



Republic of the Philippines  
Province of the Davao del Sur  
City of Digos



OFFICE OF THE SANGGUNIANG PANLUNGSOD

**8<sup>TH</sup> CITY COUNCIL**

EXCERPT FROM THE MINUTES OF THE 43<sup>RD</sup> REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF DIGOS CITY, DAVAO DEL SUR HELD ON JUNE 5, 2023 AT THE SP SESSION HALL

**CITY ORDINANCE NO. 2023-163**

Author: Hon. Salvador L. Dumogho, III

Co-authors: Hon. Liza M. Cagas Hon. Reynaldo T. Aballe Hon. Xymber M. Latasa  
Hon. Michael R. Latasa Hon. Ferdinand D. Canastra Hon. Marc Dominic R. Fernandez  
Hon. Nestor M. Aldeguer, Jr. Hon. Concepcion R. Cadungog Hon. Reynaldo S. Hermosisima  
Hon. Juanito O. Morales Hon. Linda E. Regidor Hon. Korina A. Bucol

PRESENT:	Hon. Johari G. Baña	City Vice Mayor/Presiding Officer
	Hon. Liza M. Cagas	SP Member
	Hon. Reynaldo T. Aballe	SP Member
	Hon. Xymber M. Latasa	SP Member
	Hon. Michael R. Latasa	SP Member
	Hon. Ferdinand D. Canastra	SP Member
	Hon. Marc Dominic R. Fernandez	SP Member
	Hon. Salvador L. Dumogho, III	SP Member
	Hon. Concepcion R. Cadungog	SP Member
	Hon. Nestor M. Aldeguer, Jr.	SP Member
	Hon. Reynaldo S. Hermosisima	SP Member
	Hon. Juanito O. Morales	SP Member/LnB Rep.
	Hon. Linda E. Regidor	SP Member/IPMR
	Hon. Korina A. Bucol	SP Member/SK Pederasyon Pres.

ABSENT:  
NONE

**AN ORDINANCE PROHIBITING THE SELLING OF BEERS, LIQUORS AND OTHER INTOXICATING BEVERAGES, CIGARETTES, E-CIGARETTES INCLUDING OTHER TOBACCO PRODUCTS TO MINORS, FURTHER PROHIBITING MINORS TO SMOKE CIGARETTES, E-CIGARETTES AND OTHER TOBACCO PRODUCTS AND TO DRINK BEERS, LIQUORS AND OTHER INTOXICATING BEVERAGES AND/OR ENGAGE IN A DRINKING SPREE IN PUBLIC PLACES, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

Be it ordained by the Sangguniang Panlungsod in session assembled:

**SECTION 1. TITLE.** This Ordinance shall be known as an "Ordinance prohibiting the selling of beers, liquors and other intoxicating beverages, cigarettes, e-cigarettes including other tobacco products to minors, further prohibiting minors to smoke cigarettes, e-cigarettes and other tobacco products and to drink beers, liquors and other intoxicating beverages and/or engage in a drinking spree in public places, and providing penalties for violations thereof".

**SECTION 2. DECLARATION OF POLICY.**

Section 13 of Article 11 of the 1987 Philippine Constitution provides that, "the State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being".

Section 458 (a) of RA 7160, otherwise known as the Local Government Code of 1991 provides that "the Sangguniang Panlungsod as the legislative body of the

**JOSEFF F. CAGAS, RN, JD, MPA**  
City Mayor

**ATTY. JOHARI G. BANA**  
City Vice Mayor/Presiding Officer

**ELVIE R. BARRIL, MPA**  
Admin. Officer / Secretary-Designate

City, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the City and its inhabitants”.

Section 458 (3) (ii) of the same Code “empowers the Sangguniang Panlungsod to regulate or fix license fees for any business or practice of profession within the City and the conditions under which the license for said business or practice of profession may be revoked and enact ordinances levying taxes thereon”.

The future of our minors is constantly under threat from the incessant exposure to the world of vices, and easy accessibility of intoxicating alcoholic beverages and cigarettes in retail and/or sari-sari stores within their own communities. Hence, there is a compelling need to prohibit the selling of cigarettes, e-cigarettes, including other tobacco products, beers, liquors and other intoxicating beverages to minors and further prohibiting minors to smoke cigarettes including other tobacco products and drink beers, liquors and other intoxicating products and/or engage in drinking spree in public places.

**SECTION 3. DEFINITION OF TERMS.** For purposes of this Ordinance, the following terms shall be defined as follows:

- a. **Minor**- a person under 18 years of age.
- b. **Drinking spree**- a group of minors drinking beer, liquor or any other intoxicating beverages together.
- c. **Public Places**- places devoted for public use such as, but not limited to public transportation, sari-sari stores, convenience stores, bars, restaurants, billiard halls, malls, schools, private clubs and other similar business establishments.
- d. **Commercial and Business Establishments**- establishment offering services to the public and engage in the business of selling, serving, and allowing the consumption of beer, liquor, and other tobacco products such as, but not limited to retail stores, bars, restaurants, billiards halls, malls and other establishments within the City of Digos.
- e. **E-cigarettes** - a device that has a shape of a cigarette; cigar, or pen and does not contain tobacco but used for inhaling vapor containing nicotine and flavoring.

**SECTION 4. PROHIBITION.**

- a. It shall be unlawful to sell cigarettes, e-cigarettes and other tobacco products, beer, liquor and other intoxicating beverages to minors;
- b. It shall be unlawful for commercial establishments, retail stores, sari-sari stores, convenience stores, bars, restaurants, billiard halls, malls and other similar business establishments to tolerate and allow the consumption of cigarettes; e-cigarettes and other tobacco products, beer, liquor and other intoxicating beverages within their vicinities and/or area of jurisdictions; and

  
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City Mayor

  
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Admin. Officer/Secretary-Designate

- c. It shall be unlawful for minors to smoke cigarettes; e-cigarettes and other tobacco products and to drink beer, liquor and other intoxicating beverages within their vicinities and/or engage in drinking space in public places.

**SECTION 5. POSTING OF NOTICE.** All owners, proprietors and operators of business establishments such as retail stores, sari-sari stores, convenience stores, bars, restaurants, billiard halls, malls and other similar business establishment within the City of Digos shall post the following notice in a conspicuous place within their establishment:

***"SELLING, SERVING AND ALLOWING THE CONSUMPTION OF BEER, LIQUOR, CIGARETTES, E-CIGARETTES AND OTHER TOBACCO PRODUCTS TO MINORS ARE PROHIBITED BY LAW".***

The BPLO shall require this notice to be posted upon application or renewal of Business Permit of the above-stated establishments upon the effectivity of this Ordinance.

**SECTION 6. PENALTIES.** Any person who violates this Ordinance shall be penalized or pay fines in a manner provided below:

**1<sup>st</sup> Offense-** A fine of **One Thousand Pesos (Php 1,000.00)** payable to the City Treasurer's Office thru a citation ticket and compliance of Section 3 hereof as to posting of notice.

**2<sup>nd</sup> Offense-** A fine of **Three Thousand Pesos (Php 3,000.00)** payable to the City Treasurer's Office thru a citation ticket.


**3<sup>rd</sup> Offense-** A fine of **Five Thousand Pesos (Php 5,000.00)** payable to the City Treasurer's Office thru a citation ticket or revocation of business permit.

In any case, willful refusal to pay the citation ticket at the City Treasurer's Office shall result to the revocation of Business Permit.

**SECTION 7.** The business owners or proprietors shall ask for any valid identification card to verify the buyer's age before selling cigarettes and alcoholic beverages to the same.

**SECTION 8. IMPLEMENTATION/ENFORCEMENT.** The Business Permits and Licensing Office (BPLO) and the Digos City Police Office will be tasked to implement this Ordinance. The issuance of the citation tickets shall be done only by any person deputized by the City Treasurer's Office. **The Barangay Official as well as their agents or persons in authority shall monitor and implement Section 3 of this Ordinance.**

**SECTION 9. SEPARABILITY CLAUSE.** If, for any reason, any part or provision of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

  
JOSEPH F. CAGAS, RM, JD, MPA  
City Mayor

  
ATTY. JOJARI G. BAMA  
City Vice Mayor / Residing Officer


  
ELVIE R. BARRIL, MPA  
Admin. Officer / Secretary-Designate

**SECTION 10. REPEALING CLAUSE.** All Ordinances or part/parts thereof, which are inconsistent with any of the provisions of this Ordinance are hereby repealed and/or modified accordingly.

**SECTION 11. EFFECTIVITY.** This Ordinance shall take effect after the required posting in at least three (3) conspicuous places in Digos City and publication in a newspaper of local circulation pursuant to RA No. 7160, whichever comes later.

**CARRIED UNANIMOUSLY.**

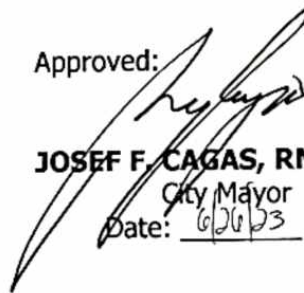
Certified true and correct:

  
**ELVIE R. BARRIL, MPA**  
Admin. Officer V/Secretary-Designate

Attested:

  
**ATTY. JONARI G. BANA**  
City Vice Mayor/Presiding Officer

Approved:

  
**JOSEF F. CAGAS, RN, JD, MPA**  
City Mayor  
Date: 6/26/23