



**Republic of the Philippines  
CITY COUNCIL  
City of Manila**

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**REGULAR SESSION NO. 28**

**10<sup>th</sup> CITY COUNCIL**

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**Begun and held in the City Council on Tuesday  
the second day of August, Two Thousand Sixteen**

**ORDINANCE NO. 8501**

**AN ORDINANCE** PROHIBITING THE SALE OF CARBONATED BEVERAGES, SUGAR-BASED SYNTHETIC DRINKS AND JUNK FOODS IN ALL PUBLIC AND PRIVATE ELEMENTARY AND SECONDARY SCHOOLS WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF MANILA AND PROVIDING PENALTIES FOR VIOLATION THEREFOR

**PRINCIPAL AUTHORS: HON. CASIMIRO C. SISON**, Majority Floor Leader, Hon. Priscilla Marie T. Abante-Barquia, Hon. Terrence F. Alibarbar, Hon. Laris T. Borromeo, Hon. Ruben F. Buenaventura, Hon. Carlos C. Castañeda, Hon. Louisito N. Chua, Hon. Niño M. dela Cruz, Hon. Ernesto G. Dionisio, Hon. Joey S. Hizon III, Hon. Martin V. Isidro, Jr., Hon. Ricardo A. Isip, Jr., Hon. Rodolfo N. Lacsamana, Hon. Moises T. Lim, Hon. Peter M. Ong, Hon. Roberto R. Ortega, Jr., Hon. Joel M. Par, Hon. Wardee P. Quintos XIV, Hon. Ramon M. Robles, Hon. Edward M. Tan, Hon. Irwin C. Tieng, Hon. Joel T. Villanueva, Hon. Jesus M. Fajardo, Hon. Arlene Maile I. Atienza, Hon. Krystle Marie C. Bacani, Hon. Anna Katrina P. Yupangco, Hon. Elizabeth Z. Rivera, Hon. Christian Paul L. Uy, **HON. ANTONIO G. CAPISTRANO**, President Pro-Tempore and Acting Presiding Officer and **HON. MARIA SHEILAH "Honey" LACUNA-PANGAN, MD, FPDS**, Vice-Mayor and Presiding Officer

## PREAMBLE

WHEREAS, Section 15, Article 2 of the 1987 Constitution provides that: *"The State shall protect and promote the right to health of the people and instill health consciousness among them."*;

WHEREAS, under Section 15 (c) of Republic Act No. 10611, otherwise known as the Food Safety Act of 2013, *"The Local Government Unit shall be responsible for food safety in food businesses such as, but not limited to, activities in slaughterhouses, dressing plants, fish ports, wet markets, supermarkets, school canteens, restaurants, catering establishments and water refilling stations"*;

WHEREAS, the school canteen shall serve as a venue for the development of healthy eating habits of pupils and students. Thus, foods and drinks sold to pupils and students should at all times be clean, safe, healthy and free from any harmful substance that may or will affect the children's health now or in the future;

WHEREAS, stores and establishments selling food items inside schools shall help eliminate malnutrition among pupils and students;

WHEREAS, various research studies have shown that children consuming of carbonated drinks or sugar-based synthetic drinks, have developed various acute and chronic ill effects such as nutritional deficiency, obesity, dental diseases, bone pathologies and psychological illness;

WHEREAS, research studies show that junk foods are high in fat, sodium and sugar, which can lead to obesity and a range of attendant health problems, including diabetes, heart disease and arthritis;

WHEREAS, the City Government, parents and teachers should work hand and hand to eliminate malnutrition among children and to encourage healthy diet among them: NOW, THEREFORE,

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

**SECTION 1. DEFINITION OF TERMS.** - As used in this Ordinance, the following terms shall mean:

- a. **Carbonated Beverage** - any drink that bubbles and fizzes with carbon dioxide gas.
- b. **Sugar-based synthetic drinks** - any beverage, energy drinks, sports drinks iced tea or fruit-based drinks that contain less than 50 percent real fruit juice or that which contain additional sweeteners and drinks containing caffeine.
- c. **Junk Foods** - any food item that has low nutritional value, typically produced in the form of packaged snacks needing little or no preparation, and does not bear *Sangkap Pinoy* seal or has not passed the Food and Drug Administration (BFAD) approval.
- d. **School Canteen** - refers to one of the ancillary services in the school system that sells food items to the pupils/students and serves as a support mechanism in the effort to eliminate malnutrition concerns of the school.

- e. **Food-selling store-** refers to any business establishment operating inside the school premises, other than the school canteen, that offers or sells beverages or food items. This includes cooperative stores and vending machines.
- f. **Food and Drug Administration** - refers to the government regulatory agency tasks to establish and maintain an effective health products regulatory system responsive to the country's health needs and problems.
- g. **Sangkap Pinoy Seal** - is a strategy program of the Department of Health to encourage manufacturers to fortify their food products with three essential micronutrients (i.e. Vitamin A, Iron, and Iodine) as a means to eliminate micronutrients deficiency among the populace.

**SEC. 2. PROHIBITED ACTS.** - The following acts shall be unlawful:

- 1. Sale of carbonated drinks, sugar-based synthetic or artificially flavored juices in the school canteen, cafeteria, restaurant or other food-selling store within the premises of public and private elementary and/or secondary school.
- 2. Sale of food item/s that did not bear *Sangkap Pinoy* seal and/or that did not pass BFAD approval in the school canteen, cafeteria, restaurant or other food-selling store within the premises of public and private elementary and/or secondary school.

**SEC. 3. PENALTIES.** -

- a. Any person found to be guilty for violation of this Ordinance shall mete the following penalty:
  - 1. A fine of One Thousand Pesos (PhP. 1,000.00) and forfeiture of prohibited items for the first offense;
  - 2. A fine of Three Thousand Pesos (PhP. 3,000.00) and forfeiture of prohibited items for the second offense; and
  - 3. Imprisonment for a period not exceeding 30 days, a fine of Five Thousand Pesos (PhP. 5,000.00) and forfeiture of prohibited items for the third offense.
- b. Any artificial person, business establishment, or cooperative found to be guilty for violation of this Ordinance shall mete the following penalty:
  - 1. A fine of Three Thousand Pesos (PhP. 3,000.00) and forfeiture of prohibited items for the first offense;
  - 2. A fine of Four Thousand Pesos (PhP. 4,000.00) and forfeiture of prohibited items for the second offense; and
  - 3. A fine of Five Thousand Pesos (PhP. 5,000.00) and forfeiture of prohibited items and revocation of permit to operate business for the third offense.

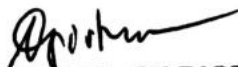
**SEC. 4. SEPARABILITY CLAUSE.** - Any provision or portion of this Ordinance found to be violative of the constitution or invalid shall not impair the other provisions or parts thereof which shall continue to be in force and effect.

**SEC. 5. REPEALING CLAUSE.** – All ordinances, rules and regulations or parts thereof, which are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed or modified accordingly.

**SEC. 6. EFFECTIVITY CLAUSE.** - This Ordinance shall take effect immediately upon its approval and publication in a local newspaper of general circulation.

This Ordinance was finally enacted by the City Council of Manila on October 18, 2016.

PRESIDED BY:


  
**ANTONIO G. CAPISTRANO**  
President Pro-Tempore and  
Acting Presiding Officer  
City Council, Manila

ATTESTED:

  
**LUCH R. GEMPIS, JR.**  
City Government Department Head III  
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON 9<sup>th</sup> November 2016.

  
**JOSEPH EJERCITO ESTRADA**  
Mayor  
City of Manila

  
**EDWARD S. SERAPIO**  
City Government Department Head III  
(Secretary to the Mayor)