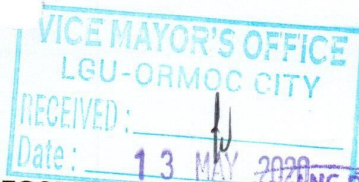


REPUBLICA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL
ON MAY 12, 2020



PRESENT:

Leo Carmelo L. Locsin, Jr.
Benjamin S. Pongos, Jr.,
Roiland H. Villasencio,
Tomas R. Serafica,
Nolito M. Quilang,
Eusebio Gerardo S. Penserga,
Jasper M. Lucero,
Peter M. Rodriguez,
Vincent L. Rama,
Gregorio G. Yrastorza III,
Lalaine A. Marcos,
Esteban V. Laurente,

City Vice Mayor & Presiding Officer
SP Member, Majority Floor Leader
SP Member, 1st Asst. Majority Floor Leader
SP Member, Presiding Officer "Pro-Tempore"
2nd Asst. Majority Floor Leader, SP Member
SP Member
SP Member
SP Member
SP Member
SP Member
SP Member
Ex-Officio SP Member, Chapter President,
Liga ng mga Barangay ng Ormoc
Ex-Officio SP Member, Chapter President,
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

PREFATORY STATEMENT

WHEREAS, Section 5, Article II of the 1987 Constitution state that, "the maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessing of democracy". Toward this end, the City shall ensure that constituents are given the peace and protection that they deserve;

WHEREAS, Section 16 of Republic Act No. 7160 otherwise known as the Local Government Code of 1990 provides that "every local government unit shall exercise the powers expressly granted, those necessarily implied there from, 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, Section 458 paragraph (a) sub-paragraph (1) (v) of the same code provides that, "the Sangguniang Panlungsod, being the legislative body of the City shall enact ordinances intended to prevent, suppress and impose penalties for habitual drunkenness in public places and such other activities inimical to the welfare and morals of the inhabitants of the City.";

WHEREAS, the Department of Interior and Local Government issued Memorandum Circular No. 2019-193 enjoining all local officials to responsibly exercise the authority granted by law to regulate the use of streets, avenues, alleys, sidewalks, parks and other public places, within their area of jurisdiction, as well as sustain, the efforts that have already been attained by road clearing;

WHEREAS, it is of common knowledge that public plazas, parks, road, sidewalks and alleys within the City and its barangays have been used as venues for drinking sessions and sprees which are offensive to public policy and decency;

NOW, THEREFORE, on motion of SP Member Gregorio G. Yrastorza, III, Chairman, Committee on Justice, Peace & Order, severally seconded by SP Members Tomas R. Serafica, Roiland H. Villasencio, Nolito M. Quilang, Jasper M. Lucero, Vincent L. Rama, Lalaine A. Marcos, Esteban V. Laurente and Joan Marbie C. Simbajon; be it

RESOLVED, to enact:

**ORDINANCE NO. 025
(Series of 2020)**

**AN ORDINANCE PROHIBITING THE CONSUMPTION OF
ALCOHOLIC LIQUORS AND OTHER INTOXICATING
BEVERAGES IN PUBLIC PLACES OR ANY PROPERTY
FOR PUBLIC USE, PROVIDING EXCEPTIONS
THERETO AND PROVIDING PENALTIES FOR
VIOLATION THEREOF.**

BE IT ORDAINED, by the 15th Sangguniang Panlungsod of Ormoc, in a session duly assembled that:

SECTION 1. DEFINITION OF TERMS. For the purpose of this ordinance alcoholic liquors and intoxicating beverages shall be construed as any drink especially distilled spirits that start with a process called fermentation including whiskey, brandy, rum, wine, cognac, beer, ale, gin, tuba or coconut wine, or any drink containing ethyl or ethanol or any other alcohol fit for human consumption.

When used in this ordinance, the terms "public places" or "any property for public use" shall have the same definition as provided for under Article 424 of the New Civil Code (NCC) of the Philippines. Article 424 NCC, provides that places or "property for public use in the provinces, cities, and municipalities, consist of the provincial roads, city streets, municipal streets, the squares, fountains, public waters, promenades and public works for public service paid for by the said provinces, cities, or municipalities". Words not otherwise defined herein shall take its common and ordinary meaning.

SECTION 2. PROHIBITED ACTS. It shall be unlawful for any person to drink or consume alcoholic beverages or intoxicating liquors in public places or any property for public use such as, but not limited to, public plazas, parks and playground, public markets, public ports, national roads or highways, streets, alleys and sidewalks of the City or its barangays. In no case shall consumption of alcoholic beverages or intoxicating liquors be permitted in public alleys, city sidewalks, public playgrounds and national roads or highways.

SECTION 3. PERMITTED CONSUMPTION. Consumption of alcoholic beverages and intoxicating drinks in places or property for public use may be allowed on official public occasions such as, but not limited to fiestas or other special holidays or food bazaars, provided that the City Mayor duly issues a permit with conditions that ensure observance of measures to maintain public order and peace in the said specific area.

Public places used for commercial purposes where drinking of alcoholic liquor and other intoxicating beverages is allowed are exempt from the application of this Ordinance.

SECTION 4. PENALTY. Any person found to be in violation of this ordinance shall be punished with a penalty of imprisonment of not more than thirty (30) days, or a fine in the amount of not less than ONE THOUSAND PHILIPPINE PESOS (PHP1,000.00) nor more than FIVE THOUSAND PHILIPPINE PESOS (PHP5,000.00), or both fine and imprisonment at the discretion of the Court.

Ord. No. 025, S. 2020

SECTION 5. ADMINISTRATIVE FINE. Any person cited for violation of this ordinance may choose to pay voluntarily an administrative fine in the amount of ONE THOUSAND PESOS (PHP1,000.00), provided that the payment is tendered before the filing of the formal charge with the proper court. The payment shall be made to the City Treasurer's Office.

SECTION 6. ENFORCEMENT. The Ormoc City Police Office, the Barangay, the City Treasurer's Office and other concerned government agencies shall ensure the strict implementation of this Ordinance.

SECTION 7. SEPARABILITY CLAUSE. If any provision, portion or part of this Ordinance is found to be inconsistent with the any law, the other provisions or parts thereof not so affected shall remain in full force and effect."

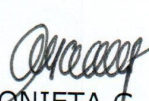
SECTION 8. EFFECTIVITY. This Ordinance shall take effect upon its approval and publication in the local newspaper of general circulation, and posting in conspicuous places in the City of Ormoc as required under the Local Government Code.

ENACTED, May 12, 2020.


RESOLVED, FURTHER, to furnish copies of this Ordinance each to the City Mayor Richard I. Gomez; the City Administrator, Mr. Vincent L. Emnas; the City Legal Officer, Atty. Josephine Mejia-Romero; the City Treasurer's Office; the Business Permits & Licensing Office; the City Director, Ormoc City Police Office; the City Prosecutor's Office; the Municipal Trial Court in Cities; the Liga ng mga Barangay ng Ormoc-President; the 110 Punong Barangays of Ormoc City; the City Local Government Operations Officer-DILG; and other offices concerned, all in Ormoc City.

CARRIED UNANIMOUSLY.

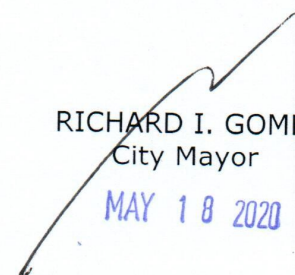
I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
Secretary to the
Sangguniang Panlungsod

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
City Vice Mayor & Presiding Officer

APPROVED:


RICHARD I. GOMEZ
City Mayor

MAY 18 2020