



Republic of the Philippines

CITY OF BACOR

Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

District I:

ABSENT

HON. AVELINO B. SOLIS
City Councilor

HON. EDWIN G. GAWARAN
City Councilor

HON. MIGUEL N. BAUTISTA
City Councilor

HON. ROWENA BAUTISTA - MENDIOLA
City Councilor

HON. REYNALDO M. FABIAN
City Councilor

HON. VENUS D. DE CASTRO
City Councilor

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HON. GAUDENCIO P. NOLASCO
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HON. BAYANI M. DE LEON
City Councilor

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HON. LEANDRO A. DE LEON
City Councilor

HON. ROBERT R. JAVIER
City Councilor

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

Attested by:

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

Certified by:

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

Approved by:

HON. STRIKE B. REVILLA
City Mayor

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-I, SERIES OF 2008 OTHERWISE KNOWN AS THE "GENERAL ORDINANCES CODE OF BACOR" REGARDING THE PROHIBITION AGAINST THE SALE OF WINES, LIQUORS, 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. Gutierrez, Hon. Victorio L. Guerrero, Hon. Roberto R. Javier, 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 thereby 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-I 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 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-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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Sangguniang Panlungsod Secretary

Certified by:

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City Vice Mayor/Presiding Officer

Approved by:

HON. STRIKE B. REVILLA
City Mayor

solvents 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 Ordinance No. 4-I Series of 2008 are hereby amended and shall hereafter 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 tobacco 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

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[Signature]
 ATTY. KHALIL A. ATEGA, JR.
 Sangguniang Panlungsod Secretary

Certified by:
[Signature]
 HON. CATHERINE S. EVARISTO
 City Vice Mayor/Presiding Officer

Approved by:
[Signature]
 HON. STRIKE B. REVILLA
 City Mayor

absolutely prohibited in the City of Bacoor. The following penalties shall be imposed against the owner/s, manager/s, or supervisor/s on duty of any establishment that 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 Health Officer (CHO);

Second Offense

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

Third Offense

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 Bacoor 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

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 City Mayor

CHO:
P2,000.00 fine plus five (5) day imprisonment;
P5,000.00 fine plus ten (10) day imprisonment.

Second Offense

Third Offense

Section 4C.06. Right and duty of business establishments to refuse sale of tobacco products, intoxicating beverages or products, and/or products containing solvents to persons suspected of being minors or of being mentally incapacitated and to 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 with solvents such as but not limited to rugby, acetone, and or roof sealant to any person suspected of being a minor or of being mentally 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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Sangguniang Panlungsod Secretary

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City Vice Mayor/Presiding Officer

Approved by:

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City Mayor

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

Section 4C.07 Definition. As used in this Chapter, the following words and phrases shall be understood to mean as follows:

a. **Bar** – includes beer gardens or places where intoxicating and fermented 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.

b. **Cigarette** – a small cylinder of finely cut tobacco leaves rolled in thin paper for smoking.

c. **Food Establishment** – an establishment where food or drinks are manufactured, processed, stored, sold, served, including those that are located in vessels.□

d. **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 term shall also include slaughter houses.

e. **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.

f. **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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buildings in a particular site specifically intended for educational purposes.□

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

Section 4C.08. Rules in the Interpretation of this Section.
The following rules shall be observed in the interpretation of this Section:

1. Words used in singular also include the plural. The reverse is also true;
2. Words used in the present tense shall also include the past tense. The reverse is also true;
3. 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;
5. 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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In case of conflict



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Sections 3-5 only apply to amended sections of 4C-02 & 4C-04

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 City Vice Mayor/Presiding Officer

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 City Mayor

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

This Ordinance is intended to interfere with, abrogate, and 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 imposed under other provisions of the General Ordinances Code, the provision that is more restrictive or that imposes higher standards shall control.

If any court of competent jurisdiction adjudges any part or provision of the General Ordinances Code –or the application hereof to any person or circumstances – invalid, such judgment shall 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 the application of them to other persons or circumstances.

Section 4. Automatic Review. The Sangguniang Panlungsod shall automatically review this Ordinance once every three (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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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 Bacoor.

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

Attested by:

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

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