



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 722-0304

ORDINANCE NO. 22-35 S. 2023

AN ORDINANCE PROVIDING FOR FREE ACCESS TO POTABLE WATER TO CUSTOMERS OF FOOD ESTABLISHMENTS IN THE CITY OF BATANGAS

AUTHOR : SP MEMBER JOSE JONASH LUIS F. TOLENTINO

CO-AUTHORS : SP MEMBER NESTOR E. DIMACUHA
SP MEMBER OLIVER Z. MACATANGAY

WHEREAS, pursuant to Section 15 and 16 Article II of the 1987 Constitution, the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, pursuant to Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of the Philippines that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, in Chapter II - Water Supply and Chapter III - Food Establishments of the implementing rules and regulations of P.D. 856 otherwise known as "The Code on Sanitation of the Philippines" that all water supply shall be adequate and potable from a public or private water supply system and the quality of water shall be in accordance with the Philippine National Standard for Drinking Water;

WHEREAS, the City of Batangas aims to promote and uphold the general welfare and accord basic services to its citizens. It also promotes programs relevant to the protection of its citizens from water-borne illnesses and raises sanitation standards of food establishments in the City of Batangas;

WHEREAS, the residents of the City of Batangas, constituents, and tourists will have access to free, safe, and clean service water in all food establishments;

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod, in session duly assembled, that:

SECTION 1. TITLE. - This Ordinance shall be known as "An Ordinance Providing for Free Access to Potable Water to Customers of Food Establishments in the City of Batangas and Providing Penalties Hereof".

HON. NELSON J. CHAVEZ

HON. ARMANDO C. LAZARTE

HON. OLIVER Z. MACATANGAY

HON. NESTOR E. DIMACUHA

HON. ANDREA JOISE F. MACARAIG

HON. KARLOS EMMANUEL A. BUTED

HON. HAMILTON G. BLANCO

HON. ALYSSA RENEE A. CRUZ

HON. MARCUS MANUEL D. CASTILLO

HON. ANGELITO PONDON A. DIMACUHA

HON. MICHAEL C. VILLENA

HON. LORENZO A. GAMBORA, JR.

HON. ISIDRA M. ATIENZA

HON. ZESTER CARLO M. HERNANDEZ

HON. JOSE JONASH LUIS F. TOLENTINO



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SECTION 2. DECLARATION OF POLICY. - It is hereby declared the policy of Batangas City Government to enact an Ordinance for the promotion of relevant programs for the protection of its Citizenry against waterborne illnesses.

SECTION 3. DEFINITION OF TERMS. - Whenever any of the following words or terms are used in this Ordinance, it shall have the meaning or definition provided herein:

- a. **Food Establishment** - an establishment where food or drinks are manufactured, processed, stored, sold, or served. It covers such establishments as but is not limited to restaurants, café, pubs, food courts, cafeterias, coffee shops, canteens, panciteria, bistro, carinderia, fast foods, snack bars, cocktail lounge, bars, disco, nightclubs, and all other establishments that accept 'dine-in' customers.
- b. **Potable Water / Safe Drinking Water** - water with quality passes within the standard limits set in the Philippine National Standards for Drinking Water (PNSDW) both for acceptability and health aspects.
- c. **Drinking water** - water intended for direct human consumption or for use in food preparation and related processes.
- d. **City Health Officer** - the City Health Officer of Batangas City/Department Head of the City Health Office of Batangas City.
- e. **Sanitary Engineer** - officer who heads the sanitation division or unit employed by the City Government of Batangas.
- f. **Sanitation Inspector** - an officer employed by the City Government of Batangas who enforces sanitary rules, laws, and regulations and implements environmental sanitation activities under the supervision of the Sanitary Engineer.

HON. NELSON LEHAVEZ

HON. ARMANDO C. MAZARTE

HON. OLIVER MACATANGAY

HON. VESTOR E. DIMACUHA

HON. AN DRA LOISE F. MACARAIG

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SECTION 4. OBLIGATIONS OF FOOD ESTABLISHMENTS. -

- a. The food establishment shall be required to regularly maintain, clean, and sanitize water dispensers, water vending machines, and other forms of potable water storage/containers.
- b. The owner/operator shall designate an area for free potable service drinking water in a conspicuous place and shall put up the **"FREE SERVICE WATER"** signage.
- c. The owner/operator shall ensure the safety of drinking water and that all mandatory drinking water quality parameters as mandated shall be passed in compliance with PNSDW. The frequency for microbiological parameters is monthly and for physical and chemical parameters is once a year. The test results should be readily available to the general public at all times and not only during the inspection.
- d. The owner/operators of establishments shall report to the City Health Office or Chief of Sanitation Division the unauthorized inspections that were executed.
- e. The owner/operator shall allow the sanitation inspector/personnel to inspect their premises without specific schedule.

SECTION 5. CITY HEALTH OFFICE. - The City Health Office (CHO) shall be tasked to conduct inspections of all food establishments to ensure strict implementation of sanitation and enforcing water testing of their approved water source that use for drinking water.

SECTION 6. SANITARY PERMIT. - A food establishment shall be granted a Sanitary Permit upon securing a business permit and shall be posted in a conspicuous place within the establishment for public information and be available during inspection. The Sanitary Permit is renewable every year upon the recommendation of the Sanitation Inspector after inspection. Upon the recommendation of the City Health Officer, the Sanitary Permit shall be suspended or revoked by the local health authority for cited violations of any

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sanitation rules and regulations. A Health Certificate and Certificate of Potability issued from the CHO are a prerequisite requirement for the issuance of the Sanitary Permit.

SECTION 7. SANITATION INSPECTOR. - It shall be the duty of the Sanitation Inspector to conduct a sanitary inspection evaluation of every food establishment requiring a sanitary permit for its operations at least every six (6) months and shall cause any additional inspections and re-inspections and evaluation to be made as necessary to ensure compliances. He/She also shall check if the food establishment has up-to-date water test results from their water service provider and conduct monthly bacteriological water tests and yearly physic-chemical analyses of water. The sanitation inspector who conducted the inspection shall complete the sanitary inspection report and shall notify the holder or owner of the sanitary permit of the correction to be made and indicate a reasonable period for its compliance.

SECTION 8. SANITARY ENGINEER. - It shall be the duty of the Sanitary Engineer to supervise all acts of the Sanitation Inspector and shall ensure that the periodic inspection and maintenance of adequate sanitation is strictly implemented. He/She also shall provide technical assistance and recommend appropriate corrective measures whenever it is necessary.

SECTION 9. PROHIBITED ACTS. - Non-compliance with Section 4 of this ordinance shall be considered unlawful.

SECTION 10. PENALTIES. -

a. Food Establishments that will be found violating the pertinent provisions of this ordinance shall be called upon based on customer's written or verbal complaints.

b. The owner, juridical or representative failure to serve potable water and those that will not comply with the pertinent provisions of the ordinance shall be required to pay the amount of fine as follows:

b.1 First Offense - P1,000, reprimand and shall be given the first notice of violation.

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b.2 Second Offense - P2,000.00 and shall be given final notice of violation.

b.3 Third Offense - P5,000, suspension of business permit and closure of the establishment until such time that the establishment complies with the measure for the third offense.

SECTION 11. REPEALING CLAUSE. - Any Ordinance, Local Executive Order, and Local Policies inconsistent hereto are hereby repealed.

SECTION 12. SEPARABILITY CLAUSE. - If for any reason any part of the provisions of the Ordinance shall be held unconstitutional or inconsistent with National Law, other remaining provisions shall continue to be in full force and effect.

SECTION 13. EFFECTIVITY CLAUSE. - This Ordinance shall take effect Thirty (30) days following its publication in a newspaper of General Circulation and shall be posted at prominent places in the barangays pursuant to R.A 7160 Section 511.

ENACTED by the Sangguniang Panlungsod this 28th day of November, 2023.

ATTY. OLIVA D. TELEGATOS
 Secretary

ATTESTED:

ATTY. ALYSSA RENEE A. CRUZ
 Presiding Officer

APPROVED:

BEVERLEY ROSE A. DIMACUHA
 City Mayor

Date Approved: DEC 15 2023

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**REPUBLIC OF THE PHILIPPINES
BATANGAS CITY**

OFFICE OF THE SANGGUNIANG PANLUNGSOD

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY
ON NOVEMBER 28, 2023 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL**

PRESENT:

Hon. Alyssa Renee A. Cruz	Presiding Officer
Hon. Hamilton G. Blanco,	Sangguniang Panlungsod Member
Hon. Karlos Emmanjuel A. Buted,	"
Hon. Nestor E. Dimacuha,	"
Hon. Oliver Z. Macatangay,	"
Hon. Nelson J. Chavez,	"
Hon. Jose Jonash Luis F. Tolentino,	"
Hon. Zester Carlo M. Hernandez,	"
Hon. Isidra "Ched" M. Atienza,	"
Hon. Lorenzo A. Gamboa, Jr.,	"
Hon. Michael C. Villena,	"
Hon. Angelito Dondon A. Dimacuha,	Liga ng mga Barangay President
Hon. Andrea Loise F. Macaraig, (On Leave)	Sangguniang Panlungsod Member
Hon. Armando C. Lazarte, (On Leave)	"
Hon. Marcus Manuel D. Castillo, (O.B.)	SK Pederasyon President

"On motion of SP Member Tolentino seconded by SP Member Nestor Dimacuha, the following Resolution was Adopted:

RESOLUTION NO. 22-474 S. 2023

**APPROVING ON SECOND AND FINAL READING
THE FREE ACCESS TO POTABLE WATER ORDINANCE OF BATANGAS CITY**

RESOLVED, to approve on Second and Final Reading the Free Access to Potable Water Ordinance of Batangas City.

UNANIMOUSLY APPROVED . "

I hereby certify that the foregoing Resolution No. 22-474 S. 2023 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on November 28, 2023.


ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED:


ATTY. ALYSSA RENEE A. CRUZ
Presiding Officer

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Tel. No. 722-0304

COMMITTEE REPORT

TO : THE HONORABLE PRESIDING OFFICER AND
SANGGUNIANG PANLUNGSOD MEMBERS

FROM : COMMITTEE ON HEALTH

SUBJECT : PROPOSED ORDINANCE PROVIDING FOR THE FREE
ACCESS OF POTABLE WATER TO CUSTOMERS OF FOOD
ESTABLISHMENTS IN THE CITY OF BATANGAS
Authored by: SP Member Dr. Jonash Tolentino
Co-Authored by: SP Member Nestor E. Dimacuha

BACKGROUND

The aforementioned subject was referred to the Committee on Health on September 26, 2023.

The Committee Hearing was held on October 03, 2023, 9:00 o'clock in the morning at Sampaguita Farm Sampaga, Batangas City and in attendance were the following:

SANGGUNIANG PANLUNGSOD MEMBERS

Hon. Atty. Alyssa Renee A. Cruz	City Vice Mayor and Presiding Officer
Hon. Oliver Z. Macatangay	Chairman – Committee on Health
Hon. Jose Jonash Luis F. Tolentino	Member – Committee on Health
Hon. Karlos Emmanjuel A. Buted	Member – Committee on Health
Hon. Lorenzo A. Gamboa Jr.	Member – Committee on Health
Hon. Marjorie Manalo	Member – Committee on Health/ Ex-Officio/SK Federation President
Hon. Hamilton G. Blanco,	Sangguniang Panlungsod Member
Hon. Nestor E. Dimacuha	Sangguniang Panlungsod Member
Hon. Armando C. Lazarte	Sangguniang Panlungsod Member
Hon. Nelson J. Chavez	Sangguniang Panlungsod Member
Hon. Zester Carlo M. Hernandez	Sangguniang Panlungsod Member
Hon. Isidra "Ched" M. Atienza	Sangguniang Panlungsod Member
Hon. Michael C. Villena	Sangguniang Panlungsod Member
Hon. Angelito "Dondon" A. Dimacuha	Ex-Officio/ABC President

PROPOSERS

Engr. Elisha P. Dimayuga
Mary Rose Perez
Kimberly Macatangay
Mrs. Myla M. Pagayon

Sanitation Division - City Health Office
Sanitation Division - City Health Office
Sanitation Division - City Health Office
City Legal Office - Representative

DISCUSSIONS

During discussions, the committee scrutinized this proposed ordinance. The author states the paramount importance of the attached ordinance for the protection of its citizen against waterborne illnesses. It aims to promote and uphold the general welfare and accord basic services to its constituents and raise the sanitation standards of food establishments in the City of Batangas.

The committee ensures that every suggestions are incorporated to improve further the subject ordinance.

FINDINGS

After deliberations of the proposed ordinance, the committee and Sangguniang Panlungsod Members finds the veracity that residents of Batangas City and local tourist have the rights to access for free, safe and clean service water in all kinds of food establishments stated in Section 3 of the subject.

RECOMMENDATIONS

Considering the foregoing, the committee recommends the following:

1. Adoption of this Committee Report
2. Approval of the attached Proposed Ordinance on Second and Final Reading on next Regular Session.

Respectfully submitted, November 07, 2023.


HON. OLIVER Z. MACATANGAY
Chairman


HON. JOSE JONASH LUIS T. TOLENTINO
Member


HON. LORENZO A. GAMBOA JR
Member


HON. KARLOS EMMANJUEL A. BUTED
Member


HON. MARJORIE MANALO
Member/SK Federation President