



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 763, S-2020

**AN ORDINANCE TEMPORARILY BANNING
THE SALE AND DELIVERY, AND
REGULATING THE CONSUMPTION OF
LIQUOR IN THE CITY OF MANDALUYONG
TO PROMOTE SOCIAL DISTANCING**

WHEREAS, the 1987 Constitution provides that the maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy;

WHEREAS, the State shall also protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991" states that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, 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 jurisdictions, local government units shall ensure and support the promotion of health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, the same Code provides that the Sangguniang Panlungsod shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants, and for an efficient and effective city government, maintain peace and order by enacting measures to prevent and suppress lawlessness and disorder, and adopt measures to protect the inhabitants of the city from the harmful effects of man-made or natural disasters and calamities;

WHEREAS, the Sangguniang Panlungsod also has the power to approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities, and approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases. In connection thereto, it can regulate the sale, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any retail outlet;

WHEREAS, there is an emergence of a Corona Virus Infectious Disease - 2019 (COVID-19) that has been acknowledged by the global community to cause public health emergencies of international concern;

WHEREAS, the World Health Organization (WHO) has declared COVID-19 as a pandemic;

WHEREAS, on March 8, 2020, President Rodrigo Roa Duterte issued Proclamation No. 922 declaring a Public Health Emergency throughout the Philippines due to COVID-19;

WHEREAS, on March 12, 2020, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-EID) issued Resolution No. 11, Series of 2020 placing the entire Country to Code Red Sublevel 2, and President Duterte approved the imposition of a Stringent Social Distancing Measures in the National Capital Region (NCR) for thirty (30) days from March 15 to April 14, 2020. The entire NCR was, likewise, placed under General Community Quarantine during the said period;

WHEREAS, in order to arrest rapid spreading of the virus, on March 16, 2020, the President declared Enhanced Community Quarantine for the entire Luzon from March 17, 2020 until April 12, 2020;

WHEREAS, social distancing is the strict maintenance of a distance of at least one (1) meter radius between and among individuals;

WHEREAS, the temporary liquor ban on selling and serving, and regulation of liquor consumption is intended to promote social distancing, and decreasing person-to-person contact in order to slow down the spread of the disease.

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Mandaluyong, in session assembled:

Section 1. TITLE – This Ordinance shall be known as the “Liquor Ban to Promote Social Distancing”.

Section 2. DECLARATION OF POLICY AND OBJECTIVES – The City of Mandaluyong recognizes the right of every Mandaleño to health and shall protect their lives and limbs from any form of danger.

This Ordinance aims to promote social distancing by banning or regulating the sale, delivery or consumption of alcohol, wine, beer, liquor and other intoxicating beverages during the enhanced community quarantine.

Section 3. BAN OF SELLING AND DELIVERY OF LIQUOR; REGULATION ON CONSUMPTION OF LIQUOR – During the enhanced community quarantine of Luzon, business establishments such as restaurants, clubs, hotels, retail stores, supermarkets and similar businesses within the territorial jurisdiction of the City of Mandaluyong are hereby prohibited to sell, serve or deliver alcohol, wine, beer, liquor and other intoxicating beverages to any person.

Consumption of liquor in public places shall be prohibited. Consumption of liquor within the confine of one's home is allowed; Provided that, only members of the household shall consume and shall strictly observe social distancing; Provided further, that house owners shall not invite guests or visitors for drinking sessions or any other social activity.

Section 4. ENFORCEMENT – This Ordinance shall be primarily implemented by the members of the Mandaluyong City Police Station and those PNP Personnel stationed in Mandaluyong City, Barangay Officials, City Ordinance and Enforcement Division (COED), Mayor's Action Command (MAC) and the Anti-Vice Division of Mandaluyong City.

Section 5. PENALTIES – Any person of legal age or business entity found to have violated this Ordinance shall be penalized with a fine of Five Thousand Pesos (P5,000.00), or imprisonment of three (3) months, or both at the discretion of the court.

For succeeding offenses, both penalties shall be imposed. In any case, the liquor shall be confiscated by the authorities.

If the offense is committed by a corporation, partnership or other juridical entity duly organized in accordance with law, the chief executive officer, president, general manager, and/or such other officers-in-charge shall be held liable.

In addition, the business permit and license to operate of the concerned entity shall be suspended or cancelled after hearing. As preventive measure, immediate closure of the establishment shall be made pending such hearing.

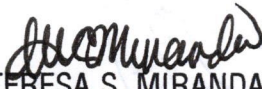
Any public officer mentioned in Section 4 hereof, who shall knowingly and maliciously, prevent, prohibit, refuse, discontinue or violate the implementation of this Ordinance shall suffer the penalty of imprisonment of three (3) months and temporary suspension from public service. In addition, the public officer concerned shall be held administratively liable under applicable laws.

Section 5. SEPARABILITY CLAUSE – If any provision of this Ordinance is determined to be invalid, illegal or unenforceable, its remaining provisions shall remain in full force as though this Ordinance did not originally include such invalid, illegal or unenforceable provision.

Section 6. EFFECTIVITY – This Ordinance shall take effect immediately, and shall remain in full force and effect during the enhanced community quarantine period imposed by the National Government.

ENACTED on this 17th day of March 2020, in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS
ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN A SPECIAL SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:


ANTONIO DLS SUVA
Vice Mayor &
Presiding Officer

APPROVED:

CARMELITA A. ABALOS
City Mayor

Date: MAR 17 2020

DISTRICT I


CHARISSE MARIE ABALOS-VARGAS
Councilor


ANJELO ELTON P. YAP
Councilor


DANILO V. DE GUZMAN
Councilor


GRACE MARIE V. ANTONIO
Councilor


RODOLFO M. POSADAS
Councilor


ESTANISLAO V. ALIM III
Councilor


DARWIN A. FERNANDEZ
LnB President


AEROL SEDRICK A. MANGALIAG
SK Federation President

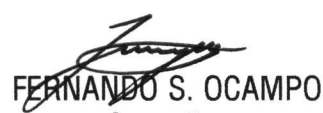
DISTRICT II

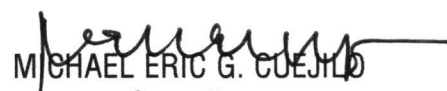

BENJAMIN A. ABALOS III
Councilor


CHERRY LYNN PABLO-SANTOS
Councilor


ROEHL B. BACAR
Councilor


JESUS C. CRUZ
Councilor


FERNANDO S. OCAMPO
Councilor


MICHAEL ERIC G. COEJIDO
Councilor