

Item No.: 08

Date: 18 2025 MAR

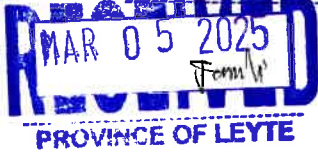


Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN



2nd INDORSEMENT
February 24, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2024-18 of the Sangguniang Bayan of Julita, Leyte.

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

- Ordinance No. 2024-18 entitled: “**Julita RHU pharmacy**”

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). 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 *JAC*

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.


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
14 February 2025

14 FEB 2025
12:40 PM
02/14/2025

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 2024-18** of the **Municipality of Julita, Leyte**, entitled: **An Ordinance establishing the Julita RHU Pharmacy in the Local Government Unit (LGU) of Julita, Leyte and approving the pharmacy name, "Julita RHU Pharmacy", providing funds for its operation thereof, and for other purposes.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Julita
-oOo-



OFFICE OF THE SANGGUNIAN BAYAN

ALIANA MARIE R. TUBI
SB Member

GERALDINE S. DAYA
SB Member

IRVIN R. DY
SB Member

ALLAN T. NOVALES
SB Member

RIA S. DUMDUMA
SB Member

MARK JOY E. MACASO
SB Member

JUDE ANDREI M. ROMUALDEZ
SB Member

ROSILA L. ADVINCULA
SB Member

ENGR. NOLIE C. CAÑA
Pres. Ng Liga Ng
Mga Barangay/
Ex-Officio Member

HON. JOSE MIGUEL N. TINAYA
Pres. Ng Pambayang
Pederasyon Ng Mga
Sangguniang Kabataan/
Ex-Officio Member

FRANCIS R. AVELINO
SB Secretary

GERMAN J. MACASO
Municipal Vice Mayor

MUNICIPAL ORDINANCE NO. 2024-18

AN ORDINANCE ESTABLISHING THE JULITA RHU PHARMACY IN THE LOCAL GOVERNMENT UNIT (LGU) OF JULITA, LEYTE AND APPROVING THE PHARMACY NAME, "JULITA RHU PHARMACY", PROVIDING FUNDS FOR ITS OPERATION THEREOF, AND FOR OTHER PURPOSES.

Authors:

Hon. Irvin R. Dy
Hon. Geraldine S. Daya
Hon. Jude Andrei M. Romualdez
Hon. Ria S. Dumduma

WHEREAS, on November 04, 2024, the Office of the Sangguniang Bayan had received a request from the Local Chief Executive of municipality, Atty. Percival S. Caña requesting for the enactment of an Ordinance approving the pharmacy name, Julita Rural Health Unit Pharmacy, among others;

WHEREAS, the establishment of a pharmacy is part of the improvement of the health services of the Local Government Unit, Julita, Leyte through its Rural Health Unit which is a pre-requisite for the licensing of the said pharmacy with the Department of Health (DOH) Food and Drug Administration;

WHEREAS, Article II, Section 15 of the 1987 Constitution provides that the States shall protect and promote the right of health of the people and instill health consciousness among them;

WHEREAS, Article XIII, Section 11 of the said constitution provides that the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other services available to all people at affordable cost;

WHEREAS, Republic Act (RA) No. 11223, otherwise known as the "Universal Health Care Act" was enacted to "Ensure that all Filipinos are guarantee equitable access to quality and affordable health care goods and services and protected against financial risk", among others. Further, it provides that "Every Filipino shall be granted immediate eligibility and access to preventive, promotive, curative, rehabilitative, palliative care for medical, dental, mental, and emergency health services, delivered either as population-based or individual-based health services".;

WHEREAS, DOH Administrative Order No. 2020-0047, entitled "Rules and Regulations Governing the Licensure of Primary Care Facilities in the Philippines" mandate all Primary Care Facilities (PCFs) to secure a DOH-Licensed to Operate (DOH-LTO) and must be compliant at all times with the licensing standards and requirements set forth by Health Facilities and Services Regulatory Bureau (HFSRB) and Food and Drug Administration (FDA). A PCF can either be a government-owned or privately-owned. It can be a rural health unit, urban health center, private medical clinic, among others;

WHEREAS PhilHealth, is committed to expand the primary and benefit to cover all Filipinos. As an initial step towards adapting a comprehensive approach to delivering primary care, PhilHealth has committed through PhilHealthBoard

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SB Secretary

GERMAN J. MACASO
Municipal Vice Mayor

Resolution No. 2479 to expand the primary care benefit to cover all Filipinos. The resolution mandated the issuance of PhilHealth Circular No. 2020-002 entitled "Governing Policies of the PhilHealth Konsultasyong Sulit at Tama (Philhealth Konsulta) Package: Expansion of the Primary Care Benefit to cover all Filipinos" Section IV.B. of the aforementioned Circular requires the issuance of applicable rules for member registration and assessment, service package, benefit availment, provider payment mechanism and provider performance assessment;

WHEREAS, Section IV.F. of PhilHealth Circular No. 2020-002 states that PhilHealth Konsulta Package shall include individual-based health services, such as, but not limited to, initial and follow-up consultation, health screening and assessment, diagnostic services and medicines.

WHEREAS, Local Government Code of 1991 (R.A. 7601) devolved the delivery of health services to the different Local Government Units (Provinces, Cities, Municipalities, and Barangays), with the Department of Health providing assistance, policies, guidelines and standards for Health, as well as tertiary and specialized hospital services;

WHEREAS, the DOH-Food and Drug Administration (FDA) Circular No. 2014-025 sets the Guidelines on the Implementation of New Rules and Regulations on the Licensing of Drugstores/Pharmacy/Botika and Similar Outlets following Administrative Order No. 2014-0034 dated 13 October 2014, which states that, "Administrative Order No. 2014-0034 was issued to (a) update and streamline regulatory approaches in licensing of drug establishments; (b) provide faster access of drug products to the public; and (c) promote the transparency through the universal use of electronic transaction;

WHEREAS, in pursuance of the above constitutional mandates, national laws as well as circulars and administrative orders from DOH and PhilHealth, the LGU of Julita, Leyte- RHU is now establishing a DOH-licensed pharmacy of its own. As soon as the DOH-FDA License to Operate as a Pharmacy is required, this will also be accredited under the PhilHealth Konsulta Program. Furthermore, the LGU of Julita, Leyte-RHU shall fill-in the needed Pharmacist with documented training and experience to handle the pharmacy operation and dispensary of PhilHealth Konsulta Drugs and pursuant to R.A. 10918 or the "Philippine Pharmacy Act";

NOW THEREFORE, on motion of the **Hon. Irvin R. Dy**, duly seconded, by the **Hon. Geraldine S. Daya**, the **Hon. Jude Andrei M. Romualdez** and the **Hon. Ria S. Dumduma**;

BE IT ENACTED by the Sangguniang Bayan of Julita, Leyte, in session duly assembled, that:

SECTION 1. SHORT TITLE - This ordinance shall be known as the "Julita RHU Pharmacy".

SECTION 2. ESTABLISHMENT OF MUNICIPAL PHARMACY – The Local Government Unit (LGU) of Julita, Leyte, through this Municipal Ordinance hereby establishes the Julita RHU Pharmacy to provide effective but affordable medicines for Senior Citizens, AICS beneficiaries and PhilHealth eligible beneficiaries of the e-Konsulta Provider Program, which shall thereafter be refunded by PhilHealth to the Julita Municipal Community Pharmacy.

SECTION 3. LOCATION AND MANAGEMENT –The Julita RHU Pharmacy shall be situated in the Local Government Unit of Julita, Leyte specifically at the Rural Health Unit (RHU) in which its management, operation, and administration rest upon.

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Ex-Officio Member

FRANCIS R. AVELINO
SB Secretary

GERMAN J. MACASO
Municipal Vice Mayor

SECTION 4. FUNDING- The funds that are necessary for the establishment of the Julita RHU Pharmacy shall come from the General Fund of the Annual Budget of the LGU of Julita, Leyte, and which shall be used for, but not limited to the following:

- A. A gondola type of cabinet shall be installed at the Julita RHU Pharmacy
- B. Pharmacy furniture and supplies
- C. A wash sink with complete fixtures and a sufficient water supply shall also be installed at the Julita RHU Pharmacy

SECTION 5. CONTINUITY – The Julita RHU Pharmacy as contained in this Municipal Ordinance shall continue to be in full force and effect, otherwise, repealed, amended or modified accordingly.

SECTION 6. SEPARABILITY CLAUSE- If for any reasons, any part or provisions of this Ordinance shall be held unconstitutional or invalid by competent authority, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 7. REPEALING CLAUSE – All Ordinances, Resolutions, Local Executive Orders and/or Administrative Orders or parts thereof which are inconsistent with or contrary to any of the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 8. EFFECTIVITY CLAUSE –This Ordinance shall take effect immediately upon its approval.

Passed and enacted by the Sangguniang Bayan in session assembled on November 04, 2024 at the Municipality of Julita, Leyte, Philippines.

I HEREBY CERTIFY to the correctness of this foregoing Ordinance.

FRANCIS RAAGAS-AVELINO
Sangguniang Bayan Secretary

ATTESTED:

HON. GERMAN J. MACASO
Honorable Presiding Officer/Municipal Vice Mayor

CONCURRED:

HON. ALIANA MARIE R. TUBI
SB Member/*On-Leave*

HON. IRVIN R. DY
SB Member

HON. RIA S. DUMDUMA
SB Member

HON. JUDE ANDREI M. ROMUALDEZ
SB Member

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SB Member

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Pres. Ng Pambayang Pederasyon
Ng Mga Sangguniang Kabataan
Ex-Officio Member

APPROVED

ATTY. PERCIVAL S. CAÑA
Municipal Mayor