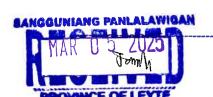
Item No.: 22



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT

February 24, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 25-02 of the Sangguniang Bayan of Inopacan, Leyte.

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

• Ordinance No. 25-02 entitled: "Anti-Dispensing, Selling, anmd Reselling of Pharmaceutical Products in Sari-Sari Stores and Similar Retail Outlets."

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 RA 10918². Hence, we recommend for the declaration of its validity. It is however recommended that the citation of RA 10981 be changed to 10918 as the former pertains to a different statute.

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

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 Philippine Pharmacy Act

Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte -000-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

Received April 1980

1ST INDORSEMENT 28 January 2025

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed ORDINANCE NO. 25-02 of the Municipality of Inopacan, Leyte, entitled: An Ordinance prohibiting the dispensing, selling, and reselling of pharmaceutical products in convenience stores, sari-sari stores and similar retail outlets within the Municipality of Inopacan, Province of Leyte, and providing penalties for violations thereof.

FLORINDA JILL S. UYVICO Secretary to the Sanggunian



Republic of the Philippines Province of Leyte Municipality of Inopacan



PROVINCE OF LE

15TH SANGGUNIANG BAYAN

28 January 2025

Honorable Leonardo Javier Jr. Vice Governor/Presiding Officer Sangguniang Panlalawigan of Leyte Provincial Government Complex Campetic, Palo, Leyte

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Thru:

Ms. Florinda Jill S. Uyvico
Secretary to the Sanggunian
Sangguniang Panlalawigan of Leyte
Provincial Government Complex
Campetic, Palo, Leyte

Honorable Javier Jr.:

Forwarding herewith 1 original copy and 15 photocopies of Ordinance No. 25-02 of the 15th Sangguniang Bayan of the Municipality of Inopacan, Province of Leyte, entitled "AN "AN ORDINANCE PROHIBITING THE DISPENSING, SELLING, AND RESELLING OF PHARMACEUTICAL PRODUCTS IN CONVENIENCE STORES, SARI-SARI STORES AND SIMILAR RETAIL OUTLETS WITHIN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF", for consideration by the Sangguniang Panlalawigan of Leyte.

Attached herewith are the Certificate of Posting, Certificate of Public Hearing, Minutes and Attendance Sheet of the Public Hearing, *for reference*.

Sincerely,

MELANIE M. MATIN-AO, MPA Secretary to the Sanggunian



Republic of the Philippines Province of Leyte Municipality of Inopacan -000-



15TH SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE 15th SANGGUNIANG BAYAN OF INOPACAN, LEYTE HELD ON JANUARY 21, 2025 AT THE SB SESSION HALL

PRESENT:

Hon. Sanders C. Lumarda -Vice Mayor, Presiding Officer

Hon. Fernando B. Rulete -SB Member

Hon. Andrew B. Dedal -SB Member

Hon. Zenaida G. de los Santos -SB Member

Hon. Joel D. Bernales -SB Member

Hon. Alfie Jian B. Yamson -SB Member

Hon. Rowena K. Madrazo -SB Member Hon. Diosdado P. Siao -SB Member

Hon. Panfila I. Alonzo -SB Member (LnB Pres.) Hon. Nathaniel Dave M. Katigbe -SB Member (PSK Pres.)

ABSENT:

Hon. Daria D. Malanguis -SB Member (on leave)

AUTHOR: HON. ROWENA K. MADRAZO

CO-AUTHORS: HON. ZENAIDA G. DE LOS SANTOS

HON. DARIA D. MALANGUIS HON. ANDREW B. DEDAL HON. DIOSDADO P. SIAO HON. JOEL D. BERNALES HON. FERNANDO B. RULETE

WHEREAS, the Local Government Code of the Philippines (Republic Act No. 7160) grants local government units the authority to regulate activities for the general welfare of the community;

WHEREAS, the regulations of food and drugs in the Republic of the Philippines is enshrined in the 1987 Philippine Constitution;

WHEREAS, Section 30 of Republic Act No. 10981, also known as the Philippine Pharmacy Law, and the Food and Drug Administration Act of 2009 (Republic Act No.9711), mandates that the dispensing of pharmaceutical products should only be conducted by licensed pharmacists in duly accredited pharmacies or drugstores licensed by the FDA to ensure public safety and compliance;

WHEREAS, sari-sari stores and similar retail outlets are not authorized to dispense, sell, or resell pharmaceutical products, which could pose serious health risks to the public due to the lack of proper handling, storage, and consultation from licensed professionals;

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(ordinance no. 25-02 of the sangguniang bayan of inopacan, leyte dated january 21, 2025, continued)

WHEREAS, DILG MC 2022 – 025 entitled "Prohibiting the Dispensing, Selling, and Reselling of Pharmaceutical Products in Sari – Sari Stores and other Similar Retail Outlets" was issued to all Local Government Units;

NOW, THEREFORE, on motion of Honorable Rowena K. Madrazo duly seconded by all the Members present, be it

RESOLVED, as it is hereby RESOLVED to enact the following:

ORDINANCE NO. 25-02

"AN ORDINANCE PROHIBITING THE DISPENSING, SELLING, AND RESELLING OF PHARMACEUTICAL PRODUCTS IN CONVENIENCE STORES, SARI-SARI STORES AND SIMILAR RETAIL OUTLETS WITHIN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF"

BE IT ORDAINED by the Sangguniang Bayan of Inopacan, Leyte that:

SECTION 1: TITLE. This Ordinance shall be known as the "Anti Dispensing, Selling, and Reselling of Pharmaceutical Products in Sari – Sari Stores and Similar Retail Outlets".

SECTION 2: DEFINITION OF TERMS:

For purposes of this Ordinance, the following terms are defined:

2.1 PHARMACEUTICAL PRODUCTS – shall refer to medicines, drugs, and health supplements regulated by the Food and Drug Administration (FDA).

2.2 PRESCRIPTION MEDICINES – are drugs that can only be dispensed by a pharmacist upon presentation of a valid prescription from a physician, dentist, or veterinarian, and require the pharmacist's guidance and proper use.

2.3 RETAIL OUTLETS – includes all small convenience stores, kiosks, and similar establishments not accredited as pharmacies or drugstores by the FDA.

2.4 PHARMACIST- a licensed professional authorized to dispense medications and provide guidance for safe and proper use in accordance with regulatory standards.

- 2.5 OVER- THE- COUNTER (OTC) MEDICINES are drugs that can be purchased and used without prescription, intended for self-care to treat common health conditions. These medicines must meet proper regulatory safety standards and include clear instructions for proper usage and dosage.
- 2.6 SARI-SARI STORES small neighborhood retail outlets typically selling basic goods and commodities classified as micro -enterprise.
- 2.7 CONVENIENCE STORES a retail establishment that offers a limited range of essential goods, including packaged foods, beverages, household items, personal care products, and over-the-counter medicines. These stores are designed to meet the immediate needs of the community and are typically located in accessible areas such as barangay centers or near residential zones, focused on providing quick, efficient service for small, everyday purchases.
- 2.8. RONPD (Retail Outlet for Non-Prescription Drugs) Establishments authorized under FDA Circular No. 2014-028 to sell Over-The-Counter (OTC) drugs that

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(ordinance no. 25-02 of the sangguniang bayan of inopacan, leyte dated january 21, 2025, continued)

do not require a prescription. These outlets are distinct from pharmacies and drugstores and are required to operate in strict compliance with FDA regulations and guidelines.

SECTION 3. PROHIBITION. Convenience stores, sari-sari stores and the like are hereby prohibited from dispensing, selling and reselling any pharmaceutical products and overthe-counter medicines without a licensed pharmacist whether acquired from accredited drugstore or other sources.

SECTION 4. EXEMPTIONS. The following are exempted from this Ordinance:

- 4.1 Accredited and licensed pharmacies, drugstores, and other establishments permitted by the FDA to dispense and sell pharmaceutical product.
- 4.2 Sari-sari stores, convenience stores and retail outlets may be allowed to sell and dispense Over-The-Counter (OTC) drugs, provided they secure a Retail Outlet for Non-Prescription Drugs (RONPD) license from the FDA.
- **SECTION 5**. **IMPLEMENTATION AND MONITORING**. The Municipal Health Office, in coordination with the Business Permits and Licensing Office (BPLO), the Food and Drug Administration, the Barangays and the local police, shall be responsible for the monitoring and implementation of this Ordinance.
- **SECTION 6. INFORMATION DISSEMINATION**. The Municipal Health Office shall conduct an information campaign regarding this Ordinance to ensure that all concerned establishments and the general public are aware of its provisions.
- **SECTION 7. PENALTY**. Any person or owner of the establishment found violating the provisions of this Ordinance shall be meted the penalty hereunder;

First Offense. A written stern warning to be issued by the Municipal Health Officer, and shall be subject to a fine of ₱ 500.00.

Second Offense. A fine of ₱ 1,000.00, plus confiscation of the pharmaceutical products and suspension of business permit for 30 days.

Third Offense. A fine of \$\mathbb{P}\$ 2,000.00, plus confiscation of all pharmaceutical products, revocation of business permit, and imprisonment of not less than 5 days, excluding the sanctions provided by the FDA as the case may be, at the discretion of the court.

SECTION 8. SEPARABILITY CLAUSE. If any provision or part of this Ordinance is declared invalid or unconstitutional, the remaining provisions shall remain in full force and effect.

SECTION 9. REPEALING CLAUSE. All ordinances, resolutions, or regulations inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 10. EFFECTIVITY. This Ordinance shall take effect after 10 days from publication by way posting copies in conspicuous place at the municipal hall, public market, church, and in all the Barangay Hall of this municipality.

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(ordinance no. 25-02 of the sangguniang bayan of inopacan, leyte dated january 21, 2025, continued)

ENACTED this 21st day of January 2025 at Inopacan, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance and that the

same was enacted on the date above stated.

MELANIE M. MATIN-AO, MPA Secretary to the Sanggunian

ATTESTED:

HON. SANDERS C. LUMARDA

Vice Mayor Presiding Officer

APPROVED:

HON. ROGELIO D. PUA, JR. Municipal Mayor

Date 01-27-2025





Republic of the Philippines Province of Lepte Municipality of Inopacan



15TH SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY those copies of Ordinance No. 25-02 of the 15th Sangguniang Bayan of the Municipality of Inopacan, Province of Leyte, entitled, "AN ORDINANCE PROHIBITING THE DISPENSING, SELLING, AND RESELLING OF PHARMACEUTICAL PRODUCTS IN CONVENIENCE STORES, SARI-SARI STORES AND SIMILAR RETAIL OUTLETS WITHIN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF", has been posted in conspicuous places at the municipal hall, public market, church and in all the Barangay Hall of this Municipality.

This Certification is being made to facilitate consideration of the abovementioned Municipal Ordinance by the Sangguniang Panlalawigan of Leyte.

Done this 27th day of January 2025, at Inopacan, Leyte.

MELANIE M. MATIN-AO, MPA
Secretary to the Sanggunian



Republic of the Philippines Province of Leyte Municipality of Inopacan



15TH SANGGUNIANG BAYAN

CERTIFICATION OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that on December 4, 2024, a public hearing had been conducted on the proposed Ordinance of the 15th Sangguniang Bayan of the Municipality of Inopacan, Province of Leyte, entitled, "AN ORDINANCE PROHIBITING THE DISPENSING, SELLING, AND RESELLING OF PHARMACEUTICAL PRODUCTS IN CONVENIEN--CE STORES, SARI-SARI STORES AND SIMILAR RETAIL OUTLETS WITHIN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF".

This Certification is being made to facilitate consideration of the aforementioned Municipal Ordinance by the Sangguniang Panlalawigan of Leyte.

Done this 27th day of January 2025, at Inopacan, Leyte.

MELANIE M. MATIN-AO, MPA Secretary to the Sanggunian



Republic of the Philippines Province of Leyte Municipality of Inopacan -000-



15™ SANGGUNLANG BAYAN

MINUTES OF THE PUBLIC HEARING OF THE PROPOSED MUNICIPAL ORDINANCE OF THE 15TH SANGGUNIANG BAYAN OF INOPACAN, LEYTE HELD ON DECEMBER 4, 2024 AT THE COVERED COURT OF BARANGAY LINAO, INOPACAN, LEYTE

PRESENT: (Please see attached Attendance Sheet, also attached are the lists of personalities invited)

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The proposed Ordinance submitted for public hearing is entitled, "An Ordinance Prohibiting the Dispensing, Selling, and Reselling of Pharmaceutical Products in Convenience Stores, Sari-sari Stores and Similar Retail Outlets Within the Municipality of Inopacan, Province of Leyte, and Providing Penalties for Violation Thereof".

The public hearing started at 9:15 in the afternoon with an opening prayer led by Honorable Sabino Dedal, Punong Barangay of Mara-o and was immediately followed by the singing of the national anthem synchronized with the sound system.

The Master of Ceremony (MC), Ms. Maria Kahren Sombrado, SB Staff, after welcoming and thanking all the participants for their presence and taking part in the legislation process and mentioned the title of the proposed ordinance, acknowledged the Sangguniang Bayan Members present, namely: Honorable Sanders C. Lumarda, Honorable Fernando B. Rulete, Honorable Andrew B. Dedal, Honorable Joel D. Bernales, Honorable Daria D. Malanguis, Honorable Rowena K. Madrazo, Honorable Diosdado P. Siao, Honorable Panfila I. Alonzo and Honorable Nathaniel Dave M. Kätigbe. She as well acknowledged the Barangay Chairpersons, and the LGU Department Heads present. The MC encouraged everyone to raise their queries after the discussions of the proposed ordinance, and to introduce their selves first before raising any question.

A Welcome Message was delivered by Honorable Sanders C. Lumarda, Municipal Vice Mayor, Presiding Officer. He explained that a Public Hearing is duly conducted since the proposed Ordinance involves penalties. He as well encouraged the participants to voice out their suggestions and recommendation concerning the issues and concerns regarding the medicines that were sold everywhere.

After the welcome message of the Presiding Officer, the MC gave the floor to the Author of the above-captioned Ordinance. Honorable Rowena K. Madrazo, Author, as her introductory message, reiterates to all the participants that a public hearing is necessary since the proposed Ordinance involves fees and penalties. And by law, any collections of the same will be anchored from a legal basis, hence, the 15th Sangguniang Bayan has to enact an Ordinance for the purpose.

Honorable Madrazo manifested that according to the given statement of the Chair, there are still people selling pharmaceutical products making the same accessible to anywhere instead of buying it from an FDA accredited store where there is a licensed Pharmacist. She also highlighted that it is also in compliance to the existing Rules and Regulation Governing the Sales of Medicines. After her thorough explanation, Honorable Madrazo then opened the floor for questions and queries.





(minutes of the public hearing of the proposed municipal ordinance of the 15th sangguniang bayan of inopacan, leyte held on december 4, 2024, continued)

Honorable Andres Lao, Punong Barangay of Esperanza, presented the scenario when there is a need for the basic/first aid medicines like Paracetamol Biogesic, Diatabs, etc, during late nights. Honorable Madrazo manifested that the Over the Counter Medicines is still not allowed hence, although it is for convenience and accessibility at the same time, however, quality and safety to our people/constituents must come first. For additional information, she then gave the floor to Dr. Josephine O. Zafico, Municipal Health Officer, this Municipality. Dr. Zafico explained that the statement given by Honorable Madrazo is correct. She also presented Mr. Paul Randel Aruela, Public Health Pharmacist, DOH Eastern Visavas for a further explanation. Mr. Aruela elaborates that Sari-sari Stores and the like are allowed to dispense OTC Medicines as long as the store has Retail Outlets for Non-Prescription Drugs and must have a Pharmacist to supervise them. Dr. Zafico manifested that they provide medicines to the barangays. She also advised everyone that the best thing to do is to have a certain stock of the basics/OTC Medicines which are bought from a legitimate drug store. Views, opinions, suggestions and recommendations regarding the matter were aired.

Honorable Sergio Lico, Punong Barangay of Apid, informed that there is a sari-sari store that sells OTC medicines in their Barangay. He also presented that in the absence of a stock medicines, they find it hard buying medicines from an authorized drug stores at the mainland in times of emergencies. Dr. Zafico manifested that they have given generic medicines to the Barangays. But the sad thing is that, they will not intake the same. She then adds that it may not be branded but it is still the same as the biogesic and diatabs. Mr. Aruela manifested that there is that Botika sa Barangay but the problem is, the people will still buy. He suggested that the better way is to inform the Barangay Health Workers to have a certain stock of the medicines, the same as what is/are available in the RHU. He stresses that those medicines are safe to take. Dr. Zafico manifested that they will strive to address the said issues.

Honorable Madrazo advised the Punong Barangays that when the RHU provides a stock of medicines, though Genrics, to inform their constituents that those products are not fake and are safe for intake. Dr. Zafico informs the Punong Barangay regarding the Peddlers who might selling fake medicines and are not FDA registered. Views and opinions regarding the roaming peddlers were aired.

Honorable Madrazo asked for any more questions and there being none. There being no objections as well. She then requested the Punong Barangays to disseminate the information and the proposed Ordinance to its respective constituents.

 On the other hand, Honorable Fernando B. Rulete, Punong Barangay of Maljo, took the opportunity of having the presence of the Municipal Officials and requested for toilet bowls. He also relayed that some Barangays would not request as they already have the same. Views and opinions were aired.

Since there were no other matters to discuss with, the Public Hearing was adjourned at 10:05 in the morning.

OF THE FOREGOING:

MELANIÈ M. MATIN-AO, MPA Secretary to the Sanggunian





(minutes of the public hearing of the proposed municipal ordinance of the 15th sangguniang bayan of inopacan, leyte held on december 4, 2024, continued)

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127	SB Member/Co-Author	S# Member



Republic of the Philippines Province of Leyte Municipality of Inopacan



15th Sangguniang Bayan

Public Hearing

1."AN ORDINANCE PROHIBITING THE DISPENSING, SELLING, AND RESELLING OF PHARMACEUTICAL PRODUCTS IN CONVENIENCE STORES, SARI-SARI STORES AND SIMILAR RETAIL OUTLETS WITHIN THE MUNICIPALITY OF INOPACAN, PROVINCE OF LEYTE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF".

Date: December 4, 2024

Place: Brgy. Hall, Linao, Inopacan, Leyte

Time: 8:00 AM

ATTENDANCE SHEET

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