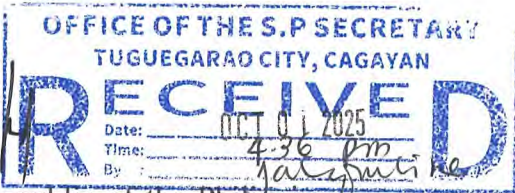


**DRAFT ORDINANCE IMPOSING PENALTIES THROUGHOUT THE EFFECTIVITY
OF LIQUOR BAN DURING DISASTERS, PUBLIC EMERGENCIES, AND OTHER
SPECIAL SITUATIONS WITHIN TUGUEGARAO CITY**

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WHEREAS, Section 5, Article II of the 1987 Constitution of the Republic of the Philippines declares 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 16 of Republic Act 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 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.”

WHEREAS, Section 2 (I) of Republic Act no. 10121 or the “Philippine Disaster Risk Reduction and Management Act of 2010” declares the policy to recognize and strengthen the capacities of local government units and communities in mitigating and preparing for, responding to, and recovering from the impact of disasters;

WHEREAS, the City of Tuguegarao recognizes the paramount importance of ensuring public safety, order, and the overall well-being of its residents and visitors during times of disasters, public emergencies, and public celebrations;

WHEREAS, the consumption of alcoholic beverages these extraordinary times can contribute to the exacerbation of security and health risks, as excessive alcohol consumption may further endanger the people, impair judgment, and hinder emergency response efforts;

WHEREAS, the City aims to prevent situations wherein the availability and consumption of alcoholic beverages might endanger the public, and hinder the efforts of first responders and relevant government agencies in effectively addressing emergencies;

WHEREAS, the imposition of penalties for liquor ban violations during the foregoing situations is deemed necessary to encourage compliance, deter violations, and maintain public safety;

NOW, THEREFORE, be it **ORDAINED**, by the Tenth City Council of Tuguegarao, in session assembled, to enact:

CHAPTER I

TITLE, DECLARATION OF POLICY, AND DEFINITIONS

SECTION 1. TITLE. This Ordinance shall be known as the ***"LIQUOR BAN ORDINANCE OF TUGUEGARAO CITY."***

SECTION 2. DECLARATION OF POLICY. It is hereby declared the policy of the City of Tuguegarao to promote public safety, order, and well-being during disasters, public emergencies, and public celebrations. To achieve this, the consumption and sale of alcoholic beverages shall be regulated through the imposition of penalties for violations.

SECTION 3. DEFINITION OF TERMS. The following terms and phrases shall mean as follows:

a) **“DISASTER”** - Refers to natural or man-made calamities that cause widespread destruction, distress, and disruption of normal life within the city, which includes, but is not limited to, typhoons, storms, earthquakes, torrential rains, flooding, pandemic, epidemic, and other similar

situations. It is also a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources.

b) **“PUBLIC EMERGENCIES”** - Pertains to situations wherein the public safety and welfare are compromised due to unforeseen circumstances, requiring immediate action to mitigate and address the situation.

c) **“SPECIAL SITUATION”** - Encompasses circumstances not explicitly covered by the terms "Disasters," or "Public Emergencies." These situations may include unique or unexpected events that warrant the imposition of a liquor ban to ensure public safety and order within the City of Tuguegarao, such as but not limited to hosting of board or Bar examinations, sports and athletic meets, prestigious competitions, and other similar events.

d) **“PUBLIC STORM SIGNAL NO. 2”** – Refers to a certain level of severity and impact for an approaching tropical cyclone or typhoon, classified by the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA).

d) **“LIQUOR BAN”** - Denotes the official prohibition on the sale and consumption of alcoholic beverages during times of disasters, public emergencies, public celebrations, and other special situations which may be declared by the government.

e) **“ALCOHOLIC BEVERAGES”** - Refers to any beverage containing ethyl alcohol, commonly known as alcohol, including but not limited to beer, wine, and spirits.

f) **“PUBLIC OFFICIAL”** - Refers to an individual who holds a position of authority, trust, or responsibility within a government agency, department, or office. For the purpose of this ordinance, the term shall include concerned officials, elected or appointed, who are tasked to implement the provisions of this ordinance under Section 6 hereof.

CHAPTER II

PROHIBITED ACTS AND PENALTIES

SECTION 4. PROHIBITION OF LIQUOR CONSUMPTION AND SALE. During disasters, public emergencies, and ‘special situations’ as determined by the City Mayor, the consumption and sale of alcoholic beverages shall be prohibited within Tuguegarao City.

For the purposes of tropical cyclones or typhoons, liquor ban shall be effective during Public Storm Signal No. 2 and above, and when rainfall of more than 15 mm per hour has fallen or expected to fall, and most likely to continue for the next 3 hours.

For torrential rainfall situations, liquor ban shall be effective when rainfall of more than 15 mm per hour has fallen or expected to fall, and most likely to continue for the next 3 hours.

SECTION 5. PENALTIES AND LIABILITIES. The following penalties shall be imposed:

a) For persons caught buying, consuming, or under the influence of alcoholic beverages during the prohibited period, the following fines shall be imposed:

- i. Buying alcoholic beverage/s - P500 for the first offense
- P1,000 for the second offense
-P1,500 for the third and subsequent offense/s

- ii. Consuming alcoholic beverage - P1,000 for the first offense
 - P1,500 for the second offense
 - P2,000 for the third and subsequent offense/s
- iii. Caught under the influence of alcoholic beverage
 - P1,000 for the first offense
 - P2,000 for the second offense, and
 - P3,000 for the third and succeeding offense/s.

b) The owner of an establishment found selling alcoholic beverages in violation of the liquor ban shall be subjected to a fine amounting to Three Thousand Pesos (P3,000).

c) The owner establishment that repeats the same preceding offense shall be subject to a fine of Five Thousand Pesos (P5,000), and suspension or revocation of business permit upon recommendation of the Business Permits and Licenses Office.

d) When a public official such as a barangay chairman refuses or fails to implement the provisions of this ordinance, he or she shall be made liable to administrative sanctions pursuant to existing laws, ordinances, and other issuances or orders, without prejudice to the filing of criminal charges.

CHAPTER III

IMPLEMENTATION

SECTION 6. AUTHORITY TO DETERMINE SPECIAL SITUATIONS. The City Mayor through Executive Order shall have the authority to declare and determine any event, circumstance, or situation within the city as a “special situation” in accordance to the definition of terms under Section 2 for the purpose of applying the provisions of this ordinance.

The City Mayor shall exercise this discretionary power upon the recommendation of the City Disaster Risk Reduction and Management Council (CDRRMC), based on considerations such as but not limited to public safety, health, or economic or financial exigencies.

Once a situation is declared a "Special Situation" by the City Mayor, the penal provisions of this ordinance shall apply as specified in the declaration, and such application shall remain in effect until the City Mayor determines that the situation no longer meets the criteria of a “special situation” or until the termination date specified in the declaration, whichever comes first.

SECTION 7. IMPLEMENTATING OFFICES. The City Mayor, through the City Disaster Risk Reduction and Management Office, Business Permits and Licenses Office, the Tuguegarao City Component Police Station, and other relevant offices in coordination with barangay officials, shall be responsible for the enforcement and implementation of this ordinance.

SECTION 8. IMPLEMENTING RULES. The City Mayor shall formulate rules and regulations within (ninety) 90 days from the approval of the ordinance to ensure faithful compliance, taking into account legal and practical precepts.

CHAPTER IV

FINAL PROVISIONS

SECTION 9. CONSTRUCTION OF PROVISIONS. In the interpretation and construction of this Ordinance, every effort shall be made to harmonize the same with existing laws, ordinances, and issuances. In case of apparent conflict, the provisions of this Ordinance shall be construed in

a manner that gives full effect to its intent and purpose, without repealing or diminishing the force of other laws, ordinances, and issuances.

SECTION 10. SEPARABILITY CLAUSE. The provisions of this Ordinance are hereby declared to be separable and in the event that one or more of the other provisions are held illegal or unconstitutional, the validity of the other provisions shall not be affected.

SECTION 11. REPEALING CLAUSE. Ordinances, executive orders and other local legislation inconsistent with this Ordinance are hereby modified or repealed accordingly.

SECTION 12. EFFECTIVITY. This Ordinance shall take effect upon the upholding of its validity by the Sangguniang Panlalawigan, and after ten (10) days from its subsequent publication in a newspaper of general circulation.