



Republic of the Philippines
Province of Leyte

SANGGUNIANG PANLALAWIGAN



EXCERPT FROM THE MINUTES OF THE 33rd REGULAR SESSION HELD BY THE SANGGUNIANG PANLALAWIGAN OF LEYTE, AT THE SESSION HALL, LEGISLATIVE BUILDING, PROVINCIAL CAPITOL GROUNDS, TACLOBAN CITY, LEYTE ON 27 MARCH, 2020.

PRESENT:

- | | | |
|-----|--------------------------------|---|
| 1. | Atty. Carlo P. Loreto | Presiding Officer/Vice Governor |
| 2. | Atty. Florante A. Cayunda, Jr. | Floor Leader/Member |
| 3. | Hon. Trinidad G. Apostol | 1st Deputy Floor Leader |
| 4. | Hon. Ranulfo S. Abellanosa | 2nd Deputy Floor Leader |
| 5. | Hon. Gina E. Merilo | 1st District Board Member |
| 6. | Hon. Raissa J. Villasin | 2nd District Board Member |
| 7. | Atty. Anna Victoria V. Tuazon | 3rd District Board Member |
| 8. | Hon. Ma. Corazon E. Remandaban | 3rd District Board Member |
| 9. | Hon. Maria Carmen Jean T. Rama | 4th District Board Member |
| 10. | Hon. Mesias P. Arevalo | 4th District Board Member |
| 11. | Hon. Emmanuel L. Gacis | 5th District Board Member |
| 12. | Hon. Nolie C. Caña | Ex-Officio Board Member/
LnBP Fed. President |
| 13. | Hon. Jo Vanille C. Merilo | Ex-Officio Board Member/
SK Fed. President |
| 14. | Hon. Chiqui Ruth C. Uy | Ex-Officio Board Member/
PCL President |

ABSENT:

NONE

RESOLUTION NO. 2020-189

A RESOLUTION APPROVING ON THIRD AND FINAL READING, PROVINCIAL ORDINANCE NO. 2020-04 Series of 2020, entitled: "AN ORDINANCE PROVIDING PROTECTION TO CONSUMERS AND ENSURING ORDERLY AND EQUITABLE SALE BY BUSINESS ESTABLISHMENTS BY PRESCRIBING MEASURES TO ENSURE AVAILABILITY OF BASIC NECESSITIES AND PRIME COMMODITIES AT REASONABLE PRICES AT ALL TIMES DURING DECLARED EMERGENCY SITUATIONS, HEALTH EVENT OF PUBLIC CONCERN, STATE OF CALAMITY, AND LIKE OCCASIONS IN THE PROVINCE OF LEYTE."

NOW THEREFORE, on motion presented by the Honorable Florante A. Cayunda, Jr., duly seconded by Honorable Emmanuel L. Gacis and Honorable Mesias P. Arevalo, be it

RESOLVED, as it is hereby resolved to approved on third and final reading, the following:

CERTIFIED PHOTO-COPY
DATE FEB 10 2022
BY MA. VERA T. BARRIGUEZ
AP-V
SP-Leyte

PROVINCIAL ORDINANCE NO. 2020-04
Series of 2020

AN ORDINANCE PROVIDING PROTECTION TO CONSUMERS AND ENSURING ORDERLY AND EQUITABLE SALE BY BUSINESS ESTABLISHMENTS BY PRESCRIBING MEASURES TO ENSURE AVAILABILITY OF BASIC NECESSITIES AND PRIME COMMODITIES AT REASONABLE PRICES AT ALL TIMES DURING DECLARED EMERGENCY SITUATIONS, HEALTH EVENT OF PUBLIC CONCERN, STATE OF CALAMITY, AND LIKE OCCASIONS IN THE PROVINCE OF LEYTE

Authors: Hon. Raissa J. Villasin
Atty. Anna Victoria M. Veloso – Tuazon

Co-authors: Atty. Carlo P. Loreto
Atty. Florante A. Cayunda Jr.
Hon. Ranulfo S. Abellanosa
Hon. Gina E. Merilo
Hon. Trinidad G. Apostol
Hon. Ma. Corazon E. Remandaban
Hon. Maria Carmen Jean T. Rama
Hon. Mesias P. Arevalo
Hon. Emmanuel L. Gacis
Hon. Nolie C. Caña
Hon. Chiqui Ruth C. Uy
Hon. Jo Vanille Chua-Merilo

WHEREAS, Section 5, Article II of the 1987 Philippine Constitution, provides that, the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy;

WHEREAS, Section 16 of Republic Act No. 7160 (Local Government Code of 1991 or LGC) provides that every local government unit (LGU) shall exercise the powers 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. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, and the promotion of health and safety;

WHEREAS, Section 2 of Republic Act No. 7581 (The Price Act), as amended, provides that it is the policy of the State to ensure the availability of basic necessities and prime commodities at reasonable prices at all times without denying legitimate business a fair return on investment. It is also a declared policy of the State to provide effective and sufficient protection to consumers against hoarding, profiteering and cartels with respect to the supply, distribution, marketing and pricing of said goods, especially during periods of calamity, emergency, widespread illegal price manipulation and other similar situations;

WHEREAS, the World Health Organization has already declared the Coronavirus Disease 2019 (COVID-19) officially a pandemic, prompting the issuance by the President of the Philippines of Proclamation No. 922 declaring a state of public health emergency throughout the Philippines and Proclamation No. 929 declaring a State of Calamity throughout the Philippines, as well as the issuance of Executive Order No. 03-2020-03 by the Provincial Governor of Leyte declaring the Province of Leyte under General Community Quarantine;

WHEREAS, Proclamation No. 922 urges all citizens, residents, tourists and establishment owners to act within the bounds of the law and to comply with the lawful directives and advisories to be issued by appropriate government agencies to prevent further transmission of the Covid-19 and ensure the safety and well-being of all;

WHEREAS, Malacañang asked the public to refrain from panic-buying and sharing of unverified information as the country faces threats of COVID-19 and its consequences;

WHEREAS, panic-buying has been observed in many parts of the province of Leyte, since announcements were made underscoring the need for community quarantine and social distancing as a measure to prevent the spread of COVID-19;

WHEREAS, the Department of Trade and Industry (DTI) has issued warnings that there is no need to panic-buy and has asked grocery and supermarket owners to limit the quantity of items they are selling in light of the panic buying caused by the COVID-19 scare;

WHEREAS, there is an urgent need to protect the public, particularly residents of the Province of Leyte, against possible abuses of persons and Business Establishments by unreasonably hoarding supplies of basic and prime commodities, including hygiene products, face masks, and other personal protective equipment, and harmonize these retail restrictions with the recently enacted Memorandum Circular No. 20-07 of the Department of Trade and Industry (DTI) on Anti-Hoarding and Anti-Panic Buying, to ensure price reasonableness and sufficiency of supply of basic necessities and some essential medical supplies for the protection of health, such as, but not limited to, surgical and industrial masks, medical devices, alcohol, hand sanitizers and other disinfectants;

WHEREAS, Section 468 (a)(2)(vi) of the LGC allows the Sangguniang Panlalawigan, as the legislative body of the province, to enact ordinances, approve resolutions and appropriate funds for the general welfare of the province and its inhabitants pursuant to Section 16 of the Code, specifically, prescribed reasonable limits and restraints on the use of property within the jurisdiction of the province;

NOW, THEREFORE, on motion of Honorable Florante A. Cayunda, Jr, duly seconded by Honorable Emmanuel L. Gacis and Honorable Mesias P. Arevalo, be it

RESOLVED TO ENACT, as it is hereby ENACTED, the following:

Ordinance No. 2020 - 04

AN ORDINANCE PROVIDING PROTECTION TO CONSUMERS AND ENSURING ORDERLY AND EQUITABLE SALE BY BUSINESS ESTABLISHMENTS BY PRESCRIBING MEASURES TO ENSURE AVAILABILITY OF BASIC NECESSITIES AND PRIME COMMODITIES AT REASONABLE PRICES AT ALL TIMES DURING DECLARED EMERGENCY SITUATIONS, HEALTH EVENT OF PUBLIC CONCERN, STATE OF CALAMITY, AND LIKE OCCASIONS IN THE PROVINCE OF LEYTE

The Sangguniang Panlalawigan of Leyte, hereby ORDAINS,
that:

SECTION 1. TITLE. This Ordinance shall be referred to as the "Anti-Panic Buying and Anti-Hoarding Ordinance of the Province of Leyte".

SECTION 2. DEFINITION OF TERMS. For purposes of this Ordinance, the term:

- (1) "Basic necessities" are goods vital to the needs of consumers for their sustenance and existence in times of any of the cases which triggers Automatic Price Control or Mandated Price Ceiling under Sections 6 and 7 of the Price Act. These include commodities such as, but not limited to, rice, corn, root crops, bread; fresh, dried or canned fish and other marine products; fresh pork, beef and poultry meat; fresh eggs; potable water in bottles and containers; fresh and processed milk; fresh vegetables and fruits; locally manufactured instant noodles; coffee; sugar; cooking oil, salt; laundry soap and detergents; firewood; charcoal; household liquefied petroleum gas (LPG) and kerosene; candles; drugs classified as essential by the Department of Health and such other goods as may be included under Section 4 of the Price Act; unless otherwise excluded;
- (2) "Emergency" refers to an unforeseen or sudden occurrence, especially danger, demanding immediate action.
- (3) "Establishment" (alternatively referred to as "Business Establishments or Covered Establishments") shall refer to all natural persons or juridical entities engaged in the business of selling goods to public consumers, and shall include supermarkets, groceries, hypermarkets, convenience stores, public markets, sari-sari stores, pharmacies, drugstores, dealers, sellers, and retailers.
- (4) "Health Event of Public Concern" refers to either a public health emergency or a public health threat due to biological, chemical, radio-nuclear and environmental agents, as declared in accordance with Section 7 of Republic Act No. 11332.
- (5) "Hoarding" is the undue accumulation by a person or combination of persons of any basic commodity beyond his or their normal inventory levels or the unreasonable limitation or refusal to dispose of, sell or distribute the stocks of any basic necessity or prime commodity to the general public or the unjustified taking out of any basic necessity or prime commodity from the channels of reproduction, trade, commerce and industry. There shall be prima facie evidence of hoarding when a person has stocks of any basic necessity or prime commodity 50% higher than his usual inventory and unreasonably limits, refuses or fails to sell the same to the general public at the time of discovery of the excess. The determination of a person's usual inventory shall be reckoned from the third month immediately preceding the discovery of the stocks, in case the person has been engaged in the business for at least 3 months; otherwise, it shall be reckoned from the time he started his business;
- (6) "Panic-buying" is the abnormal phenomenon where consumers buy basic necessities and prime commodities grossly in excess of their normal requirement resulting in undue shortages of such goods to the prejudice of less privileged consumers;
- (7) "Person" means a natural person or juridical person;
- (8) "Prevailing price" means the average price at which any basic necessity has been sold in a given time within a month from the occurrence of any of the conditions enumerated under Section 3 of this Ordinance;

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(9) "Price ceiling or reasonable price" means the maximum price at which any basic necessity or prime commodity may be sold to the general public as prescribed by the Department of Trade and Industry (DTI) and other appropriate government agencies;

(10) "Prime commodities" are goods not considered as basic necessities but are essential to consumers at times when any of the cases provided under Section 7 of the Price Act occur, such as, but not limited to, flour; dried, processed or canned pork, beef and poultry meat; dairy products not falling under basic necessities; onions, garlic, vinegar, patis, soy sauce; toilet soap; fertilizer, pesticides and herbicides; poultry, livestock and fishery feeds and veterinary products; paper; school supplies; nipa shingles; sawali; cement; clinker; GI sheets; hollow blocks; plywood; plyboard; construction nails; batteries; electrical supplies; light bulbs; steel wire; all drugs not classified as essential drugs by the Department of Health and such other goods as may be included under Section 4 of the Price Act."

(11) "State of Calamity" is a condition involving mass casualty and/or major damages to property, disruption of means of livelihoods, roads, and normal way of life of people in the affected areas as a result of the occurrence of natural or human – induced hazard, as declared in accordance with Section 16 of Republic Act No. 10121.

SECTION 3. POLICY. It is the policy of the Province of Leyte:

(1) To direct all Covered Establishments to post in a conspicuous place the following list of the items and limitations regulated by this Ordinance;

(2) Subject to relevant law, rules and regulations, it is encouraged that only persons 15 years old and above shall be allowed to visit the Covered Establishments; and

(3) Subject to reasonable changes as may be duly determined by the implementing offices, there shall be limitations of items to be sold per person per day.

A. For Individual consumers – To ensure equitable access of households to products in quantities sufficient to meet their household needs for a maximum of seven (7) days, the following limits shall be observed in the purchase of basic necessities and products intended for the protection of health such as, but not limited to, surgical and industrial masks, medical devices, alcohol, hand sanitizers and other disinfectants, as well as the following:

KIND OF GOODS	LIMIT FOR INDIVIDUAL CONSUMERS (PER PERSON PER DAY)
Food Items	
Locally produced Canned sardines	6 cans in total, not to exceed 5 regular -sized cans per type and per brand, and 3 big-sized cans per type and per brand.
Other canned goods (<i>meat loaf, corned beef, tuna, etc.</i>)	3 cans of each kind
Canned regular milk	5 small cans per type and per brand, and 2 cans (other than small) per type and per brand
Powdered milk	1.2 kilogram or 1 can
Powdered milk (sachets)	Maximum of 12 sachets in total, not to exceed 2 bundles per brand.

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No.2020-189
dated
March 27, 2020
on Provl Ord.No.
2020- 04 s.
2020"Anti-
Hoarding
Ordinance"

Milk formula	1 box or can
	1 bottle or sachet max of 500
Locally produced Instant Noodles (mami, ramen, pancit canton)	12 pouches in total, not to exceed 5 pcs per type, per brand
Eggs	1 dozen
Cooking Oil	2 liters
Sugar	2 kilograms
Rice	Maximum of 50 kilograms
	10 bottles, any brand (small)
Mineral water	8 bottles, any brand (medium)
	2 bottles, any brand (large)
	2 bottles, any brand (extra large)
Non-food Items	
Alcohol (whether 70% solution antiseptic, or disinfectant alcohol)	2 pcs (bottles), regardless of volume
Hand sanitizers	2 pcs (bottles), regardless of size
Toilet paper	10 pcs if sold per roll
	1 pack if sold as a pack
Kitchen towels	3 rolls
Bath soaps	5 pcs (if sold individually) or 1 pack (if sold as a pack)
Liquid Hand Soap	2 bottles – 500 ml
	3 bottles – below 500 ml
Disinfecting Solutions (Clorox, Lysol, Liquid Domex, and the like)	2 pcs (bottles) regardless of size, not to exceed 1 gallon
Face masks	10 pcs not to exceed: (1) 5 pcs of N-88 (surgical) face mask, any type or brand, and (2) 5 pcs N-95 (industrial) face mask, any type or brand.
Multivitamins/Vitamin C	1 box (100 pcs)
	1 bottle

B For Establishments, registered retailers, sari-sari store customers, restaurants, hotels and the like (subject to the presentation of a copy of original of their valid mayor's and / or business permit), provided that these Establishments likewise ensure that consumers purchasing these products do not exceed the limits stated in Section 3 (A) of this Ordinance

Kind of Goods	LIMIT FOR CONSUMERS
	(PER RETAILER, SARI-SARI STORE, RESTAURANT, HOTEL AND THE LIKE PER DAY)
Canned sardines	24 cans
Other canned goods (<i>meat loaf, corned beef, tuna, etc.</i>)	12 cans each kind
Powdered milk	Maximum of 5 kilograms
Powdered milk (sachets)	5 ties (regardless of the kind)
Milk formula	Maximum of 5 boxes or cans
Coffee instant	5 bottles or sachets (each containing 500 kilograms)
Coffee Refill	Maximum of 10 packs – 200 grams and above
	Maximum of 15 packs – below 200 grams
Coffee (3-in-1)	10 ties
Bread	10 packs
Instant Noodles	48 pouches
Eggs	5 dozen
Cooking Oil	Maximum of 5 liters
Sugar	Maximum of 10 kilograms
Rice	150 kilograms (3 cavans)
Alcohol	15 bottles - 300 ml
	10 bottles – 500 ml
Hand sanitizers	5 Bottles – more than 500 ml
Toilet papers	10 bottles (100 ml)
Kitchen towels	Maximum of 48 rolls
Bath soaps	Maximum of 10 rolls
Liquid Hand Soap	Maximum of 24 bars of different kinds
	10 bottles (500 ml)
Disinfectant Solutions (<i>Clorox, Lysol, Domex, and the like</i>)	10 bottles (below 500 ml)
Face masks	3 gallons (regardless of the kind)
Multivitamins/Vitamin C	100 pcs
	5 boxes or 5 bottles (each containing 500 pcs)

To prohibit Establishments from hoarding or refusing to sell basic necessities and prime commodities to the public.

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SECTION 4. POWERS AND RESPONSIBILITIES OF THE PROVINCIAL GOVERNOR. The Governor or his duly authorized representative shall have the following additional powers and responsibilities to carry out the intents and purposes of this Ordinance:

- (1) Institute temporary measures to ensure orderly and equitable distribution or sale to consumers of basic necessities and prime commodities by Business Establishments in the Province of Leyte;
- (2) Establish temporary measures to avoid hoarding by Business Establishments and persons of basic necessities and prime commodities in the Province of Leyte;
- (3) Create a Special Task Force for the implementation and monitoring of this Ordinance and to issue, if necessary, additional implementing rules and regulations covering additional items and goods that need regulation or deregulation.
- (4) Upon recommendation of the Special Task Force, to add items to the list of basic necessities and prime commodities enumerated under this section.

SECTION 5. EXCLUSION FROM SECTION 3 LIMITATIONS ENUMERATED IN THIS ORDINANCE.

The following entities are exempt from the compliance with the purchasing limitations enumerated in Section 3 of this Ordinance:

- (1) Manufacturing and processing plants of basic food products, essential products, medicine and medical supplies, subject to their presentation of a copy of their valid mayor's/business permit;
- (2) Local government units in the performance of public service obligations;
- (3) Operating hospitals and medical clinics, subject to their presentation of a copy of their valid mayor's/business permit; and (4) Logistics service providers transporting only food, water, medicine and basic necessities, subject to their presentation of a copy of their valid mayor's/business permit

SECTION 6. APPROPRIATIONS. To carry out the provisions of this Ordinance, such amount as hereby necessary is hereby authorized to be appropriated from the General Fund.

SECTION 7. PENALTY. All Establishments are mandated to abide by the provisions of the Price Act, and ensure that (a) the prices of Basic necessities are automatically frozen and sold at their prevailing price, and (b) No price increase on Basic necessities may take place for the entire duration of the Public Health Emergency or State of Calamity.

Without prejudice to the penalties prescribed under relevant ordinances issued by local government units within the Province of Leyte, any person or entity found to have violated or committed an illegal act of price manipulation, particularly hoarding, shall be reported to implementing agencies of the Price Act, as amended, and charged with the corresponding DTI Memorandum Circular No. 20-7 and Price Act violation, the sanctions and penalties for which, as provided for in the Price Act (Section 15 of which, punishes Acts of Illegal Price Manipulation, and Section 16 of which, punishes Violation of Price Ceiling), and reiterated in Section 8 of DTI Memorandum Circular 20-07, are

punishable with a fine ranging from P5,000.00 and P2,000,000.00 and imprisonment of not less than 5 years but not more than 15 years.

SECTION 8. IMPLEMENTATION. The Provincial Governor's Office (PGO), the Provincial Health Office (PHO), each Municipality and Component City within the Province of Leyte, the Business Permits and Licensing Office (BPLO) of each municipality and Component City within the Province of Leyte, the Sangguniang Bayan of each Municipality within the Province of Leyte, the Sangguniang Panlungsod of each Component City within the Province of Leyte, and the Provincial Information Office (PIO), are hereby tasked to implement and enforce the provisions of this Ordinance and liaise with the applicable implementing agencies for the enforcement of the Price Act, as amended.

SECTION 9. REPEALING CLAUSE. Any Provincial Ordinance, resolution, rules and regulations, or parts thereof, in conflict with, or inconsistent with any of the provisions of this Ordinance, are hereby repealed or modified accordingly.

SECTION 10. SEPARABILITY CLAUSE. If for any reason, any section or provision of this Ordinance is declared unconstitutional, or inconsistent with any national law, the sections or provisions thereof which are not affected thereby shall remain valid and in full force and effect.

SECTION 11. EFFECTIVITY. This Ordinance shall take effect immediately upon approval due to the urgency of the concern caused by the COVID-19 pandemic. Should the declared state of emergency be lifted, the regulations imposed in this Ordinance shall accordingly be suspended until a subsequent Declaration of State of Calamity is made in accordance with Section 16 of Republic Act No. 10121, or a subsequent Declaration of Epidemic or Public Health Emergency is made in accordance with Section 7 of Republic Act No. 11332.

PASSED AND ENACTED by the Sangguniang Panlalawign in session assembled.

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian












ATTESTED



HON. GINA E. MERILO
Sangguniang Panlalawigan Member



HON. RANULFO S. ABELLANOSA
Sangguniang Panlalawigan Member

HON. TRINIDAD G. APOSTOL
Sangguniang Panlalawigan Member



HON. RAISSA J. VILLASIN
Sangguniang Panlalawigan Member

ATTY. ANNA VICTORIA M. V. TUAZON
Sangguniang Panlalawigan Member

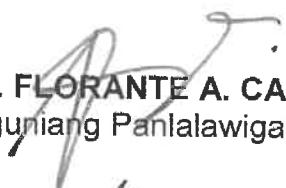
HON. MA. CORAZON E. REMANDABAN
Sangguniang Panlalawigan Member



HON. MARIA CARMEN JEAN TORRES-RAMA
Sangguniang Panlalawigan Member



HON. MESIAS P. AREVALO
Sangguniang Panlalawigan Member



ATTY. FLORANTE A. CAYUNDA JR.
Sangguniang Panlalawigan Member

HON. EMMANUEL L. GACIS
Sangguniang Panlalawigan Member



HON. NOLIE C. CAÑA
Sangguniang Panlalawigan Member

HON. CHIQUI RUTH C. UY
Sangguniang Panlalawigan Member



HON. JO VANILLE CHUA-MERILO
Sangguniang Panlalawigan Member



ATTY. CARLO P. LORETO
Vice Governor and Presiding Officer

APPROVED:



LEOPOLDO DOMINICO L. PETILLA
Governor

