



Republic of the Philippines  
Province of Cavite  
**MUNICIPALITY OF ROSARIO**



EXCERPTS FROM THE MINUTES OF THE 10th REGULAR SESSION  
HELD ON SEPTEMBER 23, 2019, 8:00 A.M. AT THE OFFICE OF THE  
MUNICIPAL VICE MAYOR , ROSARIO, CAVITE

**PRESENT:**

- HON. JOSE VOLTAIRE V. RICAFFRENTE-MUNICIPAL VICE MAYOR/  
PRESIDING OFFICER
- HON. ANTONIO H. LUNA, JR. --- S.B. MEMBER
- HON. ETHEL A. MALABANAN --- S.B. MEMBER
- HON. MARK JAY G. VELARDE --- S.B. MEMBER
- HON. RODENCIO L. BADIDLES, JR. --- S.B. MEMBER
- HON. BRYAN DOMINIC B. AQUINO --- S.B. MEMBER
- HON. CHRISTOPHER P. GO --- S.B. MEMBER
- HON. MICHAEL H. GIONGCO --- S.B. MEMBER
- HON. ROLANDO A. CONVENTO --- S.B. MEMBER
- HON. CRISANTO A. NAZARENO --- S.B. MEMBER/  
ABC PRESIDENT

**ABSENT:**

- HON. FERNANDO JR., L. GARCIA --- S.B. MEMBER/  
SKF PRESIDENT

**ORDINANCE NO. 313**  
Series of 2019

**"AN ORDINANCE REGULATING THE SELLING AND/OR SERVING, DRINKING OF BEER, LIQUOR OR ALCOHOLIC BEVERAGE OF ANY KIND WITHIN THE TERRITORIAL JURISDICTION OF ROSARIO, CAVITE PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES"**

**Whereas**, Section 5 Article 11 of the 1987 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 employment by all the people of the blessings of democracy;"

**Whereas**, Section 11, Article II of the 1987 Constitution, likewise, provides that "the state values the dignity of every human person and guarantees full respect for human rights;"

**Whereas**, Section 16 of Republic Act No. 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 there from, 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 jurisdiction, local government units shall ensure and support , among other things, xxx promote health and safety xx improved public morals. xxx maintain peace and order, and preserve the comfort and convenient of their inhabitants;"

JOSE VOLTAIRE V. RICAFFRENTE  
MUNICIPAL VICE MAYOR/PRESIDING OFFICER

ATTY. JOSE M. RICAFFRENTE, JR.  
MUNICIPAL MAYOR

RODENCIO L. BADIDLES, JR.

MARK JAY G. VELARDE

ATTY. ETHEL A. MALABANAN

ANTONIO H. LUNA, JR.

BRYAN DOMINIC B. AQUINO

CHRISTOPHER P. GO

MICHAEL H. GIONGCO

ROLANDO A. CONVENTO

CRISANTO A. NAZARENO



Republic of the Philippines  
Province of Cavite  
**MUNICIPALITY OF ROSARIO**



Ordinance No. 313  
Series o 2019  
Page | 2

**Whereas**, Section 458 paragraph (a), sub paragraph (1) (v) of the same Code provides that Sangguniang Bayan, being the legislative body of the municipality, shall enact ordinances intended to prevent suppress and impose penalties for habitual drunkenness in public places x x and such other activities inimical to the welfare and morals of the inhabitants of the locality;

**Whereas**, the challenge for every barangay of this municipality in pushing for a total ban on drinking beer, liquor or alcoholic beverage of any kind in public places within the jurisdiction of the Municipality of Rosario, Cavite cannot be ignored and disregarded, the general welfare of the Citizenry being of primordial interest;

**NOW, THEREFORE, BE IT ORDAINED**, as it is hereby ordained by the Sangguniang Bayan of Rosario, in a session duly assembled that;

SECTION 1. DECLARATION OF POLICY. It is the policy of the Local Government Unit of Rosario to protect its citizenry from such activities inimical to their welfare and morals and to safeguard their rights by the maintenance of peace and order in every barangay in the municipality.

SECTION 2. SCOPE OF POLICY. The Ordinance shall be legal and effective within the territorial jurisdiction of Rosario, Cavite.

SECTION 3. DEFINITION OF TERMS

- a. The terms "beer, liquor or alcoholic beverages" shall refer to drinks whether distilled or fermented such as but not limited to gin, brandy, whisky beer or other locally fermented wines such as tuba, basi, lambanog and the like. They shall also include flavored alcoholic beverages or "alcopops" which contain alcohol higher than beer;
- b. Public place shall refer to all places accessible to the public such as parks, public playgrounds, waiting shed, sidewalk, public road alley, other open space outside of residential perimeter fences and other places considered to be a public place under the law;
- c. Sari-sari store or similar establishment shall refer to establishment not licensed as restaurant, panciteria, hotel or bar;

SECTION 4. PROHIBITED ACTS.

1. The **selling** or **servng** of beer, liquor, or alcoholic beverages of any kind by a sari-sari store or similar establishment or by a restaurant, panciteria, hotel or bar, whether licensed or not, to a minor is hereby PROHIBITED;



Ordinance No. 313

Series o 2019

Page | 3

2. The **drinking** of beer, liquor or alcoholic beverages of any kind within the premise of or near and around the sari-sari store or similar establishment not licensed as restaurant, panciteria, carinderia, hotel or bar is also PROHIBITED;
3. The **drinking** of beer, liquor or alcoholic beverages of any kind in the street, by the sidewalk, in an alley, whether *public* or *private*, in a park or plaza and other places considered to be a public place is likewise PROHIBITED.
4. The **selling** of beer, liquor or alcoholic beverages of any kind in establishment located within 200 meter radius from schools is likewise PROHIBITED.

#### SECTION 5. EXEMPTIONS

1. Hotels and restaurants which have been accredited with the Department of Tourism may serve beer, liquors and alcoholic beverages to its guests and customers. These alcoholic drinks must be consumed only within the vicinity of the hotels and restaurants;
2. Specific public places officially declared by the Municipal Mayor of Rosario, Cavite to be open for commercial activities thereby allowing/permitting the selling, serving and/or drinking of beer, liquor or alcoholic beverages of any kind in the said place subject to the limitation as to duration and/or time.

#### SECTION 6. PENALTIES AND FINES

Any person violating the provisions of the Ordinance shall upon conviction thereof be punished by a fine of:

|                |   |
|----------------|---|
| First Offense  | Php 1,000.00 or 14 hours community service  |
| Second Offense | Php2,000.00 or by an imprisonment on not less than 3 months or both at the discretion of the court        |
| Third Offense  | Php 2,500.00 or by an imprisonment of not less than six(6) months or both at the discretion of the Court. |

PROVIDED HOWEVER, THAT in case of sari-sari store or similar establishment, the owner, proprietor, manager, and/or person in charge thereof, shall be liable therefore, in addition to the above penalty, there shall be an automatic revocation of the license for the said sari-sari store or similar establishment.

#### SECTION 7. POLICY IMPLEMENTORS

1. Local Chief Executive
2. Municipal Vice- Mayor



Ordinance No. 313  
Series o 2019  
Page | 4

3. Members of the Sangguniang Bayan
4. Barangay Officials
5. Rosario PNP Police

#### SECTION 8. POLICY IMPLEMENTATION PROCEDURES

- a. Due process of law shall always be observed by all policy implementation at all times
- b. Human rights of violators shall be observed by the policy enforcers
- c. Apprehending officials must have proper identification when executing an arrest
- d. Arbitrary detention or solitary confinement shall never be practiced or imposed on the violator
- e. Immediately after the arrest, the violator/s shall be turned over by the apprehending officer/s to the Punong Barangay or to the Barangay Kagawad on duty at the Barangay Hall of the place where the violator/s of this Ordinance was arrested;
- f. The personal circumstances of the violator/s and the surrounding circumstances of the arrest shall be entered in the Book of Entry or Barangay Blotter/journal of the barangay concerned;
- g. Thereafter, the violator/s will be brought to the Police Station for custodial investigation and /or detention preparatory to the filing of a complaint/information in court,
- h. Arrest should be executed in courteous, humane and civil manner;
- i. Policy implementor/s is strictly prohibited from inflicting physical and psychological harm to the violator/s before, during and after the execution of the arrest;
- j. In any event, a resident or residents of the barangay concerned where the violation of this Ordinance was committed shall have the right to file a complaint/information in court against the violator of the Ordinance only if there is a clear showing that no such complaint/information was filed by the arresting officer despite the completion of the processes involved in the book of entry of the barangay blotter of the barangay concerned and/or the custodial investigation of the police station.

#### SECTION 9. PUBLIC INFORMATION POLICY

- a. Upon enactment of this Ordinance, an extreme public information drive shall be conducted by all implementing agencies of the policy for its observance and proper implementation;
- b. This Ordinance shall be posted in every barangay unit of this Municipality, police headquarters, courts and all public places in addition to the posting of its copy in at least two (2) conspicuous places in the Municipal Building;



Ordinance No. 313  
Series o 2019  
Page | 5

**SECTION 10. REPEALING CLAUSE**

All ordinances, resolutions, local executive orders and /or administrative regulations which are inconsistent with or contrary to any of the provisions of this Ordinance are hereby repealed or modify accordingly.

**SECTION 11. SEPARABILITY CLAUSE**

In event or for any reason/s any part/s, section/s or provision/s of this Ordinance shall be held or declared be unconstitutional or invalid the remaining part/s thereof which are not affected thereby shall continue to be effective and in full force.

**SECTION 12. EFFECTIVITY CLAUSE**

The Ordinance shall take effect fifteen (15) days after it has been published in a local newspaper of general circulation.

**APPROVED UNANIMOUSLY.**

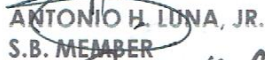
X-----X

I hereby certify to the correctness of the foregoing ordinance.

  
**SONNY G. MERCADO**  
S.B. Secretary

**ATTESTED BY:**

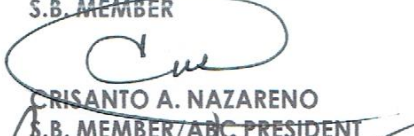
  
**JOSE VOLTAIRE V. RICAFFRENTE**  
MUNICIPAL VICE MAYOR/PRESIDING OFFICER

  
**ANTONIO H. LUNA, JR.**  
S.B. MEMBER

  
**MARK JAY G. VELARDE**  
S.B. MEMBER

  
**BRYAN DOMINIC B. AQUINO**  
S.B. MEMBER

  
**MICHAEL H. GIONGCO**  
S.B. MEMBER

  
**CRISANTO A. NAZARENO**  
S.B. MEMBER/ABC PRESIDENT

  
**ATTY. ETHEL A. MALABANAN**  
S. B. MEMBER

  
**RODENCIO L. BADIILES, JR.**  
S.B. MEMBER

  
**CHRISTOPHER P. GO**  
S.B. MEMBER

  
**ROLANDO A. CONVENTO**  
S.B. MEMBER

**APPROVED:**

  
**ATTY. JOSE M. RICAFFRENTE, JR.**  
MUNICIPAL MAYOR