

Item No.: 02

Date: 05 2024 AUG



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE

[Handwritten signature]
7.26.24

SANGGUNIANG PANLALAWIGAN

RECEIVED
JUL 29 2024
PROVINCE OF LEYTE

2nd INDORSEMENT
July 19, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 04 Series of 2024 of Sangguniang Bayan of Tolosa Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 04 Series of 2024 entitled: **An Ordinance Regulating the Dispensing, Selling, and Reselling of Pharmaceutical Products in Sari-Sari Stores and Other Similar Retail Outlets in the Municipality of Tolosa, Leyte.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is within the powers of the local government unit particularly covered under Section 16¹- General Welfare Clause, Section 447(1)(iii)²,(3)(ii)³ of the Local Government Code of 1991 (R.A7160), and as mandated under Article II, Section 15 of the Constitution mandates the State to protect and promote the right to health of the people and instill health consciousness among them. Hence, recommending the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

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

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¹ Section 16- General Welfare Clause- xxxxxx Within their respective territorial jurisdictions, local government units shall ensure and support, among other things , the preservation and enrichment of culture, promote health and safety, promote health and safety xxxxx

² Approve ordinances imposing a fine not exceeding Two Thousand Five Hundred Pesos (P2,500.00) xxxxxx

³ Regulate any business xxxx which does not require government examination within the municipality and the conditions under which the license for said business of practice of profession may be issued or revoked.

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST ENDORSEMENT
21 June 2024

Province of Leyte
Legal Office
Received: *[Signature]*
Date: *6-24-24*

Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the
herein **ORDINANCE NO. 04 series 2024** of the **MUNICIPALITY OF TOLOSA,**
LEYTE, for review and recommendations.



FLORINDA JIL S. UYVICO
Secretary to the Sanggunian

SP Records
21st 2024

*Pharmaceutical Products regulation

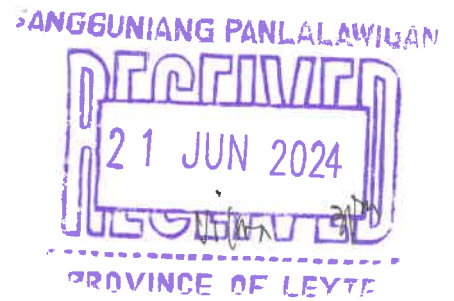


Republic of the Philippines
Province of Leyte
Municipality of Tolosa

Office of the Sangguniang Bayan

1st Endorsement

June 19, 2024



Respectfully forwarded to the Sangguniang Panlalawigan, Province of Leyte, Municipality of Palo, the herein attached **RESOLUTION NO. 04-71-2024, Re: RESOLUTION APPROVING ORDINANCE NO. 04, SERIES OF 2024, ENTITLED: AN ORDINANCE REGULATING THE DISPENSING, SELLING, AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS IN THE MUNICIPALITY OF TOLOSA, LEYTE**, Attendance of Public Hearing and Certification of Posting.

For review and approval.

Issued this **19th** day of **June 2024** at Tolosa, Leyte, Philippines.

Please acknowledge receipt hereof.


CONSUELO R. LUMBRE
Sangguniang Bayan Secretary



Republic of the Philippines
Province of Leyte
Municipality of Tolosa

Office of the Sangguniang Bayan


CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to **CERTIFY** that pursuant to paragraph (a) of Article 114 of RA 7160 Posting of **Ordinance 04, Series of 2024, Re: AN ORDINANCE REGULATING THE DISPENSING, SELLING, AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS IN THE MUNICIPALITY OF TOLOSA, LEYTE**, was posted in three (3) conspicuous places, with Penal Sanctions, the undersigned has complied the said provision last April 26, 2023.

This **Certification** is issued in compliance of Article 114 of RA 7160.

Given this **19th** day of **June 2024**.


CONSUELO R. LUMBRE
Sangguniang Bayan Secretary



Republic of the Philippines
Province of Leyte
Municipality of Tolosa

SANGGUNIANG PANLALAWIGAN

RECEIVED
21 JUN 2024

Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 87TH REGULAR SESSION
OF THE SANGGUNIANG BAYAN OF TOLOSA, HELD AT THE
SESSION HALL ON APRIL 1, 2024 AT 1:00 P.M.

PRESENT:

Hon. Menardo M. Mate	-	-	Municipal Vice-Mayor (Presiding Officer)
Hon. Felicito D. Beltran III	-	-	Sangguniang Bayan Member
Hon. Manny R. Martinez, RN., MPRM., DPA.-	-	-	Sangguniang Bayan Member
Hon. Edilberto R. Zabala, Jr.	-	-	Sangguniang Bayan Member
Hon. Manuel B. Balledo	-	-	Sangguniang Bayan Member
Hon. Felipe V. Canonigo III	-	-	Sangguniang Bayan Member
Hon. Virman Jessie O. Pundavela	-	-	Sangguniang Bayan Member
Hon. Ireneo Rolando A. Lumbre	-	-	Sangguniang Bayan Member
Hon. Rolly A. Cinco	-	-	Sangguniang Bayan Member
Hon. Melanie Felisa M. Vivero	-	-	Ex-Officio Member/ABC President
Hon. Catherine R. Benjamin	-	-	Ex-Officio Member/SK Fed. President

ORDINANCE NO. 04
Series of 2024

AN ORDINANCE REGULATING THE DISPENSING, SELLING, AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS IN THE MUNICIPALITY OF TOLOSA, LEYTE

Authored by: Hon. Catherine Robis Benjamin

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 Republic Act. No 10918, otherwise known as the 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, Republic Act. No 8203, otherwise known as the Special Law on Counterfeit Drugs, prohibits by person from manufacturing, selling, offering for sale, donating, distributing, trafficking, brokering, exporting, importing, or processing counterfeit drugs;

WHEREAS, the FDA, through its Advisory No. 2020-1348¹ has issued a public health warning against the purchase and use of several counterfeit drug products that proliferated in the market, including commonly known medicines such as Phenylephrine HCl/ Chlorphenamine Maleate/ Paracetamol (Neozep® Forte), Loperamide (Diatabs®), Ibuprofen/ Paracetamol (Alaxan® FR), Carbocisteine (Solmux®), and others;

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 and safety of the general public;

NOW THEREFORE, BE IT ENACTED by the Sangguniang Bayan of Tolosa, Leyte session duly assembled that:

Section 1. Title -- This Ordinance shall be known "An Ordinance Regulating the Dispensing, Selling and Reselling of Pharmaceutical Products in Sari-Sari Stores and Other Similar Retail Outlets in the Municipality of Tolosa, Leyte".

HON. MENARDO M. MATE
Municipal Vice-Mayor

Ordinance No. 04, S.2024 - An Ordinance Regulating the Dispensing, Selling and Reselling of Pharmaceutical Products
CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN, MPRM, DPA
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. CATHERINE R. BENJAMIN
Sangguniang Bayan Member
PPSK President

Section 2. Objectives – This Ordinance aims to:

- a. Regulate the dispensing, selling and reselling of pharmaceutical products in sari-sari stores and other similar retail outlets in the municipality of Tolosa, Leyte, as it poses health risk to the public;
- b. To safeguard the health of the people and to protect them from counterfeit drugs;
- c. Avoid potentially fatal side effects resulting from irresponsible use of counterfeit drugs and other similar products not registered or licensed by the Food and Drugs Administration.

Section 3. Definition of Terms – As used in this Ordinance the following terms shall mean:

- a. **Botika ng Barangay** - refers to a drug outlet managed by a legitimate community organization (CO)/non-government organization (NGO) and/or the Local Government Unit (LGU), with a trained operator and a supervising pharmacist.
- b. **Counterfeit pharmaceutical products** - refer to pharmaceutical products which do not contain the amount as claimed; with wrong ingredients; without active ingredients; or with insufficient quantity of active ingredients, which result in the reduction of the products that are deliberately and fraudulently mislabeled with respect to identify and/or source or with fake packaging, and can apply to both branded and generic products.
- c. **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 medical prescription in original packages, bottles or containers, of which the nomenclature has been approved by the FDA.
- d. **Over-the-counter (OTC) medicines** - refer to medicines used for symptomatic relief of minor ailments and which may be dispensed without a prescription.
- e. **Pharmaceutical products** - refer to drugs, medicines, biologicals, pharmaceutical and biopharmaceutical products/specialties, veterinary products, veterinary biologics, and veterinary medicinal products.
- f. **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.
- g. **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.
- h. **Prescription medicines** - refer to medicines which can only be dispensed by a pharmacist to a patient, upon the presentation of valid prescription from a physician, dentist, or veterinarian and for which a pharmacist's advice is necessary.
- i. **Sari-sari stores** - refer to retailing stores selling a general line of merchandise, classified as micro-enterprises.

Section 4. Prohibited Acts

1. Pursuant to Section 30 of RA 10918, 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;
2. The manufacture, sale, or offering for sale, donation, distribution, trafficking, brokering, exportation, or importation or possession of counterfeit drugs as defined in Section 3 hereof not otherwise covered by Republic Act No. 3720, as amended. The presence of availability of such counterfeit drugs within the premises of any entity,

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUÉLO R. LUMBRE
SB Secretary

Page 2 of 4

Ordinance No. 04, S.2024 - An Ordinance Regulating the Dispensing,
Selling and Reselling of Pharmaceutical Products

HON. FELICIANO D. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN, MPPRM, DPA
Sangguniang Bayan Member

HON. EDU BERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLY A. CINCO
Sangguniang Bayan Member

MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. CATHERINE R. BENJAMIN
Sangguniang Bayan Member
PPSK President

engaged in the sale, manufacture or distribution of drugs and/or pharmaceutical products or in a private residence, or in public or private vehicle, or in the premises not covered by a valid license to operate from the Bureau are likewise prohibited pursuant to Section 4 of RA 8203;

3. Sari-sari stores and other similar retail outlets and micro-enterprises are prohibited from dispensing, selling, or reselling prescription and pharmacist-only OTC medicines, as defined and classified by the FDA, as these medicines may only be dispensed by or obtained from a licensed pharmacist and with said licensed pharmacist's advice, pursuant to RA 10918;
4. The possession, dispensing, selling, or reselling of counterfeit pharmaceutical products are prohibited and shall be governed by the provisions of RA 8203.

Section 5. Requirements for the Opening and Operation of a Retail Pharmaceutical Outlet or Establishment – Stores such as convenience stores, cooperative-run stores, and other small and medium enterprises which intend to sell household remedies and OTC drugs (which are not pharmacist-only) are first required to apply as a retail outlet for non-prescription drugs (RONPD), pursuant to FDA Circular No. 2014-028, and secure the following:

- a. A license to operate (LTO) from the FDA;
 - b. The employment of the supervision and oversight of a duly registered and licensed pharmacist, pursuant to Section 31 (b) of RA 10918; and
- Other requirements imposed by the FDA on its LTO 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 permit and licensing system and requirement;
- b. The Municipal Health Office and Barangay Health Stations in coordination with the LGU shall ensure the operation of their respective pharmacies wherein non-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. Penalties – Any person found to have committed violation any of the following acts shall be penalized as follows:

First offense – a fine of ₱1,000.00 or warning

Second offense – a fine of ₱1,500.00 or imprisonment of not more than three (3) months or both fine and imprisonment at the discretion of the Court.

Third offense – a fine of ₱2,500.00 or imprisonment of not more than six (6) months or both fine and imprisonment at the discretion of the Court.

If the Violation is committed by a group, organization or entity, may it be a corporation, partnership or single proprietorship, the Head, President or General Manager or Owner, or person acting on behalf of such responsible officers shall be held liable for the violation.

In addition to the foregoing penalties, revocation of the business permit or license of stores determined by the LGU, the FDA, or the PNP to be dispensing, selling, or reselling of pharmaceutical products without proper authorization upon the commission of the third offense.

Section 8. Enforcement - The Local Chief Executive or his duly authorized representative in coordination with the Punong Barangays, the Philippine National Police (PNP) and the Food and Drugs Administration (FDA) shall be primarily responsible for the enforcement of this Ordinance which shall include the crackdown of counterfeit drugs and the illegal distribution of pharmaceutical products.

Section 9. Information, Education and Campaign – It shall be the obligation of the Local Government Unit of Tolosa to conduct massive information, education, and communication efforts

HON. MENARDO M. MATE
Municipal Vice-Mayor

Ordinance No. 04, S.2024 - An Ordinance Regulating the Dispensing, Selling and Reselling of Pharmaceutical Products
CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO S. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN, APRN, DPA
Sangguniang Bayan Member

HON. EDEBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
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HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROBERTO A. CINCO
Sangguniang Bayan Member

MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. MELANIE FELISA M. VIVERO


HON. CATHERINE R. BENJAMIN
Sangguniang Bayan Member
PDSK President

on the regulations for the benefit of sari-sari store owners within the municipality through the Office of the Municipal Health Officer in partnership with the Punong Barangays.

Section 10. Repealing Clause – All ordinances, rules and regulations, other issuances or parts thereof which are inconsistent with this Ordinance is hereby repealed.

Section 11. Separability Clause – If any part 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 12. Effectivity – This Ordinance shall take effect in accordance with the law.


CONSUELO R. LUMBRE
SB Secretary

ATTESTED:


HON. MENARDO M. MATE
Municipal Vice-Mayor
Presiding Officer


HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member

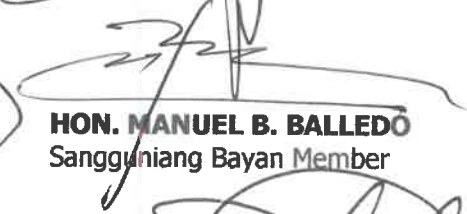

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member


HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member


HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member


HON. MELANIE FELISA M. VIVERO
Ex-Officio Member/ABC President


HON. MANNY R. MARTINEZ, RN., MPRM., DPA.
Sangguniang Bayan Member


HON. MANUEL B. BALLEDO
Sangguniang Bayan Member


HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member


HON. ROXINA A. CINCO
Sangguniang Bayan Member


HON. CATHERINE R. BENJAMIN
Ex-Officio Member/SK Fed. President

APPROVED:


HON. ERWIN C. OCAÑA
Municipal Mayor



Republic of the Philippines
Province of Leyte
Municipality of Tolosa

Office of the Sangguniang Bayan

**EXCERPT FROM THE MINUTES OF THE 87TH REGULAR SESSION
OF THE SANGGUNIANG BAYAN OF TOLOSA, HELD AT THE
SESSION HALL ON APRIL 1, 2024 AT 1:00 P.M.**

PRESENT:

Hon. Menardo M. Mate	-	-	Municipal Vice-Mayor (Presiding Officer)
Hon. Felicitio D. Beltran III	-	-	Sangguniang Bayan Member
Hon. Manny R. Martinez, RN., MPRM., DPA.-	-	-	Sangguniang Bayan Member
Hon. Edilberto R. Zabala, Jr.	-	-	Sangguniang Bayan Member
Hon. Manuel B. Balledo	-	-	Sangguniang Bayan Member
Hon. Felipe V. Canonigo III	-	-	Sangguniang Bayan Member
Hon. Virman Jessie O. Pundavela-	-	-	Sangguniang Bayan Member
Hon. Ireneo Rolando A. Lumbre-	-	-	Sangguniang Bayan Member
Hon. Rolly A. Cinco	-	-	Sangguniang Bayan Member
Hon. Melanie Felisa M. Vivero	-	-	Ex-Officio Member/ABC President
Hon. Catherine R. Benjamin	-	-	Ex-Officio Member/SK Fed. President

RESOLUTION NO. 04-71-2024

RESOLUTION APPROVING ORDINANCE NO. 04, SERIES OF 2024. RE: AN ORDINANCE REGULATING THE DISPENSING, SELLING, AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS IN THE MUNICIPALITY OF TOLOSA, 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 instill health consciousness among them;

WHEREAS, Section 30 of Republic Act. No 10918, otherwise known as the 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, Republic Act. No 8203, otherwise known as the Special Law on Counterfeit Drugs, prohibits by person from manufacturing, selling, offering for sale, donating, distributing, trafficking, brokering, exporting, importing, or processing counterfeit drugs;

WHEREAS, the FDA, through its Advisory No. 2020-1348¹ has issued a public health warning against the purchase and use of several counterfeit drug products that proliferated in the market, including commonly known medicines such as Phenylephrine HCl/ Chlorphenamine Maleate/ Paracetamol (Neozep® Forte), Loperamide (Diatabs®), Ibuprofen/ Paracetamol (Alaxan® FR), Carbocisteine (Solmux®), and others;

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 and safety of the general public;


WHEREFORE, on motion of Hon. Catherine R. Benjamin, and seconded unanimously, be it;

RESOLVED, as it is hereby resolved, approve Ordinance No. 04, Series of 2024. Re: An Ordinance Regulating the Dispensing, Selling, and Reselling of Pharmaceutical Products in Sari-Sari Stores and Other Similar Retail Outlets in the Municipality of Tolosa, Leyte;

RESOLVED FINALLY, that copy of this resolution be furnished to Hon. Erwin C. Ocaña, Municipal Mayor, and other offices concerned for their information and appropriate action;

APPROVED.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


CONSUELO R. LUMBRE
Sangguniang Bayan Secretary

MOVANT:


HON. CATHERINE R. BENJAMIN
Sangguniang Bayan Member

ATTESTED:


HON. MENARDO M. MATE
Municipal Vice-Mayor

APPROVED:


HON. ERWIN C. OCAÑA
Municipal Mayor



Republic of the Philippines
Province of Leyte
Municipality of Tolosa

Office of the Sangguniang Bayan

MINUTES OF THE 87TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF TOLOSA, HELD AT SESSION HALL ON APRIL 1, 2024 AT 1:00 P.M.

PRESENT:

Hon. Menardo M. Mate	-	-	Municipal Vice-Mayor (Presiding Officer)
Hon. Felicito D. Beltran III	-	-	Sangguniang Bayan Member
Hon. Edilberto R. Zabala, Jr.	-	-	Sangguniang Bayan Member
Hon. Manny R. Martinez, RN., MPRM., DPA.	-	-	Sangguniang Bayan Member
Hon. Manuel B. Balledo	-	-	Sangguniang Bayan Member
Hon. Felipe V. Canonigo III	-	-	Sangguniang Bayan Member
Hon. Virman Jessie O. Pundavela	-	-	Sangguniang Bayan Member
Hon. Ireneo Rolando A. Lumbre	-	-	Sangguniang Bayan Member
Hon. Rolly A. Cinco	-	-	Sangguniang Bayan Member
Hon. Melanie Felisa M. Vivero	-	-	Ex-Officio Member/ABC President
Hon. Catherine R. Benjamin	-	-	Ex-Officio Member/SK Fed. President

CALL TO ORDER. - The session was called to order by the Presiding Officer at 1:00 P.M.

INVOCATION. - Computer Generated.

NATIONAL ANTHEM AND TOLOSA HYMN - Computer generated.

ROLL CALL. - Roll call was done by the SB Secretary and all members were present.

APPROVAL OF THE MINUTES OF THE PREVIOUS SESSION. - Minutes of the previous session were read. Having no comments and corrections, Hon. Manuel B. Balledo moved for the approval of the same and seconded unanimously.

REFERENCE OF BUSINESS:

1. Letter request of the Local Chief Executive. Re:

- a. resolution authorizing Hon. Erwin C. Ocaña, Municipal Mayor, and Mr. Arnel A. Abad, Acting Municipal Treasurer, to Enroll in the Landbank Institutional Internet Banking "weAccess".

Hon. Manny R. Martinez, RN., MPRM., DPA., moved to suspend the rule.

Hon. Felicito D. Beltran III said that it is considered as urgent he asked the council for any comments.

There being no comments and corrections he moved to pass the resolution and seconded unanimously.

RESOLUTION NO. 04-67-2024

A RESOLUTION AUTHORIZING HON. ERWIN C. OCAÑA, MUNICIPAL MAYOR, AND MR. ARNEL A. ABAD, ACTING MUNICIPAL TREASURER, TO ENROLL IN THE LANDBANK INSTITUTIONAL INTERNET BANKING "weAccess"

WHEREAS, on April 1, 2024, the Sangguniang Bayan of Tolosa has approved Resolution No. 04-67-2024, Series of 2024, authorizing Hon. Erwin C. Ocaña, Municipal Mayor, and Mr. Arnel A. Abad, Acting Municipal Treasurer to:

HON. MENARDO M. MATE
Municipal Vice-Mayor

Consuelo R. Lumbre
SB Secretary

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN., MPRM., DPA.
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. CATHERINE R. BENJAMIN
Sangguniang Bayan Member
PPSK President

THIRD READING:

1) Proposed: To enact a Municipal Ordinance regulating the dispensing, selling, and reselling of pharmaceutical products in Sari-Sari Stores and other Similar Retail Outlets in the Municipality of Tolosa, Leyte and providing penalties for violations thereof

Hon. Catherine R. Benjamin moved to pass the resolution.

The Presiding Officer asked who are infavor of the resolution. All members voted on the motion.

Hon. Catherine R. Benjamin moved to enact the resolution and seconded unanimously.

The Presiding Officer who are infavor of the ordinance. All members present voted infavor of the ordinance.

RESOLUTION NO. 04-71-2024

RESOLUTION APPROVING ORDINANCE NO. 04, SERIES OF 2024. RE: AN ORDINANCE REGULATING THE DISPENSING, SELLING, AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS IN THE MUNICIPALITY OF TOLOSA, 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 instill health consciousness among them;

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WHEREFORE, on motion of Hon. Catherine R. Benjamin, and seconded unanimously, be

RESOLVED, as it is hereby resolved, approve Ordinance No. 04, Series of 2024. Re: An Ordinance Regulating the Dispensing, Selling, and Reselling of Pharmaceutical Products in Sari-Sari Stores and Other Similar Retail Outlets in the Municipality of Tolosa, Leyte;

RESOLVED FINALLY, that copy of this resolution be furnished to Hon. Erwin C. Ocaña, Municipal Mayor, and other offices concerned for their information and appropriate action;

APPROVED.

ORDINANCE NO. 04
Series of 2024

AN ORDINANCE REGULATING THE DISPENSING, SELLING, AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS IN THE MUNICIPALITY OF TOLOSA, LEYTE

Authored by: Hon. Catherine Robis Benjamin

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN,MPRM,DPA
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLAN CINCO
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. CATHERINE R. BENJAMIN
Sangguniang Bayan Member
PPSK President

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

WHEREAS, Section 30 of Republic Act. No 10918, otherwise known as the 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, Republic Act. No 8203, otherwise known as the Special Law on Counterfeit Drugs, prohibits by person from manufacturing, selling, offering for sale, donating, distributing, trafficking, brokering, exporting, importing, or processing counterfeit drugs;

WHEREAS, the FDA, through its Advisory No. 2020-1348¹ has issued a public health warning against the purchase and use of several counterfeit drug products that proliferated in the market, including commonly known medicines such as Phenylephrine HCl/ Chlorphenamine Maleate/ Paracetamol (Neozep® Forte), Loperamide (Diatabs®), Ibuprofen/ Paracetamol (Alaxan® FR), Carbocisteine (Solmux®), and others;

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 and safety of the general public;

NOW THEREFORE, BE IT ENACTED by the Sangguniang Bayan of Tolosa, Leyte session duly assembled that:

Section 1. Title – This Ordinance shall be known "An Ordinance Regulating the Dispensing, Selling and Reselling of Pharmaceutical Products in Sari-Sari Stores and Other Similar Retail Outlets in the Municipality of Tolosa, Leyte".

Section 2. Objectives – This Ordinance aims to:

- a. Regulate the dispensing, selling and reselling of pharmaceutical products in sari-sari stores and other similar retail outlets in the municipality of Tolosa, Leyte, as it poses health risk to the public;
- b. To safeguard the health of the people and to protect them from counterfeit drugs;
- c. Avoid potentially fatal side effects resulting from irresponsible use of counterfeit drugs and other similar products not registered or licensed by the Food and Drugs Administration.

Section 3. Definition of Terms – As used in this Ordinance the following terms shall mean:

- a. **Botika ng Barangay** - refers to a drug outlet managed by a legitimate community organization (CO)/non-government organization (NGO) and/or the Local Government Unit (LGU), with a trained operator and a supervising pharmacist.
- b. **Counterfeit pharmaceutical products** - refer to pharmaceutical products which do not contain the amount as claimed; with wrong ingredients; without active ingredients; or with insufficient quantity of active ingredients, which result in the reduction of the products that are deliberately and fraudulently mislabeled with respect to identify and/or source or with fake packaging, and can apply to both branded and generic products.
- c. **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 medical prescription in original packages, bottles or containers, of which the nomenclature has been approved by the FDA.
- d. **Over-the-counter (OTC) medicines** - refer to medicines used for symptomatic relief of minor ailments and which may be dispensed without a prescription.
- e. **Pharmaceutical products** - refer to drugs, medicines, biologicals, pharmaceutical and biopharmaceutical products/specialties, veterinary products, veterinary biologicals, and veterinary medicinal products.

HON. MENARDO M. MATE
Municipal Vice-Mayor

Consuelo R. Lumbre
SB Secretary

HON. FELMARTO B. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN, MPPRM, DPA
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSE O. PURDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLAN A. CINCO
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. CATHERINE A. BENJAMIN
Sangguniang Bayan Member
PSK President

- f. **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.
- g. **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.
- h. **Prescription medicines** - refer to medicines which can only be dispensed by a pharmacist to a patient, upon the presentation of valid prescription from a physician, dentist, or veterinarian and for which a pharmacist's advice is necessary.
- i. **Sari-sari stores** - refer to retailing stores selling a general line of merchandise, classified as micro-enterprises.

HON. FELICIANO D. BELTRAN III
Sangguniang Bayan Member

HON. YIRMAN JESSE O. PUNDAVELA
Sangguniang Bayan Member

Section 4. Prohibited Acts

- 1. Pursuant to Section 30 of RA 10918, 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;
- 2. The manufacture, sale, or offering for sale, donation, distribution, trafficking, brokering, exportation, or importation or possession of counterfeit drugs as defined in Section 3 hereof not otherwise covered by Republic Act No. 3720, as amended. The presence of availability of such counterfeit drugs within the premises of any entity, engaged in the sale, manufacture or distribution of drugs and/or pharmaceutical products or in a private residence, or in public or private vehicle, or in the premises not covered by a valid license to operate from the Bureau are likewise prohibited pursuant to Section 4 of RA 8203;
- 3. Sari-sari stores and other similar retail outlets and micro-enterprises are prohibited from dispensing, selling, or reselling prescription and pharmacist-only OTC medicines, as defined and classified by the FDA, as these medicines may only be dispensed by or obtained from a licensed pharmacist and with said licensed pharmacist's advice, pursuant to RA 10918;
- 4. The possession, dispensing, selling, or reselling of counterfeit pharmaceutical products are prohibited and shall be governed by the provisions of RA 8203.

HON. MANNY R. MARQUEZ, RN, MPRM, DPA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. ROMAN L. CINCO
Sangguniang Bayan Member

Section 5. Requirements for the Opening and Operation of a Retail Pharmaceutical Outlet or Establishment – Stores such as convenience stores, cooperative-run stores, and other small and medium enterprises which intend to sell household remedies and OTC drugs (which are not pharmacist-only) are first required to apply as a retail outlet for non-prescription drugs (RONPD), pursuant to FDA Circular No. 2014-028, and secure the following:

- a. A license to operate (LTO) from the FDA;
 - b. The employment of the supervision and oversight of a duly registered and licensed pharmacist, pursuant to Section 31 (b) of RA 10918; and
- Other requirements imposed by the FDA on its LTO applicants.

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

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 permit and licensing system and requirement;
- b. The Municipal Health Office and Barangay Health Stations in coordination with the LGU shall ensure the operation of their respective pharmacies wherein non-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.

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. CATHARINE R. BENJAMIN
Sangguniang Bayan Member
PSK President

HON. FELIPE Y. CANNONICO III
Sangguniang Bayan Member

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

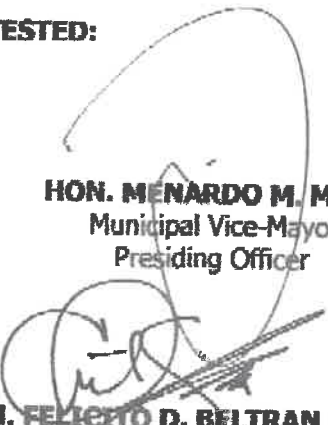
2. Hon. Felicito D. Beltran III asked the status of the remittances at GSIS and suggested to pass the resolution requesting to conduct audit at the LGU and if it prohibited to realign.


The Presiding Officer suggested to conduct a report and talk personally the persons involved.

Adjournment. – There being no further business. The Presiding Officer moved for the adjournment of the session. The session was adjourned at 4:00 P.M.


CONSUELO R. LUMBRE
SB Secretary

ATTESTED:


HON. MENARDO M. MATE
Municipal Vice-Mayor
Presiding Officer


HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member


HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member


HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member


HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member


HON. MELANIE FELISA M. VIVERO
Ex-Officio Member/ABC President


HON. MANNY R. MARTINEZ, RN., MPRM., DPA.
Sangguniang Bayan Member


HON. MANUEL B. BALLEDO
Sangguniang Bayan Member


HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member


HON. ROLANDO A. CINCO
Sangguniang Bayan Member


HON. CATHERINE R. BENJAMIN
Ex-Officio Member/SK Fed. President



Republic of the Philippines
 Province of Leyte
 Municipality of Tolosa

Office of the Sangguniang Bayan

ATTENDANCE SHEET

Public Hearing

March 8, 2024 (Friday)/ 10:00 A.M.


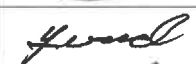



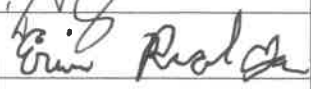


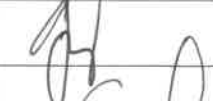
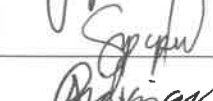
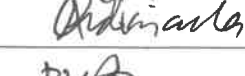





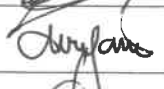







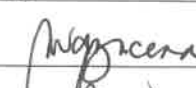




@ Tolosa Public Transport Terminal
 Barangay Quilao, Tolosa, Leyte

SUBJECT:

- Proposed: To enact a Municipal Ordinance regulating the dispensing, selling, and reselling of pharmaceutical products in Sari-Sari Stores and other Similar Retail Outlets in the Municipality of Tolosa, Leyte and providing penalties for violations thereof

No.	Name	Address	Signature
1.	MARIBETH D. MANOTD	BURAY, MALBON	
2.	BONIFACIO ZITO	QUILAO	
3.	LITO GARCIA	QUILAO	
4.	CARLO ABOL	MALBON	C. ABOL
5.	JOSE PANCILLO	CATARENAS	
6.	BENIGNO M. TANCHERA	CANTERAS	
7.	RUIZEN ZABALA	RIPRAP	
8.	ULDARICO	LINAS	
9.	MARCEL REYANO	BURAK	
10.	REGINA C. TERES		Regina
11.	RICHARD A. CESAN	OLOT	
12.	NILO T. PUNDRIVSTA	IMELOA	
13.	ELENOR E. BALLOH	IMELOA	
14.	HEGINO F. AROLO	IMELOA	
15.	Arminio C. Lagoroy	San Vicente	
16.	Jocelyn L. Aballe	San Vicente	

17.	Victoria A. Abad	Barangay Malbog	Victoria Abad
18.	Ediberto A. Boldo	Barangay Cantariz	Ediberto Boldo
19.	Agolina L. Comanig	San Roque	Agolina Comanig
20.	LUCIA C. NUEVAS	Opong	Lucia Nuevas
21.	JOCELYN M. ARASIBA	TAMBAS	Jocelyn Arasiba
22.	PERLO C. RIZALOS	TAMBAS	Perlo Rizalos
23.	LEONORA TERESA C. ODRAN	SAN VICENTE	Leonora Odran
24.	Evangeline S. Leal	San Vicente	E Leal
25.	JOEY M. LAPAD	SAN VICENTE	Joey Lapad
26.	MARCO V. CONSTANTIN	POBLACION	Marco Constantin
27.	Norwin Matthew A. Malate	Quilao	Norwin Malate
28.	Mary Ann M. Robidillo	Canmogay	Mary Ann Robidillo
29.	MODESTO C. CASTRO	TAMBAS	Modesto Castro
30.	DENNIS C. CABALLER	SAN VICENTE	Dennis Caballer
31.	Melinda A. Vargas	Doña Brigida	Melinda Vargas
32.	Lyn Suzanne A. Acerdin	Malbog	Lyn Acerdin
33.	Lolita C. Servaña	Doña Brigida	Lolita Servaña
34.	Maegan Joy O. Roa	Doña Brigida	Maegan Roa
35.	JOHN RAY PUNDAVELA	POBLACION	John Pundavela
36.	NUMERIANO K. NOVO, JR.	POBLACION	Numeriano Novo
37.	ALYSSA BIANCA A. MINA	TELEGRATO	Alyssa Mina
38.	Jessarhelle Manilag	Limbunan Dacu	Jessarhelle Manilag
39.	MYRIN L. TULLO	Bislig	Myrin Tullio
40.	Kristel Ann L. Longo	Olot	Kristel Longo
41.	Maria Cristina Martineg	Opong	Maria Cristina Martineg
42.	Genesis Umeheta	Tanadua	Genesis Umeheta
43.	JENNIFER P. RUPADA	Limbunan Gutitanawan High	Jennifer Rupada
44.	AGHUY DANE ROMION	QUILAO	Aghuy Romion
45.	SUZETTE JANE A. ZABALA	SAN VICENTE	Suzette Zabala
46.	ROSE ANN M. CAYUBIT	MALBOG	Rose Ann Cayubit
47.	JUNE ANN C. NAIPA	LIMBUNAN GUTI	June Ann Naipa
48.	FLORENCE ALMAREN	TELEGRATO	Florence Almaren

49.	RODOLFO ADVINCULA		
50.	ayuda castro		
51.	GUILLEMO A. BALINA		
52.	CARLITO B. GARDENAS JR		
53.	ARIEL M. ESMENOS		
54.	ANTONIO N. MATHIAS JR		
55.	Erin Rielde		
56.	RIMBON COSTWLAND		
57.	ALLAN VICENTE		
58.	MARK XIAMOPS		
59.	KAREN E. GARDIA		
60.	MARJUKIE P. LAPON		
61.	Angie T. Advincula A		
62.	Rhian Justin P. Zialcita		
63.	FATIMA NACILLA		
64.	ANASTACIO REGALARIO		
65.	MARIO RABINA		
66.	BONITO ADVINCULA		
67.	Luisito de Leon		
68.	Michellene R. Relano		
69.	Froilan B. Palana		
70.	Inna S. Saballe		
71.	Carol H. Amacin		
72.	Joselie Orilla		
73.	Ethel Lindon		
74.	Wend N. ...		
75.	Renee Loren A. Lauran		
76.	LUCIA C. NUÑEZAS		
77.	MARIA ALMA C. AZUCENA		
78.	GEMALYN PRESTIN		
79.	RE CERNO		
80.			