



Republic of the Philippines
OFFICE OF THE MAYOR
3rd Floor, Quezon City Hall, East Avenue
Corner Elliptical Road, Diliman, Quezon City



Herbert M. Bautista mpa mmsca

QUEZON CITY HEALTH DEPARTMENT
RECEIVED BY: Am
DATE: 1-11-18

MEMORANDUM


FOR : **RONILO Z BELINO**
Administrative Management Office
JOHN THOMAS ALFEROS III
Office of the City Secretary
VERDADES P LINGA
City Health Department
SUBJECT : **Implementing Rules and Regulations**
Ordinance No. SP-2579, Series of 2017
DATE : 11 January 2018

X=====X


We have the honor to submit the final copy of the IMPLEMENTING RULES AND REGULATIONS pursuant to Ordinance No. SP-2579, Series of 2017, entitled:

"AN ORDINANCE PROHIBITING THE SELLING AND PROMOTION OF JUNK FOOD AND SUGARY DRINKS TO PREPARATORY, ELEMENTARY AND HIGH SCHOOL STUDENTS INSIDE AND WITHIN ONE HUNDRED (100) METERS PERIMETER IN PUBLIC AND PRIVATE SCHOOLS IN QUEZON CITY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF."

For your information, reference and file.


Victor Christopher B. Cammayo
Executive Officer
Office of the City Mayor

Noted by:


ALDRIN C CUÑA, mmsca
City Administrator



IMPLEMENTING RULES AND REGULATIONS
Pursuant to Ordinance No. SP 2579, Series of 2017

"AN ORDINANCE PROHIBITING THE SELLING AND PROMOTION OF JUNK FOOD AND SUGARY DRINKS TO PREPARATORY, ELEMENTARY AND HIGH SCHOOL STUDENTS INSIDE AND WITHIN ONE HUNDRED (100) METERS PERIMETER IN PUBLIC AND PRIVATE SCHOOLS IN QUEZON CITY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF."

RULE I
GENERAL PROVISIONS

SECTION 1. TITLE - These Rules shall be known and cited as the Implementing Rules and Regulations of Ordinance No. SP 2579, S. - 2017, otherwise known as *An Ordinance Prohibiting the Selling and Promotion of Junk Food and Sugary Drinks to Preparatory, Elementary and High School Students Inside and Within One Hundred (100) Meters Perimeter in Public and Private Schools in Quezon City and Providing Penalties for Violations Thereof*; also known as the *"Quezon City Anti-Junk Food and Sugary Drinks Ordinance of 2017"*.

SECTION 2. PURPOSE - These Rules and Regulations are promulgated to prescribe the procedures and guidelines for the implementation of Quezon City Ordinance No. SP 2579, S- 2017 in order to achieve its objectives and facilitate compliance therewith.

SECTION 3. CONSTRUCTION - These Rules and Regulations shall be construed and applied in accordance with and in furtherance of the policies and objectives of the Ordinance. Any item not specified in the provisions will be construed in accordance with the prefatory clauses of the Ordinance.

SECTION 4. SCOPE - This Ordinance shall cover all Private and Public Preparatory, Elementary and High Schools in Quezon City, including school administrators, canteen owners, registered / unregistered vendors, business enterprisers, retailers/ wholesalers, suppliers, concessionaires and the like, inside the school and within the 100 meters perimeter premises.

RULE II
POLICIES AND OBJECTIVES

SECTION 3. DECLARATION OF POLICY - It is the declared policy of the Quezon City Government to recognize the promotion of health and welfare of our children.

SECTION 4. OBJECTIVES - It is the objective of this Ordinance to implement measures to achieve the following:

4.1 Limit the intake of free sugars by children and adolescents to less than ten percent (10%) of total energy intake, with further reduction to less than five percent (5%) of total energy intake to achieve additional health benefits as recommended by the World Health Organization;

4.2 Prohibit the selling, marketing, advertising, sponsorship and promotion of junk food and sugary drinks inside school premises and within 100 meters perimeter of the school premises;

4.3. Impose penalties for offenders.

**RULE III
DEFINITION OF TERMS**

SECTION 5. DEFINITION OF TERMS - For purposes of these Implementing Rules and Regulations, these terms are defined as follows:

5.1 **Premises** – includes inside and outside of the school campus within the 100 meter perimeter.

5.2 **Perimeter** - shall be measured from the fence and/or boundary of the school using the school's site development plan or land title of the property whichever is bigger.

5.3 **Preparatory School** – shall include day care, kindergarten, nursery and similar school level.

5.4 **Elementary School** - shall include Grade 1 to Grade 6.

5.5 **High School** – shall include Junior High School from Grade 7 to Grade 10 and Senior High School from Grade 11 to Grade 12.

5.6 **Special Education School** – school attending to children with special needs.

5.7 **Junk Food** – refers but not limited to the following:

5.7.1 Food that are not indigenous products.

5.7.1.a **Indigenous food** – naturally grown food.

5.7.2 Food that are not made of natural products

1.7.2.a. **Natural products** – unprocessed food products

5.7.3 Fortified food products with high sugar, sodium and saturated fat

5.7.3.a. **Fortified food** – food to which a substance in chemical or natural form is added

5.7.4 Food that have low nutritional content, high in calories, high salt and high fat

5.7.5 Food that are categorized or known as *Sitsirya* and/or Instant Noodles

5.7.6 Food that are categorized or known as Street food

5.7.6.a **Street Food** – unhealthy food, high in fat, calories and salt sold in streets

5.7.7 Food that are processed pre- packaged snack food which are high in sodium and or high in sugar such as chips, chicharon, popcorn

5.7.8 Those of similar nature and/or listed under the red category of DepEd memo no. 13 s. 2017

5.7.9 Those that shall be determined by the Joint Task Force

5.8 **High Sodium** –Above 120 mg/100 g

5.9 **High Fat** – above 3 g per 100 g (solids) 1.5 g per 100 ml (liquids)

5.10 **High Calorie** - Above 40 kcal (170 kJ) per 100 g (solids) or 20 kcal (80 kJ) per 100 ml (liquids)

5.11 **Sugary Drinks/Beverage**- any liquid substance made for drinking that are carbon-based or with carbon dioxide gas and/or categorized as soft drinks, sugar-based, synthetic or artificially flavored drinks. This could also include drinks such as but not limited to "palamig", flavored shakes/smoothies, soda, energy drink, fruit punches; sports/ electrolyte drinks, sweetened powdered drinks, lemonade and other "ades", flavored mineral water, sweetened milk, yoghurt, caffeine containing drinks, vitamin waters, sweetened ice tea, fruit juices, and those that shall be determined by the Joint Task Force.

5.12 **Free Sugar** - includes all sugar added to any food drink by the manufacturer, cook or consumer, and sugars naturally present in honey syrup, fruit juices and fruit juices concentrate.

5.13 **Promotion** - any act of giving junk food and sugary drinks as a mode of promoting, publicity, encouraging the buying of, giving samples, marketing, advertising, sponsoring and any other act of similar nature.

5.14 **Business establishment** - any person, natural or juridical, whether single proprietorship, partnership or corporation, including a government - owned and controlled corporation or a government entity exercising its proprietary functions engaged in, or doing business, either in selling goods or providing services.

5.15 **Informal/unregistered business establishment** - refers to any person engaged in, or doing business in Quezon City without business permit, either in selling goods or providing services, regularly in a permanent place or stall or moving from one place to another such as, but not limited to, ambulant vendors, peddlers, pedicabs, tricycle, e-trikes, "tiangge".

5.16 **Business Permits** - permits issued by government agencies that allow individuals, partnerships and corporations to conduct business within the government's geographical jurisdiction. It is the authorization to start a business issued by the local government.

RULE IV PROHIBITED ACT

SECTION 6. PROHIBITED ACT - It is unlawful for any person/business establishment/informal or unregistered business establishment to:

6.1 Sell junk foods and / or sugary drinks & beverages in schools as defined in Rule III Section 1 of herein Implementing Rules and Regulations (IRR).

6.2 Promote junk foods and / or sugary drinks & beverages in schools as defined herein in Rule 3 Section 1 by any of the following acts:

6.2.1 Post, distribute or any act of giving out junk foods and / or sugary drinks & beverages including its advertising paraphernalia, logo

6.2.2 Sponsor events / activities with the intent of promoting their prohibited products

6.2.3. Donate infrastructures, equipment & school supplies which promote their prohibited products

6.2.4. Enter into a contract to promote their prohibited products

6.2.5. Advertise through branded vending machine, signage in school premises, sun umbrellas and tents and any other materials

6.2.6. Advertise through school activities (school programmes and sports events), equipment and facilities, food caterings as well as educational and promotion materials, e.g. notebooks and pens

6.2.7. Promote through the use of popular cartoon character, branding, free samples or other "tie-ins" and celebrity endorsements, price discounts or vouchers as educational rewards.

SECTION 7. GRACE PERIOD - Thirty (30) days grace period commencing from the effectivity of this Implementing Rules and Regulations (IRR) shall be given to concerned canteen and/or store owners and operators as well as establishment owners engaged in selling food inside school premises and those within 100 meter perimeter of schools to prepare and to completely comply with this Ordinance.

RULE V JOINT TASK FORCE

SECTION 8. JOINT TASK FORCE - The Joint Task Force is hereby created which shall be composed of the following, whose functions shall commence upon the issuance of an Executive Order:

8.1 *Quezon City Health Department (QCHD) as the lead agency.*

8.2 *Department of Public Order and Safety (DPOS)*

8.3 *Market Development and Administration Department (MDAD)*

8.4 *Division of City Schools, now known as Schools Division Office, and*

8.5 *Chairperson of the Committee on Health of every Barangay, or Kagawad on Health, as members.*

8.6 *Chairperson of the Committee on Health, Quezon City Council.*

SECTION 9. FUNCTION OF THE JOINT TASK FORCE:

9.1. Formulate guidelines relative to the implementation and enforcement of this Ordinance and Implementing Rules and Regulations.

9.2 Conduct periodic monitoring and evaluation.

9.3. Conduct regular meetings with members of Joint Task Force and other deemed necessary.

9.4. Identify and update the list of the prohibited junk food and sugary drinks.

9.5. Monitor and ensure that schools will require canteen operators, canteen, concessionaires and cooperatives to install or post a signage prohibiting the selling to students inside the school premises.

- 9.6. Recommend future researches, surveys in relation to the implementation of this Implementing Rules and Regulations.
- 9.7. Prepare an annual work and financial plan.
- 9.8. Deputize enforcers to implement this Implementing Rules and Regulations and the Ordinance.
- 9.9. Prepare and submit reports to the City Mayor.

SECTION 10. DELINEATION OF RESPONSIBILITIES

10.1 Quezon City Health Department as the lead agency.

10.1.1 Implement an advocacy plan and educational campaign through the cooperation of the various members of the Joint Task Force and/or through other forms of media to inform students, parents, schools and business establishments, store owners and operators and informal business establishments of the contents of the Ordinance and its Implementing Rules and Regulations.

10.1.2 Conduct inspection of school canteens, stores and other establishments.

10.1.3 Recommend to the Business Permit Licensing Office (BPLO) the revocation of the business permit of the store owners/operators/business establishments found to have violated the provisions of this Ordinance and its Implementing Rules and Regulations the third time.

10.2 Department of Public Order and Safety AND Market Development and Administration Department

10.2.1. Conduct inspection of establishments and schools as deputized by the Joint Task Force in relation to the implementation of this Ordinance and its Implementing Rules and Regulations.

10.2.2 Enforce the Ordinance and its Implementing Rules and Regulations.

10.2.3 Perform other delegated functions by the Joint Task Force.

10.2.4 Prepare and submit report to the Joint Task Force.

10.3 Division of City Schools now known as School Division Office

10.3.1 Disseminate the Ordinance and its Implementing Rules and Regulations to the different heads of Quezon City Schools for distribution to:

10.3.1.a. canteen cooperatives, operators, concessionaires

10.3.1.b. teachers, parents, students

10.3.2 Conduct quarterly meetings with the concerned school authorities in charge for the monitoring and implementation of this Ordinance and its Implementing Rules and Regulations and submit minutes of meetings.

10.3.3 Require the school authorities to appoint a focal point person who will be responsible for the implementation of this Ordinance.

10.3.4 Coordinate with the Barangay regarding the implementation of the Implementing Rules and Regulations within the 100 meter perimeter of school

10.3.5 Formulate policies directing canteens, cooperative, operators, concessionaires and establishments inside the schools on prohibiting the selling and promotion of junk food and sugary drinks to students

10.3.6 Identify issues, interventions and recommendations in relation to the implementation of the Ordinance and its Implementing Rules and Regulations.

10.4 Chairperson of the Committee on Health of every Barangay (Kagawad on Health)

10.4.1 Spearhead the conduct of inspection with the active involvement of all barangay officials as deputized by the Joint Task Force.

10.4.2 Conduct educational and information campaigns, develop and produce communication materials at their respective barangays with emphasis on the contents of this Ordinance.

10.4.2a Disseminate these rules & regulations and enforce its implementation.

10.4.2b Include in the barangay council meetings the report on the status of the implementation of this Ordinance and its Implementing Rules and Regulations in their barangay.

10.4.3 Submit reports to the Barangay Operation Council (BOC) for consolidation and submission to the Joint Task Force.

10.5 Chairperson of the Committee on Health, Quezon City Council.

10.5.1 Recommend measures for the effective implementation of this Ordinance and its Implementing Rules and Regulation.

10.5.2 Monitor compliance of this Ordinance and its IRR.

10.5.3 Submit report to the City Council on the status of the Implementation of this Ordinance and its IRR.

**RULE VI
PENALTIES**

SECTION 11. PERSONS LIABLE - The following are liable under the Ordinance.

11.1 Any person/ vendor/ store owners of business establishment who engage in retail selling or promote the sale of junk food and sugary beverage to students inside the school and within 100 meter premises.

11.2 The president or manager in case of company, corporation or association or partnership.

11.3 The Assistant Superintendents, Supervisors, Principals and any of their equivalent of primary, elementary and high schools and special education schools in public and private schools.

SECTION 12. FINES AND PENALTIES - Violations of this Ordinance and its Implementing Rules and Regulations, shall be subject to the following fines and penalties:

12.1 First Offense - Fine of PhP 1,000.00

12.2 Second Offense - Fine of PhP 2,000.00

12.3 Third Offense - Fine of PhP 5,000.00, and shall be a ground for revocation of their existing Barangay Permit or Business Permit, whichever is applicable.

**RULE VII
ENFORCEMENT**

SECTION 13. ORDINANCE VIOLATION NOTICE (OVN) SYSTEM - Violators of this Ordinance shall be informed of their violation and the penalty associated with such violation by means of an Ordinance Violation Notice sequentially numbered. Ordinance violation receipts should have a period within which the penalty should be paid to the Treasury Department.

SECTION 14. The Joint Task Force will form guidelines for the issuance of the OVN.

**RULE VIII
FINAL PROVISIONS**

SECTION 15. SEPARABILITY CLAUSE - If for any reason or reasons, any provision in this IRR, is declared invalid or unconstitutional by a court of competent jurisdiction, the remaining parts thereof not affected thereby shall continue to be in force and effect.


SECTION 16. REPEALING CLAUSE - All existing Memoranda, Circulars, rules and regulations inconsistent with the provisions of these Implementing Rules and Regulations are hereby repealed or amended accordingly.


SECTION 17. EFFECTIVITY CLAUSE - This IRR shall take effect immediately upon its approval.

Issued 05 JAN 2018

in Quezon City, Philippines


Recommending Approval:


VERDADES P LINGA
City Health Department

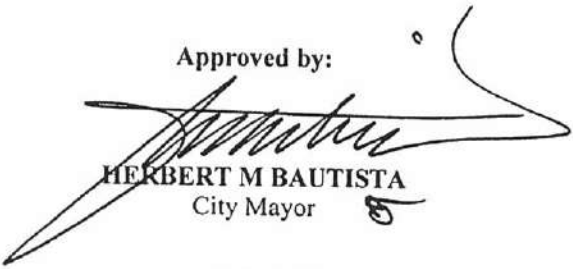

ELMO DG SAN DIEGO
Department of Public Order and Safety


MARIOU U ARRIETA
Market Development and
Administration Department


NOEL T SOLIVEN
Barangay Operations Center



ALDRIN C CUNA
City Administrator


Approved by:



HERBERT M BAUTISTA
City Mayor

Date: 05 JAN 2018


Recommending Approval:


VERDADES P LINGA
City Health Department

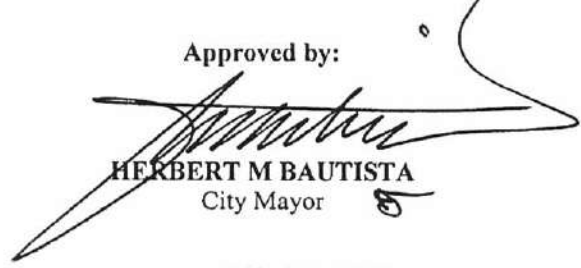

ELMO DG SAN DIEGO
Department of Public Order and Safety


MARILOU U ARRIETA
Market Development and
Administration Department


NOEL T SOLIVEN
Barangay Operations Center


ALDRIN C CUÑA
City Administrator

Approved by:


HERBERT M BAUTISTA
City Mayor

Date: 05 JAN 2018

