



Republic of the Philippines
Province of Ilocos Sur

CITY OF VIGAN



OFFICE OF THE SANGGUNIANG PANLUNGSOD

**SECOND CITY COUNCIL
ORDINANCE NO. 21
SERIES OF 2005**

AN ORDINANCE TO CURTAIL THE SALE, DISTRIBUTION, MANUFACTURE AND/OR PRODUCTION OF COUNTERFEIT DRUGS AND PHARMACEUTICAL PRODUCTS AND FOR OTHER PURPOSES.

SECTION 1. MANDATORY CONDITION:

All business licenses and permits issued by the City Government shall carry the express condition that the licensee shall not engage in the sale, distribution, manufacture and/or production of counterfeit drugs or pharmaceutical products nor shall permit other persons to commit said acts within the licensee's business establishment or premises.

For this purpose, any establishment, stall, table or equivalent contractions, containing counterfeit drugs or pharmaceutical products, inside the building or within two (2) meters from the door, window or any opening leading to the licensee's establishment shall be deemed included in the term "premises".

SECTION 2. OFFENSES:

1. Any person who, having been issued a business license or permit, shall commit a breach of the condition thereof imposed by Section 1 of this ordinance;

2. Any person who, without any business license or permit, shall engage in the sale, distribution, manufacture and/or production of counterfeit drugs or pharmaceutical products;

3. Any person who shall impede or commit acts of impediment in the effective implementation of the order of the City Mayor suspending or canceling a license or permit or taking the subject goods into custody;

SECTION 3. PENALTIES:

1. The penalty of a fine of Two Thousand Five Hundred pesos (Php 2,500.00) or imprisonment for a period not exceeding six (6) months, or both, in the discretion of the court, shall be imposed upon those stated in Section 2;

2. Any breach or violation of the condition set forth in Section 1 shall be a ground for the revocation or suspension of the business permit/license permit issued by the city government for thirty (30) days for the first violation and cancellation of said permit for the second or subsequent violations.

SECTION 4. CUSTODY AND DISPOSITION OF CONFISCATED ITEMS:

The counterfeit drugs or pharmaceutical products of any person engage in any business or trade, with or without any license or permit shall be taken into preventive custody and disposed of in accordance with law.

For purposes of filing criminal charges against the manufacturer, distributor, retailer of counterfeit drugs or pharmaceutical products, the confiscated violative items should be submitted to the Bureau of Food and Drugs through its authorized representatives for confirmatory evaluation or analysis;

SECTION 5. RECONSIDERATION:

In the case covered under Section 3 (2) and Section 4, the respondent may, within twenty four (24) hours from notice of an order to suspend, revoke or cancel the business license or permit or to take custody of counterfeit drugs or pharmaceutical products, move to reconsider said order/s.

The notice of suspension/revocation or cancellation of the business license or permit shall be issued by the City Mayor after an inspection of the business establishment concerned is conducted. The inspection may be on the occasion of a general inspection regularly conducted by the City Health Officer or his duly authorized representative or for such purpose only upon receipt of a complaint or information that the licensee is engage in the sale, distribution, manufacture and/or production of counterfeit drugs or pharmaceutical products.

In the case of counterfeit drugs or pharmaceutical products, the City Inspectors and the Food and Drug Regulation Officer/s assigned in the area shall conduct a joint inspection of the establishment concerned.

The City may seek the assistance or coordination of the Philippine National Police (PNP), the National Bureau of Investigation (NBI), the Bureau of Food and Drugs and other law enforcement agencies, in conducting the inspection.

SECTION 6. PERSON/S LIABLE:

Should the offense be committed by a juridical person the president, general manager, the managing partner, chief operating officer or the person who directly induces, causes or knowingly allows the commission of the offense shall be penalized.

SECTION 7. PROSECUTION OF OFFENSES NOT A BAR TO THE PROSECUTION OF OTHER OFFENSES:

The prosecution for the commission of any of the foregoing offenses shall not constitute a bar for the prosecution of offenses under the Intellectual Property Code and other related laws.

SECTION 8. SEPARABILITY CLAUSE

If any reason, any portion or provision of this ordinance is subsequently declared unconstitutional or invalid, such declaration shall not nullify the other portions or provisions hereof.

SECTION 9. REPEALING CLAUSE

All ordinances and resolutions inconsistent herewith are hereby deemed repealed or accordingly modified.

SECTION 10. EFFECTIVITY CLAUSE

The ordinance shall take effect upon approval and after fifteen (15) days from posting in at least three (3) conspicuous places within the city and publication in a newspaper of general or local circulation.

ENACTED on September 12, 2005.

(Sgd.)
FRANCISCO P. RANCHES, JR.
City Vice Mayor & Presiding Officer

(Sgd.) ALFREDO FIGUERRES, JR.
Sangguniang Panlungsod Member

(Sgd.) AUDIE Q. AGDAMAG
Sangguniang Panlungsod Member

(Sgd.) EVERIN F. MOLINA
Sangguniang Panlungsod Member

(Sgd.) HERMENIGILDO APELIN
Sangguniang Panlungsod Member

(Sgd.) GERMELINA S. GOULART
Sangguniang Panlungsod Member

(Sgd.) FELIX A. ANINAG
Sangguniang Panlungsod Member

(Sgd.) ANDRES ADRIATICO
Sangguniang Panlungsod Member

(Sgd.) HENRY A. FORMOSO
Sangguniang Panlungsod Member

(Sgd.) LORETO QUIBILAN
Sangguniang Panlungsod Member

(Sgd.) MAXIMO ALVES
Sangguniang Panlungsod Member

(Sgd.) CONSTANTE V. BENZON
Sangguniang Panlungsod Member

(Sgd.) CHRIS DAN F. FIELDAD
Sangguniang Panlungsod Member

Attested:

(Sgd.) JAYSON P. AVILA
Secretary to the Sangguniang Panlungsod

Approved:

(Sgd.) FERDINAND C. MEDINA
City Mayor