

5. The distribution of COVID-19 drugs shall be governed by policies set forth by the FDA and the Department of Health.

6. The possession, dispensing, selling, or reselling of counterfeit pharmaceutical products are prohibited and shall be governed by the provisions of RA 8203.

SECTION 4. The Local Government Unit in coordination with the Municipal Health Office, Philippine National Police and the Barangays are enjoined to assist in the information education campaign and enforcement of these ordinance.

SECTION 5. PENAL PROVISION. Any person violating the provisions of this ordinance shall be penalized by a fine of not less than One Thousand Pesos (1,000.00) but not more than Two Thousand Five Hundred Pesos (2,500.00) and revocation of their business permit in accordance with the Revised Penal Code as the case maybe.

SECTION 6. REPEALING CLAUSE. All Ordinances, resolutions and other issuances inconsistent with the provision of this ordinance are hereby repealed and modified accordingly.

SECTION 7. SEPARABILITY CLAUSE. If for any reason any provision of this Ordinance is declared invalid or unconstitutional by appropriate agency or office, the remaining provisions not affected thereby shall continue in full force and effect.

SECTION 8. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon approval.

APPROVED, this 21st day of March 2022.


Voting Profile:

In Favor: Members C. Arzadon-Naira, O. Bueno, J. Alejandro, B. Lalugan, R. Arzadon, A. Dumlao, P. Riquelme Jr., E. Yagin, A. Valera and F. Rambaud

Against: None

Abstained: None

CERTIFIED CORRECT:


LILY U. DALAG

Secretary to the Sangguniang Bayan

APPROVED:


ATTY. ALDRIN R. GARVIDA

Municipal Mayor

04 APR 2022

ATTESTED:


CAROLINE A. GARVIDA

Vice Mayor & Presiding Officer

04 APR 2022

b. Household remedies refer to any preparation containing pharmaceutical substances of common or ordinary use to relieve common physical ailments and which may be dispensed without a medical prescription in original packages, bottles or containers, of which the nomenclature has been duly approved by the FDA.

c. Over-the-counter medicines refer to medicines used for symptomatic relief of minor ailments and which may be dispensed without a prescription.

d. Pharmaceutical products refer to drugs, medicines, biologicals, pharmaceutical and biopharmaceutical products/species, veterinary products, veterinary biologics and veterinary medicinal products.

e. Pharmacist refers to a health professional who has been registered and issued a valid certificate of registration and Professional Identification card by the PRC and the Professional Regulatory Board of Pharmacy.

f. Pharmacist-only OTC medicines refer to over-the-counter medicines classified by appropriate government agencies to be obtained only from a licensed pharmacist, with mandatory pharmacist advice on their selection and proper use.

g. Prescription medicines refer to medicines which can only be dispensed by a pharmacist to a patient, upon the presentation of a valid prescription from a physician, dentist or veterinarian and for which a pharmacist's advice is necessary.

h. Sari-sari stores refer to retailing stores selling a general line of merchandise, classified as micro-enterprises.

SECTION 3. GUIDELINES AND PROHIBITIONS. In accordance to DILG Memorandum Circular No. 2022-025, hereunder are strictly followed:

1. Pursuant Section 30 of Republic Act No. 10918, otherwise known as the Philippine Pharmacy Act prohibits the compounding, dispensing, selling or reselling of pharmaceutical products through retail drug outlets not licensed by the Food and Drugs Administration.

2. Exceptions may be made in emergency cases, which refer to life-threatening situations where a patient needs immediate medical attention and treatment and the services of a pharmacist are not available.

3. Sari-sari stores and other similar retail outlets and micro-enterprises are prohibited from dispensing, selling, or reselling prescription and pharmacist-only OTC Medicines as defined and classified by the FDA, as these medicines may only be dispensed by or obtained from a licensed pharmacist and with said licensed pharmacist's advice, pursuant to RA10918.

Owners of these establishments may, however, apply for authorization from the FDA to dispense, sell and resell pharmaceutical products limited to household remedies and OTC drugs (which are not pharmacist-only) by securing the requirements outlined in the immediately succeeding paragraph.

4. Other stores such as convenient stores, cooperative-run stores and other small medium enterprises which intend to sell household remedies and OTC drugs (which are not pharmacist-only) are first required to apply as a retail outlet for non-prescription drugs (RONPD) PURSUANT TO FDA Circular No. 2014-028 and secure the following:

- a. A license to operate (LTO) from the FDA.
- b. The employment of the supervision and oversight of a duly registered and licensed pharmacist, pursuant to Section 31 (b) of RA10918, and
- c. Other requirements imposed by the FDA on its LTO applicants



OFFICE OF THE SANGGUNIANG BAYAN

EXCEPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF NUEVA ERA, ILOCOS NORTE, HELD AT THE SESSION HALL ON March 21, 2022 AT 9:00 O'CLOCK IN THE MORNING.

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MAR 21 05 2022
TIME 4:59 PM
SIGNATURE

Vice Mayor & Presiding Officer
Sangguniang Bayan Member

Pedrasyon ng Sangguniang Kabataan Pres.
Liga ng mga Barangay President

PRESENT:

HON. CAROLINE A. GARVIDA
HON. CATHERINE A. NAIRA
HON. OSIAS O. BUENO

HON. JERRY D. ALEJANDRO

HON. BENABEL A. LALUGAN

HON. ROGER O. ARZADON

HON. AGRIFINA T. DUMILAO

HON. PETRONIO H. RIQUELMAN JR.

HON. EDWIN B. YAGIN

HON. AUSTINE MARK A. VALERA

HON. FRANCISCO T. RAMBAUD

ABSENT: NONE

AN ORDINANCE PROHIBITING THE DISPENSING, SELLING AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS IN THE MUNICIPALITY OF NUEVA ERA, ILOCOS NORTE AND PROVIDING PENALTIES FOR VIOLATION HEREOF.

WHEREAS, Section 15, Article II of the 1987 Constitution mandates the State to protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, Section 16 of Republic Act 7160 otherwise known as the Local Government Code provides

that:

"Every local government unit shall exercise the powers expressly granted those necessarily implied therefrom, as well as the 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, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order and preserve the comfort and convenience of their inhabitants."

WHEREAS, Republic Act No. 8203 otherwise known as the Special Law on Counterfeit Drugs, prohibits any person from manufacturing, selling, offering for sale, donating, distributing, trafficking, brokering, exporting, importing or possessing counterfeit drugs;

BE IT ORDAINED by the Sangguniang Bayan of the Municipality of Nueva Era, Ilocos Norte by virtue of the powers vested in law, in session duly assembled that:

SECTION 1. Title. This ordinance shall be known as "AN ORDINANCE PROHIBITING THE DISPENSING, SELLING AND RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND OTHER SIMILAR RETAIL OUTLETS IN THE MUNICIPALITY OF NUEVA ERA, ILOCOS NORTE AND PROVIDING PENALTIES FOR VIOLATION HEREOF.

SECTION 2. DEFINITION OF TERMS: As used in this ordinance, terms are defined hereunder:

a. **Counterfeit pharmaceutical products**- refer to pharmaceutical products which do not contain the amounts as claimed; with wrong ingredients, without active ingredients; or with insufficient quantity of active ingredients, which result in the reduction of the product's safety, efficacy, quality, strength or purity. These also refer to products that are deliberately and fraudulently mislabeled with respect to identity and/or source or with fake packaging, and can apply to both branded and generic products.