



15TH SANGGUNIANG PANLUNGSOD

2ND SESSION
REGULAR SESSION NO. 25
(ONLINE)

EXCERPT FROM THE MINUTES OF THE ONLINE REGULAR SESSION HELD
BY THE SANGGUNIANG PANLUNGSOD OF THE CITY OF CEBU
AT THE SESSION HALL ON FEBRUARY 5, 2021.

PRESENT:

Vice-Mayor Michael L. Rama	..... Presiding Officer
Coun. Eduardo R. Rama Jr.	..... President Pro Tempore
Coun. Raymond Alvin N. Garcia	..... Majority Floor Leader
Coun. Phillip S. Zafra	..... 1 st Asst. Majority Floor Leader
Coun. Joel C. Garganera	..... 2 nd Asst. Majority Floor Leader
Coun. Nestor D. Archival Sr.	..... Minority Floor Leader
Coun. Joy Augustus G. Young	..... Asst. Minority Floor Leader
Coun. Raul D. Alcosaba	..... Member
Coun. James Anthony R. Cuenco	..... Member
Coun. Alvin M. Dizon	..... Member
Coun. Eugenio F. Gabuya Jr.	..... Member
Coun. Jerry L. Guardo	..... Member
Coun. Donaldo C. Hontiveros	..... Member
Coun. Lea O. Japson	..... Member
Coun. Prisca Niña O. Mabatid	..... Member
Coun. Franklyn O. Ong	..... Member
Coun. Renato Z. Osmeña Jr. Member
Coun. Jessica P. Resch Member
Coun. David F. Tumalak Member

ABSENT:

None.

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RESOLUTION NO. 15-1357-2021

The Sangguniang Panlungsod of the City of Cebu, as moved by Councilor Garcia and seconded by Councilor Zafra:

RESOLVED, to approve the following Ordinance:

ORDINANCE NO. 2607

"AN ORDINANCE FURTHER AMENDING SECTION 2 AND SECTION 4 OF CITY ORDINANCE NO. 512, ENTITLED 'AN ORDINANCE PENALIZING DRUNKENNESS IN ANY PUBLIC PLACE', AS AMENDED BY INCLUDING THEREIN A PROVISION IMPOSING A CITY-WIDE PROHIBITION ON THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES AND PUBLIC DRUNKENNESS IN THE CITY OF CEBU DURING STATES OF PUBLIC HEALTH EMERGENCIES, IMPOSING PENALTIES FOR THE VIOLATION THEREOF AND FOR OTHER PURPOSES".

WHEREAS, Section 5, Article II of the 1987 Philippine Constitution, provides 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;

2-26-2021
2:10 pm
H. Garcia



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WHEREAS, Section 16 of the Republic Act No. 7160 of 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, among other things, the preservation and enrichment of culture, promote health and safety;

WHEREAS, Section 2 of Presidential Proclamation No. 922 entitled "Declaring A State of Public Health Emergency Throughout The Philippines", mandates that all government agencies and LGUs are enjoined to render full assistance and cooperation and mobilize the necessary resources to undertake critical, urgent and appropriate measures in a timely manner to curtail and eliminate the COVID-19 threat;

WHEREAS, the World Health Organization has already declared the Coronavirus Disease 2019 (COVID-19) officially a pandemic;

WHEREAS, for the preservation of public peace and order and to discourage unnecessary social convergence, there is an urgent need to impose a provisional prohibition on the consumption of alcoholic beverages and to prohibit individuals from appearing, traversing, or loitering in public places within the City of Cebu while under the influence of alcohol; and

WHEREAS, with all the above considerations, there is a need to amend City Ordinance No. 512, as amended by City Ordinance No. 1929, to incorporate therein, in Section 2 and Section 4, the pertinent provisions of Presidential Proclamation No. 922, which limits the effectivity of this measure to instances of government-declared public health emergencies.

NOW, THEREFORE, the Sangguniang Panglungsod of the City of Cebu City, in an online Regular Session assembled, hereby ordains that:

Section 1. Section 2 of City Ordinance No. 512 is hereby amended to read as follows:

"Section 2. **Definition of Terms.** – For purposes of this ordinance, the herein terms and phrases shall be understood as follows:

- a. State of drunkenness – a person is deemed in the state of drunkenness if he/she is in a state of depression, intoxication, inebriation, or partial paralysis of the nerves, resulting from drinking an excessive amount of alcoholic beverages.
- b. Alcohol or Alcoholic beverage/s – any liquid concoction classified into beer, wine, and distilled spirits, which contains ethanol alcohol, and the consumption of which produces intoxication, including all dilutions, purifications, and mixtures thereof, from whatever source, by whatever process produced, and shall include, but not limited to beer, wine, vodka, whisky, brandy, rum, gin, tequila, soju, tuba, lambanog, basi, tapuy, Bignay wine and other similar products or mixtures.



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- c. Public places – all places, fixed or mobile, that are accessible or open to the public; or places for collective use, regardless of ownership or right to access, including but not limited to, schools, work places, government offices and facilities, establishments that provide food and drinks, accommodation, merchandise, professional services, entertainment, and other services. It also includes outdoor spaces where facilities are available for the public or where a crowd of people may gather such as but not limited to, parks, playgrounds, sports grounds, centers, church grounds, health/hospital compounds, markets, walkways, and waiting areas.

Further, it shall also include public utility or common utility vehicles such as buses and minibuses offering free rides, shuttles and vans that ferry individuals and employees to and from their homes and places of work.

- d. "Under the influence of alcohol – refers to the state wherein a person's blood alcohol concentration level has, after being subjected to a breath analyzer test, reached the level of intoxication, as established jointly under the guidelines issued by the Department of Health (DOH) and the National Police Commission (NAPOLCOM).
- e. "Field sobriety tests" – refer to standardized tests to initially assess and determine intoxication, such as the horizontal gaze nystagmus, the walk-and-turn, the one-leg stand, and other similar tests as determined jointly by the DOH and the NAPOLCOM".

Section 2. A new Section 4 of City Ordinance No. 512 shall be inserted to read as follows:

"Section 4. Provisional Prohibition on Public Consumption of Alcohol and Public Drunkenness. – For the period covering the State of Public Health Emergency, Enhanced Community Quarantine, General Community Quarantine or a modification thereof, and/or COVID-19 pandemic or any other epidemic or pandemic as declared by the National Government (hereafter, the "Community Quarantine Period") it shall be unlawful for any person to consume alcoholic beverages in public places within the territorial jurisdiction of the City of Cebu. It shall be likewise unlawful for any person to appear, traverse, or loiter in public places within the City of Cebu while under the influence of alcohol.

A law enforcement officer who has probable cause to believe that a person appears to be, is traversing or loitering in public places under the influence of alcohol by apparent indications and manifestations, including rowdiness, poor coordination or the evident smell of alcohol in a person's breath, shall conduct field sobriety tests.



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Provided, that the restriction in relation to alcoholic beverages in this section may be subject to changes as may fit the current situation through an Executive Order from the City Mayor coupled with a favorable Resolution from the Sangguniang Panlungsod".

Section 3. Section 4 of City Ordinance No. 512, as amended by City Ordinance No. 1929, is hereby renumbered as Section 5 and further amended to read as follows:

"Section 5. Penal Provision. – Any violation of Section 1 in relation to Section 2 and 3 of this ordinance shall be punishable with three (3) months imprisonment or a fine of One thousand pesos (P1,000.00), or both, at the discretion of the court. Provided, that in case the offender/violator opts not to be prosecuted in court, an administrative fine of Five hundred pesos (P500.00) shall be imposed upon him through a citation ticket to be issued for such purpose. Provided further, that this mode of settlement cannot be availed of by any person who had violated the same ordinance for the second time and those who had violated the same habitually.

Any person who shall violate Section 4 of this ordinance shall be meted the penalty of a fine of Five thousand pesos (P5,000.00) or imprisonment of six months, or both, at the discretion of the court, and the confiscation of the alcoholic beverages subject of the violation".

Section 4. Separability Clause. – If for any reason, a part of this ordinance is declared illegal or invalid, other parts or provisions hereof which are not affected thereby shall remain valid and in full force and effect.

Section 5. Repealing Clause. – Any and all ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby deemed modified or amended accordingly.

Section 6. Effectivity. – This ordinance shall take effect after 15 days following its publication in a newspaper of general circulation in the City of Cebu.

CARRIED UNANIMOUSLY.

(Councilors Garganera, Mabatid,
Resch, and Young were out.)

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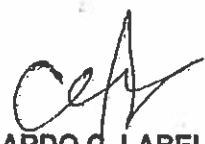
I hereby certify to the correctness of this resolution.


CHARISSE L. PIRAMIDE
Acting Secretary
to the Sangguniang Panlungsod

ATTESTED:


MICHAEL L. RAMA
Presiding Officer

APPROVED:


EDGARDO C. LABELLA
City Mayor
02/21/2021

/camc