



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 497, S-2012

**AN ORDINANCE DESIGNED TO PROTECT THE HEALTH OF
PREGNANT WOMEN AND THEIR UNBORN CHILD**

WHEREAS, the 1987 Constitution of the Republic of the Philippines declares that the State shall protect and promote the right to the health of the people and instill health consciousness among them;

WHEREAS, the Local Government Code of 1991 (Republic Act No. 7160) accords every local government unit power and authority to promote the general welfare within its respective territorial jurisdictions, including the promotion of health and safety of its constituents;

WHEREAS, pregnant women and fetuses are among the vulnerable population, requiring special attention, care and protection;

WHEREAS, smoking during pregnancy is clinically proven to be harmful to both the mother and the unborn child as it oftentimes result to premature birth and/or may lead to Sudden Infant Death Syndromes (SIDS);

WHEREAS, alcohol consumption has also been established to have detrimental effect to the unborn child that may cause Fetal Alcohol Syndrome (FAS) which is permanent central nervous system damage, especially to the brain;

WHEREAS, any drug, legal or illegal, can also affect the pregnancy of the woman and may be fatal to both the mother and the unborn child if dispensed without proper supervision and prescription from appropriate medical authorities;

NOW, THEREFORE, BE IT ENACTED, by the Sangguniang Panlungsod, in session assembled:

- SECTION 1. TITLE. This Ordinance shall be known as "An Ordinance Designed to Protect the Health of Pregnant Women and their Unborn Child in the City of Mandaluyong".
- SECTION 2. PURPOSE. The purpose of this Ordinance is to safeguard the health and ensure the well being of pregnant women and their unborn children from the harmful effects of smoking, alcohol consumption and drug intake.
- SECTION 3. SCOPE AND COVERAGE. This Ordinance shall apply to all points-of-sale of tobacco products, alcoholic beverages and drugs within the territorial jurisdiction of the City of Mandaluyong.
- SECTION 4. DEFINITION OF TERMS. As used in this Ordinance, the terms below shall have the meanings ascribed to them in this section. Any word or term not defined shall be given their plain and customary meaning, unless the context requires otherwise, and shall be interpreted in a manner consistent with the purpose and spirit of this Ordinance.

- a. *Point-of-sale* refers to any location where an individual can purchase or otherwise obtain tobacco products, alcoholic liquor and beverages and drugs.
- b. *Pregnant women* refers to a woman having a child developing in the uterus.
- c. *Tobacco Products* refers to products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking, sucking, chewing or snuffing, such as cigarettes and cigars.
- d. *Alcohol* refers to ethanol especially when considered as the intoxicating agent in fermented and distilled liquors, whiskey and/or beer.
- e. *Drugs* refer to a substance used for medication or in the preparation of medication.
- f. *Person* refers to any individual, including ambulant vendor, who sells goods or commodities in small quantities directly to consumers.
- g. *Retail store* refers to a place of business that sells goods or commodities in small quantities directly to consumers.
- h. *Convenience store* refers to a store that sells limited variety of goods and pharmaceutical items that has long opening hours, usually open for twenty four (24) hours, for the convenience of its customers.

SECTION 5. PROHIBITED ACT. It shall be unlawful for any person, retail store, convenience store, and other similar establishments to sell or vend tobacco products, alcoholic liquor and beverages and drugs to a woman who, during the actual sale, is identified to be pregnant due to her obvious physical appearance.

SECTION 6. Any person who shall sell, use or otherwise dispense tobacco products, alcoholic liquor and beverages and drugs to a pregnant woman without the corresponding prescription from a duly licensed medical practitioner, in the case of drugs, shall be penalized with a fine of not less than One Thousand Five Hundred Pesos (P1,500.00) but not more than Three Thousand Pesos (P3,000.00) or imprisonment of one (1) month and one (1) day but not more than three (3) months, or both fine and imprisonment at the court's discretion.

In addition, the administrative penalty of cancellation of Mayor's Permit of the erring establishment shall also be imposed.

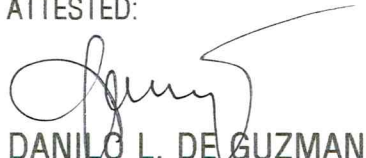
SECTION 7. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the City of Mandaluyong.

ENACTED on this 11th day of June, 2012 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE
WAS ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN


JIMMY D. LACEBAL
Sanggunian Secretary

ATTESTED:


DANILO L. DE GUZMAN
City Vice Mayor &
Presiding Officer

APPROVED:


BENJAMIN DC. ABALOS, JR.
City Mayor

Date: JUN 21 2012