



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 11<sup>TH</sup>  
SANGGUNIANG BAYAN OF THE MUNICIPALITY OF SAN NICOLAS, ILOCOS NORTE HELD  
AT THE MUNICIPAL SESSION HALL ON THE 5<sup>TH</sup> DAY OF AUGUST, 2019  
AT 10:25 O'CLOCK IN THE MORNING.

**PRESENT:**

Hon. Edistio P. Valdez	Vice-Mayor/Presiding Officer;
Hon. Angel Miguel L. Hernando	Member;
Hon. Moera Joy N. Galing-Luna	Member;
Hon. Joseph Lister B. Butay	Member;
Hon. Ariel B. Villa	Member;
Hon. Norberto D. Dadiz, Sr.	Member;
Hon. Erico R. Ruiz, Jr.	Member;
Hon. Luciano R. Caraang	Member;
Hon. Jessie Julito P. Pumaras, Sr.	Member;
Hon. Juanito P. Ulep, Jr.	Member/Liga ng mga Barangay President;
Hon. Inno Ma. Angelo Paulo O. Hernando	Member/PPSK President.

**ABSENT:**

None.

### **“MUNICIPAL ORDINANCE NO. 2019-11**

**AN ORDINANCE REQUIRING ALL PERSONS ENGAGED IN THE BUSINESS IN FOOD PREPARATION, SELLING AND/OR SERVING TO WEAR SPIT GUARD MASK WHILE PREPARING, SELLING, AND/OR SERVING FOOD, PROVIDING POLICIES, GUIDELINES, AND PENALTIES THEREFOR, AND FOR OTHER PURPOSES.**

**WHEREAS**, Section 15, Article II of the 1987 Philippine Constitution states that, “The State shall protect and promote the right to health of the people and instill health consciousness among them”;

**WHEREAS**, it is likewise provided for under Section 16 of Republic Act 7160, otherwise known as the Local Government Code of 1991. Under the General Welfare Clause, that local government units shall ensure and promote health and safety of the people;

**WHEREAS**, among others, the purpose of its implementation is for the protection of the general welfare and public safety, in which, the law mandates that Local Government Unit (LGU) should create programs and projects that will enhance the development and welfare of its constituents;

**WHEREAS**, this Ordinance shall protect and secure the consumers safety to avoid saliva and cold contamination of food or unhygienic health conditions, in which, saliva contains bacteria and viruses that can potentially carry health problems such as colds, fever (glandular), herpes infection, meningococcal disease, hepatitis B, warts, and others;

**WHEREAS**, the Ordinance is a measure to safeguard the health of the consumers in San Nicolas, Ilocos Norte;

**NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG BAYAN IN SESSION DULY ASSEMBLED THAT:**

**SECTION 1. Short Title.** – This Ordinance shall be known as the “Hygienic Food Preparation of San Nicolas, Ilocos Norte”;

**SECTION 2. Policy Statement.** – It is the policy of San Nicolas, Ilocos Norte to promote and ensure health and safety of its constituents and protect the general welfare of the public while encouraging food entrepreneurs to prioritize health and sanitation in the municipality;

**SECTION 3. Mandate.** – All food vendors, food servers, and others engaged in the preparation, selling, and serving of food are hereby mandated to wear mask spit guard, and required to abide and follow this Ordinance, in order to protect direct contact with the customers and the food they are selling;

**SECTION 4. Scope and Application.** – This Ordinance shall apply to all persons engaged in the business in food preparation, selling and/or serving to wear spit guard mask while preparing, selling, and/or serving food within the territorial jurisdiction of San Nicolas, Ilocos Norte;

**SECTION 5. Definition of Terms.**

- 5.1 Mask Spit Guard – a tool used to prevent saliva spitting and protection for a healthy communication with food customers;
- 5.2 Food Vendor/Seller – a person engaging in the selling of any kind of food, including street vendors, ambulant vendors, public market vendors, mall vendors, and others;
- 5.3 Food Server – a person working at a place who serves food and performs a variety of customer service, food preparation, and cleaning duties in full-service restaurants, casual dining eateries, and other eating and drinking places.

**SECTION 6. Inspectorate Team of Food Handlers.**

Chairperson – Municipal Mayor or His Alternative Representative

Vice-Chairperson – Municipal Health Officer

Members:

- Municipal Environment and Natural Resources Officer (MENRO)
- Sangguniang Bayan Committee on Health and Sanitation
- Licensing Officer I
- Philippine National Police
- Chairpersons of the Barangay Health Offices of the 24 Barangays
- Barangay Council
- Barangay Tanods
- Market Supervisor

**SECTION 7. Functions of the Implementing Agencies.** – To effectively implement this Ordinance, the following agencies shall pursue the following functions:

- Mayor's Office (MO)
  1. Supervises the overall implementation of this Ordinance; and
  2. Functions as the final evaluator of the annual report of the offices tasked as implementors of the Ordinance.
- Municipal Health Office (MHO)
  1. Acts as the major implementing arm of the Mayor's Office with regard to this Ordinance;
  2. Conducts ocular inspection to all food vendors, food servers, and food handlers engaging in the food business, and all other related institutions and establishments, to be done at least twice a year, dependent on the schedule set by said offices. As such, the ocular inspection to be conducted shall not be announced and it shall be done in a random manner to ensure that concerned vendors strictly adheres to the conditions required by this Ordinance;
  3. Submits annual report to the MO relative to the compliance of this Ordinance incorporated and consolidated with the reports from the barangays; and

4. Endorses to the MO for appropriate action any vendor/establishment found to have violated this Ordinance.
- Committee on Health and Sanitation
    1. Assists the implementation of this Ordinance by giving assessment based on the submitted reports to MO as to the proper implementation of this Ordinance.
  - Members of the Philippine National Police (PNP) of San Nicolas, Ilocos Norte
    1. Assist the implementors of this Ordinance, the MO and MHO, by way of maintaining orderly and peaceful inspection and/or apprehension of violators.
  - Barangay Council, Barangay Tanods, and Barangay Health Workers
    1. Monitor within their respective barangays the strict implementation of this Ordinance;
    2. Issue a notice of violation and corresponding penalty to the offending vendor; and
    3. Submit a corresponding report to the MHO with regard to the abovementioned tasks.

**SECTION 8. *Penalty.*** – Any person who violates any provision of this Ordinance shall be penalized as follows:

1. First offense – a fine of P1,500. If the violator is a business establishment, the owner/manager shall be held liable and shall pay the fine.
2. Second offense – a fine of P2,000. If the violator is a business establishment, the owner/manager shall be held liable and shall pay the fine.
3. Third and succeeding offense – a fine of P2,500 or imprisonment of fifteen (15) days, or both at the discretion of the court. If the violator is a business establishment, the owner/manager shall be held liable and shall pay the fine and suffer imprisonment.

**SECTION 9. *Procedure on payment of penalties.*** If the offender will not be contesting his infraction, he shall pay the corresponding fine at the Office of the Treasurer and will absolve him of further prosecution. If the violator refuses to pay the fine/s or pay it under protest and reserves his right to contest the supposed violation, the appropriate case may proceed and be filed at the appropriate court.

**SECTION 10. *Transitory Clause.*** – All existing business establishments required under Section 4 hereof shall have a period of sixty (60) days from the effectivity of this ordinance to comply with what is required herein.

**SECTION 11. *Separability Clause.*** – The provisions of this Ordinance are hereby declared to be separable and if any clause, sentence, provision or section of this Ordinance or its application thereof to any person or circumstance should, for any reason, be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given force and effect.

**SECTION 12. *Repealing Clause.*** – All ordinances, resolutions, memoranda, orders, and similar issuances, or parts thereof which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

**SECTION 13. *Effectivity.*** – This Ordinance shall take effect 15 days after its publication in a newspaper of general circulation in San Nicolas, Ilocos Norte.

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Voting on the foregoing resolution was as follows:

AYES : Members Galing-Luna, Butay, Villa, Dadiz, Sr., Ruiz, Jr., Caraang,  
Pumaras, Sr., Ulep, Jr. and Hernando, I.  
NAYS : None.  
ABSTAINED : None.

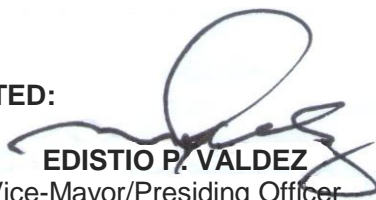
*Note: Member Angel Miguel L. Hernando was not around during the votation.*

I hereby certify to the correctness of the foregoing resolution.



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

ATTESTED:



**EDISTIO P. VALDEZ**  
Vice-Mayor/Presiding Officer

APPROVED:



**ALFREDO P. VALDEZ, JR., M.D.**  
Municipal Mayor

Approved on: October 4, 2019