

Office of the Sangguniang Bayan

Tigbauan Municipal Hall, Tigbauan, Iloilo 5021 Philippines
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EXCERPT FROM MINUTES OF THE **40th** REGULAR SESSION OF THE HONORABLE SANGGUNIANG BAYAN, TIGBAUAN, ILOILO HELD AT THE S.B. SESSION HALL, TIGBAUAN MUNICIPAL BUILDING ON SEPTEMBER 28, 2016 AT 1:30 IN THE AFTERNOON

PRESENT:

HON. VIRGILIO T. TERUEL,	-	Vice Mayor & Presiding Officer
HON. DENNIS T. VALENCIA	-	S.B. Member
HON. JOHN GERSHWIN C. TUERES	-	S.B. Member
HON. ARIEL I. BERNARDO	-	S.B. Member
HON. SUZETTE MARIE HILADO-BANNO	-	S.B. Member
HON. NERI T. CAMIÑA	-	S.B. Member
HON. JULIUS T. LEDESMA	-	S.B. Member
HON. MA. GERRYLIN SANTUYO-CAMPOSAGRADO	-	SB Member
HON. JERRY T. TUARES	-	SB Member
HON. RONNIE T. PAGUNTALAN	-	Liga President

ABSENT: NONE

Municipal Ordinance No. 2016-017

AN ORDINANCE REGULATING THE OPERATION OF OPTICAL CLINICS AND OPTICAL SUPPLIERS OR DISTRIBUTORS IN THE MUNICIPALITY OF TIGBAUAN FOR THE PURPOSE OF PREVENTING ILLEGAL PRACTICE OF OPTOMETRY AND PROVIDING PENALTIES IN VIOLATION THEREOF

Sponsored By: HON. JULIUS LEDESMA, *Vice Chairman, Committee on Health & Sanitation*

Seconded By: Hon. Dennis T. Valencia, Hon. John Gershwin Tueres, Hon. Ariel Bernardo, Hon. Suzette Marie Hilado-Banno, Hon. Neri Camiña, Hon. Ma. Gerrylin Santuyo-Camposagrado and Hon. Jerry Tuares,

WHEREAS, recent disturbing developments have unfolded, regarding the prevalence of the illegal practice of OPTOMETRY throughout the country;

WHEREAS, this illegal practice is done not only by itinerant vendors dispensing bogus eye solutions but also by the well-advertised and established practitioners of the so-called holistic alternative forms of eye therapy;

WHEREAS, the practice of optometry is a serious health matter and should not be left to just anyone who would want to practice the science, vision being an important element of a person's general well-being;

WHEREAS, any form of bogus treatments or quackery poses a serious and potentially deadly health risk to the unwary populace and must be stopped;

NOW, THEREFORE, BE IT ORDAINED, BY THE SANGGUNIANG BAYAN IN SESSION ASSEMBLED, THAT

SECTION 1 – DEFINITION OF TERMS

OPTOMETRY – The science and art of examining the human eye, analyzing the ocular functions, prescribing and dispensing ophthalmic lenses, prisms, contact lenses and their

accessories and solution, low vision aids and similar appliances and devices, conducting ocular exercise, vision training, orthoptics, installing prosthetics, using authorized

- 1.1 Diagnostic Pharmaceutical Agents (DPA), and other preventive or corrective measures or procedures for the aid, correction, rehabilitation or relief of the human eye, or to attain maximum vision and comfort.
- 1.2 OPTOMETRIST. A person who has been certified by the Board of Optometry and registered with the Professional Regulation Commission (PRC) as being qualified to practice Optometry in the Philippines.
- 1.3 OPTOMETRIST IN GOOD STANDING. A registered optometrist who is authorized to practice the profession in the Philippines by virtue of a valid Certificate of Registration and valid Professional License issued by the PRC for the purpose.
- 1.4 CERTIFICATE OF REGISTRATION. A document signed by the Commissioner of the PRC and all the members of the Board of Optometry and bearing its seal, issued to an applicant who has satisfied the requirements for the practice of Optometry.
- 1.5 PROFESSIONAL LICENSE. A renewal card, issued by the PRC to a registered Optometrist, indicating that he/she is competent and authorized to practice Optometry in the Philippines. Until the loss of its validity or its expiration, such license shall serve as evidence that its bearer is an Optometrist in good standing.
- 1.6 CODE OF ETHICS. A set of standards relating to the conduct, integrity and moral duties of optometrist, as prescribed by the duly integrated accredited National Organization of Optometrists and adopted and promulgated by the Board of Optometry upon approval by the PRC.
- 1.7 ILLEGAL PRACTICE – The performance of any act/s constituting the practice of OPTOMETRY in the Philippines without having been first admitted to the practice of this profession as certified by the Board of Optometry and registered with the Professional Regulation Commission (PRC).
- 1.8 OPTICAL CLINIC – A facility that provides services related to eyes or vision and performing routine eye examinations.
- 1.9 OPTICAL SUPPLIES- Equipments, stocks and other related objects needed for optical uses. Ordinary sunglasses shall not be considered as optical supplies.
- 1.10 OPTICAL SUPPLIERS OR DISTRIBUTORS – A person or entity that supplies goods and services particularly for optical purposes.

SECTION 2. ACTS THAT CONSTITUTE THE PRACTICE OF OPTOMETRY

- 2.1 The examination of the human eye through the employment of subjective procedures, including the use of specific topical Diagnostic Pharmaceutical Agents or drugs and instruments, tools, equipment, implements, visual aids, apparatuses, machines, ocular exercises and related devices, for the purpose of determining the condition and acuity of human vision and to correct and improve the same.
- 2.2 The prescription and dispensing of ophthalmic lenses, prisms, contact lenses and their accessories and solutions, frames and their accessories and supplies for the purpose of correcting and treating defects, deficiencies and abnormalities of vision.
- 2.3 The conduct of ocular exercises and vision training, the provision of orthoptics and other devices and procedures to aid and correct the abnormalities of human vision and installation of orthoptic devices.
- 2.4 The counseling of patients in clinics and similar places where optometric services are offered.
- 2.5 The establishment of offices, clinics and similar places where optometric services are offered.
- 2.6 The collection of professional fees for the performance of any acts aforementioned.

SECTION 3. PROHIBITION AGAINST THE UNAUTHORIZED PRACTICE OF OPTOMETRY

No person shall practice Optometry as defined in Section 3 of Republic Act No. 8050 (*The Revised Optometry Law of 1997*) nor perform any of the acts constituting the practice of Optometry as set forth in Section 1 hereof, without having been first admitted to the practice of this profession under provisions of the said Act and its Implementing Rules and Regulations:

- a. The Local Government Unit recognizes the essential role of optometry as a profession in safeguarding and enhancing the health and general physical well-being of the citizenry;
- b. There are proliferation of optical services coming from outside of the municipality of Tigbauan manned by untrained and unlicensed persons necessitating a need to curb their operations to protect the health of the public;
- c. Some unscrupulous businessmen, oftentimes posing as "Health Maintenance Organizations" (HMO) groups, are illegally engaged in the practice of Optometry by conducting Barangay-based activities and house to house refraction and thereafter sell eyeglasses;
- d. These untrained and unlicensed persons oftentimes make erroneous diagnosis and treatment that can be very harmful to unsuspecting citizens and cause irreversible damage to their eyes and loss of hard-earned money.

Provided, that this prohibition shall not apply to regularly licensed and duly registered physicians who have received post-graduate training in the diagnosis and treatment of eye diseases:

Provided, however, that the examination of the human eye by duly registered physicians in connection with the physical examination of the patients shall not be considered as practice of Optometry:

Provided further, that the public health worker trained and involved in the government's blindness prevention program conducts only visual acuity tests and visual screenings.

- 3.1.** Any person who is not a qualified and licensed optometrist and performs any of the acts enumerated in Section 2 shall be punished in accordance with the penalties provided herein.
- 3.2.** Any optometric service done outside the licensed optometrist's optical clinic is hereby prohibited unless a proper and valid permit or clearance is issued by the barangay where the optometric services will be rendered.

SECTION 4. ACQUIRING PERMITS AND CLEARANCES TO PERFORM AND RENDER OPTOMETRIC SERVICES OR TO SELL OR DISTRIBUTE OPTICAL SUPPLIES.

4.1 Letter of Request made by group of persons, community associations, civic and religious organizations, business establishments or companies and other entities, associations or organizations who want to render optical services or otherwise sell or distribute optical supplies addressed to the Municipal Mayor with supporting documents, such as:

1. Business Permit
2. Endorsement from Municipal Health Board
3. DTI Permit
4. Photocopy of PRC ID of the Eyecare Practitioner
5. Lists of optical equipments to be used in performing proper and exact eye examination.

4.2 The Barangay Captain shall issue a proper and valid permit or clearance for ambulatory practice of optometry or selling or distribution of optical supplies only when the applicant submits the requirements as stated above.

4.3 Provided, that purely acts of advertisement without selling of optical supplies shall require only a Mayor's Permit.

SECTION 5. All prohibited acts as embodied in Republic Act No. 8050 otherwise known “As An Act Regulating The Practice Of Optometry, Upgrading Optometric Education, Integrating Optometrists And For Other Purposes,” and its implementing rules and regulations shall be part of this ordinance and shall be subjected to the penalties provided herein.

SECTION 6. PENALTIES

Anyone who violates this ordinance shall be punished with imprisonment of not less than One (1) month but not more than One (1) year, or a fine of Two Thousand Five Hundred Pesos (P2,500.00) or both, at the discretion of the court.

In addition, the administrative penalties specified in Section 26 of Republic Act No. 8050 shall be imposed whenever possible.

If the violation is committed by an association, partnership, corporation or any other institution, the managing officers and other persons responsible for its commission shall be liable for the penalties provided for in this ordinance.

SECTION 7. ENFORCING AUTHORITIES

The Barangay Officials shall assist the Local Police Authorities in enforcing the provisions of this ordinance and shall record the violation and confiscation in their logbook, Thereafter, the apprehending Barangay Officials shall immediately turn over the offender and the proceeds of the violations to the nearest police station for the filing of the case in court in accordance with the applicable law which is Republic Act No. 8050.

SECTION 8. SEPARABILITY CLAUSE

If any part, section or provision of this ordinance is held invalid or unconstitutional, other provisions not affected thereby shall remain in full force and effect.

SECTION 9. REPEALING CLAUSE

All ordinances, resolutions or local executive orders or rules and regulations contrary to or inconsistent with the provisions of this ordinance are hereby repealed, amended or modified accordingly.

SECTION 10. EFFECTIVITY CLAUSE

This ordinance shall take effect after complying with the requirements as to posting and publication as provided for under Section 59 of RA 7160.

ENACTED, September 28, 2016

CERTIFIED CORRECT:

MARLENE TAYO-NAVA
S.B. Secretary

ATTESTED:

VIRGILIO T. TERUEL
Vice Mayor & Presiding Officer

APPROVED:

SUZETTE TENEFRANCIA-ALQUISADA
Municipal Mayor

HON. VIRGILIO T. TERUEL, LAWYER
Municipal Vice Mayor

Sangguniang Bayan Members:

Hon. Dennis T. Valencia Hon. Suzette Marie Hilado-Banno, *M.D.* Hon. Ma. Gerrylin Santuyo-Camposagrado, *LLB,MPA*
Hon. John Gershwin C. Tueres,*LLB* Hon. Neri T. Camiña Hon. Jerry T. Tuares, *Civil Engineer*
Hon. Ariel I. Bernardo Hon. Julius T. Ledesma,*O.D.* Hon. Ronnie T. Paguntalan (*LnB-Pres.*)

“Public office is a public trust. Public Officials must at all times be accountable to the people.”

