

Item No.: 23

Date: 07 2025 JAN



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office
Checked: [Signature]
Time: 9:12
Date: 12.17.24

SAANGUNIANG PANLALAWIGAN
PROVINCE OF LEYTE
DEC 23 2024
[Signature]

2nd INDORSEMENT
December 3, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 24 - 015 of the Sangguniang Bayan of Mahaplag, Leyte.

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

- Ordinance No. 24 - 015 of the Sangguniang Bayan of Mahaplag, Leyte entitled "An Ordinance prohibiting the spitting or scattering of betel quid or "mamma" residue in public places in the Municipality of Mahaplag, Leyte and imposing penalties for violations thereof."

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447(a)¹ of the Local Government Code of 1991 (R.A 7160) in relation to Article II Section 15² of the 1987 Philippine Constitution. However, the term used should be "mama". Hence, further review of the Ordinance is required.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the 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 [Signature]

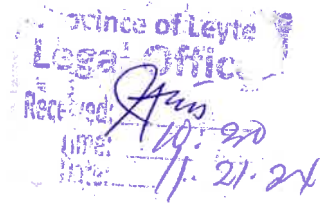
¹ (a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code,

² The State shall protect and promote the right to health of the people and instill health consciousness among them.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
21 November 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 24-015** of the **MUNICIPALITY** of **MAHAPLAG, LEYTE**, entitled: **An ordinance prohibiting the spitting or scattering of betel quid or "mamma" residue in public places in the Municipality of Mahaplag, Leyte and imposing penalties for violations thereof.**


FLORINDA JILLS UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Mahaplag
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Office of the Sangguniang Bayan

TRANSMITTAL

FLORINDA JILL S. UYVICO
Provincial Government Department Head
Secretary to the Sangguniang Panlalawigan
Office of the Sangguniang Panlalawigan
Province of Leyte
Tacloban City



Attention: Records Office

Madam:

Respectfully transmitting to your good office these duly approved **Municipal Ordinance No. 24-015** of the Local Government Unit of Mahaplag for review by the Sangguniang Panlalawigan of the Province of Leyte, as follows:

MUNICIPAL ORDINANCE NO. 24-015: AN ORDINANCE PROHIBITING THE SPITTING OR SCATTERING OF BETEL QUID OR "MAMMA" RESIDUE IN PUBLIC PLACES IN THE MUNICIPALITY OF MAHAPLAG, LEYTE, AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF.

Thank you and more power.

Respectfully yours,


ATTY. JASON L. ALONZO
Board Secretary V



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Mahaplag
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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE 12TH SANGGUNIANG BAYAN OF MAHAPLAG, LEYTE HELD ON OCTOBER 14, 2024 AT THE SESSION HALL OF THE MUNICIPAL HALL, BRGY. POBLACION, MAHAPLAG, LEYTE.



PRESENT:

- | | | |
|--------------------------|---|---|
| HON. MYRA P. SOLIS | - | Municipal Vice Mayor/Presiding Officer |
| HON. ARLENE O. GIGANTO | - | Sangguniang Bayan Member |
| HON. AIDA L. DIZON | - | Sangguniang Bayan Member |
| HON. CARMELITO C. ALONZO | - | Sangguniang Bayan Member |
| HON. JEFFREY M. RELEVO | - | Sangguniang Bayan Member |
| HON. GLENN H. BARTOLINI | - | Sangguniang Bayan Member |
| HON. OSCAR S. REALES | - | Sangguniang Bayan Member |
| HON. EDGARDO R. CAMASIN | - | Ex officio Sangguniang Bayan Member
President, Liga Ng Mga Barangay |
| HON. REINA ROSE A. DEDAL | - | Ex officio Sangguniang Bayan Member
President, Sangguniang Kabataan Federation |

ABSENT:

- | | | |
|------------------------|---|------------------------------------|
| HON. REYNALDO M. KANEN | - | Sangguniang Bayan Member (Excused) |
| HON. HARLIN O. GONZAGA | - | Sangguniang Bayan Member |

MUNICIPAL ORDINANCE NO. 24-015

AN ORDINANCE PROHIBITING THE SPITTING OR SCATTERING OF BETEL QUID OR “MAMMA” RESIDUE IN PUBLIC PLACES IN THE MUNICIPALITY OF MAHAPLAG, LEYTE, AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, Article II Section 15 of the 1987 Philippine Constitution provides that “The State shall protect and promote the right to health of the people and instill health consciousness among them”;

WHEREAS, there is need to prohibit the unabated and irresponsible spitting of betel quid or “mamma” residue in public places such as in public roads, sidewalks, parks, government facilities such as in municipal/barangay gymnasiums and multi-purpose buildings, government offices, business establishments, and in any other public places;

WHEREAS, the rampant practice of irresponsible spitting or scattering of betel quid or “mamma” residue in public places in the Municipality of Mahaplag has become a serious sanitary and health concern in the community;

WHEREAS, it is imperative for local governments to act and to put a stop to the unsanitary practice of irresponsible spitting of betel quid or “mamma” residues in public places to protect public facilities from vandalism or defacement and to protect the health and sanitation of the

general public pursuant to the General Welfare Clause (Section 16) of RA 7160 otherwise known as the Local Government Code of 1991, to wit:

“Every local government unit 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 jurisdiction, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among the residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.”

NOW, THEREFORE, the foregoing premises considered, be it ordained by the Sangguniang Bayan of Mahaplag, Leyte in a Regular Session assembled, that:

Section 1. TITLE - This ordinance shall be known as “**An Ordinance Prohibiting the Spitting or Scattering of Betel Quid or “Mamma” Residue in Public Places in the Municipality of Mahaplag, Leyte, and Imposing Penalties for Violations Thereof.**”

Section 2. SCOPE AND APPLICATION - This ordinance shall be applied to all persons within the territorial jurisdiction of the Municipality of Mahaplag, Leyte.

Section 3. PURPOSE OF THE ORDINANCE – This Ordinance is enacted for the following purposes:

- a. To protect and promote the health and sanitation of the community from the dangers of unnecessary health hazards from the rampant spitting of betel quid or “mamma” residues in public places; and
- b. To protect public facilities from irresponsible vandalism or defacement caused by the spitted betel quid or “mamma” residues.

Section 4. DEFINITION OF TERMS - When used in this ordinance the following terms shall be defined as follows:

- a. **Mamma** – a mixture usually composed of betel nut, leaf, lime powder and tobacco that people usually chew and spit.
- b. **Public place** – is generally an indoor or outdoor area, whether privately or publicly owned, to which the public have access by right or by invitation, expressed or implied, whether by payment of money or not, but not a place used exclusively by one or more individuals for a private gathering or other personal purpose.
- c. **Spittoon** – any object made of any material that is used for spitting into the “mamma” residue.

Section 5. PROHIBITED ACTS – The following acts shall be prohibited:

- a. Spitting of betel quid or “mamma” residue in public places in the Municipality of Mahaplag such as in public roads, sidewalk, parks, government facilities, business establishments, etc., without using a spittoon.
- b. Draining or scattering the contents of the betel quid or “mamma” spittoon in public places, or leaving the used betel quid or “mamma” spittoon in public places.

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Section 6. PENAL PROVISION – Any violation of the above-mentioned prohibited acts under Section 5 shall be penalized as follows:

VIOLATION	PENALTY		
	FIRST OFFENSE	SECOND OFFENSE	THIRD AND SUCCEEDING OFFENSES
1. Spitting of betel quid or “mamma” residue in public places in the Municipality of Mahaplag such as in public roads, sidewalk, parks, government facilities, business establishments, etc., without using a spittoon.	Fine of ₱250.00 or imprisonment for 3 days, or both at the discretion of the court	Fine of ₱500.00 or imprisonment for 5 days, or both at the discretion of the court	Fine of ₱1,000.00 or imprisonment for 10 days, or both at the discretion of the court
2. Draining or scattering the contents of the betel quid or “mamma” spittoon in public places, or leaving the used betel quid or “momma” spittoon in public places.	Fine of ₱250.00 or imprisonment for 3 days, or both at the discretion of the court	Fine of ₱500.00 or imprisonment for 5 days, or both at the discretion of the court	Fine of ₱1,000.00 or imprisonment for 10 days, or both at the discretion of the court

Section 7. DUTIES OF THE PHILIPPINE NATIONAL POLICE AND BARANGAY TANODS – The Philippine National Police and the Barangay Tanods in their respective Barangays are hereby authorized to apprehend violators of this Ordinance who are caught in the act.

It shall be the duty of the Police Officers to report and submit to the Municipal Treasurer within Twenty-Four (24) hours from the apprehension the names of all apprehended violators issued with citation tickets.

It shall be the duty of the Barangay Tanods to report and submit to the Barangay Treasurer within Twenty-Four (24) hours from the apprehension the names of all apprehended violators issued with citation tickets.

Section 8. CITATION TICKETS – The Office of the Municipal Treasurer shall provide the Mahaplag Police Station the necessary Citation Tickets to be issued to apprehended violators of this Ordinance.

The Barangay Treasurer shall provide the Barangay Tanods of their barangay the necessary Citation Tickets to be issued to apprehended violators of this Ordinance.

Section 9. NO CONTEST PROVISION - Any person who is apprehended or cited for violation of this Ordinance and who does not wish to contest the violation and is willing to pay voluntarily the fine imposable upon him/her prior to the filing of the formal charges with the proper court, shall be allowed to pay the appropriate penalty of fine in the Municipal Treasurer’s Office/Barangay Treasurer to avoid being criminally prosecuted within ten (10) days from apprehension. Otherwise, the case shall be prosecuted in court. In the event that the apprehension is held during a Saturday, Sunday, or holiday, the voluntary payment of fine shall be made on the next following working day.

Section 10. FISCAL MANAGEMENT – All proceeds from the payment of the herein penalty imposed, when apprehended by the Police Officers, shall accrue to the General Fund of the Municipality of Mahaplag, while those apprehended by the Barangay Tanods shall accrue to the General Fund of the concerned barangay

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Section 11. SEPARABILITY CLAUSE - If any provision or section of this ordinance is declared unconstitutional or invalid by a competent court, the other sections or provisions not affected thereby shall continue to be in force and effect.


Section 12. REPEALING CLAUSE - All ordinances, regulations, executive orders, or local rules and regulations which are inconsistent or contrary to the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 13. EFFECTIVITY - This Ordinance shall take effect after fifteen (15) days from the approval by the Municipal Mayor, posting in at least three (3) conspicuous places in the Municipality of Mahaplag, and its publication in the newspaper of general or local circulation.

ENACTED on this 14th day of October 2024 in Mahaplag, Leyte.

APPROVED BY THE SANGGUNIANG BAYAN MEMBERS:


HON. ARLENE O. GIGANTO
SB Member


HON. AIDA L. DIZON
SB Member


HON. CARMELITO C. ALONZO
SB Member


HON. JEFFREY M. RELEVO
SB Member

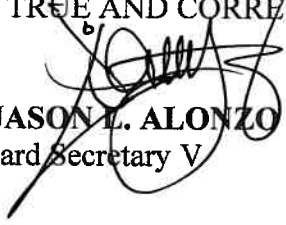

HON. GLENN H. BARTOLINI
SB Member


HON. OSCAR S. REALES
SB Member



HON. EDGARDO R. CAMASIN
President, Liga Ng Mga Barangay


HON. REINA ROSE A. DEDAL
President, Sangguniang Kabataan Federation


CERTIFIED TRUE AND CORRECT:


ATTY. JASON L. ALONZO
Board Secretary V

ATTESTED TO BE DULY ENACTED:


HON. MYRA P. SOLIS
Municipal Vice Mayor/ Presiding Officer

APPROVED BY:


HON. RONALDO T. LLEVE
Municipal Mayor
Date of Approval: OCT 20 2024