ORDINANCE NO. 03-113

AN ORDINANCE PROHIBITING THE SELLING OF BEERS, LIQOURS AND OTHER INTOXICATING BEVERAGES, CIGARETTES INCLUDING OTHER TOBACCO PRODUCTS TO MINORS. FURTHER, PROHIBITING MINORS TO SMOKE CIGARETTES AND OTHER TOBACCO PRODUCTS, AND TO DRINK BEERS, LIQOURS AND OTHER INTOXICATING BEVERAGES AND/OR ENGAGE IN A DRINKING SPREE IN PUBLIC PLACES, PROVIDING FOR STIFFER PENALTIES THEREOF.

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Source: Author: Hon. Rene Carl S. Cayetano
Sponsor: Hon. Icaviano M. dela Rea

WHEREAS, Section 13, Art. II of the 1987 Constitution provides that, "the State recognizes vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being".

WHEREAS, Section 458(a) of R.A. 7160, otherwise known as the Local Government Code of 1991 provides that, "the Sangguniang Panlungsod, as the Legislative body of the City shall enact ordinances, xxx for the general welfare of the City and its inhabitants xxx";

WHEREAS, Section 458 (5) (xiv) of the same Code, "empowers the Sangguniang Panlungsod to regulate or fix license fees for any business xxx within the City and the conditions under which license for said business xxx may be revoked xxx";

WHEREAS, the future of our minors is constantly under threat from the incessant exposure to the world of vices, and easy accessibility of intoxicating alcoholic beverages and cigarettes in retail and/or sari-sari stores within their own communities;

WHEREAS, there is a need to take steps in order to protect our younger and future generations,
WHEREAS, there is a compelling need to prohibit the selling of cigarettes, including other tobacco products, beers, liquors and other intoxicating beverages to minors. Further, prohibiting minors to smoke cigarettes including other tobacco products and drink beers, liquors and other intoxicating products and/or engage in a drinking spree in public places;

NOW, THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED by the Sangguniang Panlungsod of Muntinlupa that:

Section 1. DEFINITION OF TERMS.

a. Minor – a person under 18 years of age.
b. Drinking spree – a group of minors drinking beer, liquor or any other intoxicating beverages together.
c. Public Places – places devoted for public use such as but not limited to public transportation, sari-sari stores, convenience stores, bars, restaurants, billiard halls, malls, schools, private clubs, and other similar business establishments.
d. Commercial and Business Establishment – establishments offering services to the public and engage in the business of selling, serving, and allowing the consumption of beer, liquor, and other tobacco products. Such as but not limited to retail stores, sari-sari stores, bars, restaurants, billiard halls, malls and other similar establishments within the City of Muntinlupa.

Section 2. PROHIBITION.

A. It shall be unlawful to sell cigarettes and other tobacco products, beer, liquor and other intoxicating beverages to minors.

B. It shall be unlawful for commercial establishments, retail stores, sari-sari stores, convenience stores, bars, restaurants, billiard halls, malls, and other similar business establishments to tolerate and allow the consumption of cigarettes and other tobacco products, beer, liquor, and other intoxicating beverages within their vicinities and/or area of jurisdiction.

C. It shall be unlawful for minors to smoke cigarettes and other tobacco products and to drink beer, liquor, and other intoxicating beverages and/or engage in a drinking spree in public place.

Section 3. POSTING OF NOTICE. All owners, proprietors, and operators of business establishments such as retail stores, sari-sari stores, convenience stores, bars, restaurants, billiard halls, malls, and other similar business establishments within the City of Muntinlupa shall post the following notice in a conspicuous within their establishments.
"Selling, serving and allowing the consumption of beer, liquor, cigarettes and other tobacco products to minors are prohibited by law."

"Ang pagbenta o pagkonsumo ng beer, alak at iba pang nakalalasing na inumin, sigarilyo at iba pang produkto mula sa tabako sa mga menor de edad ay mahigpit na ipinagbabawal ng batas."

Section 4. PEnalties. Any person who shall violate this Ordinance shall be penalized or pay fines in a manner provided below:

A. For those in violation of Sec. 2(a) and 2(b) respectively:
   1st Offense – A fine of Php 1,000.00
   2nd Offense – A fine of Php 3,000.00 and/or suspension of license to operate for 15 days in the City of Muntinlupa.
   3rd Offense – A fine of Php 5,000.00 and/or revocation of license to operate in the City of Muntinlupa

B. For those in violation of Sec. 2(c):
   1st Offense – A fine of Php 150.00
   2nd Offense – A fine of Php 300.00
   3rd Offense – A fine of Php 500.00

C. For those in violation of Sec.3 respectively:
   1st Offense – A fine of Php 1,000.00
   2nd Offense – A fine of Php 3,000.00 and/or suspension of license to operate for 15 days in the City of Muntinlupa.
   3rd Offense – A fine of Php 5,000.00 and/or suspension of license to operate in the City of Muntinlupa.

Section 5. The owner or proprietor shall ask for any valid identification card to verify the buyer’s age before selling cigarettes and alcoholic beverages to the same.

Section 6. Implementation/Enforcement. The Business Permits and Licensing Office (BPLO) will be tasked to implement Sections 2(a), 2(b), 3 and 4, and the Barangay shall be tasked to implement Section 2(c) of this ordinance.

Section 7. Separability Clause. If, for any reason, any part or provision of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions, hereof which are not affected thereby shall continue to be in full force and effect.

Section 8. Repealing Clause. All Ordinances or part or parts thereof, which are consistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 9. Effectivity. This Ordinance shall take effect immediately after publication in any newspaper of general circulation in the City.
ENACTED, by the Sangguniang Panlungsod of Muntinlupa this 28th day of August 2003, on its 84th Regular Session.

CONCURRED:

BAL MEFES
Councilor

ATTY. PATRICIO L. BONCAYO, JR.
Councilor

ÁLLEN'REY A. CAMILON
Councilor

ATTY. RAUL R. CÓRRO
Councilor

ATTY. ICASIANO M. DELA REA
Councilor

RUFINO B. JOMAQUIN
Councilor

SANTIAGO V. CARLOS, JR.
Councilor

CHRISTIAN GLENN D. LORICA
Sect. Representative
President
Federation of Sangguniang Kabataan

ABSENT:

ALDRIN L. SAN PEDRO
Councilor

MELCHIOR R. TEVES
Councilor

ELMER S. ESPELETA
Councilor

FRANCIS ILAN T. BAGATSING
Councilor

RENE CARL S. CAYETANO
Councilor

LUCIO B. CONSTANTINO
Councilor

MAMERTO T. SEVILLA, JR.
Councilor

ARTEMIO A. SIMUNDAC
Sect. Representative
President
Association of Barangay Captains

DR. NICANOR L. ECHAVEZ
Councilor

MARIO E. BULAY, JR.
Councilor
I HEREBY CERTIFY, as to the correctness of the foregoing ordinance.

ATTY. ISIDORO L. SORIANO, JR.
Secretary
SANGGUNIANG PANLUNGSOD

ATTESTED:

ATTY. JO JASON T. ALCARAZ
City Vice Mayor, Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEIDI
City Mayor

Date: