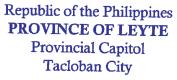
Item No.:\_\_

Date: 19 2025 APR





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#### PROVINCIAL LEGAL OFFICE





#### 2<sup>nd</sup> INDORSEMENT April 4, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2025-003 of the Sangguniang Bayan of Calubian, Leyte.

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

Ordinance No. 2025-003 entitled: "An Ordinance regulating the dispensing, selling and reselling of pharmaceutical products in sari-sari stores and other similar retail outlets in the Municipality of Calubian, Leyte, and providing 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)<sup>1</sup> and (a)(1)(iii)<sup>2</sup> of the Local Government Code of 1991 (R.A 7160) in relation to RA 10918<sup>3</sup>. 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 AC

Provincial Legal Officer

<sup>&</sup>lt;sup>1</sup> (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.

<sup>&</sup>lt;sup>2</sup> (iii) Approve ordinances imposing a fine not exceeding Two thousand five hundred pesos (P2,500.00) or an imprisonment for a period not exceeding six (6) months, or both in the discretion of the court, for the violation of a municipal ordinance;

<sup>&</sup>lt;sup>3</sup> The Philippine Pharmacy Act

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

#### OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st INDORSEMENT 03 April 2025

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2025-003** of the **Municipality** of **Calubian**, **Leyte**, entitled: **An Ordinance regulating** the dispensing, selling, and reselling of pharmaceutical products in sari-sari stores and other similar retail outlets in the Municipality of Calubian, Leyte, and providing penalties for violations thereof.

FLORINDA JU. S. UYVICO Socrefary to the Sanggunian



#### OFFICE OF THE SANGGUNIANG BAYAN



March 21, 2025

SANGGUNIANG PANLALAWIGAN

PROVINCE OF LEYTE

HON. LEONARDO M. JAVIER, JR.

Provincial Vice Governor, Presiding Officer; and The Honorable Members of the Sangguniang Panlalawigan Province of Leyte New Leyte Provincial Capitol Palo, Leyte

THRU:

MS. FLORINDA JILL S. UYVICO

Provincial Government Department Head

Secretary to the Sanggunian

Province of Leyte

Dear Honorable Ladies/ Gentlemen:

Good day!

We are respectfully forwarding *fifteen (15) copies* of the following Municipal Ordinances and its supporting attachments for favorable review and approval of the Honorable Sangguniang Panlalawigan of Leyte, to wit:

- Municipal Ordinance No. No. 2025-003, entitled: "AN ORDINANCE REGULATING THE DISPENSING, SELLING, AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS IN THE MUNICIPALITY OF CALUBIAN, LEYTE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF"
- 2. <u>Municipal Ordinance No. 2025-004</u>, entitled: "AN ORDINANCE PROHIBITING ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN (OSAEC) AND CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS (CSAEM) IN THE MUNICIPALITY OF CALUBIAN, LEYTE, INSTITUTIONALIZING PROGRAMS FOR ITS PREVENTION AND ERADICATION AND PROVIDING PENALTIES THEREOF, THEREAFTER ESTABLISHING A SUPPORTIVE ENVIRONMENT FOR CHILD VICTIMS, AND PROVIDING FUNDS THEREOF"
- 3. <u>Municipal Ordinance No. 2025-005</u>, entitled: "AN ORDINANCE ADOPTING REPUBLIC ACT NO. 11313, ENTITLED, "AN ACT DEFINING GENDER-BASED SEXUAL HARASSMENT IN STREETS, PUBLIC SPACES, ONLINE, WORKPLACES, AND EDUCATIONAL OR TRAINING INSTITUTIONS, PROVIDING PROTECTIVE MEASURES", OTHERWISE KNOWN AS THE "SAFE SPACES ACT" AND ITS IMPLEMENTING RULES AND REGULATIONS AND PRESCRIBING PENALTIES THEREFOR FOR LOCAL IMPLEMENTATION IN THE MUNICIPALITY OF CALUBIAN, LEYTE""

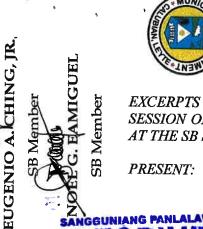
For your perusal. Please acknowledge receipt hereof.

Thank you.

Very truly yours,

ATTY. KEISHA YNA VINEE V. RAMIREZ

MGDHY/Secretary to the Sanggunian)





#### OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE ONE HUNDRED ELEVENTH (112TH) REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE HELD ON February 3, 2025 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

PRESENT:

GGUNIANG PANLALAWIGAN OR CHANGE OF LEFTE

SB Member Noel G. Eamiguel - Member SB Member Eugenio A. Ching, Jr. - Member SB Member Jullian Marc A. Batiancela - Member SB Member Ester P. Lubiano - Member SB Member Benjamin A. Calbitaza - Member SB Member Julia E. Halichic - Member SB Member Lucita A. Palconit - Member SB Member Alyza F. Nierras - Member Liga ng mga Barangay Pres. Alfredo M. Casas -Member

FORCED LEAVE:

SK Fed. Pres. Carl Ernest D. Ponce

- Member

OFFICER-IN-CHARGE (OIC), OFFICE OF THE MAYOR Vice Mayor Anna Love Veloso - Laurente - Presiding Officer

### ORDINANCE NO. 2025-003

AN ORDINANCE REGULATING THE DISPENSING, SELLING, AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS IN THE MUNICIPALITY OF CALUBIAN, LEYTE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

#### INTRODUCED BY: COMMITTEE ON HEALTH, DISASTER AND RISKS REDUCTION **MANAGEMENT**

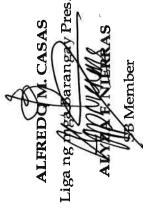
HON. EUGENIO A. CHING, JR. HON. NOEL G. EAMIGUEL HON. JULLIAN MARC A. BATIANCELA HON. BENJAMIN A. CALBITAZA

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, states that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental to its efficient and effective governance, and those essential to the promotion of the general welfare;

WHEREAS, Section 15, Article II of the 1987 Constitution mandates the State to protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, Section 30 of Republic Act No. 10918, otherwise known as the Philippine Pharmacy Act, prohibits the compounding, dispensing, selling, or reselling of pharmaceutical products through retail drug outlets not licensed by the Food and Drugs Administration (FDA);

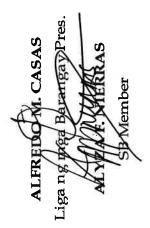
Member BENIAMINA



EUGENIO A. CHING, JR.
SB Member
NORLG. EAMIGUEL
SB Member

JULIAE, HALICHIC
SB Member
ESTER P. LUBIANO
SB Member

BENJAMIN CALBITAZA



WHEREAS, Republic Act No. 8203, otherwise known as the Special Law on Counterfeit Drugs, prohibits any person from manufacturing, selling, offering for sale, donating, distributing, trafficking, brokering, exporting, importing, or processing counterfeit drugs;

WHEREAS, The FDA, through its Advisory No. 2020-1348, has issued a public health warning against the purchase and use of several counterfeit drug products that proliferated in the market, including commonly known medicines such as Phenylephrine HCl/Chlorphenamine Maleate/Paracetamol (Neozep® Forte), Loperamide (Diatabs®), Ibuprofen/Paracetamol (Alaxan® FR), Carbocisteine (Solmux®), and others.

WHEREAS, the proliferation of counterfeit pharmaceutical products and the sale of medicines by sari-sari stores, without authorization from the FDA, are a potential cause of serious harm to the health and safety of the general public;

NOW THEREFORE, on motion of SB Member Hon. Eugenio A. Ching, Jr., duly seconded by Hon. Benjamin A. Calbitaza, and the Majority of all the Sangguniang Bayan members present;

**BE IT ORDAINED, AS IT IS HEREBY ORDAINED,** by the Sangguniang Bayan of Calubian, Leyte in session assembled, that:

**Section 1. Title.** This Ordinance shall be known as "An Ordinance Regulating the Dispensing, Selling, and Reselling of Pharmaceutical Products in Sari-Sari Stores and Other Similar Retail Outlets in the Municipality of Calubian, Leyte, and Providing Penalties for Violations Thereof.

#### Section 2. Objectives. This Ordinance aims to:

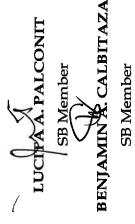
- a. Regulate the dispensing, selling, and reselling of pharmaceutical products in sari-sari stores and other similar retail outlets in the Municipality of Calubian, Leyte, as it poses health risks to the public;
- b. Safeguard the health of the people and protect them from counterfeit drugs;
- c. Avoid potentially fatal side effects resulting from irresponsible use of counterfeit drugs and other similar products not registered or licensed by the Food and Drugs Administration.

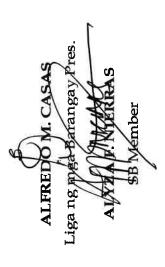
#### Section 3. Definition of Terms. As used in this Ordinance, the following terms shall mean:

- a. <u>Botika ng Barangay</u> refers to a drug outlet managed by a legitimate community organization (CO)/non-government organization (NGO) and/or the Local Government Unit (LGU), with a trained operator and a supervising pharmacist.
- b. <u>Counterfeit pharmaceutical products</u> refer to pharmaceutical products which do not contain the amount as claimed; with wrong ingredients; without active ingredients; or with insufficient quantity of active ingredients, which result in the reduction of the product's safety, efficacy, quality, strength, or purity. These also refer to products that are deliberately and fraudulently mislabeled with respect to identity and/or source or with fake packaging, and can apply to both branded and generic products.
- c. <u>Household remedies</u> refer to any preparation containing pharmaceutical substances of common or ordinary use to relieve common physical ailments and which may be dispensed without a medical prescription in original packages, bottles, or containers, of which the nomenclature has been duly approved by the FDA.
- d. Over-the-counter (OTC) medicines refer to medicines used for symptomatic relief of minor ailments and which may be dispensed without a prescription.

EUGENIO A. CHING, JR.
SB Member
NOR G. EAMIGUEL
SB Member







- e. <u>Pharmaceutical products</u> refer to drugs, medicines, biologicals, pharmaceutical and biopharmaceutical products/specialties, veterinary products, veterinary biologics, and veterinary medicinal products.
- f. <u>Pharmacist</u> refers to a health professional who has been registered and issued a valid Certificate of Registration (COR) and Professional Identification Card (PIC) by the PRC and the Professional Regulatory Board of Pharmacy.
- g. <u>Pharmacist-only OTC medicines</u> refer to over-the-counter medicines classified by appropriate government agencies to be obtained only from a licensed pharmacist, with mandatory pharmacist's advice on their selection and proper use.
- h. <u>Prescription medicines</u> refer to medicines which can only be dispensed by a pharmacist to a patient, upon the presentation of a valid prescription from a physician, dentist, or veterinarian and for which a pharmacist's advice is necessary.
- i. <u>Sari-sari stores</u> refer to retailing stores selling a general line of merchandise, classified as micro-enterprises.

Section 4. Requirements for the Opening and Operation of a Retail Pharmaceutical Outlet or Establishment. Stores such as convenience stores, cooperative-run stores, and other small and medium enterprises which intend to sell household remedies and OTC drugs (which are not pharmacist-only) are first required to apply as a retail outlet for non-prescription drugs (RONPD), pursuant to FDA Circular No. 2014-028, and secure the following:

- a. A license to operate (LTO) from the FDA;
- b. The employment of the supervision and oversight of a duly registered and licensed pharmacist, pursuant to Section 31 (b) of R.A. 10918; and
- c. Other requirements imposed by the FDA on its LTO applicants.

Section 5. Operation of Botika ng Bayan and Botika ng Barangay. The Municipal Health Office, in coordination with the FDA and component barangays, shall ensure the functionality of Botika ng Bayan and Botika ng Barangay outlets within their locality to secure unhampered access to authentic pharmaceutical products.

#### Section 6. Prohibited Acts

- Pursuant to Section 30 of R.A. 10918, no pharmaceutical product of whatever nature and kind, shall be compounded, dispensed, sold, or resold, or otherwise be made available to the consuming public, except through a retail drug outlet duly licensed by the FDA;
- 2. The manufacture, sale, or offering for sale, donation, distribution, trafficking, brokering, exportation, or importation or possession of counterfeit drugs as defined in Section 3 hereof not otherwise covered by Republic Act No. 3720, as amended. The presence or availability of such counterfeit drugs within the premises of any entity engaged in the sale, manufacture, or distribution of drugs and/or pharmaceutical products or in a private residence, or in public or private vehicle, or in the premises not covered by a valid license to operate from the Bureau are likewise prohibited pursuant to Section 4 of R.A. No. 8203;
- Sari-sari stores and other similar retail outlets and micro-enterprises are prohibited from dispensing, selling, or reselling prescription and pharmacist-only OTC medicines, as defined and classified by the FDA, as these medicines may only be



dispensed by or obtained from a licensed pharmacist and with said licensed pharmacist's advice, pursuant to R.A. 10918;

- 4. The distribution of COVID-19 drugs shall be governed by policies set forth by the FDA and the Department of Health;
- 5. The possession, dispensing, selling, or reselling of counterfeit pharmaceutical products are prohibited and shall be governed by the provisions of RA 8203.

Section 7. Penalties. Any person found to have committed violation of any of the following acts shall be penalized as follows:

First offense – a fine of ₱1,000.00 or warning.

Second offense – a fine of P1,500.00 or imprisonment of not more than three (3) months or both fine and imprisonment, at the discretion of the Court.

Third offense – a fine of 2,500.00 or imprisonment of not more than six (6) months or both fine and imprisonment, at the discretion of the Court.

If the violation is committed by a group, organization, or entity, may it be a corporation, partnership, or single proprietorship, the Head, President or General Manager or Owner, or person acting on behalf of such responsible officers shall be held liable for the violation.

In addition to the foregoing penalties, revocation of the business permit or license of stores determined by the LGU, the FDA, or the PNP to be dispensing, selling, or reselling of pharmaceutical products without proper authorization upon the commission of the third offense.

Section 8. Enforcement. The Local Chief Executive or his duly authorized representative in coordination with the Punong Barangays, the Philippine National Police (PNP), and the Food and Drugs Administration (FDA) shall be primarily responsible for the enforcement of this Ordinance which shall include the crackdown of counterfeit drugs and the illegal distribution of pharmaceutical products.

Section 9. Information, Education, and Campaign. It shall be the obligation of the Municipal Government of Calubian, Leyte to conduct massive information, education, and communication efforts on the regulations for the benefit of sari-sari store owners within the municipality through the Office of the Municipal Health Officer in partnership with the Punong Barangays.

Section 10. Funding. An initial funding to defray the expenses necessary for or incidental to the implementation of this Ordinance shall be sourced out from the General Fund of the Municipal Government of Calubian, Leyte.

Section 11. Repealing Clause. All ordinances, rules, and regulations, other issuances or parts thereof which are inconsistent with this Ordinance is hereby repealed.

Section 12. Separability Clause. If any part of this Ordinance is declared invalid, unconstitutional or unlawful, sections or parts thereof which are not affected shall remain or continue to be in full force and effect.

Section 13. Effectivity. This Ordinance shall take effect after fifteen (15) days from posting, immediately upon approval of the Municipal Mayor, unless otherwise provided by the Honorable Sangguniang Panlalawigan of Leyte. The publication of this Ordinance shall take place upon approval of the Honorable Sangguniang Panlalawigan of Leyte.

JULIA B. HALICHIC
SB Member
Hullian
ESTER P. LUBIANO

LUCITA A. PALCONIT

/ SB Member

BENJAMIN A. CALBITAZA

SB Member

ALFREDOM. CASAS

Jiga ng mga Barangay Fres.

ALKAR. NGMAKAS

SB Member

Approved.

Ordinance No. 2025-003

### APPROVED, this 3<sup>rd</sup> day of February, 2025 at Calubian, Leyte.

I HEREBY CERTIFY to the correct	tness of the foregoing Minance.
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	ATTY. KEJSHA YNA VINEE V. RAMIREZ
	MGDHY (Secretary to the Sanggunian)
ATTESTED BY:	
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ASSIMPTOR TO	
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LUCITA A. PALCONIT	BENJAMIN A. CALBITAZA
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ACYLA F. MERRAS	ALFREDO M. CASAS
SB Member	Liga ng mga Barangay Pres.
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# ATTENDANCE SHEET PUBLIC HEARING CALUBIAN SPORTS COMPLEX

January 27, 2025

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1. ABANILLA	REMEDIO C. CABALQUINTO	1 (b	FB ACCOUNT	
2. AGAS	MARIAN T. SANDIGAN	Marion A Rom diagram	09675049450	
3. ANISLAGAN	NIEGEL J. CATOR	minor Mandigon	29067002655	
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8. CANEJA	BELLA N. CATOR	fredulg	09537093379	
9. CANTONGHAO	HERBERT F. GACMAN	pane		
10. CARUYUCAN	LORENZA R. AÑASCO			
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12. CRISTINA	JERRY T. JAMIN	Transpor 12		
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	ROWENA LACDAYING		09645835424	
14. DON LUIS	GERALDINE OLIMPO	00		
15. DULAO	CARLITO S. MALIPAY			
16. EFE/UL-OG	TRINIDAD AYUBAN	a (Salton)		
17. ENAGE	EVELYN A. ANSALE	ludge Ansale		
18. ESPINOSA	ROBERT C. LEE	CO.	ACCLUMANT.	
19. F.E. MARCOS	MOZELLE S. MENDOZA	1	०५५६५५७८५	
20. GARGANERA	SHELLA M. BALTAR	Aluxabetta	09368418832	
21. GARRIDO	BELLA Y. MALAIT	C Latio	09974062299	
22. GUADALUPE	SARAHJANE D. SALUT		09750761937	
23. GUTOSAN	KYLA JANE GONZALES	8 waran	09543873601	
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32. LARAY	GENELYN MARTIZO	Roman	0904 447 26/6	
33. M. VELOSO	NILDA D. CATOY		0912-047-8467	
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36. MATAGOK	JEANELYN REDOLOZA	1102	9346191666	
37. NIPA	REBECCA E. OLIVAR	Medaloz	0963/1623(207	
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# ATTENDANCE SHEET PUBLIC HEARING CALUBIAN SPORTS COMPLEX

January 27, 2025

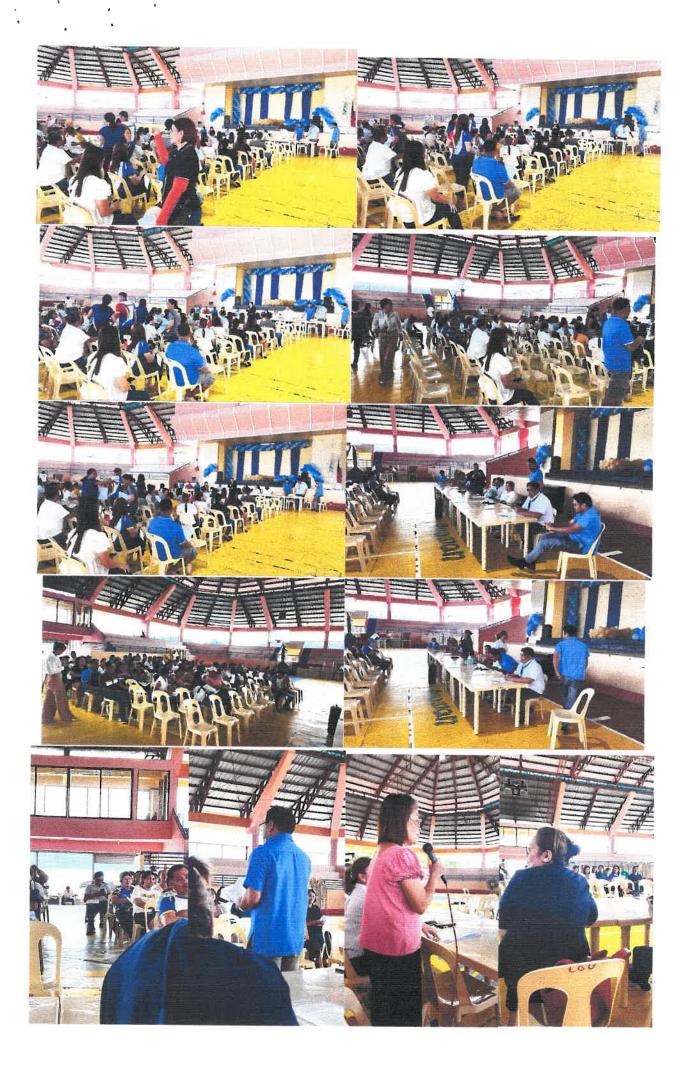
NAME	DEPARTMENT/OFFICE	SIGNATURES	CONTACT NO./	
1. Penjamin Caupitza	ς <b>≰</b>		FB ACCOUNT	
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3. JULLIAN BATIANCEYA		A		
4.JULIX 5. HALICHIC	SB SB		7	
5. EUGENIO A - CHING		2	0927-24P-9095	
6. ESTER P. LUBIAM		(0)		
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34. LORENZA V. THMAMAL	18	- 1 h	0977-364-2893	
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1 Francisco Almira Batan	CB	120	04473178394	



## ATTENDANCE SHEET PUBLIC HEARING CALUBIAN SPORTS COMPLEX

January 27, 2025

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2. GETTE P. TOWNS  3. Arelyn C. Monnin  4. CHICH 6. PACYED	B KGY. Vill oper mos a Con Luis ABANILLA, OAL. LEVE	
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OFFICE OF THE SECRETARY TO THE SANGGUNIANG BAYAN sbsec0813.mgocalubian@gmail.com



### CERTIFICATE OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY THAT the Municipal Ordinance No. 2025-003, entitled: "AN ORDINANCE REGULATING THE DISPENSING, SELLING, AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS IN THE MUNICIPALITY OF CALUBIAN, LEYTE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF" was posted on the Bulletin Board of the Sangguniang Bayan on March 21, 2025 and other conspicuous places in the Municipality of Calubian, Leyte, and it will remain posted therein for three (3) consecutive weeks.

THIS CERTIFICATION is issued in compliance with ARTICLE 114 of the Implementing Rules and Regulations of Regulations of Republic Act No. 7160.

ISSUED the 21st day of March, 2025 at the Municipality of Calubian, Leyte.

Very truly yours,

ATTY. KEISH YNA VINEE V. RAMIREZ MGP/H I (Secretary to the Sanggunian)