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Republic of the Philippines  
COMMISSION ON ELECTIONS  
Manila

RULES AND REGULATIONS ON THE LIQUOR BAN IN CONNECTION WITH THE CONDUCT OF THE AUGUST 15, 2009 PLEBISCITE TO RATIFY THE CREATION OF A NEW BARANGAY TO BE SEGREGATED FROM BARANGAY MALANDAY, TO BE NAMED AS BARANGAY MALANDAY DOS, AND RENAMING THE MOTHER BARANGAY AS BARANGAY MALANDAY UNO, BOTH IN MARIKINA CITY, PURSUANT TO CITY ORDINANCE NO. 207, SERIES OF 2008, APPROVED ON DECEMBER 17, 2008 BY THE SANGGUNIANG PANGLUNG-SOD OF MARIKINA CITY.

MELO, JOSE A.R.  
SARMIENTO, RENE V.  
FERRER, NICODEMO T.  
TAGLE, LUCENITO N.  
VELASCO, ARMANDO C

Chairman  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Promulgated : July 7, 2009

*Approved by the Board*

X-----X

RESOLUTION NO. *3640*

WHEREAS, The Omnibus Election Code of the Philippines provides:

"Sec. 261. Prohibited Acts. - the following shall be guilty of an election offense:

x x x

x x x

x x x

"dd) x x x (1) Any person who sells, furnishes, offers, buys, serves or takes intoxicating liquor x x x x on the day before the election or on election day: x x x x x Provided, further, That foreign tourists taking intoxicating liquor in said authorized hotels or establishments are exempted from the provisions of this paragraph."

WHEREAS, violation of said prohibited acts shall be punishable with imprisonment of not less than one year but not more than six years and shall not be subject to probation, and in addition, the guilty party shall suffer disqualification to hold public office and deprivation of the right of suffrage;

*[Signature]*

NOW, THEREFORE, The Commission on Elections (Commission) pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, and other election laws, has RESOLVED, as it hereby RESOLVES, to promulgate the following implementing rules and regulations:

**SECTION 1. Prohibited Acts.** – It shall be unlawful for any person, including owners and managers of hotels and other establishments to sell, furnish, offer, buy, serve, or take intoxicating liquor anywhere in Barangay Malanday, Marikina City.

**SECTION 2. Prohibited Period.** - The liquor ban shall be in force and effect on August 14-15, 2009.

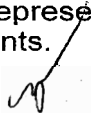
**Section 3. Exemption.** – Hotels and other establishments in Barangay Malanday, Marikina City, duly certified by the Department of Tourism as tourist-oriented and habitually in the business of catering to foreign tourists may be exempted for justifiable reasons from the liquor ban, PROVIDED they secure prior written authority from the Commission as provided for in Section 4 hereof.

**Section 4. Where to apply for and secure exemption.** – Applications for exemption together with supporting documents, shall be filed with, and duly acted upon by the Regional Election Director of National Capital Region.

**Section 5. Conditions for the grant of exemption.** – Exemption may be granted only upon compliance with and submission of the following:

1. request/petition for exemption which must be under oath and which must contain a statement that the hotel/establishment operators/owners have not been convicted for an election offense;
2. Certification by the Department of Tourism that the requesting hotel or establishment:
  - a) tourist-oriented and is habitually in the business of catering to foreign tourists;
  - b) currently licensed to do business; and
  - c) has paid the required taxes and/or fees imposed by the government or any of its agencies or instrumentalities.

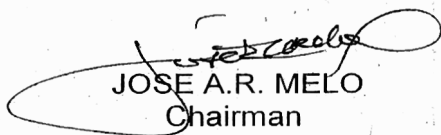
**Section 6. Revocation.**– The exemption granted may be revoked or withdrawn by the Commission upon petition of any interested party on showing, among others, that the reason upon which the exemption was made does not exist or is not justifiable, or that the requesting party or applicant has committed misrepresentation in the application, or introduced or submitted falsified documents.



Section 8. Effectivity. – This Resolution shall take effect on the seventh (7<sup>th</sup>) day after its publication in two (2) newspapers of general circulation in the Philippines and in one (1) newspaper of local circulation in Marikina City.

Section 9. Dissemination. - The Office of the Deputy Executive Director for Operations shall furnish copies thereof to the Philippine National Police, Marikina City, City Mayor of Marikina City, Regional Election Director of the National Capital Region, and the City Election Officer of Marikina City. They shall give this Resolution the widest dissemination possible.

**SO ORDERED.**



JOSE A.R. MELO  
Chairman



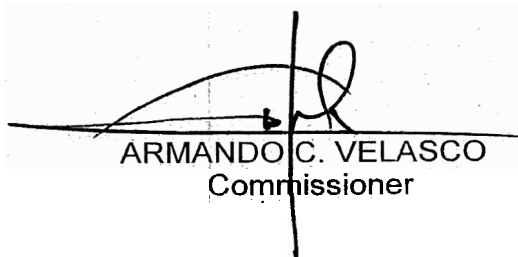
RENE V. SARMIENTO  
Commissioner



NICODEMO T. FERRER  
Commissioner



LUCENITO N. TAGLE  
Commissioner



ARMANDO C. VELASCO  
Commissioner

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