ORDINANCE NO. 2021-246

AN ORDINANCE ALLOWING THE LIMITED/REGULATED SALE AND CONSUMPTION OF LIQUOR AND OTHER INTOXICATING DRINKS IN THE CITY OF MUNTINLUPA DURING NON-CURFEW HOURS OR PROHIBITED DURING TWELVE (12) MIDNIGHT TO FOUR (4) IN THE MORNING AMENDING FOR THIS PURPOSE SECTION 3 OF ORDINANCE 2021-232

Sponsored by: Hon. Coun. Francis Ian T. Bagatsing
Hon. Coun. Mark Lester M. Baes
Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Alexson V. Diaz
Hon. Coun. Katy Paty C. Boncayao
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Ting Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Ivey Rhia A. Tadefa
Hon. Coun. Engr. Marissa C. Rongavilla
Hon. Coun. Engr. Arlene D. Hilapo
Hon. Coun. Cornelio M. Martinez
Hon. Coun. Walter A. Arcilla

WHEREAS, under Section 15, Article II of the Philippines Constitution, provides that, "it is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them";

WHEREAS, Section 16 of the Local Government Code of 1991 (R.A. No. 7160) further provides that, "every local government unit (LGU) shall exercise powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental to its efficient and effective governance, and those which are essential to the promotion of general welfare";

WHEREAS, the pandemic brought about by Covid-19 obligated the national government to impose various restrictions on the movement of people where economic, health and social norms were regulated. To this end, local government units were given the latitude to regulate the activities of people within its jurisdiction including the sale and consumption of liquor and intoxicating drink seen as one of the causes of social gathering and getting together of persons in violation of social distancing;

WHEREAS, in June 2021, President Rodrigo R. Duterte extended the general community quarantine (GCQ) classification in the National Capital Region (NCR) Plus with Laguna and Cavite still under "heightened restrictions" until July 15, 2021;
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WHEREAS, the Metro Manila Council of Metropolitan Manila Development Authority (MMDA) adopted Resolution No 21-10 Series of 2021 setting the Standardized and Unified Curfew Hours in the National Capital Region from 12:00 midnight to 4:00 a.m. starting on 15 June 2021 through the Metro Manila Local Government Units;

WHEREAS, the Sangguniang Panlungsod of Muntinlupa enacted numbers of ordinances regulating the sale and consumption of liquor and other intoxicating drinks, the latest of which is Ordinance 2021-232 which eased the restriction as to the time of purchase and quantity of intake of liquor;

WHEREAS, the City Council, heeding the clamor of its constituency and the imposition of the GCQ under heightened restrictions, recognizes the need to gradually and cautiously open the economy disrupt underemployment, and promote economic growth but ever mindful of the paramount interests of life and health and the strict implementation health protocols, deemed the easing of regulation on the sale and consumption of liquor;

NOW THEREFORE, BE IT ENACTED, by the 9th Sangguniang Panlungsod in session assembled that:

SECTION 1. Short Title. This Ordinance shall be known as the "Sale and Consumption of Liquor during Non-Curfew Hours."

SECTION 2. Coverage. This Ordinance shall cover the following persons and entities: a. All natural persons, resident or non-resident, found in Muntinlupa City; and b. All juridical persons and business establishments located and/or operating in Muntinlupa City.

SECTION 3. Sale and Consumption of Alcoholic Beverages. Sale of liquor and other alcoholic beverages shall be allowed in commercial establishments permitted by the IATF and other implementing agencies:

1) Sale of liquor and other alcoholic beverages to minors and those already intoxicated shall be prohibited;
2) Sale of liquor and other intoxicating beverages shall only be during non-curfew hours or prohibited during 12 midnight to 4 a.m.
3) Social drinking involving individuals not living in the same residence nor member of the same household shall be strictly prohibited even when done inside a private residence;

SECTION 4. Implementation and Enforcement. This Ordinance shall be implemented by the Philippine National Police (PNP)-Muntinlupa, Public Order and Security Office (POSO), City Security Office (CSO), Muntinlupa Traffic Management Bureau (MTMB), Business Permit and Licensing Office (BPLO), Barangay Chairpersons and their personnel, and other individuals deputized by the Local Chief Executive (LCE).
SECTION 5. Penalty. Any person violating this Ordinance shall be meted with the following penalties, without prejudice to the charges under R.A. No. 11469 and R.A. 11332, which penalizes non-cooperation of persons or entities during a health event of public concern:

A. For Business Establishments:
   a. **First Offense** - Closure for one (1) week
   b. **Second offense** - Revocation of Business Permit

B. For Persons who are Sellers:
   a. **First Offense** - Php2,000.00
   b. **Second Offense** - Php5,000.00

C. For Persons who are Buyers or Consumers:
   a. **First Offense** - Php2,500.00
   b. **Second Offense** - Php5,000.00

SECTION 6. Separability Clause. If, for any reason or reasons, any part or provision of this ordinance shall be held to be unconstitutional or invalid, other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 7. Repealing Clause. All previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

SECTION 8. Publication. This Ordinance shall be published pursuant to the requirements of the Local Government Code and shall be posted by the Public Information Office (PIO) in the Official Website of the City Government of Muntinlupa and in all available social media platforms, including posting in conspicuous places in barangay halls, health centers, public markets and other public places.

SECTION 9. Effectivity Clause. This ordinance shall take effect immediately upon approval and in accordance with the publication requirement by the Local Government Code of 1991.

ENACTED, by the 9th Sangguniang Panlungsod of Muntinlupa this 5th day of July 2021, on its 104 Regular Session.

CONCURRED:

COUN. ATTY. RAUL R. CORRO  
Member

COUN. PATY KATY C. BONCAYAO  
Member

DISTRICT 1:

COUN. ALEXSON V. DIAZ  
Member

COUN. LOUISITO A. ARCIAGA  
Member
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COUN. ALLAN REY A. CAMILON
Member

COUN. STEPHANIE G. TEVES
Member

COUN. IVEE RHIA A. TADEFA
Member

COUN. TING NIEFES
Member

COUN. ENGR. MARISSA C. RONGAVILLA
Member

COUN. FRANCIS IAN T. BAGATSING
Member

COUN. MARK LESTER M. BAES
Member

COUN. MA. DHERSEEE G. AREVALO
Member

COUN. ENGR. MARCETO T. SEVILLA, JR.
Member

COUN. ENGR. ARLENE D. HILAPO
Member

COUN. WALTER A. ARCILLA
President
Sectoral Representative
Association of Barangay Chairman

COUN. CORNELIO M. MARTINEZ
Member

COUN. KENICH D. TAKAGI, JR.
President
Sectoral Representative
Federation of Sangguniang Kabataan

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CECILIA C. LAZARTE
Secretary to the Sanggunian
Ordinance No. 2021-246

ATTESTED:

ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDA
City Mayor
Date: 12 JUL 2021

Norie/9th SP