Item No.:

Date: 0 6 2024 FEB

Republic of the Philippines **PROVINCE OF LEYTE** Palo, Leyte

### **PROVINCIAL LEGAL OFFICE**



2<sup>nd</sup> INDORSEMENT January 29, 2024



Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 16 series of 2023 of the Sangguniang Bayan of Tabontabon, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160, to the opinion of the Provincial Legal Office (PLO), an exercise of the power authorized under Section 447(a) in relation to Section 30 of R.A. 10918.

Furthermore, the opinions rendered herein are without prejudice to opinions rendered by higher authorities.

ATTY. JOSE RAYMUND A. ACOL

Asst. Provincial Legal Officer

<sup>(</sup>a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code

Philippine Pharmacy Act. SEC. 30. Dispensing/Sale of Pharmaceutical Products. - No pharmaceutical product, of whatever nature and kind, shall be compounded, dispensed, sold or resold, or otherwise be made available to the consuming public, except through a retail drug outlet duly licensed by the FDA.

Republic of the Philippines
Province of Leyte
OFFICE OF THE SANGGUNIANG PANLALAWIGAN

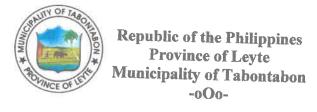


### Endorsement 24 January 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed MUNICIPAL ORDINANCE NO. 16 SERIES 2023 of the Municipality of Tabontabon, Leyte; entitled: "AN ORDINANCE REGULATING THE SALE AND RESALE OF OVER-THE-COUNTER MEDICINES AND OTHER PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER MINI CONVENIENCE STORES IN THE MUNICIPALITY OF TABONTABON, LEYTE."

FLORINDA JULY. UYVICO Secretary to the sanggunian

SP RECORDS 1242024





# OFFICE OF THE SANGGUNIANG BAYANE OF LEYTE

# **INDORSEMENT**

January 24, 2024

Respectfully submitted to the Honorable Sangguniang Panlalawigan through the SP Secretary, the herein Municipal Ordinance No. 16 Series 2023 entitled "AN ORDINANCE REGULATING THE SALE AND RESALE OF OVER-THE-COUNTER MEDICINES AND OTHER PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER MINI CONVENIENCE STORES IN THE MUNICIPALITY OF TABONTABON, LEYTE" for appropriate action.

Hope you find it in order.

MARIA CORAZON E. BAUTISTA Secretary to the Sangguniang Bayan

Noted:

HON. PONCIANO R. JUSTIMBASTE, JR.

Municipal Vice May



### Republic of the Philippines **Province of Leyte** Municipality of Tabontabon

ID. No. 9899

MUNICIPAL ORDINANCE NO. 16 SERIES 2023

14th SANGGUNIANG BAYAN

HON. PONCIANO R. JUSTIMBASTE, JR. Municipal Vice Mayor/Presiding Officer

#### MEMBERS OF THE SANGGUNIANG BAYAN

HON, HERMAN I, RIRAR SB Member

HON. FRANCISCO M. FERNANDEZ SB Member

HON. DAN JERIC S. REDOÑA SB Member

HON. JERRY GWEN L. CONDE SB Member

HON. DANILO E. BALAIS SB Member

HON. MERVIN M. LOBRIGO SB Member

HON. JINKY E. GAMEZ SB Member

HON. DENNIS L. BALDERIAN SB Member

HON, RAUL D. BALANO Ex-Officio Member/ABC Pres

HON. FRANCESS B. GADOR Ex-Officio Member/SK Pres.

email: tabontabon.legislative2016@gmail.com

N ORDINANCE REGULATING THE SALE AND RESALE OF OVER THE COUNTER MEDICINES AND OTHER PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER MINI CONVENIENCE STORES IN THE MUNICIPALITY OF TABONTABON, LEYTE.

WHEREAS, Article II, Section 15 of the 1987 Constitution mandates the state to protect and promote the right to health of the people and instil health consciousness among them;

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

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

WHEREAS, the proliferation of counterfeit pharmaceutical products and the sale of medicines by sari-sari stores, without authorization from the FDA, are a potential cause of serious harm to the health of the general public;

WHEREAS, after a Public Hearing and thorough study and discussion on the subject ordinance by the August Body, the herein ordinance is hereby enacted;

NOW THEREFORE, on motion by Hon. Danilo E. Balais and unanimously seconded;

BE IT RESOLVE, as it is hereby resolved to enact/approve Municipal Ordinance No. 16 Series of 2023 entitled "AN ORDINANCE REGULATING THE SALE AND RESALE OF OVER-THE-COUNTER MEDICINES AND OTHER PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER MINI CONVENIENCE **STORES** IN THE MUNICIPALITY TABONTABON, LEYTE";

BE IT ORDAINED by the Honorable Sangguniang Bayan, in its Regular Session assembled, that:

#### **MUNICIPAL ORDINANCE NO. 16** Series of 2023

AN ORDINANCE REGULATING THE SALE AND RESALE OF OVER-THE-COUNTER MEDICINES AND OTHER PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER MINI CONVENIENCE STORES IN THE MUNICIPALITY OF TABONTABON, LEYTE.

SECTION 1. TITLE OF THE CODE. This ordinance shall be known as "AN ORDINANCE REGULATING THE SALE AND RESALE OF OVER-THE-COUNTER MEDICINES AND OTHER PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER MINI CONVENIENCE STORES IN THE MUNICIPALITY OF TABONTABON, LEYTE";

HON. HERMAN I/BIBAR

Page 2, Excerpt from the Minutes of the Regular Session, December 18, 2023. . . . . .

SECTION 2. DEFINITION OF TERMS. When used in this Ordinance, the following terms shall have respective meanings herein set forth:

- a. Counterfeit pharmaceutical products refer to pharmaceutical products which do not contain the amount as claimed; with wrong ingredients; or with insufficient quantity of active ingredients, which result in the reduction of the product's safety, efficacy, quality, strength, or purity. These also refers to products that are deliberately and fraudulently mislabelled with respect to identity and/or source or with fake packaging and can apply to both branded and generic products.
- b. Household remedies refer to any preparation containing pharmaceutical substances of common or ordinary use to relieve common physical ailments, and which may be dispensed without prescription in original packages, bottles or containers, of which the nomenclature has been duly approved by the FDA.
- c. Over-the counter (OTC) medicines refer to medicines used for symptomatic relief of minor ailments, and which may be dispensed without prescription.
- d. Pharmacist refers to a health professional who has been registered and issued a valid Certificate of Registration (COR) and Professional Identification Card (PIC) by the PRC and the Professional Regulatory Board of Pharmacy.
- e. Pharmacist-only 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.
- f. Prescription medicines refer to medicines which can only be dispensed by a pharmacist to a patient, upon the presentation of a valid prescription from a physician, dentist, or veterinarian and for which a pharmacist's advice is necessary.
- g. Sari-sari stores refer to retailing stores selling a general line of merchandise classified as micro-enterprise.
- h. Convenience stores, cooperative-run stores, and other small and medium enterprises refers to a small retail business including those establishments or parts of a gas/petrol stations that stocks a range of everyday items.

**SECTION 3. REGULATORY CLAUSE.** Compounding and dispensing of pharmaceutical products shall only be done by duly registered and licensed pharmacist. No pharmaceutical products of whatever nature and kind, shall be compounded, dispensed, sold or resold, otherwise be made available to the consuming public, except through a retail drug outlet duly licensed by the Food and Drug Administration (FDA).

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 pharmacist are not available.

### SECTION 4. PROHIBITED ACTS.

a. Sari-sari Stores and other similar retail outlets and micro-enterprises are absolutely prohibited from selling or reselling over the counter medicines and other pharmaceutical products as defined and classified by the Food and Drug Administration.

HON. PONCIA R. JUSTIMBASTE, JR. Mun. Vice Mayor/Presiding Officer

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-over-

MARIA CORAZON E. BAUTISTA Secretary to the Sangguniang Bayan

HON. HERMANA. BABAR

HON. JINKY E. GAMEZ HON. DES

Page 3, Excerpt from the Minutes of the Regular Session, December 18, 2023......

- b. Convenience stores, cooperative-run stores, and other small and medium enterprises which intend to sell household remedies and over the counter drugs (which are not pharmacist-only medicines) are prohibited from dispensing, selling, or reselling prescription and pharmacist-only over the counter medicines, as defined and classified by the Food and Drug Administration.
- c. The distribution of COVID-19 drugs shall be governed by policies set forth by the FDA and the Department of Health only unless otherwise provided.
- d. The possession, dispensing, selling, or reselling of counterfeit pharmaceutical products are prohibited and shall governed by the provisions of RA 8203 otherwise known as the Special Law on Counterfeit Drugs.

### SECTION 5. FDA RETAIL OUTLET AND AUTHORIZATION REQUIREMENT.

- a. Owners of establishments mentioned in Section 4 (b) are first required to apply as a retail outlet for non-prescription drugs (RONPD) pursuant to Food and Drugs Administration Circular No. 2014-028, and secure the following:
  - 1. A license to operate from FDA.
  - 2. The employment of the supervision and oversight of a duly registered and licensed pharmacist, pursuant to Section 31 (b) of RA 10918; and
  - 3. Other requirements imposed by the FDA on its license to operate to applicants.

SECTION 6. RESPONSIBILITY OF THE LGU. The LGU shall have the following responsibilities pertinent to this ordinance:

- a. The LGU shall ensure the integration of guidelines in the existing business permits and licensing systems and requirement;
- b. The Municipal Health Office and Barangay Health Stations in coordination with the LGU & BLGU shall ensure the operation of their respective pharmacies wherein non-prescription generic drugs and selected prescription drugs are made available.
- c. The LGU shall also establish an enabling mechanism designed to assist owners of sari-sari stores and other retail stores in securing proper authorization from FDA to dispense, sell, and resell pharmaceutical products.

SECTION 7. PENAL CLAUSE. Violations of any of the above sections as well as any provision/s hereof shall be punished as follows;

First Offense

Fine of \$\mathbb{P}\$1,000.00 and confiscation of all pharmaceutical products being sold.

Second Offense

Fine of \$\mathbb{P}\$1,500.00 and confiscation of all pharmaceutical products being sold.

Third Offense and Succeeding Offenses

Fine of P 2,500.00 and confiscation of all pharmaceutical products being sold, revocation of business permit and license to operate or imprisonment for a period not exceeding six (6) months, or both fine and imprisonment at the discretion of the Court.

HON. PONCIANO R. JUSTIMBASTE, JR. Mun. Vice Mayor/Presiding Officer

--over-

MARIA CORAZON E. BAUTISTA Secretary to the Sangguniang Bayan



# Republic of the Philippines Province of Leyte Municipality of Tabontabon

SECTION 8. FORMULATION OF IMPLEMENTING RULES AND REGULATIONS. Within one (1) month after the approval of this Ordinance, the Municipal Mayor through the Local Health Board shall convene a meeting to formulate and issue the appropriate implementing rules and regulations necessary for the efficient and effective implementation of all provisions of this Ordinance.

SECTION 9. 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 10. REPEALING CLAUSE. All previous ordinances inconsistent with this ordinance shall be deemed or modified accordingly.

SECTION 11. EFFECTIVITY CLAUSE. This Ordinance shall take effect in accordance with the law.

ENACTED December 18, 2023; APPROVED unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

ATTESTED:

HON HERMAN I BIBAR

SB Member

HON. DAN JERIC S. REDOÑA

SB Member

HON. DANILO E. BALAIS

SB Member

HON. JINKY E. GAMEZ

SB Member

HON. RAUL D. BALANO

ABC Pres./Ex Officio Member

MARIA CORAZON E. BAUTISTA Secretary to the Sangguniang Bayan

HON. FRANCISCO M. FERNANDEZ

SB Member

HON, JERRY GWEN L. CONDE

SB Member

HON. MERVIN M. LOBRIGO

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HON. DENNISY. BALDERIAN

SB Member

HON. THEA JASMINE A. PRISNO

SK Fed. Pres./Fx-Officio Member

HON. PONCIANO R. JUSTIMBASTE, JR. Mun. Vice Mayor Presiding Officer

APPROVED:

N. EEREN D. REDOÑA

Municipal Mayor

Date: January 19, 2024

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#### Republic of the Philippines Province of Leyte Municipality of Tabontabon -oOo-

### OFFICE OF THE SANGGUNIANG BAYAN

### ATTENDANCE

# PUBLIC HEARING OF DRAFT MUNICIPAL ORDINANCE NOS. 04, 05, 06, 08, 09 & 13 SERIES 2023

### December 06, 2023 2<sup>nd</sup> Floor Municipal Lobby, Tabontabon, Leyte

| NAME                          | OFFICE/ORGANIZATION / ASSOCIATION | POSITION/<br>DESIGNATION | SIGNATURE |
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| 3. Gracimo Boldenian          | pist. 1                           | kry Kapawad              | Chips     |
| 4. NILO G CINCO               | CAPAHUAN                          | SK CHARMAN               | A         |
| 5. RENMAN C- MADUTE           | CRAHUAH                           | BRLY-KMAWAP              | 16        |
| 6. MICHAEL 13 RADINE          | JABONS                            | BAUY                     | fifs      |
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| 11. Claura A Bring            | 0151 W                            | BACTY TRACES             | 1-13 m    |
| 12. Christian Dace Cuaction   | Cambucao                          | sh chairperson           | m         |
| 13. Jacophia D. Berreia       | Panladen                          | Fanna,                   | V.        |
| 14. VILKA A. BROW             | Capahua                           | kagawad                  | 9Bea      |
| 15. Roger D. Garcela          | CAMBUCAO                          | KAGAWAD                  | R. London |
| 16. VIDLEM GUTADINO           | pes7-4                            | 11                       | Vita      |
| 17. LAVINIA JANDOC            | ASLUM                             | KAGAWAD                  | Gra       |
| 18. VILMA B. RETAMA           | ASLUM                             | 144 GAWAD                | Chibro    |

| 19. JOSEPHINE E. GAMEZ     | DIBT. III      | P. B            | led.    |
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| 31. ARIEL T. CAMOSE        | RECLISONS      | KKGAWAD         | En      |
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| 38. MICHAUR S. REGORDA     | MORCADOHAY     | DREX. PAGILIO   | Alegres |
| 39. ZUREN S POLOR          | MERCADOHAY     | PB              |         |
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| 78. JULIDA T- GAMEZ           |                      |                 | Q4         |
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| 80. AMPLITO C. LIBERIS        | ME                   | LGU-TERONITORON |            |
| 81. OSCAL CSERVAMO            | P.B                  | Bigu Takantaha  |            |
| 82. Richard Copin             | BAC Staff            |                 | VIII       |
| 83. Ruel O. Yepes             | Mayor's oppier Story |                 | The same   |
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| 100. STELLA M. [NALISAN       | MBO                  |                 | Am/18      |
| 101. LILIA L. TEVOME, Ph.D.   | OSCA                 |                 | Algen      |
| 102. Gemma G. Cabonino        | mayor's Office       |                 | h          |

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| 107. MARY JAME N. DCANA                                                                  | BPLO OPFILE     | 2           |
| 108. CATHERINE O. NORWA                                                                  | DN OPRG         | Olev        |
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| 110. Atceo, Maria Jame B.                                                                | So              | Mr          |
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| 116. Dennis Baderia                                                                      | SB              | Cien /Ai    |
| 117. HERDEN BIRKU                                                                        | 1/2             | J Hull      |
| 118. MARIA GORAZON E. BAUTISTA                                                           | IB ITC.         | UK Santials |
| 119. JACKUAN DOYCE CANONIGO                                                              | J.b             | 18          |
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| 121. Jessamine R. Ramos                                                                  | SB              |             |
| 122. Mark Jasons T. Orta                                                                 | l,              | Swr.        |
| 123. TRITAN BUL M. PRIMO                                                                 | SB              | Julho       |
| 124. Poy Dela Cruz                                                                       | SB Office       | Hay .       |
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| 127. Mrs. Doula Corosa Madria                                                            | 1/              | X /         |

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| 150. Felipe Busano     |             |      | firem    |



# Republic of the Philippines Province of Leyte Municipality of Tabontabon

# OFFICE OF THE SANGGUNIANG BAYAN

### CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the Municipal Ordinance No. 16 Series 2023 entitled "AN ORDINANCE REGULATING THE SALE AND RESALE OF OVERTHE-COUNTER MEDICINES AND OTHER PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER MINI CONVENIENCE STORES IN THE MUNICIPALITY OF TABONTABON, LEYTE" had been posted in conspicuous places in the municipality, and all bulletin areas in the barangays.

ISSUED this 22nd day of January, 2024 at Tabontabon, Leyte.

MARIA CORAZON E. BAUTISTA Secretary to the Sangguniang Bayan