



Republic of the Philippines
Province of Ilocos Norte
MUNICIPALITY OF SAN NICOLAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE FIRST REGULAR SESSION OF THE 9TH SANGGUNIANG BAYAN OF THE MUNICIPALITY OF SAN NICOLAS, ILOCOS NORTE HELD AT THE MUNICIPAL SESSION HALL ON THE 3RD DAY OF MARCH, 2014 AT 09:30 O'CLOCK IN THE MORNING.

PRESENT:

Hon. Alfredo P. Valdez, Jr.,	Vice-Mayor/Presiding Officer;
Hon. Aladine T. Santos,	Member-Temporary Presiding Officer;
Hon. Norberto S. Dadiz, Jr.,	Member;
Hon. Domingo C. Ambrocio, Jr.,	Member;
Hon. Ariel B. Villa,	Member;
Hon. Orlando B. Badua,	Member.
Hon. Oscar V. Domingo,	Member;
Hon. Reynaldo A. Corpuz,	Member;
Hon. Efren C. Butay,	Member;
Hon. Linda E. Badua,	Member/Liga ng mga Barangay President.

ABSENT:

None.

“MUNICIPAL ORDINANCE NO. 2014-09

AN ORDINANCE PROHIBITING ALL FOOD VENDORS AND FOOD HANDLERS FROM SMOKING WHILE SELLING THEIR FOOD PRODUCTS AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Be It Enacted by the Sangguniang Bayan of San Nicolas, Ilocos Norte in session duly assembled, that:

SECTION 1. Title. – This Ordinance shall be known as an “Ordinance Prohibiting All Food Vendors and Food Handlers from Smoking While Selling Their Food Products and Providing Penalties for Violation Thereof.”

SECTION 2. Declaration of Policy and Objectives. - Section 15, Article II of the 1987 Philippine Constitution declares that the “State shall protect and promote the right to health of the people and instill health consciousness among them.” Furthermore, Section 9, Article XVI provides that the “State shall protect consumers from trade malpractices and from substandard or hazardous products.”

SECTION 3. Definition of Terms. – As used in this Ordinance, the following terms are herein defined:

- a. All food vendor refers to any individual or person who sells any kind of food while walking, moving or traveling about, or who does not have a fixed stall, store or place of vending;
- b. Food refers to any substance or product whether processed, partially processed or unprocessed that is intended for human consumption. It includes drinks, chewing gum, water and other substances which are intentionally incorporated into the food during its manufacture, preparation and treatment;
- c. Food handler refers to any person who handles, stores, prepares, serves food, drink, ice or ice cream or who comes in contact with any eating or cooking utensils and food vending machines; all those who are engaged in food preparation and service for the consumption of the public, such as but not limited to those engaged in restaurants, caterias, canteens, eateries, fast food chains, kitchenettes, “turo-turo”, food caterers, food vending push carts or hand carried food vending, and others of similar nature;
- d. Food vendor refers to person selling food products.

SECTION 4. Scope. – This Ordinance shall cover and be applicable to all food vendors, food handlers, and food vendors engaged as such in the Municipality of San Nicolas, Province of Ilocos Norte.

SECTION 5. Prohibition. – No food vendors, handlers, and vendor shall smoke while selling or cause to sell their food products or preparing the food for public consumption.

No buyer, costumer or bystander shall smoke, possess or bring out the tobacco cigarette within two meters radii from the place where food is prepared or where the food is displayed.

SECTION 6. Food operator shall cause the posting of signage in conspicuous place in his food establishment or cart warning the public not to smoke within two meter radii from the establishment or cart.

SECTION 7. Penalties. - Except on second paragraph of Section 5 hereof, any person who shall violate Section 5 hereof shall suffer the penalties provided hereunder:

- a. First Offense – a fine in the amount of Five Hundred Pesos (P500.00);
- b. Second Offense – a fine in the amount of Seven Hundred Fifty Pesos (P750.00) and suspension of sanitary permit or health certificate for a period of one month;
- c. Third Offense – a fine in the amount of One Thousand Pesos (P1,000.00) and cancellation of sanitary permit or health certificate.

Any person who shall violate second paragraph of Section 5 hereof shall be penalized under Article B, Chapter VII, Book II of Municipal Ordinance No. 2009-12 also known as the Code of General Ordinance whenever applicable otherwise the violator shall be penalized under this ordinance.

SECTION 8. Separability' Clause. - If any provision of this Ordinance or any part thereof be declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue in full force and effect.

SECTION 9. Repealing Clause. - All ordinances, resolutions, executive orders or regulations and other issuances inconsistent with the provisions and/or purposes of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 10. Effectivity Clause. - This Ordinance shall take effect immediately upon approval.

UNANIMOUSLY APPROVED.”

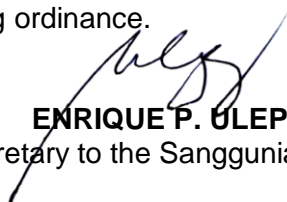
Voting on the foregoing ordinance was as follows:

AYES : Members Dadiz, Jr., Ambrocio, Jr., Badua, O., Villa, Domingo, Corpuz,
Butay, & Badua, L.
NAYS : None.
ABSTAINED : None.

I hereby certify to the correctness of the foregoing ordinance.

ATTESTED:


ALADINE T. SANTOS
SB Member/ Temporary Presiding Officer


ENRIQUE P. ULEP, JR.
Secretary to the Sangguniang Bayan I

APPROVED:


MELANIE GRACE P. VALDEZ, M.D.
Mayor

Approved on: March 3, 2014