

ABSENT HON AVELING B. SOLIS

City Councilor

HON EDWIN G GAWARAN

City Councilor

HON MIGUEL NE BAUTISTA

City Councilor

HON ROWENA BAUTISTA - MEN City Councilor

HON REYNALDO M. FABIAN City Councilor

HON VENUS D. DE CASTRO City Councilor

District II

HON. REYNALDO D. PALABRICA

City Councilor

HON HERNANDO C. GUTIERREZ City Councilor

HON GAUDENCIO P NOLASCO City Councilor

HON, BAYANI'M, DE LEON City Councilor

ABSENT

HON, LEANDRO A, DE LEON City Councilor

HON ROBERT R. JAVIER City Councilos

HON. VICTORIO L. GUERRERO, JR. City Councilor - ABC Pres.

Attested by:

ATTY KHALIDA ATEGA, IR

Certified by: HON, CATHERINE'S, EVARISTO City Vice Mayor Presiding Officer

Approvedby: HON, STRIKE B. REVILLA City Mayor 4

Republic of the Philippines

CITY OF BACOOR

Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. CO 11-2015 Series of 2015

AN ORDINANCE AMENDING SECTION 4C.02 UP TO 4C.04, CHAPTER IV OF MUNICIPAL ORDINANCE NO. 4-1, SERIES OF 2008 OTHERWISE KNOWN AS THE "GENERAL ORDINANCES CODE OF BACOOR" EGARDING THE PROHIBITION AGAINST THE SALE OF WINES, QUORS, AND SIMILAR PRODUCTS TO PERSONS UNDER EIGHTEEN (18) YEARS OLD.

Sponsored by : Hon. Miguel N. Bautista, Hon. Rowena M. Bautista-Mendiola, Hon. Venus D. De Castro, Hon. Bayani M. De Leon, Hon. Reynaldo M. Fabian, Hon. Edwin G. Gawaran, Hon. Hernando C. Victorio L. Guerrero, Hon Roberto R. Javier, Gutierrez, Hon. Gaudencio P. Nolasco, and Hon. Reynaldo D. Palabrica.

WHEREAS, the Sangguniang Panlungsod received numerous reports pertaining to minors being coerced by adults to buy alcoholic beverages and to sell products containing inebriating substances such as solvents and plastic adhesives as well as cigarettes.

WHEREAS, it has been observed by the City Social Welfare and Development Officer that many children have been caught buying and using the above-mentioned substances in public. Moreover, many adults have been observed using cigarettes and other tobacco products beside or in the presence of minors hereby exposing the latter to second hand smoke.

WHEREAS, the health of children exposed to the effects of the said substances are imperiled. Moreover, the said children can also potentially be exposed to criminal elements in society while selling, buying or using the said substances and products.

WHEREAS, Section 4C.02, Chapter IV of Municipal Ordinance No. 4-1 Series of 2008 otherwise known as the "General Ordinances Code of Bacoor" prohibit the serving of intoxicating drinks to minors but does not prohibit minors from selling the said beverages or from Sangguniang Panlangsod Secretary selling, buying, or using other inebriating substances such as

> City Ordinance No. CO 11-2015 An Ordinance Amending Section 4c.02 Up To 4c.04, Chapter Iv Of Municipal Ordinance No. 4-1, Series Of 2008 Otherwise Known As The "General Ordinances Code Of Bacoor" Regarding The Prohibition Against The Sale Of Wines. Liquors, And Similar Products to Persons Under Eighteen (18) Years Old. February 23, 2015



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HON, ROBERT R. JAVIER City Councilor

HON. VICTORIO L. GUERRERO, JR. City Councilor - ABC Pres.

Attested by:

ATTY. KHALLOW ATEGA, JR. Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE SI EVARISTO City Vice Mayor/Presiding Officer

Approved by:
HON. STRIKE B. REVILLA
City Mayor

Republic of the Philippines

CITY OF BACOOR

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olvents and plastic adhesives. Moreover, neither does the said provision ban business establishments and traders from selling the said substances as well as tobacco products to minors.

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of the City of Bacoor that:

Section 1. Sections 4C.02 up to 4C.04 of Municipal Drdinance No. 4-1 Series of 2008 are hereby amended and shall nereafter read as follows:

"Section 4C.02. Cigarette Smoking Ban In All Schools, Food Establishments, Food Manufacturing Establishments, Public Markets and Commercial Malls. The smoking or chewing of cigarettes and other tobacco products shall be strictly prohibited inside all schools, food establishments, food manufacturing establishments, public markets, places of worship, and commercial malls operating within the City of Bacoor. The smoking or chewing of cigarettes and other obacco products may only be allowed beyond ten (10) meters outside of the gates or entrances of the schools, food establishments, food manufacturing establishments, public markets, places of worship or commercial malls mentioned above or within designated smoking lounges located inside the said buildings. In no instance shall minors be allowed to smoke or chew cigarettes or other tobacco products anywhere within or outside of the said buildings or places.

Section 4C.03. Penalties for Violation of Section 4C.02. Any person who shall violate Section 4C.02 shall be held liable to a fine of One Thousand Five Hundred Pesos (PhP 1,500.00) upon determination of a proper court of law. If the offender is a minor or mentally incapacitated persons, his/her parents or guardians shall pay the fine mentioned above.

Section 4C.04. Prohibition against the sale of tobacco products, intoxicating beverages or products, and/or products containing solvents to minors or to mentally incapacitated persons. The sale of any tobacco or cigarette product, intoxicating beverages or product – including but not limited to beer, wine, whiskey, gin, – and/or any product with solvents such as but not limited to rugby, acetone, plastic adhesives and/or roof sealant to any minor or to any mentally incapacitated person shall be

City Ordinance No. CO 11-2015 An Ordinance Amending Section 4c.02 Up To 4c.04, Chapter Iv Of Municipal Ordinance No. 4-I, Series Of 2008 Otherwise Known As The "General Ordinances Code Of Bacoor" Regarding The Prohibition Against The Sale Of Wines, Liquors, And Similar Products To Persons Under Eighteen (18) Years Old.
February 23, 2015



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City Councilor

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Attested by:

ATTY KHALITE A ATEGA, R. Sangguniang Panlungsod Secretary Republic of the Philippines

CITY OF BACOOR

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obsolutely prohibited in the City of Bacoor. The following penalties that be imposed against the owner/s, manager/s, or supervisor/s and duty of any establishment that violates this provision:

rst Offense

econd Offense

Third Offense

P1,000.00 fine plus mandatory attendance to a one (1) day seminar on the hazards to minors of cigarette smoking, the imbibing of intoxicating beverages and products, and the inhalation of solvents to be conducted by the City Health Officer (CHO);

P2,000.00 fine plus five (5) day suspension of business permit and the closure of the establishment for the same number of days;

P5,000.00 fine plus ten (10) day suspension of business permit and the closure of the establishment for the same number of days.

Section 4C.05. Prohibition against requiring, authorizing, or directing minors or mentally incapacitated persons to buy or sell tobacco products, intoxicating beverages or products, and/or products containing solvents. Any adult who requires, authorizes, or directs a minor or mentally incapacitated person to buy or sell any tobacco or cigarette product, intoxicating beverages or product including but not limited to beer, wine, whiskey, gin, — and/or any product with solvents such as but not limited to rugby, acetone, and/or roof sealant within the City of Baccor shall be held liable for violating Section 4C.04 hereof. The following penalties shall be imposed against the parent or guardian, or against any adult, who violates this provision:

First Offense

P1,000.00 fine plus mandatory attendance to a one (1) day seminar on the hazards to minors of cigarette smoking, the imbibing of intoxicating beverages and products, and the inhalation of solvents to be conducted by the

City Ordinance No. CO 11-2015 An Ordinance Amending Section 4c.02 Up To 4c.04, Chapter Iv Of Municipal Ordinance No. 4-I, Series Of 2008 Otherwise Known As The "General Ordinances Code Of Bacoor" Regarding The Prohibition Against The Sale Of Wines, Liquots, And Similar Products To Persons Under Eighteen (18) Years Old.

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Certified by:

HON, CATHERINE'S, EVARISTO City Vice Mayor/Presiding Officer

Approved by:
HON. STRIKE B. REVILLA
City Mayor



ABSEN Pistrict I.
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CHO;

second Offense

P2,000.00 fine plus five (5) day imprisonment;

hird Offense

P5,000.00 fine plus ten (10) day imprisonment.

Right and duty of business establishments Section 4C.06. o refuse sale of tobacco products, intoxicating beverages or products, and/or products containing solvents to persons uspected of being minors or of being mentally incapacitated and o ascertain the age or mental capacity of a customer. The employees or proprietors of all business establishments in the City of Bacoor shall have the right and duty to refuse to sell any tobacco or cigarette product, intoxicating beverage or product - including but not limited to beer, wine, whiskey, or gin, -- and/or any product vith solvents such as but not limited to rugby, acetone, and or roof ealant to any person suspected of being a minor or of being nentally incapacitated. If the said person insists on buying the said products despite the refusal of the employees or proprietors of the establishments mentioned above, the employee or proprietor concerned shall have the right to call a police officer or a social worker assigned at the City of Bacoor who shall ascertain the age or mental capacity of the customer and to require the said customer to wait for the arrival of the police officer or social worker before proceeding with the transaction. Provided, that the employee or proprietor who invokes the said right shall not be held liable for any injury or damage arising from any delay caused by his/her decision to ascertain the age or mental capacity of the customer even if he/she is proven wrong by the police officer or social worker. Provided further that the said right and privilege shall also extend in favor of traders and sidewalk vendors of the substances mentioned above.

Section 4C.07. Power of any police officer or social worker to take custody of any child or mentally incapacitated person caught buying or selling tobacco products, intoxicating beverages or products, and/or products containing solvents. Any police officer or social worker assigned or detailed to the City of Bacoor is hereby empowered to take into custody any child or mentally incapacitated person caught buying, selling, or using any

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ATTY KHANIDA ATEGA, R Sangguniang Panlungsod Secretary

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Approved by:

HON, STRIKE B. REVILLA City Mayor 💢

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obacco or cigarette product, intoxicating beverage or product – ncluding but not limited to beer, wine, whiskey, or gin, – and/or my product with solvents such as but not limited to rugby, icetone, and/or roof sealant in the City of Bacoor pursuant to the pertinent provisions of RA 9344 (also known as the "Juvenile Justice" ind Welfare Act of 2006") and its implementing guidelines.

Section 4C.07 Definition. As used in this Chapter, the following HON ROWENA BAUTISTA - MENDIOLA vords and phrases shall be understood to mean as follows:

- Bar includes beer gardens or places where intoxicating and termented liquors or malt are sold, disposed of, given away, or served to customers for compensation, even without foods, where the services of hostesses of waitresses are employed and where customers are entertained by occasional dancing to music not rendered by a regular dance orchestra or musicians hired for the purpose, otherwise the place shall be classified as a dance hall, night or day club. A "cocktail lounge" shall be classified as a dance hall, night or day club. A "cocktail lounge" is considered a "bar" even if there are no hostesses or waitresses to entertain customers.
- Cigarette -- a small cylinder of finely cut tobacco leaves rolled in thin paper for smoking.
- Food Establishment an establishment where food or drinks are manufactured, processed, stored, sold, served, including those that are located in vessels.□
- Food Manufacturing Establishments places used for the business of producing, packing, or re-packing of various food products manually, mechanically, or a combination of both. The erm shall also include slaughter houses.
- Intoxicating Drinks or Beverages refers to liquors, wines, and other distilled spirits other than fermented liquors such as "Beer" 'Tuba'' and similar domestic fermented beverages.
- School-a public or private educational institution undertaking educational operations with an organized group of pupils or students pursuing defined studies at defined levels, receiving instructions from teachers, usually located in a building or group of

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HON BAYANI M. DE LEON City Councilor

ABSENT HON, LEANDRO A. DE LEON City Councilor

HON ROBERT R. LAVIER

HON VICTORIO L. GUERRERO, JR. City Councilor - ABC Pres.

Attested by:

ATTY, KHALIDA ATEGA, JR. Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE S. EVARISTO City Vice Mayor/Presiding Officer

Approved by:
HON. STRIKE B. REVILLA
City Mayor

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buildings in a particular site specifically intended for educational purposes.

Solvent – a common term of liquid substance used in dry leaning process in place of water. It may also refer to liquid ubstances that bind or emulsify other chemical substances commonly used in paints, sealants, cleaning agents or the like.

<u>Section 4C.08.</u> Rules in the Interpretation of this Section.

he following rules shall be observed in the interpretation of this ection:

- Words used in singular also include the plural. The reverse is also true;
- Words used in the present tense shall also include the past tense. The reverse is also true;
- The words "must", "shall", "will" and "may not" as used in this Chapter are mandatory;
- 4. The word "may" is permissive while "should" is advisory and not mandatory or required;
- When used with numbers the phrase "Up to X,"
 "not more than X" and "a maximum of X" shall all include X;
- 6. Words or phrases not defined in Section 4C hereof shall be interpreted in the context it was used and the reasons why the Sangguniang Panlungsod used the said terms;
- 7. Any word, phrase, or term not enumerated above but used in this Code shall be interpreted by taking into account the context in which it was used, its meaning as popularly understood, or its definition in either Black Law Dictionary or in the 2014 edition of Merriam -Webster Dictionary; and

8. Unless otherwise specified, any reference to the male gender in any provision of this Chapter shall also include the female gender."

Section 2. Effectivity. This Ordinance shall take effect immediately after it has been published at least once in a newspaper of general circulation in the Province of Cavite and after it has been posted in at least three (3) conspicuous places in the City of Bacoor following its approval by the Sangguniang Panlungsod.

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Attested by:

ATTY KHALIDA ATEGA, IR. Sangguniang Panlungsod Secretary

Certified by:

HON, CATHERINE S. EVARISTO City Vice Mayor/Presiding Officer

Approved by: HON, STRIKE, B. REVILLA City Mayor 44

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Seetims 3-5 can only sections:

Interpretation, Conflict, and Separability. In their Section 3. pterpretation and application, the provisions of this Ordinance shall e held to be the minimum requirements for the promotion of the public health, safety and general welfare, and shall be construed o achieve the purposes for which this Ordinance was adopted.

This Ordinance is intended to interfere with, abrogate, and HON ROWENA BAUTISTA - MENDIOLA annul any other ordinance, rule, order, memorandum, or guideline prevailing in the City of Bacoor prior to its approval. Where any provision of this Ordinance imposes restrictions different from those mposed under other provisions of the General Ordinances Code, he provision that is more restrictive or that imposes higher tandards shall control.

> If any court of competent jurisdiction adjudges any part or provision of the General Ordinances Code --or the application ereof to any person or circumstances -- invalid, such judgment hall be limited in its application to the part, provision or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity and continued enforcement of any other parts of provisions of the said Code or he application of them to other persons or circumstances.

> Section 4. Automatic The Sangguniang Review. Panlungsod shall automatically review this Ordinance once every hree (3) years following its approval.

Section 5. Due Process Requirements. The rudimentary requirements of procedural and administrative due process shall be strictly observed prior to the imposition of any of the penalties specified above. Thus, the City Mayor and City Health Officer and all other city employees under them shall ensure that persons against whom the said penalties are intended to be imposed shall be:

- (a) notified in writing of the acts committed or not committed that constitutes a violation of this Ordinance;
- (b) given at least 24 hours from receipt of the notice within which to comply with the particular provision of the Ordinance, that was allegedly violated;
- (c) exempted from facing criminal prosecution after the suspected offender voluntarily pays the corresponding

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ABSEN District I: HON AVELING B. SOLIS City Councilor

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Attested by:

ATTY. KHALID A. ATEGA, JR. Sangguniang Panlungsod Secretary Republic of the Philippines

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fine or perform the other penalties imposed for the offense allegedly committed; and

(d) allowed to defend himself in a proper court of law before the imposition of any fine or penalty in case the suspected offender chooses to challenge the validity of allegations against him.

UNANIMOUSLY APPROVED this 23rd day of February 2015 by the Sangguniang Panlungsod of the City of Baccor.

	VOTING RECORD
IN FAVOR	Hon. Miguel N. Bautista, Hon. Rowena M. Bautista-Mendiola, Hon. Venus D. De Castro, Hon. Bayani M. De Leon, Hon. Reynaldo M. Fabian, Hon. Edwin G. Gawaran, Hon. Hernando C. Gutierrez, Hon. Victorio L. Guerrero, Hon. Roberto J. Javier, and Hon. Gaudencio P. Nolasco, and Hon. Reynaldo D. Palabrica.
DISSENTING	None
ABSTAINED	None
PRESENT	12
ABSENT	Hon. Avelino B. Solis and Hon. Leandro A. De Leon

I hereby certify that the foregoing Ordinance was duly approved in accordance with law and that the contents hereof are true and correct.

Certified by:

HON. CATHERINE S. EVARISTO

City Vice Mayor/Presiding Officer

Sangguniang Panlungsod Secretary

Approved by:

HON. STRIKE B. REVILLA
City Mayor

Certified by:

Approved by:

HON. CATHERINE S. EVARISTO City Vice Mayor/Presiding Officer City Ordinance No. CO 11-2015 An Ordinance Amending Section 4c.02 Up To 4c.04, Chapter Iv Of Municipal Ordinance No. 4-I, Series Of 2008 Otherwise Known As The "General Ordinances Code Of Bacoor" Regarding The Prohibition Against The Sale Of Wines, Liquors, And Similar Products To Persons Under Eighteen (18) Years Old.

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Attested by:

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HON. STRIKE B. REVILLA City Mayor