

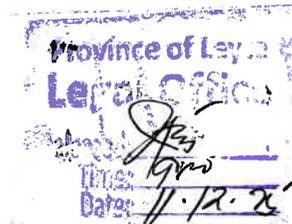
Item No.: 20

Date: 18 2025 NOV



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Sangguniang Panlalawigan

Province of Leyte

RECEIVED

NOV 12 2025

Date:

By: J. Acas

2nd INDORSEMENT

August 20, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 12 of the Sangguniang Bayan of Abuyog, Leyte.

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

- Ordinance No. 12 entitled: **“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”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 16¹ of the Local Government Code of 1991 (R.A 7160) in consonance with the state recognized Doctrine of Parens Patriae². However, upon further perusal of the subject Ordinance, it is noted that the implementation provides for the detention of erring minors and the penal provision provided, both in contravention of Section 57³ of RA 9344⁴. Hence, further review of the subject Ordinance is recommended.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on 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 **Section 16. General Welfare.** - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare.

² G.R. No. 225442, August 08, 2017

³ **SEC. 57. Status Offenses.** - Any conduct not considered an offense or not penalized if committed by an adult shall not be considered an offense and shall not be punished if committed by a child.

⁴ "Juvenile Justice and Welfare Act of 2006."

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-o0o-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
23 July 2025

PROVINCE OF LEYTE
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
Jen. G. [Signature]
7-24-25

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 12, series of 2025 of the Municipality of Abuyog, Leyte**, entitled: **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.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan Secretary

SANGGUNIANG PANLALAWIGAN
July 23, 2025



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 T. VILLOTE
Sangguniang Bayan Secretary



Republic of the Philippines
MUNICIPALITY OF ABUYOG
 Province of Leyte

SANGGUNIANG PANLALAWIGAN



Office of the Sangguniang Bayan

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. Lleve	SB Member, ABC President
Hon. Melliza Jane C. Traya	SB Member, SK Ped. Pres.

ABSENT:

None

ORDINANCE NO. 12, SERIES 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

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

Section 1. TITLE – This ordinance shall be known as the “Ordinance Prohibiting an 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”.

Section 2. DEFINITION OF TERMS

1. Minor – any person whose age is below 18 years old from his birth date
2. Alcoholic Drinks or Beverages – any drinks containing alcohol of no less than 4% of its total volume or content
3. Establishment – any licensed or unlicensed store, bars, nightclubs, beer houses/gardens, disco houses, restaurants or any public eating-places

- 4. Dispense – to sell, distribute, serve, deal out, and give away with or without monetary consideration
- 5. Owner – license or owner of the establishment either called the proprietor(s), president, Manager, chairman or head of any partnership or corporation

Section 3. PROHIBITIONS - it shall be unlawful for any person below 18 years old to drink any wine/liquor or any alcoholic drinks or beverages in any public place and/or establishment either licensed or unlicensed within the municipality of Abuyog, Leyte

Section 4. it shall be unlawful to any person, owner, or establishment to sell or to dispense any alcoholic drinks or beverages to any minor.

Section 5. PENALTIES - (A) any minor found violating Section 2 hereof their parents/guardians shall be punished with a fine of not less than Two Hundred (P200.00) Pesos but more than Five Hundred (P500.00) Pesos or an imprisonment of not less than Five (5) days but not more than Fifteen (15) days; or both such fine and imprisonment at the discretion of the court with subsidiary imprisonment in case of insolvency; (B) any owner or establishment found violating Section 3 hereof should be punished with the following:

1st Offense – a fine of not less than Three Hundred (P300.00) Pesos; or an imprisonment of at least one (1) month but at most Two (2) months; or both such fine and imprisonment upon the discretion of the court.

2nd Offense – a fine of not less than Five Hundred (P500.00) Pesos but more than Eight Hundred (P800.00) Pesos; or an imprisonment of at least two (2) months but at most four (4) months or both such fine and imprisonment upon the discretion of the court;

3rd Offense – a fine of not less than Eight Hundred (P800.00) Pesos but not more than One Thousand (P1,000.00) Pesos or an imprisonment of at least four (4) months but at least six (6) months or both such fine And imprisonment upon the discretion of the court and the closure of the establishment for a period of not more than one (1) month.

Section 6. IMPLEMENTING AGENCY – The apprehending authority shall be the PNP, Barangay Council for the Protection of Children (BCPC) which includes the barangay tanods and MSWDO

Section 7. SEPARABILITY CLAUSE – Any provision or portion of this ordinance found to be unconstitutional or invalid shall not impair the other provisions or parts thereof which shall continue to be enforced and in effect.

Section 8. REPEALING CLAUSE – All ordinances, rules, orders and regulations or parts thereof, which are inconsistent or in conflict with any of the provisions of this ordinance are hereby modified and/or repealed accordingly.

Section 9 – Effectivity – This Ordinance shall take effect immediately upon its approval and publication.

ENACTED: June 10, 2025

I HEREBY CERTIFY to the correctness of the foregoing ordinance.


ARSENIO Y. VILLOTE
Sangguniang Bayan Secretary

ATTESTED:

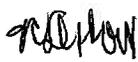

HON. JAMES L. BOHOL
Municipal Vice Mayor, Prsdg. Officer


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. ULEVE
SB Member/ ABC Fed. President


HON. MELLIZA JANE C. TRAYA
SB Member/ Sk. Ped. Pres.

APPROVED:


HON. LEMUEL GINK. TRAYA
Municipal Mayor