



Republic of the Philippines
Province of Zamboanga del Norte
MUNICIPALITY OF PIÑAN



Office of the Sangguniang Bayan

**EXCERPT FROM THE MINUTES OF THE 60th REGULAR SESSION OF THE
11th SANGGUNIANG BAYAN OF PIÑAN, ZAMBOANGA DEL NORTE HELD ON
SEPTEMBER 11, 2023 AT THE SB SESSION HALL**

Present:

Honorable Rommel I. Gudmalin	Municipal Vice-Mayor (Presiding Officer)
Honorable Glicerio Y. Redillas Jr.	Sangguniang Bayan Member
Honorable Benedicto C. Cainta II	Sangguniang Bayan Member
Honorable Gina R. Aleta	Sangguniang Bayan Member
Honorable Al Immanuel U. Cantila	Sangguniang Bayan Member
Honorable Ricardo R. Sabandal	Sangguniang Bayan Member
Honorable Celso M. Montemayor	Sangguniang Bayan Member
Honorable Jose Antonio L. Galan	Sangguniang Bayan Member
Honorable Greg C. Belangoy	Sangguniang Bayan Member
Honorable Enrique P. Acoymo	Ex-Officio Sangguniang Bayan Member (LigangmgaPunong Barangay President)

Absent: Honorable Jodilyn P. Tatad	Ex-Officio Sangguniang Bayan Member (IP Mandatory Representative)
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MUNICIPAL ORDINANCE NO. 2023-018
Series of 2023

**AN ORDINANCE PROHIBITING THE DISPENSING, SELLING AND
RESELLING OF PHARMACEUTICAL PRODUCTS IN SARI-SARI STORES AND
OTHER SIMILAR RETAIL OUTLETS IN THE MUNICIPALITY OF PIÑAN,
ZAMBOANGA DEL NORTE**

Sponsored by: Honorable Jose Antonio L. Galan
Co-Sponsored by: Honorable Glicerio Y. Redillas, Jr.,
Honorable Benedicto C. Cainta II, Honorable Gina R. Aleta and Honorable Enrique P. Acoymo

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 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 (FDA);

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;

WHEREAS, the Food and Drugs Administration has issued a public warning against purchase and use of several counterfeit drug products that proliferated the market, including Phenylephrine HLC/Chlorphenamine Maleate/Paracetamol (Neozep Forte), Loperamide (Diatabs), Ibuprofen/ Paracetamol (Alaxan FR), Carboceistine (Solmux), and others;

WHEREAS, the FDA reported that from January 13 to February 11, 2022, they received 185 reports on sari-sari stores that were illegally selling medicines, in which 78 were confirmed to be violators. Of this number, nine stores were retailing fake medicines including COVID medicines;

WHEREAS, the proliferation of counterfeit pharmaceutical products and the sale of medicines by sari-sari stores, without authorization from the FDA , are a potential cause of serious harm to the health and safety of the general public;

NOW, THEREFORE,

BE IT ORDAINED BY THE SANGGUNIANG BAYAN COUNCIL OF PIÑAN IN REGULAR SESSION ASSEMBLED:

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 PIÑAN, ZAMBOANGA DEL NORTE.**

SECTION 2. DECLARATION OF POLICY – It is hereby declared the policy of the Municipality to uphold the right of the people to health and instill health consciousness among them. Towards this end, the Municipality focus the welfare of the Piñanons by providing them a health care system in ensuring the physical well-being.

It is the pursuit of this Local Government Unit to prohibit the proliferation of illegal medicines and other pharmaceutical products without FDA approval as this cause serious harm and threat to one’s health.

SECTION 3. DEFINITION OF TERMS.

(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 are 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.

- (b) **Dispensing**- refers to the sum of processes performed by a pharmacist from reading, validating, and interpreting prescriptions; preparing; packaging; labeling; record keeping; dose calculations; and counseling or giving information in relation to the sale or transfer of pharmaceutical products, with or without a prescription or medication orders;
- (c) **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.
- (d) **Over-the Counter (OCT) medicines** – refer to medicines used for symptomatic relief of minor ailments and which may be dispensed without prescription.
- (e) **Pharmaceutical products**- refer to drugs, medicines, biological, pharmaceutical and biopharmaceutical products/specialties, veterinary products, veterinary biologics, and veterinary medicinal products.
- (f) **Pharmacist** - refers to a health professional who has been registered and issued a valid Certificate of Registration (COR) and Professional Identification Card (PIC) by the PRC and the Professional Regulatory Board of Pharmacy.
- (g) **Pharmacist –only OCT medicines** -refer to over-the-counter medicines classified by appropriate government agencies to be obtained only from a licensed pharmacist, with mandatory pharmacist’s advice on their selection and proper use.
- (h) **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.
- (i) **Sari-sari store**- refer to retailing stores selling a general line of merchandise, classified as micro-enterprises.

SECTION 4. REGULATORY CLAUSE. Compounding and dispensing of pharmaceutical products shall only be done by duly registered and licensed pharmacist. No pharmaceutical products of whatever nature and kind shall be compounded, dispensed, sold or resold, or otherwise be made available to the consuming public, except through a retail drug outlet duly licensed by the Food and Drug Administration.

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

SECTION 5. PROHIBITED ACTS.

1. Sari-sari stores and other similar retail outlets and micro –enterprises are absolutely prohibited from selling or reselling over the counter medicines and other pharmaceutical products as defined and classified by the Food and Drug Administration.

2. Convenience stores, cooperative-run stores, and other small and medium enterprises which intend to sell household remedies and over the counter drugs (which are not pharmacist-only medicines) are prohibited from dispensing, selling, or reselling prescription and pharmacist-only over the counter medicines, as defined and classified by the Food and Drug administration.

3. The distribution of COVID-19 drugs shall be governed by policies set forth by the FDA and the Department of Health only unless otherwise provided.

4. The possession, dispensing, selling or reselling of counterfeit pharmaceutical products are prohibited and shall be governed by the provisions of RA 8203 otherwise known as the Special Law on Counterfeit Drugs.

SECTION 6. FOOD AND DRUG ADMINISTRATION RETAIL AND AUTHORIZATION REQUIREMENT.

a. Owners of establishments mentioned in Section 5 (2) are first required to apply as a retail outlet for non-prescription drugs (RONPD) pursuant to Food and Drug Administration Circular No. 2014-028 and secure the following:

1. A license to operate from FDA;
2. The employment of the supervision and oversight of a duly registered and licensed pharmacist, pursuant to Section 31 (b) of RA 10918; and
3. Other requirements imposed by the FDA on its license to operate applicants.

SECTION 7. RESPONSIBILITY OF THE LGU. The LGU shall have the following responsibilities pertinent to this ordinance:

a. The LGU shall ensure the integration of guidelines in the existing business permit and licensing systems and requirement;

b. The Municipal Health Office and Barangay Health Stations in coordination with the LGU & BLGU shall ensure the operation of their respective pharmacies wherein non-prescription generic drugs and selected prescription drugs are made available.

c. The LGU shall also establish an enabling mechanism designed to assist owners of sari-sari stores and other retail stores in securing proper authorization from FDA to dispense, sell, and resell pharmaceutical products.

SECTION 8. PENAL CLAUSE. Violations of any of the above sections as well as any provision/s hereof shall be fined as follows:

First Offense	Fine of P 1,000.00 and confiscation of all Pharmaceutical products being sold
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Second Offense	Fine of P 1,500.00 and confiscation of all pharmaceutical products being sold
Third Offense and Succeeding Offenses	Fine of P 2,500.00, confiscation of all pharmaceutical products being sold, revocation of business permit or license to operate or imprisonment for a period not exceeding six (6) months, or both fine and imprisonment in the discretion of the court.

SECTION 9. FORMULATION OF IMPLEMENTING RULES AND REGULATIONS. Within one (1) month after the approval of this Ordinance, the Municipal Mayor through the Local Health Board shall convene a meeting to formulate and issue the appropriate rules and regulations necessary for the efficient and effective implementation of all provisions of this Ordinance.

SECTION 10. SEPARABILITY CLAUSE. If any provision of this Ordinance is determined to be invalid, illegal or unenforceable, its remaining provisions shall remain in full force as though this ordinance did not originally include such invalid, illegal or unenforceable provision.

SECTION 11. EFFECTIVITY CLAUSE. This Ordinance shall take effect after publication in a newspaper of general circulation.

CARRIED UNANIMOUSLY.

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I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance.


MARIA CELESTE B. CANOY
Secretary to the Sangguniang Bayan

**CERTIFIED CORRECT AS TO ITS PASSAGE
ON THE THIRD AND FINAL READING:**


ROMMEL I. GUDMALIN
*Municipal Vice Mayor
(Presiding Officer)*

APPROVED:


CECILIA J. CARREON
Municipal Mayor
14 SEP 2023