



Republika ng Pilipinas

Lungsod ng Caloocan



TANGGAPAN NG SANGGUNIANG PANLUNGSOD

ORDINANCE NO. 0397 S. 2005
(PROPOSED ORDINANCE NO. 1085)

AN ORDINANCE REGULATING THE SELLING AND/OR SERVING, DRINKING OF BEER, LIQUOR OR ALCOHOLIC BEVERAGE OF ANY KIND IN DESIGNATED PLACES WITHIN THE TERRITORIAL JURISDICTION OF CALOOCAN CITY, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

WHEREAS, Section 5, Article 11 of the 1987 Constitution provides 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 blessings of democracy,”

WHEREAS, Section 11, Article II of the 1987 Constitution, likewise, provides that, “the State values the dignity of every human person and guarantees full respect for human rights,”

WHEREAS, Section 16 of Republic Act No. 7160 otherwise known as the “Local Government Code of 1991” 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. Within their respective territorial jurisdiction, local government units shall ensure and support, among other things, x x promote health and safety, x x improve public morals, x x maintain peace and order, and preserve the comfort and convenient of their inhabitants;

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 x x and such other activities inimical to the welfare and morals of the inhabitants of the City;

WHEREAS, the challenge for every barangay of this City in pushing for a citywide ban on drinking of beer, liquor or alcoholic beverage of any kind in public places within the jurisdiction of Caloocan City cannot be

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ignored and disregarded, the general welfare of the citizenry being of primordial interest;

NOW, THEREFORE, BE IT ORDAINED, as it is hereby ordained by the Sangguniang Panlungsod, City of Caloocan, in a session duly assembled that:

SECTION 1. DECLARATION OF POLICY

It is the policy of the Local Government of Caloocan City to protect its citizenry from such activities inimical to their welfare and morals and to safeguard their rights by the maintenance of peace and order in every barangay in this City.

SECTION 2. SCOPE OF POLICY

This Ordinance shall be legal and effective within the territorial jurisdiction of Caloocan City.

SECTION 3. DEFINITION OF TERMS

- a. The terms beer, liquor or alcoholic beverages, whether distilled or fermented, such as but not limited to gin, brandy, whisky, beer or other locally fermented wines such as tuba, basi and the like.
- b. Public Place shall refer to all places accessible to the public such as parks, public playgrounds, waiting shed, sidewalk, public road, alley, other open space outside of residential perimeter fences and other places considered to be a public place under the law.
- c. Sari-sari Store or similar establishment shall refer to establishment not licensed as restaurant, panciteria, hotel, or bar.

SECTION 4. PROHIBITED ACTS

1. The selling and/or serving of beer, liquor, or alcoholic beverages of any kind by a sari-sari store or similar establishment, or by a restaurant, panciteria, hotel or bar, whether licensed or not, to a minor/s is hereby PROHIBITED unless the owner, proprietor, manager and/or person in charge thereof can prove/justify to the fact that said minor/s is under instruction by his/her parents, guardian or person exercising parental authority or supervision over the minor/s, to buy or purchase beer, liquor or alcoholic beverages for the satisfaction of the parents, guardian or person concerned and the allegation/s is corroborated by the minor/s.
2. The drinking of beer, liquor or alcoholic beverages of any kind, within the premises of, or around the sari-sari store or similar

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establishment not licensed as restaurant, panciteria, carinderia, hotel or bar is also PROHIBITED.

3. The drinking of beer, liquor or alcoholic beverages of any kind in the street, by the sidewalk, in an alley, whether public or private in a park or plaza and other places considered to be a public place is, likewise, PROHIBITED unless the area considered to be a public place is officially declared by the city as open for commercial activities such as allowing or permitting therein the selling, serving and/or drinking of beer, liquor or alcoholic beverage of any kind in the said place.

SECTION 5. EXEMPTIONS

1. In certain occasion such as birthday, baptismal, wedding, wedding anniversary and even during week days when a group of two or more persons of any kind in the gathering, whenever necessary that a certain portion/area considered to be a public place be used/availed of by them, **PROVIDED, HOWEVER, THAT**; the Punog Barangay or in his absence the senior Kagawad having jurisdiction over the place, shall be notified in writing one (1) week before the celebration of said occasion stating the purpose/s thereof for such availment, and the Punong Barangay or the senior Kagawad gives consent or permission to such request.
2. Minor/s who is/are under instruction to buy/purchase beer, liquor or alcoholic beverage of any kind by his parents, guardian or other person/s exercising parental authority or supervision over the said minor/s.
3. Sari-sari store or similar establishment or restaurant, panciteria, hotel or bar selling beer, liquor or alcoholic beverages of any kind to a minor/s referred to in paragraph 2 of this section.
4. Other occasion such as Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Town Fiesta and other Public Holiday officially declared as such, whenever a certain area/portion considered to be a public place be availed of or used for the purpose of drinking beer, liquor or alcoholic beverages of any kind, **PROVIDED, HOWEVER, THAT** the Punong Barangay or the senior Kagawad, having jurisdiction over the place, shall be notified in writing one (1) week before the celebration of the said

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occasion stating the purpose/s thereof for such availment and , the Punong Barangay or the senior Kagawad gives consent or permission to such request.

5. Public places officially declared by the local government of Caloocan City to be open for commercial activities thereby allowing/permitting the selling serving and/or drinking of beer, liquor, or alcoholic beverages of any kind in the said place.

SECTION 6. PENALTIES AND FINES

Any person violating the provisions of this Ordinance shall upon conviction thereof, be punished by a fine of not less than One Thousand Pesos (P1000.00) nor more than Five Thousand Pesos (P5,000.00), or by an imprisonment of Two (2) months but not exceeding One (1) year, or both at the discretion of the Court, PROVIDED HOWEVER, THAT in case of sari-sari store or similar establishment, the owner, proprietor, manager and/or person in charge thereof, shall be liable therefore. In addition to the above penalty, there shall be an automatic revocation of the license for the said Sari-Sari store or similar establishment.

SECTION 7. POLICY IMPLEMENTORS

1. Caloocan City Police Force
2. City Mayor
3. City Vice Mayor
4. Members of the Sangguniang Panlungsod
5. Caloocan City Barangay Officials
6. Caloocan City Barangay Tanod within their respective Barangay
7. Caloocan City Barangay Lupon within their respective Barangay

SECTION 8. POLICY IMPLEMENTATION PROCEDURES

- a. Due process of law shall always be observed by all policy implementation at all times.
- b. Human rights and human dignity of violators shall be observed by the policy enforcers.
- c. Apprehending officials must have proper identification when executing an arrest.

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- d. Arbitrary detention or solitary confinement shall never be practiced or imposed on the violator.
- e. Immediately after the arrest, the violator/s shall be turned over by the apprehending officer/s to the Punong Barangay, or to the Barangay Kagawad on duty at the Barangay Hall, of the place where the violator/s of this Ordinance was arrested.
- f. The personal circumstances of the violator/s and the surrounding circumstances of the arrest shall be entered in the Book of Entry or Barangay Blotter/journal of the Barangay concerned.
- g. Thereafter, the violator/s will be brought to the Police Station for custodial investigation and/or detention preparatory to the filing of a complaint/information in Court.
- h. Arrest should be executed in courteous, humane and civil manner.
- i. Policy implementor/s is strictly prohibited from inflicting physical and psychological harm to the violator/s before, during and after the execution of the arrest.
- j. The doctrine of hot pursuit also applies in this Ordinance.
- k. Once the complaint/information is dismissed by the Court on the ground of lack of interest or negligence to prosecute the case on the part of the arresting officer, a corresponding administrative action may be filed against the Barangay Official/s concerned and/or the Caloocan City Police officer assigned to the case pursuant to the strict and effective enforcement of this Ordinance.
- l. In any event, a resident or residents of the barangay concerned where the violation of this Ordinance was committed shall have the right to file a complaint/information in Court against the violator of this Ordinance only if there is a clear showing that no such complaint/information was filed by the arresting officer despite the completion of the processes involved in the book of entry or barangay blotter of the barangay concerned and/or the custodial investigation of the Police station.

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SECTION 9. PUBLIC INFORMATION POLICY

- a. Upon enactment of this Ordinance, an extensive public information drive shall be conducted by all implementing agencies of the policy for its observance and proper implementation.
- b. This Ordinance shall be posted in every barangay unit of this City, police headquarters, courts and all public places in addition to the posting of its copy in at least two (2) conspicuous places in the City Hall Annex (north)

SECTION 10. REPEALING CLAUSE

All ordinances, resolutions, local executive orders and/or administrative regulations which are inconsistent with or contrary to any of the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 11. SEPARABILITY CLAUSE

In event or for any reason/s, any part/s, sections/s or provision/s of this Ordinance shall be held or declared be unconstitutional or invalid, the remaining part/s thereof which are not affected thereby, shall continue to be effective and in full force.

SECTION 12. EFFECTIVITY CLAUSE

This Ordinance shall take effect fifteen (15) days after it has been published in a local newspaper of general circulation.

ENACTED BY THE SANGGUNIANG PANLUNGSOD, CITY OF CALOOCAN AT ITS SPECIAL SESSION HELD ON NOVEMBER 03,2005.

APPROVED BY HIS HONOR, THE CITY MAYOR ON _____, 2005.

**HON. GUALBERTO B. BACOLOD
CITY COUNCILOR**

**HON. NORA Z. NUBLA
CITY COUNCILOR**

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HON. DENNIS D. PADILLA
CITY COUNCILOR

HON. MACARIO E. ASISTIO III
CITY COUNCILOR

HON. MELINDA M. MABAGOS
CITY COUNCILOR

HON. MA. MILAGROS S. MERCADO
CITY COUNCILOR

HON. DIVINE J. MARGALLO
CITY COUNCILOR

HON. RICOJUDGE JANVIER M. ECHIVERRI
CITY COUNCILOR

APPROVED BY:

CERTIFIED BY:

HON. ENRICO R. ECHIVERRI
City Mayor

HON. LUIS TITO Y. VARELA
Vice Mayor & Presiding Officer

ATTESTED BY:

RUSSEL C. RAMIREZ
Secretary to the Mayor

LORENZO O. SUNGA, JR.
Secretary
Sangguniang Panlungsod

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