159
(Proposed Municipal Ordinance No. 171)

Author: Honorable Joel N. Denoy
April 11, 2023

SANGGUNIANG PANKALAWIGAN

RECEIVED
27 APR 2023
LEGISLATIVE SESSION HALL
PROVINCE OF LEYTE

HON. MARTIN LUTHER P. VELARDE
SK Federation President

Liga ng mga Barangay President
HON. ROBERTO N. SUNIR

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member



HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOEL N. DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

Section 1. Policy. It shall be the policy of the Local Government Unit of Matag-ob, Leyte to protect and promote the right to health and instill health consciousness among its constituents, pursuant to Section 15, Article 11 of the 1987 Constitution.

Section 2. Definition of Terms. When used in this ordinance, the following terms shall be construed as follows:

- Sari-sari stores refer to retailing stores selling a general line or merchandise, classified as micro-enterprises.
- Prescription Medicine refer to medicines which can only be dispensed by a Pharmacist to a patient, upon the presentation of a valid prescription from a physician.
- Pharmacist only Over The Counter (OTC) medicines refer to over the counter medicines classified by appropriate government agencies to be obtained only from a licensed pharmacist with mandatory pharmacist's advice on their selection and proper use.
- Pharmacist refers to a health professional who has been registered and issued a valid Certificate of Registration and Professional Identification Card by the PRC and the Professional Regulatory Board of Pharmacy.
- Household remedies refer to any preparation containing pharmaceutical substance of common or ordinary use to relieve common physical ailments and which may be dispensed without medical prescription in original packages, bottles or containers of which the nomenclature has been duly approved by the FDA.
- Over the counter (OTC) medicines refer to medicines used for symptomatic relief of minor ailments and which may be dispensed without a prescription. e.g. Pharmaceutical products refer to drugs, medicines, biological, pharmaceutical and biopharmaceutical products/specialties, veterinary biologics and veterinary medicinal products.
- Counterfeit pharmaceutical products refer to pharmaceutical products which do not contain the amounts as claimed; with wrong ingredients, without active ingredients or with insufficient quantity of active ingredients.

Section 3. Scope of Coverage. This ordinance shall cover Sari-sari Stores and other similar retail outlets operating within the territorial jurisdiction of the municipality of Matag-ob, Leyte are prohibited from selling, dispensing or re-selling, prescription and pharmacist-only Over The Counter (OTC) medicines as defined and classified by FDA;

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. ROSEL FORTI SUNIR
Ligan ng mga Barangay President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member

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MUNICIPAL ORDINANCE NO. 159
(Proposed Municipal Ordinance No. 171)

Author: Honorable Joel N. Denoy
April 11, 2023





HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOEL N. DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

Section 4. Owners of the sari-sari stores and other similar retail outlets may, however apply authorization from the FDA, to dispense, sell and resell pharmaceutical products, limited to household remedies and OTC drugs (which are not pharmacist-only) by securing the requirements outlined for retail outlet for non-prescription drugs pursuant to FDA Circular No. 2014-028;

Section 5. Exceptions. Exceptions may be made in emergency cases, which refer to life-threatening situations where a patient needs immediate medical attention and treatment and the services of a Pharmacist are not available;

Section 6. It shall be the duty of the Barangay Officials in each barangay, to inform its constituents regarding this ordinance and to report to the PNP, those sari-sari stores without license that sell and dispense any pharmaceutical products;

Section 7. Penalty Clause. Any person/s natural or juridical found violating any provision of this ordinance shall be penalized as follows:

- First Offense - Warning
- Second Offense – fine of One Thousand Pesos (Php1,000.00)
- Third Offense – fine of Two Thousand Pesos (Php2,000.00) and closure of sari- sari store

Section 8. As provided for in Memorandum Circular No. 2022-025, the PNP thru the PNP Chief are mandated to likewise implement the law, thereby required the Police Officers to conduct proper information dissemination and strict but careful execution of the regulation which may result to the imposition of penalty to violators based on Section 7 thereof.

Section 9. Repealing Clause. Any ordinances inconsistent herewith is hereby deemed or modified accordingly.

Section 10. Separability Clause. If, for any reason, part or parts of this Ordinance is declared invalid by law, the remaining provisions shall remain valid and effective.

Section 11. Effectivity Clause. This ordinance shall take effect after barangay information campaign and upon posting in three (3) conspicuous places within Matag-ob, Leyte.

ENACTED this 11th. Day of April 2023.

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MUNICIPAL ORDINANCE NO. 159
(Proposed Municipal Ordinance No. 171)
Author: Honorable Joel N. Denoy
April 11, 2023

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODRILFO N. SUNIR
Liga ng mga Barangay President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. RICARDO E. TOLEDO
SB Member



AYES: 10
NAYS: 0

Carried Unanimously.

I HEREBY to the correctness of the foregoing Municipal Ordinance No. 159 series 2023, duly enacted by the Sangguniang Bayan of Matag-ob, Leyte.


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

ATTESTED:


HONORABLE ROMEO N. ALBARIDA
SB Member


HONORABLE ARTEMIO T. ALMOROTO
SB Member


HONORABLE JOEL N. DENOY
SB Member



HONORABLE EVANGELINE C. CARNO
SB Member


HONORABLE ORLANDO G. VIACRUSIS
SB Member


HONORABLE EDUARDO E. TOLEDO
SB Member


HONORABLE PAOLO ANTONIO C. LAURENTE
SB Member


HONORABLE RICARDO L. GIVA
SB Member


HONORABLE RODOLFO N. SUÑIR
Ex-Officio Member, LnB President


HONORABLE MARTIN LUTHER P. VELARDE
Ex-Officio Member, SK Federation President


HONORABLE VINCENT LYNBERN P. TACOY
Municipal Vice-Mayor
Presiding Officer

APPROVED:


HONORABLE BERNARDINO G. TACOY
Municipal Mayor

24 APR 2023

Date Signed

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MUNICIPAL ORDINANCE NO. 159
(Proposed Municipal Ordinance No. 171)

Author: Honorable Joel N. Denoy
April 11, 2023