

Item No.: 14

Date: 05 2025 AUG



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

Province of Leyte
Legal Office
Date: 7.17.25

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PROVINCIAL LEGAL OFFICE

**Sangguniang Panlalawigan
Province of Leyte**

2nd INDORSEMENT
July 10, 2025

RECEIVED
JUL 17 2025
Date: _____
By: [Signature]

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 117-25 of the Sangguniang Bayan of Leyte, Leyte.

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

- Ordinance No. 117-25 entitled: **“Prohibiting the dispensing, selling and reselling of Pharmaceutical Products in Sari-Sari Stores and other similar retail outlets not licensed by FDA”**

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 and (a)(1)(iii)² of the Local Government Code of 1991 (R.A 7160) in relation to RA 10918³. 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 X

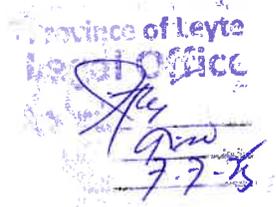
¹ (a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality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

² (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;

³ The Philippine Pharmacy Act

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Palo, Leyte
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
04 July 2025

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 117-25** of the **Municipality of Leyte, Leyte**, entitled: **An Ordinance prohibiting the dispensing, selling and reselling of pharmaceutical products in sari-sari stores and other similar retail outlets and prescribing penalties thereof.**


FLORINDA JIL S. DYVICO
Secretary to the Sanggunian

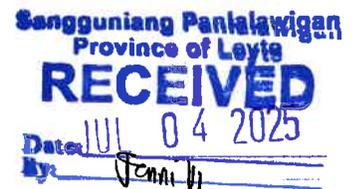


Republic of the Philippines
MUNICIPALITY OF LEYTE
L E Y T E

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Office of the Sangguniang Bayan

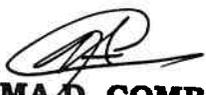
1st ENDORSEMENT
July 3, 2025



Respectfully forwarded to the Honorable Sangguniang Panlalawigan in session, through the Sangguniang Panlalawigan Secretary, Province of Leyte, Palo, Leyte, the herein **Municipal Ordinance No. 117-25** Entitled **“AN ORDINANCE PROHIBITING THE DISPENSING, SELLING AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS AND PRESCRIBING PENALTIES THEREOF”**.

Attached herewith are the following :

1. Municipal Ordinance No.117-25
2. Certificate of Posting
3. Certificate of Publication (to follow)


VILMA D. COMBATE
SB Secretary



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

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION BY THE SANGGUNIANG BAYAN HELD ON JUNE 23, 2025 AT THE SB SESSION HALL, MUNICIPAL BUILDING, LEYTE, LEYTE

Present:

Hon. Armando M. Ysidoro, -----	Mun. Vice Mayor/Presiding Officer
Hon. Lileth I. Gatchalian, -----	SB Member
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

Sangguniang Panlalawigan
Province of Leyte
RECEIVED
Date: JUL 04 2025
By: *[Signature]*

Absent:

Hon. Paquito D. Pelipel, Jr. -----	SB Member
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MUNICIPAL ORDINANCE NO. 117-25

AN ORDINANCE PROHIBITING THE DISPENSING, SELLING AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS AND PRESCRIBING PENALTIES THEREOF.

Author: Hon. E.J A. Durante

BE IT ORDAINED by the Sangguniang Bayan of Leyte, Leyte in session assembled that:

SECTION 1. TITLE. This Ordinance shall be known as "PROHIBITING THE DISPENSING, SELLING AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS NOT LICENSED BY FDA".

SECTION 2. DECLARATION OF POLICY. It is hereby the policy of the state to protect and promote the right to health of the people and instill health consciousness among them as provided in Section 15, Article II of the 1987. 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). 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. The Department of Interior and Local Government (DILG) issued Memorandum Circular No. 2022-025 which provides the guidelines in enforcing the regulations set forth in RA 10918 on the dispensing, selling or reselling of pharmaceutical products.

SECTION 3. DEFINITION OF TERMS:

Botika ng Barangay (BnB)- refers to drug outlets managed by a legitimate community organization/ Non-Government organization or by the Local Government with a trained operator or supervising pharmacist, selling affordable generic medicines.

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Compounding – refers to the sum of processes performed by a pharmacist in drug preparations including the calculations, missing, assembling, packaging, or labelling of a drug : (i) as a result of a prescription or drug order by a physician, dentist, or veterinarian, or (ii) for the purpose of, or in relation to, research, teaching, or chemicals analysis.

Counterfeit pharmaceutical products – refer to pharmaceutical products, which do not contain the amounts as claimed; with wrong ingredients; without active ingredients; or with insufficient quantity of active ingredients which result in the reduction of the products' safety, efficacy, quality, strength, or purity. These also refer to products that are deliberately and fraudulently mislabelled with respect to identity and/or source or with fake packaging, and can apply to both branded and generic products.

Household remedies- refer to any preparation containing pharmaceutical substances of common or ordinary use to relieve common physical ailments and which may be dispensed without the medical prescription in original packages, bottles or containers, of which the nomenclature has been duly approved by the FDA.

Over-the-Counter (OTC) medicines – refer to medicines used for symptomatic relief of minor ailments and which may be dispensed without prescription.

Pharmaceutical products - are substances used to treat, prevent, or diagnose medical conditions. These include drugs, medicines, biological, pharmaceutical and biopharmaceutical products/specialties, veterinary products, veterinary biologics, and veterinary medicinal products.

Pharmacist - a person who is professionally qualified to prepare and dispense medicinal drugs with a valid certificate of Registration and Professional Identification Card issued by the PRC and the Professional Regulatory Board of Pharmacy.

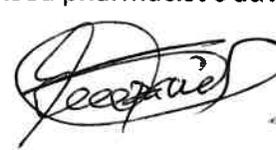
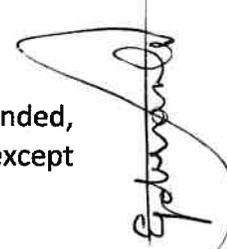
Pharmacist-only OTC medicines – refer to the over-the counter medicines classified by appropriate government agencies to be obtained only from a licensed pharmacist with mandatory pharmacist's advice on their selection and proper use.

Prescription medicines – 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.

Sari-sari Stores – refer to retailing stores selling a general line of merchandise, classified as micro enterprise.

SECTION 4. REGULATED ACTS:

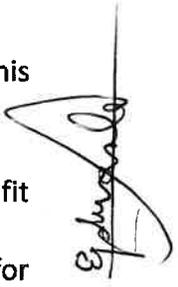
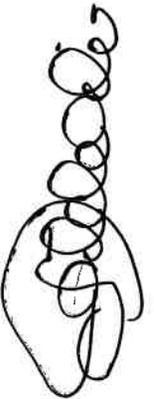
1. No Pharmaceutical Product of whatever nature and kind shall be compounded, dispensed, sold or resold or otherwise be made available to the consuming public, except through a retail drug outlet;
2. Sari-sari stores and other similar retail outlets and micro-enterprises are prohibited from dispensing, 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 RA 10918.



3. Owners of establishments may, however, apply for authorization from the FDA to dispense, sell and resell pharmaceutical products, limited to household remedies and cosmetics and certain pain relievers. These are for retail outlets for non-prescription drugs/OTC drugs which still requires a pharmacist that will supervise for 2 hours each week.
4. Other stores such as convenience stores, cooperative-run stores, and other small and medium enterprises which intend to sell household remedies and OTC drugs including food and dietary supplement (which are not pharmacist only) are first required to apply as a retail outlet for non-prescription drugs (RONPD), pursuant to FDA Circular 2014-028 and secure the following:
 - 4.1. A license to operate (LTO) from the FDA;
 - 4.2. The employment of the supervision and oversight of a duly registered and licensed pharmacist, pursuant to Section 31 (b) of RA 10918; and
 - 4.3. Other requirements imposed by the FDA on its LTO applicants.
5. The distribution of COVID-19 drugs shall be governed by policies set forth by the FDA and the Department of Health.
6. The possession , dispensing, selling, or reselling of counterfeit pharmaceutical products, (this includes products from overseas that did not pass through FDA pharmaceutical even if it is licensed by FDA authorities) are prohibited and shall be governed by the provisions of RA 8203.

SECTION 5. RESPONSIBILITIES OF THE LOCAL GOVERNMENT UNIT

1. Ensure the integration of these guidelines and regulations in the existing business permit and licensing systems and requirements;
2. Coordinate with the Philippine National Police (PNP) and FDA and assist these agencies to crack down on counterfeit drugs and the illegal distribution of pharmaceutical products and shall also report violation of unauthorised retailers with FDA for proper regulatory action;
3. Through the Municipal Health Office and in coordination with the FDA and component barangays, the LGU and BLGUs shall ensure the functionality of the Botika ng Bayan and Botika ng Barangay with in the locality to secure unhampered access to authentic pharmaceutical products;
4. Establish an enabling mechanism designed to assist owners of sari-sari store and other retail stores in securing proper authorization form the FDA to dispense, sell, and resell pharmaceutical;
5. Barangays are also directed to assist the municipal government in the enforcement of this ordinance which may carried through the following acts:
 - 5.1 Information education, and communication efforts on these regulation fpr the benefit of sari-sari store owners within the barangay;
 - 5.2 If necessary, referring violators to the municipal government and or the PNP for apprehension; and
 - 5.3 Integration of these guidelines in their barangay permits system and requirements.



SECTION 6. ENFORCEMENT

The Local PNP, Joint Inspectorate Team (JIT), Municipal Health Office, BPLO, Municipal Treasury Office and Barangay Officials are hereby directed to enforce the provisions of this ordinance.

SECTION 7. 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 this Local Government Unit.

SECTION 8. PENALTY CLAUSE

Any person of legal age and retail outlets/sari-sari store owners found violating the provisions of this ordinance shall be penalized with the following:

- First Offense - Warning and a fine of PHP1,500.00
- Second Offense - A fine of PHP 2,500.00 and revocation of the business permit

SECTION 9. SEPARABILITY CLAUSE

If any provision of this ordinance is found inconsistent with any existing laws , other provisions or parts thereof not affected thereby, shall remain in full force and effect.

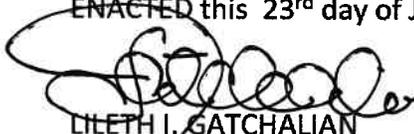
SECTION 10. REPEALING CLAUSE .

All ordinances, rules, regulations, issuances or parts thereof, in conflict with or in contrary to the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 11. EFFECTIVITY.

This ordinance shall take effect immediately upon its approval.

ENACTED this 23rd day of June 2025.

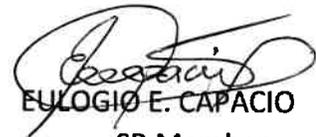

LILETH I. GATCHALIAN
SB Member

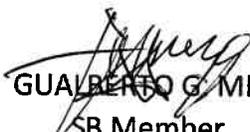

EDWARD JAY A. DURANTE
SB Member

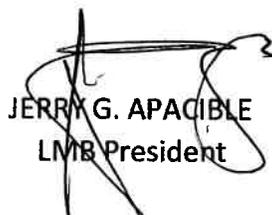

ROWIL G. BATAN
SB Member


AIDA A. DELANTAR
SB Member


ALEX A. DAGANDAN
SB Member


EULOGIO E. CAPACIO
SB Member


GUALBERTO G. MERACAP
SB Member


JERRY G. APACIBLE
LMB President

NELLIE GRACE D. DANDAN
SK Fed. President

Attested:

ARMANDO M. YSIDORO
Municipal Vice Mayor
Presiding Officer

Certified Correct:


VILMA D. COMBATE
MGDH 1(Secretary to the Sanggunian)

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. 117-25: " AN ORDINANCE PROHIBITING THE DISPENSING, SELLING AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS AND PRESCRIBING PENALTIES THEREOF", was posted in three (3) conspicuous places in this Municipality.

This certification is issued this 2ND day of July , 2025 at Leyte, Leyte, Philippines.


VILMA D. COMBATE
Secretary to the Sangguniang Bayan