SANGGUNIANG PANLUNGSOD

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AUTHORED BY: Councilor ROVIN ANDREW M. FELICIANO

WHEREAS, in a research study conducted by the Food and Nutrition Research Institute (FNRI) regarding the nutrition status of children aged 10 to 19 years old, the National Capital Region garnered the most percentage of obese children more than any other region of the country;

WHEREAS, the National Nutrition Council basing its inferences from the FNRI study had observed that such a situation stems from the proliferation of improper food (junk food) easily available to the younger generation in the NCR;

WHEREAS, such a situation has led to the rising occurrences of young children being affected by chronic illnesses such as asthma, diabetes, abnormally high blood pressures, and emotional depressions which can all be correlated to malnutrition;

WHEREAS, the gustatory preferences developed by a young person during his early school years may very well be carried into adulthood and thus the proper food preferences of a child must be guided during this period;

WHEREAS, in the face of existing legislative regulations which prevent the outright banning of improper food currently available for purchase and consumption even by children, alternative courses of legislative actions must be taken to protect our youth.

NOW, THEREFORE, be it ordained as it is hereby ORDAINED by the Sangguniang Panglungsod of Valenzuela in formal session assembled that:

SECTION 1. SCOPE. This ordinance is directed towards all educational institutions public and private schools, regardless of educational scope and size, commercial establishments dealing in food products including all forms of food vendors, and all local government institutions and facilities.

SECTION 2. DEFINITION OF TERMS. For purposes of clarity and legal interpretation the following terms used in this ordinance will be understood as follows:

- "Educational Institutions" - pertain to all schools privately or government operated, of whatever educational scope, including tutorial institution but only limited to pre-school, elementary school and high school or land area occupied.

- "Commercial Establishments" - refer to all establishments dealing in food products, including food franchises operating within the territorial scope of Valenzuela excluding business establishment which falls to the category of economies of scale.

- "Food Vendors" - refer to both stationary and ambulant vendors selling food products of whatever form within the territorial jurisdiction of the city.

- "JunkFood" - any food lower in any nutritious content but higher in salt, sugar and fats.

- "Non-implementation" - means the failure to adhere to the directives of this ordinance.

- "Misimplementation" - means there is an attempt to adhere to the directives of this ordinance but in a manner that can be considered non compliant.

- "Malimplementation" - refers to the deliberate and malicious misimplementation of this ordinance in an effort to circumvent its directives for commercial gain.

- "Nutritious Food" - refers to any food which are healthy and good for the body.

- "Economies of Scale" - apply to a variety of organizational and business situations and at a various levels such as business which will affects the City's economy.

SECTION 3. DIRECTIVES. All institutions, commercial establishments, food vendors and local government units as pertained to by Section 1 of this ordinance are hereby mandated to implement the following:

- The Official List of Healthy and Non-healthy Food.

- Within twenty (20) working days The City Health Department in coordination with the Department of Health will formulate and release an official list of recommended food products that can be considered beneficial to the health of students as well as an official list of food items that are considered "junk" or unhealthy for student consumption. These official lists will be submitted to the Sangguniang Panlungsod and will form an integral part of this ordinance. Copies of these lists will be provided by the Secretary to the Sanggunian to the Office of the Mayor.

- Within twenty (20) working days after the submission of these lists, the Mayor's Office will submit the designs of the official posters containing the list of both the recommended healthy food as well as those that can be considered as junk food. These designs shall be made in two sizes, cartolina sized (4'x2) posters for institutions and commercial establishments, as well as smaller letter sized (8" x 11") posters for food vendors. These poster designs will be submitted to the Sangguniang Panlungsod for approval.

- These posters will be printed for distribution by the Business Permits and Licensing Office of the City Government as part of the requirements for obtaining the necessary business licenses of all the educational institutions, commercial establishments and food vendors that falls within the scope of this ordinance.

- The Business Permits & Licensing office shall charge the appropriate fees for the printing of these posters.

- In the case of public schools who do not need to obtain business permits the posters will be provided free of charge by the City Health Department. The operator of food concessions and canteens within the school premises will be required to pay for the appropriate fees for these posters just like any other commercial establishments who are required to procure permits and licenses.

- In the case of private schools, both the schools and all food concessions within their premises are required to acquire and be charged for these posters separately.

- In the case of local government units, the posters will be provided by the Mayor's Office to all city government offices and the League of Punong Barangays will provide these posters to the barangay government facilities.

- These posters will be posted by all those concerned in a conspicuous area easily noticeable by the students within the premises of the concerned establishments. In the case of food vendors, the smaller posters must be placed in front of their facilities where it can easily be seen by all those availing of their products.

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- Failure to post these posters by any of the establishments covered by this ordinance shall be considered as non-implementation of this ordinance and shall be penalized according to the appropriate provisions of this ordinance.

- Failure to post these posters in the appropriate location or placing the posters in locations that are not noticeable by students will be considered as misimplementation of this ordinance and shall be meted out penalties according to the appropriate provisions of this ordinance.

- The use of posters of another design other than the official design approved by the Sangguniang Panlungsod in order to promote a food product not included in the list of healthy food will be considered as malimplementation of this ordinance and shall be meted out penalties in accordance with the pertinent provisions of this ordinance.

SECTION 4 PENALTIES. In the interest of the future health and general well being of children, "non-implementation", "misimplementation" or "malimplementation" of the provisions of this ordinance shall be accorded the following penalties:

- In the case of public school personnel under the jurisdiction of the "DepEd Valenzuela":

- Non-implementation would warrant a notice and reminder of non-implementation to the school administrator or Officer In Charge from the City Legal Officer or the City Health Officer;

- Misimplementation would warrant a notice and request for compliance to the school administrator or Officer In Charge from the City Legal Officer or the City Health Officer;

- Malimplementation of this ordinance will warrant a letter to the Schools Division Superintendent requesting for an investigation on the possible malicious violation of this ordinance and the appropriate penalties in accordance with the administrative rules of the Department of Education.

- In the case of food concessionaires operating within the premises of public schools:

- Non-implementation would warrant a notice and reminder of non-implentation with a grace period of five (5) working days for compliance.

- Misimplementation would warrant a notice and request for compliance with a grace period of five (5) working days for compliance;

- Continuous non-implementation or misimplementation after the given grace period for compliance will mean the suspension of the establishment's business permit to operate with an accompanying penalty of Php3,000.00 the payment of which will be a requirement for the lifting of the establishment's suspension.

- Malimplementation of this ordinance will be penalized with an automatic suspension of the establishment's business license with an accompanying fine of Php5,000.00 the payment of which will be a requirement for the lifting of the establishment's suspension.

- In the case of privately owned school establishments found in violation of this ordinance:

- Non-implementation would warrant a notice and reminder of non-implementation with a grace period of five (5) working days for compliance.

- Misimplementation would warrant a notice and request for compliance with a grace period of five (5) working days for compliance;

- Continuous non-implementation or misimplementation after the given grace period for compliance will mean the suspension of the establishment's business permit to operate with an accompanying penalty of Php3,000.00

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payable upon the renewal of the schools business license to operate.

- Malimplementation of this ordinance will be penalized with an automatic suspension of the establishment's business license with a fine of Php5,000.00 payable upon the renewal of the schools business license to operate A notice of the establishment's violation of this ordinance will be sent to the Department of Education requesting for appropriate administrative penalties in accordance with their guidelines.

- In the case of commercial establishments selling food items and stationary food vendors operating within the city:

- Non-implementation would warrant a notice and reminder of non-implementation with a grace period of five (5) working days for compliance.

- Misimplementation would warrant a notice and request for compliance with a grace period of five (5) working days for compliance;

- Continuous non-implementation or misimplementation after the given grace period for compliance will mean the suspension of the establishment's business permit to operate with an accompanying penalty of Php3,000.00 the payment of which will be a requirement for the lifting of the establishment's suspension.

- Malimplementation of this ordinance will be penalized with an automatic suspension of the establishment's business license with an accompanying fine of Php5,000.00 the payment of which will be a requirement for the lifting of the establishment's suspension.

- In the case of ambulant vendors, violation of this ordinance specially when perpetuated within a 50 meter radius of any educational institution shall be:

- Issued a warning message by the city government for the 1st offense;

- Served a notice of violation by the city government along with a penalty of Two Thousand Pesos (Php2,000.00) for the 2nd offense;

- Served a notice of repeated violations by the city government along with a penalty of Five Thousand Pesos (Php5,000.00) for the continuous violation of this ordinance.

SECTION 5. IMPLEMENTING AGENCIES. The following government agencies will be tasked to implement this ordinance.

- The City Legal Officer or the City Health Officer with regards to the issuances of notices.

- The Business Permits & Licensing office with regards to the suspension of licenses and the collection of fines.

- Task Force Disiplina.

- The City Administrator or the City Legal Officer to issue notices of violation of City Government Agencies.

SECTION 6. NATURE OF PENALTIES COLLECTED. All penalties collected in violation of this ordinance shall be treated as special funds which shall be appropriated directly to the Special Educational Fund (SEF) of the city government and for no other purpose.

SECTION 7. ANNUAL ORIENTATION OF ALL PTAs. The City Health Officer will assign specific personnel who will undertake and ensure that all Parents and Teachers Associations in all schools in Valenzuela will receive an annual orientation with regards to this ordinance and an updated list of both healthy and unhealthy food.

SECTION 8. REPEALING CLAUSE. All previous provisions of any ordinance and executive order not in

consonance or in conflict with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 9. SEPARABILITY CLAUSE. If any provisions of Section 2 and 4 of this ordinance shall be deemed unconstitutional, all other provisions listed in the aforesaid sections shall remain in full force and effect.

SECTION 10. EFFECTIVITY. This Ordinance will be effective upon its publication in at least two (2) newspapers of general circulation once and be implemented on the last quarter for the payment of business licenses this year.

ENACTED.
SEPTEMBER 15, 2014.
VALENZUELACITYMETROPOLITAN MANILA.

(Sgd.) HON. ANTONIO R. ESPIRITU
Councilor
Majority Floor Leader HON. ROSALIE ESTEBAN-CAYCO
Councilor
Minority Floor Leader

HON. MARCELINO G. MORELOS
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(Sgd.) HON. RAMON L. ENCARNACION
Councilor
(President League of Barangays)

ATTESTED:

(Sgd.) FLAVIO C. DIAZ
Secretary

CERTIFIED CORRECT:

(Sgd.) HON. LORENA NATIVIDAD-BORJA
Temporary Presiding Officer
Asst. Majority Floor Leader

APPROVED:

(Sgd.) HON. REXLON T. GATCHALIAN
City Mayor

Date Signed: _____

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