

COMMITTEE/S		TITLE OF PROPOSED MEASURE	C	CONTROL NUMBER	
Committee on Health and Sanitation Joint with Committee on Labor, Trade Commerce and Industry		AN ORDINANCE PROHIBITING THE SALE, DISTRIBUTION, POSSESSION, AND DRINKING OF ALL		PCO-2023-060	
V E N U E	Sangguniang Panlungsod Session Hall, 2 ND Floor, Bacoor Government Center	DRINKING OF ALL ALCOHOLIC BEVERAGES IN ALL PUBLIC PLACES WITHIN THE CITY OF BACOOR, CAVITE FROM 10:00 P.M. UP TO 5:00	D A T E / T I M E	February 02, 2023 02:00 P.M.	

COMMITTEE REPORT NO. HS-CO-001-S-2022

The public hearing on 02 February 2023 was attended by the city councilors, Punong Barangay, members of the barangay council and representatives from various barangay, convenience store, restaurant and bar owners/representatives, Mario Abesamis, Vice President Sari-sari Stores Association, Atty. Jess Salvador from the City Administrator Office, Mr. Christian T. Gawaran of the Bussines Permit Licensing Office and other concerned individuals.

The alarming data on the number of drunk driving and road crash incidents are proof of the necessity to further regulate the sale of alcoholic beverages in the City of Bacoor, Cavite. The City Mayor Strike B. Revilla along with the City Council made a thorough review of the drafted ordinance of the above subject matter which was based on the data collected from the Department of Interior and Local Government, the Bacoor Transport Management Office, the Philippine National Police and from various barangay. The vehicular accidents, deaths, injuries and damage to properties on the road mostly resulted from careless and drunken drivers. According to various barangay records, most of the fights and blotter troubles and misunderstandings involved drunk individuals, particularly during late at night, from 10:00 P.M. onwards.



5th SANGGUNIANG PANLUNGSOD

Recommendation:

The Committee through the Committee Chairman, Hon. Alde Joselito Pagulayan, finds no reason to delay due to further deliberation on the abovementioned proposed city ordinance. Likewise, recommends its **APPROVAL** for immediate passing and implementation.

WE HEREBY CERTIFY that the contents of the foregoing report are true and correct.

Signed this 13th day of February 2023 at the City of Bacoor, Cavite.

Committee on Health and Sanitation

COUN. ALDE JOSELITO PAGULAYAN

Chairman

COUN. VICTORIO GUERRERO JR.

Vice Chairman

Committee on Labor, Trade Commerce and Industry - Vice Chairman

COUN. CATHERINE SARINO-EVARISTO

Member

COUN. REYNALDO PALABRICA

Mémber



5th SANGGUNIANG PANLUNGSOD

Committee on Labor, Trade Commerce and Industry

COUN. REYNALDO FABIAN

Chairman

COUN. ROBERTO ADVINCULA

Member

COUN. ALEJANDRO GUTIERREZ

Member



COMMITTEE/S Committee on Health and Sanitation Joint with Committee on Labor, Trade Commerce and Industry		AN ORDINANCE PROHIBITING THE SALE, DISTRIBUTION, POSSESSION, AND DRINKING OF ALL		PCO-2023-060	

MINUTES OF JOINT PUBLIC HEARING NO. HS-CO-001-S-2022

The Public Hearing was presided over by Hon. Councilor Alde Joselito F. Pagulayan, Chairperson of the Committee on Health and Sanitation. He requested the attendees to state their names including the offices or establishments which they represented. After which he read the abovestated proposed ordinance to inform everyone presents about its content.

Hon. Pagulayan shared his brief discussion with the Hon. Mayor Strike B. Revilla regarding the proposed ordinance. Data from different government agencies came to the Mayor's attention. Alarming vehicular incidents involving drunk drivers who got engaged in accidents resulting in injuries and damage to properties showed his eagerness to pass this proposed ordinance.

Several Punong Barangay and members of various barangay councils were given ample time to express their opinion regarding the proposed



5th SANGGUNIANG PANLUNGSOD

ordinance. The sharing that transpired showed their conformity with the ordinance's implementation.

Hon. Councilor Reynaldo D. Palabrica reminded those in attendance that though more people are already complying with various traffic laws and regulations including Republic Act No. 10586 (also known as the "Anti-Drunk and Drugged Driving Act of 2013), the number of persons who get injured and dies due to drunk driving within the City remains alarmingly high. Also, he explained that vehicular accidents, death, injuries and damage to properties mostly resulted from careless and drunk drivers. He also added that according to barangay records, most of the fights involved drunk individuals, particularly during late at night (from 10:00 p.m. onwards). It was seconded by Mr. Angat of the Philippine National Police. Consequently, he asked those in attendance to support the ordinance once it is approved for the sake of public safety.

The Chairperson solicited opinions from the business sector representatives;

- DALI Everyday Grocery through its representative pronounced that the ordinance is good for the welfare not only for the drivers but for the Bacoor residents as well;
- ALFAMART also expressed its support for the proposed ordinance;
- Seven-Eleven representative, "Direct to the point po, makakaapekto po sa sales pero kung ano po yung ipapatupad, susunod po kami":
- Tirona Grill Owner clarifies the "total ban" to be held into consideration. In aid of economic growth, he requested to reconsider some revisions to the said ordinance. He mentioned its effect on the sales, and revenue of the establishments. Nonetheless, he is more than willing to back up the implementation of the ordinance once approved;
- Sari-sari Store Owner Association through its Vice President Mr. Mario Abesamis expressed his support and promised to disseminate and support the implementation of the proposed ordinance.

Hon. Pagulayan requested the body to listen to the points of view of Atty.

Jessie Salvador, representing the City Administrator Office.



5th SANGGUNIANG PANLUNGSOD

Atty. Salvador reiterated that he supports the proposed city ordinance and promised to include the City Inspection and Compliance Unit (CICU) in the dissemination of the ordinance. His only concern was the possibility to expand the term "sale" into "sale, conveyance and distribution". Hon. Palabrica suggested to still include "possession" in the term. Similarly, the penalty leans on the establishment alone. He suggested that buyers or those in possession of alcoholic beverages be given an equal penalty on the ordinance.

Hon. Pagulayan requested Atty. Salvador is to furnish the committee with a written recommendation as to what to include in the proposed ordinance.

Mr. Christian T. Gawaran, OIC of the Business Permit Licensing Office mentioned Art. 27 of the 2022 Revised Revenue Code because there are charges/special permit fees given to those who sell alcoholic beverages from 10 p.m. onwards. As to his opinion, this will affect the revenue of the City Government.

Hon. Palabrica asked for the estimated amount of income being generated from the said special permit fees. Mr. Gawaran estimated an amount of Five Million pesos (Php 5,000,000.00) in revenue. Hon. Palabrica said that the amount is incomparable to the welfare of the residents of Bacoor and profit for the City of Bacoor. This was seconded by the Chairperson.

Hon. Councilor Victorio L. Guerrero Jr. expressed his gratitude to those who attended and promised their support towards this ordinance.

Hon. Councilor Levy M. Tela emphasized the City Mayor's concern to our constituents to lessen incidents and troubles caused by drunk drivers.

Hon. Councilor Reynaldo M. Fabian commended the attendees and the support they've shown on the implementation of the proposed ordinance once it is approved.

Hon. Councilor G. Simplicio Dominguez was thankful for having this kind of ordinance. He mentioned the accident was met by his relative who drove while under the influence of liquor. He claimed that it was a devastating experience for their family.

Hon. Councilor Rogelio M. Nolasco suggested that in "Section 4. Implementation" to add the Homeowners Association Officers. He is positive that HOA officers can help Barangay officials with the dissemination and implementation of the ordinance within their jurisdiction.



5th SANGGUNIANG PANLUNGSOD

Hon. Pagulayan acknowledged Hon. Nolasco's recommendation. He also informed the body that the *Implementing Rules and Regulation (IRR)* will be prepared by the *BPLD* after the passing of this proposed ordinance. Having no more suggestions/comments, Hon. Councilor Gutierrez announced that the hearing is adjourned at 3:23 P.M.

Prepared by:

PETER ADRIAN F. BORJA

Local Legislative Staff Assistant I

Attested by:

COUN. ALDE JOSELITO F. PAGULAYAN

Chairman

Committee on Housing,

Land Utilization and Urban Development





















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Province of Cavite

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5th SANGGUNIANG PANLUNGSOD

COMMITTEE/S Committee on Health and Sanitation Joint with Committee on Labor, Trade Commerce and Industry Sangguniang Panlungsod Session Hall		TITLE OF PROPOSED MEASURE		CONTROL NUMBER	
		An Ordinance Prohibiting The Sale Of All Alcoholic Beverages In The City Of Bacoor, Cavite From 10:00 P.M. To 5:00 A.M. In All Sari-		PCO-2023-060	
		Sari Stores And Convenience Stores And Providing Penalties For Violations Hereof.	DAT/TIME	February 02, 2023/ 2:00 PM	

ATTENDANCE OF HEARING No. HS-CO-060A-S-2023

Name	Contact Number	Signature
COUN. ALDE F. PAGULAYAN		
COUN. REYNALDO FABIAN		J7)
COUN, VICTORIO GUERRERO JR.	<	Jame Jr
COUN. CATHERINE SARINO- EVARISTO		
COUN. REYNALDO PALABRICA		1
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COUN. ALEJANDRO GUTIERREZ		SHA
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LEONARD C. LAMPUS	09500179312	
Heren Menoral	350000000000000000000000000000000000000	(Alg)
MARIO ABESAMIS	09977105768	ttung



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Daniel Allan John Quick	0911397 5457	9



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Cynthia Alim		Otzo
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MaryJane Garrido	09474249335	Garido
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ROBERT NOTAVO	09260836189	
ALFIE GAWARAN	0933 8475865	Da
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COUN ADRIEL GAWARAN		
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5th SANGGUNIANG PANLUNGSOD OR CANT

COMMITTEE/S Committee on Health and Sanitation joint with Committee on Labor, Trade Commerce and Industry		TITLE OF PROPOSED MEASURE		CONTROL NUMBER	
		An Ordinance Prohibiting The Sale Of All Alcoholic Beverages In The City Of Bacoor, Cavite From 10:00 P.M. To 5:00 A.M. In All Sari-	PCO-2023-060		
VENUE	Sangguniang Panlungsod Session Hall	Sari Stores And Convenience Stores And Providing Penalties For Violations Hereof.	DAT/TIME	February 02, 2023/ 2:00 PM	

NOTICE OF PUBLIC HEARING - RECEIVING COPY No. <u>HS-CO-060A-S-2023</u>

NAME	DATE	CONTACT NO.	SIGNATURE
Coun. Reynaldo Fabian	1-30-23		our
Coun. Victorio Guerrero Jr.	1-30-23	09171881891	Juga,
Coun. Catherine Sarino- Evaristo	1- 30 - 23		Spill
Coun. Reynaldo Palabrica	1-90-23	352	gull.
Coun. Roberto Advincula	1/30/23		LH
Coun. Alejandro Gutierrez	1-30-23		<i></i> :
Bacoor PNP	1-30-23	416 7510	agm
BPLO	1- 30 - 2023	263 204	8-
City Legal Office	1-30-23	415	Myonjam
City Compliance and Inspection Unit	1- 30-2027	207 104	&



NAME	DATE	CONTACT NO.	SIGNATURE
City Administrator's Office	01/20/23	405	8
Association of Barangay Captain	01/30/23	0995267312	2
вноасі	01/30/23	09173651192	- Josip

CITY ORDINANCE NO. 262-2023 Series of 2023

AN ORDINANCE PROHIBITING THE SALE, DISTRIBUTION, POSSESSION, AND DRINKING OF ALL ALCOHOLIC BEVERAGES IN ALL PUBLIC PLACES WITHIN THE CITY OF BACOOR, CAVITE FROM 10:00 PM UP TO 5:00 AM, ORDERING THE CLOSURE OF ALL BARS AND BEER HOUSES SELLING ALCOHOLIC BEVERAGES BY 12:00 AM, AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF.

Sponsored by:

Hon. Alde Joselito F. Pagulayan

Co-Sponsored by:

Hon. Roberto L. Advincula, Hon. Ramon N. Bautista, Hon. Simplicio G. Dominguez, Hon. Mac Raven Espiritu, Hon. Catherine Sarino-Evaristo, Hon. Reynaldo M. Fabian, Hon. Adrielito G. Gawaran, Hon. Victorio L. Guerrero, Jr., Hon. Alejandro F. Gutierrez, Hon. Rogello M. Nolasco, Hon. Reynaldo D. Palabrica, and Hon. Levy M. Tela.

WHEREAS, a report from the Bacoor Traffic Management Department reveals that in the year 2022, there have been a total of 248 apprehensions for drunk driving.

WHEREAS, according to the Department of the Interior and Local Government, there have been a total of 547 road crash incidents in the City of Bacoor, Cavite in 2022.

WHEREAS, due to the alarming data on the number of drunk driving and road crash incidents, it is necessary to further regulate the sale of alcoholic beverages in the City of Bacoor.

WHEREAS, Section 16 of the Local Government Code of 1991 provides that every local government unit shall exercise powers essential to the promotion of public welfare.

WHEREAS, prevailing jurisprudence clarifies that city ordinances may regulate, but not completely prohibit trade or commercial activity.

NOW, THEREFORE, be it ordained by the 5th Sangguniang Panlungsod, in session duly assembled, that:

Section 1. Title. This ordinance shall be known as the "Liquor Sale Regulation Ordinance of Bacoor".

Section 2. Prohibition. In order to minimize the number of motor vehicle accidents involving drivers under the influence of intoxicating substances, the sale, distribution, possession, and drinking of all alcoholic beverages by all business establishments and in all public places within the City of Bacoor, Cavite is hereby prohibited from 10:00 pm to 5:00 am every day. All night clubs and beer houses and other similar business establishments selling alcoholic beverages within the City of Bacoor shall not allow the sale of the said products beyond 10:00 pm and shall be prohibited from operating beyond 12:00 am on any given day.

Section 3. Definition of Terms. The following terms used in this Ordinance shall be understood to mean as:

- 3.1. Alcoholic beverages are all beverages containing ethanol such as beer, wine, whisky and distilled spirits, the consumption of which produces intoxication or otherwise increases the blood alcohol content of those who consume said beverages.
- 3.2 Business establishments a place where commercial activities are conducted which shall include but shall not be limited to the sale of various alcoholic beverages whether or not the said enterprise possess or does not possess a valid business permit issued by the Business Permit and Licensing Department.
- 3.3. Sale the exchange of an alcoholic beverage for money or for any consideration.
- 3.4. Distribution the sharing or supplying of alcoholic beverages from one place to another including the delivery of such products from outside of the territorial jurisdiction of the City of Bacoor to a place within the said City.
- 3.5. Possession the carrying of an alcoholic beverage — regardless of its quantity — by any person including the transportation of such beverages in a motor vehicle.
- 3.6. **Drinking** the consumption of alcoholic beverage/s regardless of the latter's quantity or type.

- 3.7. Public Places any place outside one's residence including any place where three or more people are invited, welcomed, convinced, or encouraged to enter for the purpose of consuming alcoholic beverages of any type or quantity.
- Section 4. Implementation. The Business Permits and Licensing Office (BPLO), the Bacoor City Police, the City Inspection and Compliance Unit (CICU) and all barangay officials in the City of Bacoor are hereby empowered to implement this Ordinance. The City Mayor is hereby empowered to deputize any person residing within the City of Bacoor who he/she deems capable of implementing this Ordinance.
- Section 5. Penalties. (A) All business establishments that will violate this Ordinance shall be closed for fifteen (15) to forty-five (45) calendar days upon conviction by a court of competent jurisdiction. The owner, manager, or supervisor of the said establishments including the person/s who actually sold, distributed, possessed, or drank the intoxicating beverage during the prohibition period mentioned above shall pay a fine of P5,000.00 and shall be imprisoned for thirty (30) days upon conviction by a court of competent jurisdiction.
- (B) In case the offender qualifies for the rendition of community service in lieu of paying the said fines or serving the said imprisonment pursuant to City Ordinance No. 228-2022 (the "Uniform Procedures Implementation Ordinance of Bacoor"), the payment of the said fines and the serving of the said imprisonment may be suspended.
- (C) In case the offender is an employee of the city government, the said person may aside from being made to pay the fines and to serve the prison terms mentioned above also be terminated from employment pursuant to pertinent civil service rules and regulations.
- (D) In case the offender is a corporation or partnership, the president, CEO, or managing partner of the said juridical entity shall pay the appropriate fines and shall serve the prison terms imposed by the court after conviction.
- Section 6. Ordinance Violation Receipt. No criminal action shall be filed in court by any official/employee of the city government unless an Ordinance Violation Receipt is issued against the offender/s pursuant to the relevant provisions of City Ordinance No. 228-2022.

Section 7. Repeal. All ordinances and executive orders inconsistent with the provisions of this Ordinance are hereby repealed and/or modified accordingly.

Section 8. Separability. All provisions of this Ordinance not declared void or unconstitutional by a court of law shall remain valid.

Section 9. Effectivity. This Ordinance shall become effective immediately after it has been published at least once in a newspaper of general circulation in the City of Bacoor, Cavite.

APPROVED this 6th day of February 2023 at the City of Bacoor, Cavite by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite.

I hereby certify that the foregoing ordinance was duly approved in accordance with law by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite.

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA City Vice Mayor/ Presiding Officer

Attested by:

ATTY. KHALID A. ATEGA JR. Sangguniang Panlungsod Secretary

Approved by:

HON. STRIKE B. REVILLA City Mayor

Date of Approval: _____



G.5 For Committee Hearing: PCO 2023-060 – AN ORDINANCE PROHIBITING THE SALE OF ALL ALCOHOLIC BEVERAGES IN THE CITY OF BACOOR, CAVITE FROM 10:00 P.M. UP TO 5:00 A.M. AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF.

Proposed City Ordinance No. __ Series of 2023

AN ORDINANCE PROHIBITING THE SALE OF ALL ALCOHOLIC BEVERAGES IN THE CITY OF BACOOR, CAVITE FROM 10:00 PM UP TO 5:00 AM AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF.

Sponsored by

WHEREAS, a report from the Baccor Traffic Management Department reveals that in the year 2022, there have been a total of 248 apprehensions for drunk driving.

WHEREAS, according to the Department of the Interior and Local Government, there have been a total of 547 road crash incidents in the City of Bacoor, Cavite in 2022.

WHEREAS, due to the alarming data on the number of drunk driving and road crash incidents, it is necessary to further regulate the sale of alcoholic beverages in the City of Baccor.

WHEREAS, Section 16 of the Local Government Code of 1991 provides that every local government unit shall exercise powers essential to the promotion of public welfare.

WHEREAS, prevailing jurisprudence clarifies that city ordinances may regulate, but not completely prohibit trade or commercial activity.

NOW, THEREFORE, be it ordained by the 5th Sangguniang Panlungsod, in session duly assembled, that

Section 1. Title. This ordinance shall be known as the "Liquor Sale Regulation Ordinance of Bacoor"

Section 2. Prohibition. In order to minimize the number of motor vehicle accidents involving drivers under the influence of intoxicating substances, the sale of all alcoholic beverages by all sani-sani stores, convenience stores, and other business establishments in the City of Baccor, Cavite is hereby prohibited from 10.00 pm to 5.00 am every day.

Section 3. Definition of Terms. The following terms used in this Ordinance shall be understood to mean as:

- 3.1. Aicoholic beverages are all beverages containing ethanol such as beer, wine, whisky and distilled spirits, the consumption of which produces intoxication or otherwise increases the blood alcohol content of those who consume said beverages.
- 3.2 Sari-Sari stores small neighborhood stores selling a variety of goods including alcoholic beverages.
- 3.3. Convenience stores a store with extended opening hours and in a convenient location, stocking a limited range of household goods and groceries including alcoholic beverages.

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Section 4. Implementation. The Business Permits and Licensing Office, the Bacoor City Police, the City Impection and Compliance Unit (CICU) and all barangay officials in the City of Bacoor are hereby empowered to implement this Ordinance

Section 5. Penalties. All san-san stores, convenience stores, and other business establishments, that will violate this Ordinance shall be closed for fifteen (15) to forty-five (45) calendar days upon conviction by a court of competent jurisdiction. The owner, manager, or supervisor of the said establishments including the person who actually sold the intoxicating beverage during the prohibition period mentioned above shall pay a fine of P5,000,00 and shall be imprisoned for thirty (30) days upon conviction by a court of competent jurisdiction.

Section 6. Repeat. All ordinances and executive orders inconsistent with the provisions of this Ordinance are hereby repealed and/or modified accordingly.

Section 7. Separability. All provisions of this Ordinance not declared void or unconstitutional by a court of law shall remain valid.

Section 8. Effectivity. This Ordinance shall become effective immediately after it has been published at least once in a newspaper of general circulation in the City of Baccor, Cavite

APPROVED this ____ day of February 2023 at the City of Baccor.

Cavite:

I hereby certify that the foregoing ordinance was duly approved in accordance with law by the 5th Sangguniang Panlungsod of the City of Baccor, Cavite.

Certified by

HON. ROWENA BAUTISTA-MENDIOLA City Vice Mayor/ Presiding Officer

Attested by

ATTY, KHALID A. ATEGA JR. Sanggunung Panlungsod Secretary

Approved by

HON, STRIKE B. REVILLA City Mayor

Date of Approval.

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