

DISTRICT I

HON. MIGUEL N. BAUTISTA  
City Councilor

HON. MICHAEL E. SOLIS  
City Councilor

HON. ROWENA BAUTISTA-MENDIOLA  
City Councilor

Absent

HON. ADRIELITO G. GAWARAN  
City Councilor

HON. VICTORIO L. GUERRERO, JR.  
City Councilor

HON. ALEJANDRO F. GUTIERREZ  
City Councilor

DISTRICT II

HON. ROBERTO L. ADVINCULA  
City Councilor

HON. HERNANDO C. GUTIERREZ  
City Councilor

HON. GAUDENCIO P. NOLASCO  
City Councilor

HON. LEANDRO A. DE LEON  
City Councilor

HON. ALDE JOSELITO F. PAGULAYAN  
City Councilor

Absent

HON. ROBERTO R. JAVIER  
City Councilor

HON. REYNALDO D. PALABRICA  
City Councilor, Liga ng Brgy. President

HON. MAC RAVEN ESPIRITU  
City Councilor - SK FEDERATION PRESIDENT

Attested by:

ATTY. KHALID A. ATEGA, JR.  
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE SARINO-EVARISTO  
City Vice Mayor/ Presiding Officer -

Approved by:

HON. LANI MERCADO - REVILLA  
City Mayor

CITY ORDINANCE NO. CO 122-2020  
Series of 2020

**AN ORDINANCE REVISING CITY ORDINANCE NO. CO 111-2020 AND REGULATING THE SALE, DISTRIBUTION, BARTER, OR CONSUMPTION OF ALCOHOL BEVERAGES OF ANY KIND IN THE CITY OF BACOR, CAVITE DURING A STATE OF PUBLIC HEALTH EMERGENCY OR STATE OF CALAMITY AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF.**

Sponsored by:

*Hon. Catherine Sarino-Evaristo, Hon. Roberto L. Advincula, Hon. Miguel N. Bautista, Hon. Rowena Bautista-Mendiola, Hon. Leandro A. De Leon, Hon. Mac Raven Espiritu, Hon. Alejandro F. Gutierrez, Hon. Hernando C. Gutierrez, Hon. Victorio L. Guerrero, Jr., Hon. Gaudencio P. Nolasco, Hon. Alde Joselito F. Pagulayan, Hon. Reynaldo D. Palabrica and Hon. Michael E. Solis.*

**WHEREAS**, President Rodrigo R. Duterte issued Proclamation No. 922 on 8 March 2020, declaring a State of Public Health Emergency throughout the Philippines, and Proclamation No. 929 on 16 March 2020, declaring a State of Calamity throughout the country in light of the Coronavirus Disease 2019 (COVID-19) pandemic;

**WHEREAS**, the Sangguniang Panlungsod passed City Ordinance No. CO 111-2020, prohibiting the sale, barter, production and distribution of beer, liquor, and other alcoholic beverages of any kind in the City of Bacoor, Cavite;

**WHEREAS**, Section 16 of Republic Act no. 7160, otherwise known as the Local Government Code of 1991, gives local government units such 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;

**WHEREAS**, Proclamation No. 922 capacitated local government units to immediately act to prevent loss of life, utilize appropriate resources to implement urgent and critical measures to contain or prevent the spread of COVID-19, mitigate its effects and impact to the community, and prevent serious disruption of the functioning of the government and the community;

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City Councilor - SK FEDERATION PRESIDENT

Attested by:

ATTY. KWALID A. ATEGA, JR.  
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE SARINO-EVARISTO  
City Vice Mayor / Presiding Officer,

Approved by:

HON. LARRY MERCADO - REVILLA  
City Mayor

**WHEREAS**, there is a need to revise City Ordinance No. CO 111-2020 so that it may help jumpstart the local economy while regulating the sale and consumption of alcoholic beverages in the City, safeguard public health, and ensure the maintenance of peace and order;

**NOW, THEREFORE**, be it ordained by the 4<sup>th</sup> Sangguniang Panlungsod of the City of Bacoor, Cavite in a special session duly assembled that:

**SECTION 1. Short Title.** This Ordinance shall be known as the **"Modified Liquor Ban Ordinance of the City of Bacoor"**.

**SECTION 2. Revision of City Ordinance No. CO 111-2020.** By virtue of the approval of this Ordinance, the various pertinent provisions of City Ordinance No. CO 111-2020 (otherwise known as the "Liquor Ban Ordinance of the City of Bacoor") is hereby revised.

**SECTION 3. Definition of Terms.** As used in this Ordinance, the following words/terms shall mean:

- a. **Alcoholic Beverage-** Any beverage that causes intoxication such as, but not limited to, beer, wine, whiskey, gin, and the like.
- b. **Blood Alcohol Concentration –** The amount of alcohol present in a person's blood.
- c. **Breath Analyzer –** An equipment used to measure the level of intoxication of a person through the testing of a person's breath.
- d. **Standardized Field Sobriety Tests –** three types of tests conducted by an apprehending officer on a suspect whenever a breath analyzer set is not available at the time of apprehension.
- e. **"Under the influence of alcohol" –** The condition of a person whose blood alcohol concentration, after undergoing a breath analyzer test, measures 0.05% or higher.

**SECTION 4. Lifting of Liquor Ban.** The consumption, sale and distribution of beer, liquor, or alcoholic beverages of any kind within the territorial jurisdiction of the City of Bacoor, Cavite shall be allowed even if the City is under a State of Public Health Emergency and/or State of Calamity, subject to the following conditions:

- a. The sale of alcoholic beverages shall be allowed only from 1:00 PM to 4:00 each day;

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City Councilor - SK FEDERATION PRESIDENT

Attested by:

ATTY. AMALID A. ATEGA, JR.  
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE SARINO-EVARISTO  
City Vice Mayor / Presiding Officer.

Approved by:

HON. LAM MERCADO - REVILLA  
City Mayor

b. Only holders of a Quarantine Pass or an analogous permit, whichever is applicable, duly issued by the barangay where the sale shall occur shall be allowed to purchase or sell alcoholic beverages.

c. No alcoholic beverage in excess of the following amounts shall be sold to any person each day:

Type of Alcoholic Beverage	Amount Limit Per Person
1. Beverages containing more than 17% of alcohol by volume (34 proof or more)	One (1) Liter
2. Beverages containing more than 11% but not more than 17% of alcohol by volume (more than 22 proof but not more than 34 proof)	Two (2) Liters
3. Beverages containing not more than 11% of alcohol by volume (22 proof or less)	Two (2) Liters

d. Only one type of alcoholic beverage as provided in the previous item may be sold to each person per day; and

e. The consumption of beer, liquor, or alcoholic beverage of any kind shall only be allowed within private residences.

**SECTION 5. Ban Against Public Drunkenness.** The consumption of alcoholic beverages within public view by more than one person anywhere in the City of Bacoor, Cavite is hereby prohibited whenever the city, or any part of it, is under a State of Public Health Emergency or any type of Community Quarantine. Any person under the influence of alcohol or any other intoxicating substance in any public place within the City of Bacoor, Cavite is hereby prohibited. The phrase "within public view" shall pertain to any place that can be seen by any person who is standing on a public place. A "public place" is any place frequented by members of the public – regardless whether that place is publicly or privately owned – such as roads, streets, parks, sidewalks, alleys, bridges, government offices and facilities, malls, supermarkets, groceries, restaurants, and other commercial establishments. A person shall be considered to be "under the influence of alcohol" when his blood alcohol concentration level has, after being subjected to a breath analyzer test, reached 0.05% or more. In case no breath analyzer set is available at the time of apprehension, the offender shall be subjected to any of the following standardized field sobriety tests:

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ATTY. KHALID A. ATEGA, JR.  
Sangguniang Panlungsod Secretary

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HON. CATHERINE SARINO-EVARISTO  
City Vice Mayor / Presiding Officer,

Approved by:

HON. JANT MERCADO - REVILLA  
City Mayor

- A. The "Eye Test" (or the "horizontal gaze nystagmus test") where the apprehending officer will stand about 1 foot away from the suspected offender and checks if the latter shows involuntary eye jerking while looking toward moving objects from side to side;
- B. The "Walk-and-Turn Test" where the suspected offender needs to walk heel-to-toe in a straight line for 8 to 9 steps. They should turn at the end and go back to his/her starting point without showing any signs of difficulty; or
- C. The "One Leg Stand Test" where the suspected offender will be required to stand on one leg with the other leg suspended 6 inches from the ground for a good thirty seconds. This test is done to check the offender's coordination and balance and the same with the walk-and-turn test, it also checks if the driver can still follow directions.

A person who fails any of the said tests shall be considered under the influence of alcohol. Any display of public drunkenness in any public place, business establishment, or workplace shall be prohibited within the City of Bacoor. A person who:

- a. exhibits an inability to protect himself/herself while in public;
- b. unduly interferes in the lawful exercise of the official duties of police officers, barangay officials, or city government officials or personnel in the City of Bacoor;
- c. violates any curfew imposed by either the provincial government or the city government; or
- d. obstructs the free flow of pedestrians, goods, or motor vehicles on any public road, sidewalk street, or any other place used by the public even if such place is privately owned such as roads within residential subdivisions

shall be apprehended and shall be subjected to a breath analyzer test or standardized field sobriety test to determine if he/she is under the influence of alcohol or other intoxicating substances. **Provided that:** the cost of the said breath analyzer test shall be paid by the apprehended person or by his/her parent/s or guardian/s in case the said person is a minor or is mentally incapacitated.

**SECTION 6. Imposition of a Liquor Ban.** The City Mayor is hereby empowered to order the imposition of a total ban on the sale, consumption, barter, or distribution of all

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ATTY. KHALID A. ATEGA, JR.  
Sangguniang Panlungsod Secretary

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City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA  
City Mayor

alcoholic beverages regardless of quantity over the entire city – or over any part thereof – whenever public health or safety is threatened such as during times of public disturbances, when the city is under a State of Calamity or Public Health Emergency, or during holidays like New Year’s Eve when drunkenness results in loss of lives or limbs. **Provided that:** the City Mayor can exercise the said power through an executive order. **Provided further that:** the said liquor ban shall not exceed twenty-one (21) consecutive calendar days.

**SECTION 7. Penalties.** The following penalties shall be imposed on any person who/that violates this Ordinance:

7.1. Any business establishment that violates this Ordinance shall be closed for a period not exceeding thirty (30) consecutive calendar days. The owner, manager, supervisor, or person-in-charge of the said establishment shall also pay a fine of P5,000.00.

7.2. Any natural person not under the employ of the government who violates this Ordinance shall pay a fine of P5,000.00. In case the offender is a minor or is mentally incapacitated, the said fine shall be paid by the offender’s parent/s or guardian/s.

7.3. Any natural person under the employ of the government who violates this Ordinance shall pay a fine of P5,000.00 and shall be imprisoned for ten (10) to thirty (30) days upon conviction.

**SECTION 8. Revenue Sharing.** All fines collected from persons who violated this Ordinance shall be shared equally by the City Government and by the barangay that apprehended the offender/s subject to applicable government accounting and auditing regulations.

The City Accountant is hereby directed to formulate the guidelines for the said revenue sharing scheme within thirty (30) calendar days after the date of effectivity of this Ordinance.

**SECTION 9. Repealing Clause.** All ordinances, resolutions and executive orders inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

**SECTION 10. Separability Clause.** If any part or portion of this Ordinance is declared invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

**SECTION 11. Automatic Review.** This Ordinance shall be automatically reviewed by the Sangguniang Panlungsod every two years after its date of effectivity.

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HON. CATHERINE SARINO-EVARISTO  
City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA  
City Mayor

**SECTION 12. Effectivity Clause.** This Ordinance shall take effect immediately after it has been approved by the Sangguniang Panlalawigan of Cavite and after it has been published in a newspaper of general circulation within the City of Bacoor, Cavite.

**ENACTED** this 17<sup>th</sup> day of September 2020 by the 4<sup>th</sup> Sangguniang Panlungsod of the City of Bacoor, Cavite in the City of Bacoor, Cavite in special online session duly assembled.

*I hereby certify that the foregoing Ordinance was duly approved in accordance with law.*

Certified by:

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

Attested by:

ATTY. KHALID A. ATEGA JR.  
Sangguniang Panlungsod Secretary

Approved by:

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