



**ORDINANCE NO. 14574-2023**

**AN ORDINANCE AMENDING ORDINANCE NO. 5133-95, ENTITLED: "AN ORDINANCE PROHIBITING THE DRINKING OF ALCOHOLIC LIQUOR AND OTHER INTOXICATING BEVERAGES IN ALL PUBLIC PLAZAS, PARKS, ROADS, SIDEWALKS AND ALLEYS OF THE CITY AND ITS BARANGAYS EXCEPT ON OFFICIAL FUNCTIONS AND PROVIDING PENALTY FOR VIOLATION THEREOF", IN THE MANNER PROVIDED FOR HEREIN**

**BE IT ORDAINED** by the 20<sup>th</sup> City Council (*Sangguniang Panlungsod*) of Cagayan de Oro in session that:

**SECTION 1.** Ordinance No. 5133-95, entitled: "*An Ordinance Prohibiting the Drinking of Alcoholic Liquor and Other Intoxicating Beverages in All Public Plazas, Parks, Roads, Sidewalks and Alleys of the City and Its Barangays Except on Official Functions and Providing Penalty for Violation Thereof*", is hereby amended to read in full as follows:

**"ORDINANCE NO. 5133-95**

**'AN ORDINANCE PROHIBITING THE DRINKING OF ALCOHOLIC LIQUOR AND OTHER INTOXICATING BEVERAGES IN ALL PUBLIC ACCESS PROPERTIES IN THE CITY OF CAGAYAN DE ORO EXCEPT ON OFFICIAL FUNCTIONS, PROVIDING PENALTY FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES**

'WHEREAS, Section 458, paragraph (1) (v) of RA 7160 states that the Sangguniang Panlungsod shall "Enact ordinances intended to prevent, suppress and impose appropriate penalties for habitual drunkenness in public places...";

'WHEREAS, it has been observed that public plazas, parks, roads, sidewalks and alleys of the City including those of its barangays are being used as venue for liquor drinking sessions and sprees which are not only unsightly and offensive against public decency but, in some cases, would result to altercations;

**'NOW, THEREFORE**

**'BE IT ORDAINED** by the City Council (*Sangguniang Panlungsod*) of the City of Cagayan de Oro in session assembled that:

**'SECTION 1. *Definition of Terms*** - For the purpose of this Ordinance, the following terms shall be construed to mean:

- '(a) ***Alcoholic Liquor*** shall be construed to refer to spirituous or intoxicating liquors of any kind, and includes whiskey, ale, beer, brandy, gin, rum, champagne, caña rum, Panay rum, basi, tuba, mallorca, or any other beverages liable to produce intoxication.
- '(b) ***Public Access Properties*** shall mean places that are accessible or open to the public or places for collective use, regardless of ownership or right of access, such as schools, government facilities, church grounds, health/hospital compounds, transportation terminals, waiting sheds/areas, public plazas, parks, roads, alleys, sidewalks, walkways, rotundas, entrance ways, parking lots or any private parking lots open to public use (regardless if the private parking lot establishment is open or close for business), bridges, skyways, overpasses, underpasses and flyovers.

**'SECTION 2. *Prohibition*** - It shall be unlawful for any person to drink alcoholic liquor and other intoxicating beverages upon any and all public access properties within the City and its barangays except on official functions or occasions duly authorized, sanctioned or approved by the Barangay Council concerned or the City Council and/or covered by a permit issued therefor by the Office of the Punong Barangay or the City Mayor.



‘In cases of special occasions like anniversary, birthday or other milestone celebrations, wedding, funeral wake/vigil, fiesta or promotional/advertising events to be held on public access properties that are privately-owned, the owner/proprietor, manager, administrator or person in-charge thereof shall secure a permit for the purpose from the concerned Punong Barangay or the City Mayor.

‘SECTION 3. **Penalty** - Any person found violating the provision of this Ordinance shall suffer the following penalties:

- ‘a) For the first offense – administrative fine of ₱3,000.00;
- ‘b) For the second offense – administrative fine of ₱4,000.00;
- ‘c) For the third and subsequent offenses – administrative fine of ₱5,000.00 and/or imprisonment of six (6) months at the discretion of the court;

‘Provided, that any person caught or apprehended for violation of this Ordinance by any apprehending officer, police officer or deputized enforcer shall be issued an Ordinance Violation Receipt (OVR) evidencing the commission of such offense. The offender shall, within seventy-two (72) hours from the date of apprehension and issuance of the OVR, pay and settle the administrative fine at the Office of the City Treasurer, otherwise the case shall be prosecuted against him/her.

‘SECTION 4. **Suppletory Clause** – The pertinent provisions of Ordinance No. 12139-2011, entitled: An Ordinance Prescribing the Issuance of Ordinance Violation Receipt (OVR) or Citation Ticket to Violators or Offenders of Cagayan de Oro City Ordinances, Providing Guidelines Therefor and For Other Purposes, and its Implementing Rules and Regulations (IRR) shall apply in a suppletory manner hereof.

‘SECTION 5. **Repeal Clause** - All executive orders, rules and regulations and other issuances or parts thereof, which are inconsistent with this ordinance, are hereby revoked, amended, or modified accordingly.

‘SECTION 6. **Severability** – If any provision or part of this Ordinance is for any reason found to be unconstitutional, illegal, *ultra vires*, or invalid, such decision shall not affect or impair the validity of any of the remaining provisions or parts of this Ordinance.

‘x-x-x’

**SECTION 2. Effectivity** - This ordinance shall take effect after fifteen (15) days following its publication in a local newspaper of general circulation and posting in conspicuous public places in the City.

**UNANIMOUSLY APPROVED.**

AUTHOR: COUNCILOR JAMES K. JUDITH II  
CO-AUTHORS: COUNCILOR MALVERN A. ESPARCIA  
COUNCILOR ROMEO V. CALIZO  
COUNCILOR IAN MARK Q. NACAYA

<u>Present:</u>	1 <sup>st</sup> District:	- Councilor Agapito Eriberto G. Suan	- Councilor Romeo V. Calizo
		- Councilor Roger G. Abaday	- Councilor Malvern A. Esparcia
<u>On Official Business:</u>	2 <sup>nd</sup> District:	- Councilor Jose Pepe S. Abbu, Jr.	
		- Councilor Yevonna Yacine B. Emano	- Councilor Edgar S. Cabanlas
		- Councilor Maria Lourdes S. Gaane	- Councilor Ian Mark Q. Nacaya
		- Councilor Joyleen Mercedes L. Balaba	- Councilor Christian Rustico M. Achas
		- Councilor James K. Judith II	- Councilor Suzette G. Magtajas-Daba
<u>On Leave:</u>	Ex-Officio:	- Councilor John Michael L. Seno	
		- Councilor Imee Rose P. Moreno	- Councilor Yan Lam S. Lim
<u>Absent:</u>		- Councilor Jay R. Pascual	
		- Councilor George S. Goking ( <i>Indisposed</i> )	



**ENACTED** this 19<sup>th</sup> day of June 2023 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

**ARTURO S. DE SAN MIGUEL**  
CITY COUNCIL SECRETARY

Attested as duly enacted:

**JOCELYN B. RODRIGUEZ**  
CITY VICE MAYOR  
PRESIDING OFFICER

Approved:

**ROLANDO A. UY**  
CITY MAYOR

Attested:

**ATTY. ROY HILARIO P. RAAGAS**  
CITY ADMINISTRATOR