



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Province of Leyte
Leyte
9.2.25

Sangguniang Panlalawigan
Province of Leyte
RECEIVED
SEP 03 2025
Date: SEP 03 2025
By: [Signature]

2nd INDORSEMENT
August 20, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 13 of the Sangguniang Bayan of Abuyog, Leyte.

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

- Ordinance No. 13 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 Abuyog, Leyte.”**

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

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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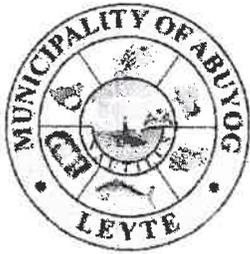
OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
23 July 2025



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 13, series of 2025 of the Municipality of Abuyog, 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 Abuyog, Leyte and providing penalties for violations thereof.**

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



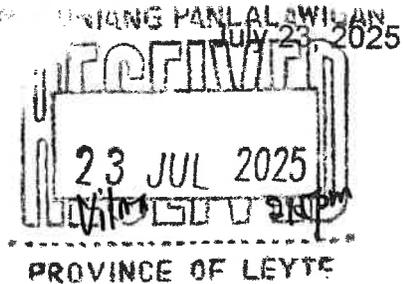
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Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan Secretary

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian
Sangguniang Panlalawigan of Leyte
Leyte Provincial Government Complex
West Bypass Road, Brgy. Guindapunan
6501 Palo, Leyte



Ma'am:

Respectfully transmitting herewith as attached Ordinances No 12, 13 & 14, s. 2025 of the Sangguniang Bayan of Abuyog, Leyte for the review of the Honorable Sangguniang Panlalawigan, Province of Leyte, to wit:

1. ORDINANCE NO. 12, s. 2025

"An Ordinance Prohibiting Any Person Below 18 Years Old from Drinking Liquor or Any Alcoholic Drinks or Beverages Containing No Less Than 4% Alcohol of its Total Volume in Public Places or Establishments Within the Municipality of Abuyog, Leyte and Prohibiting Any Person or Persons from Selling, Dispensing Said Alcoholic Drinks to Persons Below 18 Years Old and Providing Penalties Thereof"

2. ORDINANCE NO. 13, s. 2025

"An Ordinance Regulating the Dispensing, Selling, and Reselling of Pharmaceutical Products in Sari-Sari Stores and other Similar Retail Outlets in the Municipality of Abuyog, Leyte and Providing Penalties for Violations Thereof"

3. ORDINANCE NO. 14, s. 2025

"A Code Promulgating Policies and Measures for the Prevention and Control of HIV/AIDS in the Municipality of Abuyog, Leyte"

Thank you and more power.

Very respectfully yours,


ARSENIO Y. VILLOTE



SANGGUNIANG PANLALAWIGAN
Republic of the Philippines
MUNICIPALITY OF ABUYOG
 Province of Leyte



Office of the Sangguniang Bayan

PROVINCE OF LEYTE

EXCERPT FROM THE MINUTES OF THE 19TH REGULAR SESSION OF THE 19TH HONORABLE SANGGUNIANG BAYAN OF ABUYOG, LEYTE HELD AT ITS SESSION HALL, LEGISLATIVE BUILDING MUNICIPAL COMPOUND, ABUYOG, LEYTE ON JUNE 10, 2025.

PRESENT:

- | | |
|-------------------------------|--------------------------------------|
| Hon. James L. Bohol | Municipal Vice-Mayor, Prsdg. Officer |
| Hon. Jeannette A. Valida | SB Member, Prsdg. Pro-tempore |
| Hon. Antonio C. Almendra, Jr. | SB Member |
| Hon. Arnold R. Allera | SB Member |
| Hon. Patrocinio A. Risos, Jr. | SB Member |
| Hon. Editha C. Deloy | SB Member |
| Hon. Edmundo P. Saño | SB Member |
| Hon. Francisco B. Landia | SB Member, Floor Leader |
| Hon. Erwin V. Belleza | SB Member |
| Hon. Dario P. Llave | SB Member, ABC President |
| Hon. Melliza Jane C. Traya | SB Member, SK Ped. Pres. |

ABSENT:

None

ORDINANCE NO. 13, SERIES 2025

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

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 of its efficient and effective governance, and those which are 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);

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 1 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, BE IT ENACTED BY THE 19TH SANGGUNIANG BAYAN OF ABUYOG, LEYTE, IN SESSION DULY ASSEMBLED that:

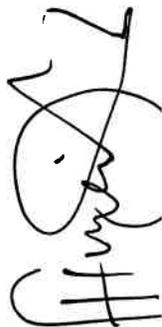
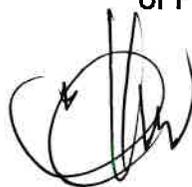
Section 1. Title. An Ordinance Regulating the Dispensing, Selling, and Reselling of Pharmaceutical Products in Sari-Sari Stores and Other Similar Retail Outlets in the Municipality of Abuyog, Leyte and Providing Penalties for Violations Thereof.

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 Abuyog, Leyte, as it poses health risk to the public;
- b. To safeguard the health of the people and to 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. Botika ng Barangay 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. Counterfeit pharmaceutical products 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 products 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. 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 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.
- e. Pharmaceutical products refer to drugs, medicines, biologicals, pharmaceutical and biopharmaceutical products/specialties, veterinary products, veterinary biologics, and veterinary medicinal products.
- f. Pharmacist 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. Pharmacist-only OTC medicines 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. 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.
- i. Sari-sari stores 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 RA 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, and 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

- 1. Pursuant to Section 30 of RA 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 RA 8203;
- 3. 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 RA 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 any of the following acts shall be penalized as follows:

First offense — a fine of P1,000.00 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 P2,500.00 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 local government unit of Abuyog, 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.

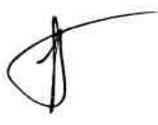
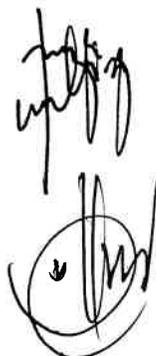
Section 10. Repealing Clause. All ordinances, rules and regulations, other issuances or parts thereof which are inconsistent with this Ordinance is hereby repealed.

Section 11. Separability Clause. If any part of this Ordinance is declared invalid, unconstitutional or unlawful, section or parts thereof which are not affected shall remain or continue to be in full force and effect.

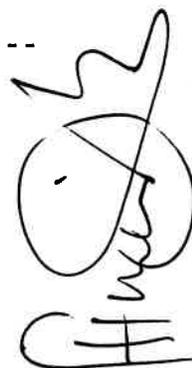
Section 12. Effectivity. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of local or general circulation and posting in at least two (2) conspicuous places in the municipality.

ENACTED: June 10, 2025

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

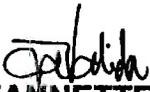


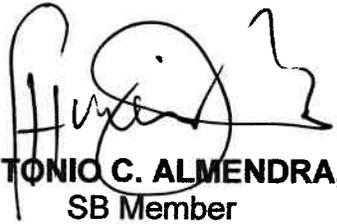

ARSENIO T. VILLOTE
Sangguniang Bayan Secretary



ATTESTED:


HON. JAMES L. BOHOL
Municipal Vice Mayor, Prsdg. Officer


HON. JEANNETTE A. VALIDA
SB Member, Prsdg. Pro-Tempore


HON. ANTONIO C. ALMENDRA, JR.
SB Member

HON. ARNOLD R. ALLERA
SB Member

HON. PATROCINIO A. RISOS, JR.
SB Member


HON. EDITHA C. DELOY
SB Member


HON. EDMUNDO P. SAÑO
SB Member


HON. FRANCISCO B. LANDIA
SB Member, Floor Leader


HON. ERWIN V. BELLEZA
SB Member


HON. DARIO P. LLEVE
SB Member/ABC Fed. President


HON. MELLIZA JANE C. TRAYA
SB Member/SA Fed. Pres.

APPROVED:


HON. LEMUEL GINK. TRAYA
Municipal Mayor