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Item No.: 25
Date: 104 2025 FEB



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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Province of Leyte
Legal Office
Released by: *[Signature]*
Time: *[Signature]*
Date: *1-27-25*

SANGGUNIANG PANLALAWIGAN
NOTED
JAN 27 2025
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
Januray 20, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 107-24 of the Sangguniang Bayan of Leyte, Leyte.

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

- Ordinance No. 107-24 entitled: **“An Ordinance requiring ambulant food vendors in the Municipality of Leyte, etc.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Sections 447(a)(3)(ii)¹ of the Local Government Code of 1991 (R.A 7160). Hence, we recommend for the declaration of its validity.

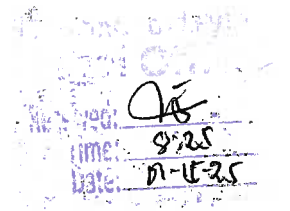
We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and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

ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer *[Signature]*

¹ (3) Subject to the provisions of Book II of this Code, grant franchises, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality, and pursuant to this legislative authority shall:

(ii) Regulate any business, occupation, or practice of profession or calling which does not require government examination within the municipality and the conditions under which the license for said business or practice of profession may be issued or revoked;

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte




OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT

13 January 2025

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 107-24** of the **Municipality of Leyte, Leyte**, entitled: **An Ordinance requiring ambulant food vendors in the Municipality of Leyte to secure a Health Certificate and Sanitary Permit from the Municipal Health Office and providing penalties for violation thereof.**


FLORINDA J. S. UYVICO
Secretary to the Sanggunian

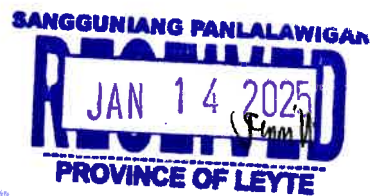


Republic of the Philippines
MUNICIPALITY OF LEYTE

LEYTE

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Office of the Sangguniang Bayan



1st ENDORSEMENT
January 14, 2025

Respectfully forwarded to the Honorable Sangguniang Panlalawigan in session, through the Sangguniang Panlalawigan Secretary, Province of Leyte, Palo, Leyte, the herein **Municipal Ordinance No. 107-24 Entitled "AN ORDINANCE REQUIRING AMBULANT FGOOD VENDORS IN THE MUNICIOALITY OF LEYTE TO SECURE A HEALTHY CERTIFICATE AND SNIATARY PERMIT FROM THE MUNICIPAL HEALTH OFFICE AND PROVIDING PENALTIES FRO VIOLATION THEREOF.**

Attached herewith are the following :

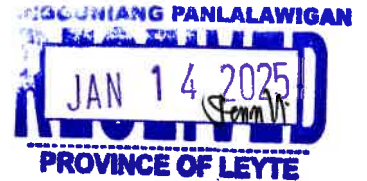
1. Municipal Ordinance No.107-24
2. Certificate of Posting
3. Certificate of Publication (to follow)


VILMA D. COMBATE
SB Secretary



Republic of the Philippines
MUNICIPALITY OF LEYTE
LEYTE
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Office of the Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION BY THE SANGGUNIANG BAYAN HELD ON DECEMBER 23, 2024 AT THE SB SESSION HALL, MUNICIPAL BUILDING, LEYTE, LEYTE

Present:

Hon. Armando M. Ysidoro, -----	Mun. Vice Mayor
Hon. Paquito D. Pelipel, Jr. -----	SB Member
Hon. Lileth I. Gatchalian, -----	-do-
Hon. Edward Jay A. Durante, -----	-do-
Hon. Rowil G. Batan, -----	-do-
Hon. Aida A. Delantar, -----	-do-
Hon. Alex A. Dagandan, -----	-do-
Hon. Eulogio E. Capacio, -----	-do-
Hon. Gualberto G. Meracap, -----	-do-
Hon. Jerry G. Apacible, -----	Liga ng Mga Barangay President
Hon. Nellie Grace D. Dandan, -----	SK Fed. President

MUNICIPAL ORDINANCE NO. 107-24

AN ORDINANCE REQUIRING AMBULANT FOOD VENDORS IN THE MUNICIPALITY OF LEYTE TO SECURE A HEALTH CERTIFICATE AND SANITARY PERMIT FROM THE MUNICIPAL HEALTH OFFICE AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Author: Hon. Edward Jay A. Durante

Be It Ordained by the Sangguniang Bayan of Leyte, Leyte in regular session assembled:

SECTION 1. TITLE. This ordinance shall be called " THE AMBULANT FOOD VENDORS ORDINANCE OF THE MUNICIPALITY OF LEYTE"

Section 2. DECLARATION OF POLICY. The Local Government of Leyte recognizes the potential of ambulant food vendors as a significant economic driver while also recognizing the health and safety of its citizens as a priority.

Section 3. DEFINITION OF TERMS. For the purpose of this ordinance, the following terms shall be defined as follows:

- a. Ambulant food vendors - are individuals who sell food and other products in public areas (such as school premises, markets, streets, plazas, parks and the like) without a permanent business location. They may use stalls (fixed or temporary) or mobile vehicles like food carts, motorcycles, or tricycles.
- b. Food - refers to any substance or product whether processed, partially processed or unprocessed that is intended for human consumption. It includes drinks, chewing gum, water and other substances which are intentionally incorporated into the food during its manufacture, preparation and treatment.
- c. Food handling is the process of preparing, storing, serving, or moving food in a way that ensures it is safe for public consumption. It includes many tasks, such as cooking, packing, displaying, cleaning utensils, hand washing, maintaining personal hygiene, and wearing clean work attire .

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- d. Food safety - refers to the assurance that food will not cause harm to the consumer when it is prepared or eaten according to its intended use.
- e. Health Certificate – a document issued by the Municipal Health Officer certifying that a person is healthy and fit to work, or to engage in food business.
- f. Street Foods - prepared or cooked food sold by vendors in a street or other public places for immediate consumption.
- g. Peddler – an ambulant vendor who goes from place to place to sell his carried goods.
- h. Sanitary Permit – refers to a document issued by the Municipal Health Office of the Local Government Unit of Leyte which certifies compliance with local health and sanitation standards.
- i. Vendor – a person or company offering something for sale especially a trader in the street.

SECTION 4. COVERAGE – This ordinance covers all ambulant food vendors in the municipality of Leyte.

SECTION 5. IMPLEMENTATION. All ambulant food vendors shall secure the necessary sanitary permit from the Municipal Health Office of LGU Leyte and pay the corresponding fee as provided in the approved Municipal Ordinance No. 080-22 the Revised Revenue Code of the Municipality of Leyte. The Sanitary Permit shall be secured annually.

5.1 REQUIREMENTS. Prior to the issuance of Sanitary Permit, the subject ambulant vendors shall attend a basic Food Safety Seminar to ensure compliance to health and safety food standards and shall undergo health examination and be issued a Health Certificate which is renewable every six (6) months.

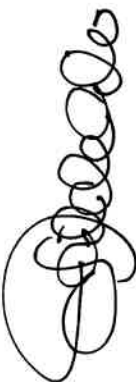
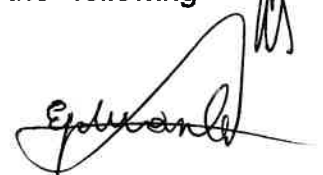
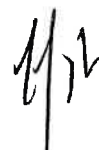
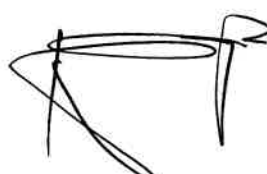
5.1.a. The Health Examination for ambulant food vendors shall be conducted every six (6) months, to ensure their health status monitoring. Fees for the health examinations shall be based on the approved revised revenue code of the municipality. However, the registered food vendors shall pay the health examination fees only once in every year (only on the First 6 months). Health examinations for the remaining 6 months period of the year shall be for free.

5.1.b. The Health Certificate and Sanitary Permit shall at all times be displayed in a visible spot in their selling area.

5.1.c Foods for sale must have undergone safe food preparation and handling with sanitation practices in place.

SECTION 6. MUNICIPAL HEALTH AND SANITATION TEAM. There shall be created a Municipal Health and Sanitation Team headed by the Municipal Health Officer, the Sanitary Inspector, the Municipal Health Nurse and Barangay Health Worker representatives as members.

6.1 The Municipal Health and Sanitation Team shall have the following responsibilities:



- 6.1.a Upon approval of the ordinance cause the dissemination of the information to the public.
- 6.1.b Register all ambulant food vendors .
- 6.1.b Give the Food Safety Seminar to food vendors
- 6.1.c Conduct of monthly inspection on ambulant food vendors for food safety compliance and submit report to the MHO of the inspection conducted
- 6.1.d Recommend the revocation of sanitary permit issued once public safety is compromised due to non-compliance to food safety regulations.
- 6.1.e Determine and recommend to the MHO the types of health examinations necessary for food manufacturers and vendors.

SECTION 7. PENALTIES. Any person, or entity found to have violated the provisions of this ordinance shall be penalized as follows:


- First Offense: a fine of One thousand Pesos (P1000.00) and be advised to comply within a period of 30 days. (Re inspection of the business shall be done after a period of 1 month, non-compliance hereof shall be considered commission of second offense)
- Second Offense: a fine of Two Thousand Pesos (PHP2,000.00) Notice of Warning for suspension of business and advise for compliance within 30 days. Non-compliance hereof shall be considered third offense commission .
- Third Offense: a fine of Two Thousand Five Hundred Pesos (P2,500.00) Suspension of Business for 1 year.

SECTION 8. SEPARABILITY CLAUSE. Should any part or provision of this Ordinance be held unconstitutional or invalid by a competent court, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.


SECTION 9. REPEALING CLAUSE. All Local Ordinances of the Sanguniang Bayan and Executive Orders and Administrative Regulations of the Local Chief Executive, or parts thereof which are inconsistent with any of the provisions of this Ordinance are hereby repealed, revoked or modified accordingly.


SECTION 10. EFFECTIVITY CLAUSE. This Ordinance shall take effect 10 days after compliance to the posting and publication requirements as provided under Republic Act No. 7160, otherwise known as the Local Government Code of 1991.


SO ORDAINED. December 23, 2024.



PAQUITO D. PELIPEL, JR.
SB Member


LILETH I. GATCHALIAN
SB Member

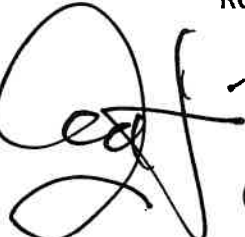


EDWARD JAY A. DURANTE
SB Member


ROWIL G. BATAN
SB Member


AIDA A. DELANTAR
SB Member


ALEX A. DAGANDAN
SB Member



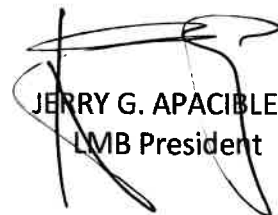







EULOGIO E. CAPACIO
SB Member


GUABERTO G. MERACAP
SB Member

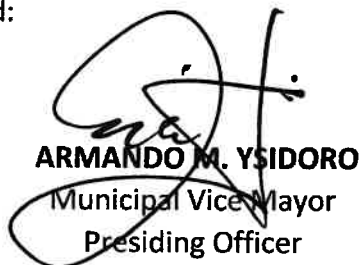

JERRY G. APACIBLE
LMB President


NELLIE GRACE D. DANDAN
SK Fed. President

Certified Correct:


VILMA D. COMBATE
SB Secretary

Attested:


ARMANDO M. YSIDORO
Municipal Vice Mayor
Presiding Officer



Approved:


ARNOLD JAMES M. YSIDORO
Municipal Mayor











Republic of the Philippines
MUNICIPALITY OF LEYTE
L E Y T E
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Office of the Sangguniang Bayan

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Municipal Ordinance No. 107-24: " AN ORDINANCE REQUIRING AMBULANT FOOD VENDORS IN THE MUNICIPALITY OF LEYTE TO SECURE A HEALTH CERTIFICATE AND SANITARY PERMIT FROM THE MUNICIPAL HEALTH OFFICE AND PROVIDING PENALTIES FOR VIOLATION THEREOF", has been posted in three (3) conspicuous places in this Municipality.

This certification is issued this 13th day of January, 2025 at Leyte, Leyte, Philippines.


VILMA D. COMBATE
SB Secretary