

Republic of the Philippines
Province of Ifugao
Municipality of Hungduan

OFFICE OF THE SNAGGUNIANG BAYAN

EXTRACT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF HUNGDUAN, IFUGAO HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON FEBRUARY 11, 2002 AT 9:00 AM.

**Municipal Ordinance No. 4
Series of 2002**

Authored by: Honorable John D. Hangdaan

AN ORDINANCE REGULATING THE SALE , GIVING AWAY OR DISPENSING OF LIQUOR OR ANY INTOXICATING BEVERAGES AT ANY RETAIL OUTLETS WITHIN THE MUNICIPAL JURISDICTION OF HUNGDUAN, IFUGAO AND PROVIDING PENALTIES FOR VIOLATORS THEREOF.

WHEREAS, Section 447 (par.4) (v) of R.A .7160, otherwise known as the Local Government Code 1991 provides among others that “The Sangguniang Bayan; as the Legislative body of the Municipality shall regulate activities in order to promote the general welfare and for said purpose shall regulate the sale, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any outlets.”

WHEREAS, The previous Sangguniang Bayan of Hungduan, Ifugao passed and approved on April 4, 1993 Municipal Ordinance No.01 ,series of 1993 totally banning the sale of liquors or any intoxicating drinks. However, despite the implementation of said ordinance ,the sale of liquor is rampant and secretly done thereby paving the way for store owners to escape payment of taxes for the sale of liquor to the prejudice of the government there being no basis for the Municipal Government to impose said tax.

WHEREAS, after careful study by the Sangguniang Bayan of Hungduan , there was a consensus decision to enact this ordinance repealing the liquor ban Ordinance of 1993 and instead regulate the sale of liquor for reasons that said ordinance is one which is in restraint of business and trade;

NOW THEREFORE, on motion of Honorable John D. Hangdaan and was duly seconded,

BE IT ORDAINED by the Sangguniang Bayan of Hungduan in a Regular session duly assembled that:

SECTION 1: TITLE: This ordinance shall be known as ordinance regulating the sale. Giving away or dispensing of liquor or any intoxicating beverages at any retail outlets and providing penalties for violation thereof;

SECTION 2. COVERAGE: all person or proprietors of business establishments selling liquor or any intoxicating beverages shall come to the ambit of this ordinance.

SECTION 3. Prohibited acts: it shall be unlawful to any person, proprietor or manager of any business establishments within the territorial jurisdiction of Hungduan to;

- a. Offer for sale or dispense liquor to students or any individual who is under 18 years of age to prevent them from acquiring habits detrimental to their health, studies and morals.
- b. To serve liquor to any person in any refreshment parlors or stores within sight and hearing distance from any schools, hospitals and churches.
- c. To serve more than the capacity of the customers intoxicating him to the point of abnormal behavior.
- d. To serve or dispense liquor after 7:00 in the evening.

SECTION 4. EXCEPTION: The sale of liquor maybe allowed during special occasions at the option of the celebrant provided further that section 3 © hereof is observed and that the Barangay officials of the Barangay where the special occasion is being held shall be properly notified.

SECTION 5. PENAL PROVISIONS: Any person found violating this ordinance shall be penalized as penalized as follows, to wit:

- (a) For first offense p500.00
- (b) For second offense P750.00
- (c) For third offense p 1,000.00 plus cancellation of permit including its non issuance
- (d) A penalty of P250.00 shall impose upon any customer who after 7:00 0'clock in the evening shall force the store owner to serve or dispense liquor to him.

SECTION 6. TREATMENT OF FINES COLLECTED: fines for violation of this ordinance shall be paid to the Municipal Treasurer and shall accrue to the general fund of the municipality of Hungduan.

SECTION 7. DEFINITION OF TERMS AS USED IN THE ORDINANCE:

- a. **Intoxicating beverages** - any alcoholic beverages the intake of which affects the normal conditions of the person to have violent mental agitation resembling temporally madness, wild excitement or delirium.
- b. **Proprietor** - refers to owner of the establishment.
- c. **Manager** - refers to the one who directs the business.
- d. **Special Occasions** - shall refer to weddings, baptism, birthdays, marital engagements, anniversaries, deaths, funerals and rituals performed in accordance with the Ifugao customs and traditions.

SECTION 8. IMPLEMENTORS: The Local Chief executive through the Philippine national Police (PNP) and the Barangay councils with the help of their respective Bantay Bayan shall implement this Ordinance.

SECTION 9. ASSISTING IMPLEMENTORS: Civic, Religious as well as law abiding and peace loving constituents are hereby encouraged to help report to proper authorities any violations of this ordinance.

SECTION 10. PAYMENT OF PERMIT TO SELL/ SERVE LIQUOR: All persons, proprietors or manager selling or serving liquor within his/her establishment shall in addition to the permit to operate business, pay the annual fee for the permit to sell/s3rve liquor to the office of the municipal treasurer.

SECTION 11. SEPARABILITY CLAUSE. Should any provisions of this ordinance is declared null or void by any court of competent jurisdiction, such judgment, ruling or order shall not affect or invalidate the remaining provisions or section thereof, which shall continue to remain in force and effect.

SECTION 12. REPEALING CLAUSE: All existing Municipal Ordinances, resolutions or rules and regulations which are inconsistent with this ordinance shall be deemed repealed and modified accordingly.

SECTION 13. EFFECTIVELY. This Ordinance shall take affect after its approval by the Sangguniang Panlalawigan or after 30 days from submission thereto without action.

APPROVED this 6th day of May, 2002 by the Sangguniang Bayan Hungduan, Ifugao.

CERTIFIED CORRECT:

(Sgd.)PABLO M. CUYAHON
Vice Mayor and Presiding Officer

ATTESTED:

(Sgd)MAURA B. HIMMIWAT
SB Member

(Sgd) JOHN D. HANGDAAN
SB Member

(Sgd)LUCAS A. BUGATTI
SB Member

(Sgd) GERONIMO B. OGNAYON
SB Member

(Sgd)JAMES B. INABIOHAN
SB Member

(Sgd) JIMMY A. YOGYOG
SB Member

(Sgd) PETER B. POCOPIO
SB Member

(Sgd)RICARDO B. BASILIO
SB Member

(Sgd) MARJORIE P. GUIMPATAN **(Sgd) FELIMON B. ANANAYO**
SK Federation President *Liga President*

APPROVED:

(Sgd)HILARIO T. BUMANGABANG
Municipal Mayor

I hereby certify to the correctness of the foregoing resolution/ ordinance.

(Sgd)JUANITA M. PUGONG
SB Secretary