



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 762, S-2020

AN ORDINANCE REGULATING THE
PURCHASE OF CERTAIN BASIC
NECESSITIES AND PRIME COMMODITIES
DURING THE STATE OF CALAMITY IN
MANDALUYONG CITY

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 also provides that the Sangguniang Panlungsod shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 thereof, 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, 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 already made the assessment that COVID-19 can be characterized as a pandemic;

WHEREAS, on March 8, 2020, President Rodrigo Roa Duterte issued Proclamation No. 922 declaring a Public Health Emergency throughout the Philippines following confirmed accounts of local transmission;

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 community quarantine during the said period;

WHEREAS, the entire country was, thereafter, placed by President Rodrigo Roa Duterte under State of Calamity due to the Novel Corona Virus Infectious Disease - 2019 (COVID-19) outbreak;

WHEREAS, as the number of confirmed cases of COVID-19 infections rises everyday and in order to arrest rapid spreading of the virus, the President, on March 16, 2020, imposed the Enhanced Community Quarantine and the Stringent Social Distancing Measures over the entire Luzon, including the NCR, effective March 17, 2020 until April 12, 2020;

WHEREAS, under the Enhanced Community Quarantine, strict home quarantine is implemented in all households; mass public transportation facilities are suspended; provision for food and essential health services is regulated; and heightened presence of uniformed personnel to enforce quarantine procedures;

WHEREAS, even before the National Government placed the entire NCR under community quarantine, people ran exodus to the supermarkets and groceries, and began panic buying of basic necessities and prime commodities. Panic-buying, hoarding or, at the very least, unreasonable stock piling of these goods, particularly face masks, alcohol, sanitizers and disinfectants, only result to greater risk of spreading the virus as more people, including frontline health and medical workers, are deprived of the needed health and protection;

WHEREAS, although Republic Act No. 7581 otherwise known as "Price Act" provided for the protection of consumers from business entities against hoarding, profiteering and cartels with respect to the supply, distribution, marketing and pricing of basic necessities and prime commodities, especially during periods of calamity, emergency, widespread illegal price manipulation and other similar situations, it does not cover the behavioral phenomenon of panic-buying or unreasonable stock piling of basic necessities and prime commodities during a declared public calamity, disaster or emergency;

WHEREAS, there is a need to cap or limit the purchases of basic necessities and prime commodities in order for people to have equal opportunity to health, safety and protection during a calamity, disaster or emergency.

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

Section 1. TITLE – This shall be known as the "Anti-Panic Buying Ordinance of Mandaluyong City".

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 regulate the purchases of the basic necessities and prime commodities during a state of calamity by putting a cap or limit on what a person can buy from persons, commercial and business establishment found in the City of Mandaluyong in order to afford equal opportunity to health, safety and protection from disasters, calamities and other emergencies.

Section 3. DEFINITION OF TERMS – For purposes of this Ordinance, the following terms will have the same meaning as stated in the relevant special laws, rules and regulations:

- a.) Basic necessities – refer to goods vital to the needs of consumers for their sustenance and existence in times of any of the cases such as, but not limited to, rice, corn, root crops, bread; fresh, dried or canned fish and other marine products; fresh pork, beef and poultry meat; fresh eggs; potable water in bottles and containers; fresh and processed milk; fresh vegetables and fruits; locally manufactured instant noodles; coffee; sugar; cooking oil; salt; laundry soap and detergents; firewood; charcoal; household liquefied petroleum gas (LPG) and kerosene; candles; drugs classified as essential by the Department of Health and such other goods as may be included under Section 4 of the Price Act (Section 1, R.A. 10623);
- b.) Declaration of State of Calamity – refers to the declaration, including lifting, of a state of calamity by the President or the local sanggunian, upon recommendation of the Local Disaster Risk Reduction and Management Council (LDRRMC) pursuant to Section 16 of R.A. 10121;
- c.) Hoarding – is one of the illegal acts of manipulation under the Price Act, that refers to the undue accumulation by a person or combination of persons of any basic commodity beyond his or their normal inventory levels or the unreasonable limitation or refusal to dispose of, sell or distribute the stocks of any basic necessity of prime commodity to the general public or the unjustified taking out of any basic necessity or prime commodity from the channels of reproduction, trade, commerce and industry (Section 5, R.A. 7581);
- d.) Panic-buying – refers to the abnormal phenomenon where consumers buy basic necessities and prime commodities grossly in excess of their normal requirement resulting in undue shortages of such goods to the prejudice of less privileged consumers (Section 3, R.A. 7581);
- e.) Person – refers to a natural person or juridical person (Section 3, R.A. 7581);
- f.) Prime Commodities – refer to goods not considered as basic necessities but are essential to consumers in times of any of the cases provided under Section 7 of the Price Act such as, but not limited to, flour; dried, processed or canned pork, beef and poultry meat; dairy products not falling under basic necessities; onions, garlic, vinegar, patis, soy sauce; toilet soap; fertilizer, pesticides and herbicides; poultry, livestock and fishery feeds and veterinary products; paper; school supplies; nipa shingles; sawali; cement; clinker; GI sheets; hollow blocks; plywood; plyboard; construction nails; batteries; electrical supplies; light bulbs; steel wire; all drugs not classified as essential drugs by the Department of Health and such other goods as may be included under Section 4 of the Price Act (Section 2, R.A. 10623); and

g.) State of Calamity – refers to a condition involving mass casualty and/or major damages to property, disruption of means of livelihoods, roads and normal way of life of people in the affected areas as a result of the occurrence of natural or human-induced hazard (Section 3[II], R.A. 10121).

Section 4. APPLICATION AND SCOPE – This Ordinance shall apply only during a State of Calamity in Mandaluyong City.

This Ordinance shall cover all persons, natural or juridical, registered or not, that directly engaged in the selling, in wholesale or retail, of basic necessities and prime commodities to consumers within the territorial jurisdiction of Mandaluyong City.

Only an individual, who is fifteen (15) years of age and above, shall be allowed to purchase the basic necessities and prime commodities mentioned in Section 5 hereof.

The City Government of Mandaluyong and other local government units (LGU) are exempt from the application of this Ordinance.

Section 5. LIMITATIONS ON THE PURCHASE OF BASIC NECESSITIES AND PRIME COMMODITIES – There is hereby imposed a limitation on the purchase of the following basic necessities and prime commodities per person for each day:

TYPE OF BASIC NECESSITIES OR PRIME COMMODITIES	PURCHASE LIMIT
Rice	10 kilograms
Locally manufactured instant noodles	12 pieces
Sardines and other canned fish	12 cans / tetra pack
Canned pork, beef and poultry meat	3 cans/ tetra pack of each kind
Fresh pork, beef and poultry meat	1 kilogram for each
Fresh or processed milk	1 kilogram/liter or 12 sachets
Milk Formula (for infant and children 3 years and above)	1 box / can
Potable water in bottles and containers	6 liters
Purified water	1 gallon
Coffee	1 pack (for 200 grams and above) 4 packs (for below 200 grams)
3-in-1 Coffee	24 sachets
Bread	2 loaves or 3 packs
Fresh eggs	2 dozens
Cooking oil	1 liter
White Sugar	1 kilogram
Salt	1 kilogram
Onion and garlic	500 grams each
Vinegar, patis and soy sauce	1 bottle/tetra pack for each
Dishwashing liquid or paste	1 liter
Alcohol	Maximum of 2 bottles (for 500 ml) Maximum of 3 bottles (for below 500 ml) 1 Bottle (for more than 500 ml)
Hand sanitizers	3 bottles (for 100 ml)
Toilet papers	12 rolls
Facial tissue	6 packs
Kitchen towels	3 rolls/pack

Bath soaps	3 bars
Liquid Hand Soap	2 bottles (for 500 ml) 3 bottles (for below 500 ml)
Disinfectants (Clorox, Lysol, Domex and the like)	1 gallon
Laundry soaps and detergents	2 kilograms
Face masks	10 pieces
Multi-vitamins	1 box (100 pcs) or 1 bottle
Vitamin C	1 box (100 pcs) or 1 bottle
Liquefied Petroleum Gas (LPG)	1 tank (11 kilograms)

The abovementioned list is not exclusive, and subject to inclusion or exclusion of certain basic necessities or prime commodities and their amount or quantity may be adjusted accordingly as mentioned under Section 6 hereof.

Section 6. CREATION OF TASK FORCE – The City Mayor is authorized to create a Task Force, composed of select city officials and employees of proven integrity and competency, to monitor and aid in the orderly implementation of the Ordinance.

Subject to day-to-day evaluation, the Task Force may recommend to the City Mayor the inclusion or exclusion of certain basic necessities or prime commodities and their quantity from the list mentioned in the preceding Section.

Section 7. NECESSARY GUIDELINES – The City Mayor may issue the necessary guidelines from time to time for the implementation of the Ordinance taking into consideration the type and degree of calamity, disaster or emergency.

Section 8. PENALTIES – Any person or entity found to have violated this Ordinance shall be penalized with a fine of not less than One Thousand Pesos (₱1,000.00) but not more than Five Thousand Pesos (₱5,000.00), or imprisonment of thirty (30) days, or both at the discretion of the court.

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.

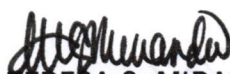
In addition, the business permit and license to operate of the concerned entity shall be suspended or cancelled after hearing. As preventive measure, immediate closure of the establishment shall be made pending such hearing.

Section 9. SEPARABILITY CLAUSE – If, for any reason, any provision of this Ordinance or the application of such provision to any person, group or circumstance is declared invalid or unconstitutional, the remainder of this Ordinance shall not be affected by such declaration.

Section 10. EFFECTIVITY – This Ordinance shall take effect immediately.

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 L. DE GUZMAN
Councilor


GRACE MARIE V. ANTONIO
Councilor


RODOLFO M. POSADAS
Councilor

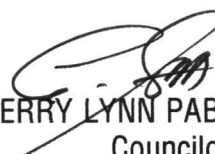

ESTANISLAO V. ALIM III
Councilor

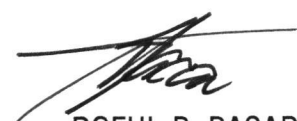

DARWIN A. FERNANDEZ
LnB President


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. CUEJILO
Councilor