ORDINANCE 2020-089

AN ORDINANCE PENALIZING THE ACT OF SPITTING OR EXPECTORATING MUCUS, SALIVA, PHLEGM, OR OTHER SUBSTANCES, VOMITING, LEAVING BODILY EXCREMENTS OR URINE AND LITTERING OF USED OR CONTAMINATED PERSONAL PROTECTIVE EQUIPMENT (PPEs) IN PUBLIC PLACES.

Sponsored by:
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Alexson V. Diaz
Hon. Coun. Paty Katy C. Boncayo
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Ting Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Ivey Rhia A. Tadefa
Hon. Coun. Engr. Marissa C. Rongavilla
Hon. Coun. Francis Ian T. Bagatsing
Hon. Coun. Mark Lester M. Baes
Hon. Coun. Engr. Arlene D. Hilapo
Hon. Coun. Cornelio M. Martinez
Hon. Coun. Walter A. Arcilla

WHEREAS, Article II, Section 15 of the 1987 Philippine Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, Section 16 of the Local Government Code of 1991 provides local government units the express power to promote the general welfare of its people, to wit:

"Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants."
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WHEREAS, spitting, vomiting, littering of used or contaminated Personal Protective Equipment (PPE), and discharging of bodily wastes in public places can be considered as public nuisances pursuant to Article 694 of the New Civil Code (NCC) which defines a nuisance as any act, omission, establishment, business, condition of property, or anything else which (1) injures or endangers the health or safety of others, or (2) annoys or offends the senses, or (3) shocks, defies or disregards decency or morality, inter alia;

WHEREAS, Article 695 of the NCC defines a public nuisance as an act which affects a community or neighborhood or any considerable number of persons, although the extent of the annoyance, danger or damage upon individuals may be unequal, which can be remedied through a local ordinance under Article 699 of the same law;

WHEREAS, as part of the efforts of the City Government of Muntinlupa to curb the spread of coronavirus disease (COVID-19), it shall strictly prohibit any person from spitting or expelling saliva, phlegm, mucus, or other substances from the mouth or nose, vomiting, leaving bodily excrements, or littering of used or contaminated PPEs in public places, since the COVID-19 is mainly transmitted through contact or respiratory droplets from the mouth or nose which can last for a few days on surfaces, clothes, PPEs, and other objects;

WHEREAS, the World Health Organization (WHO) and United Nations Children’s Fund (UNICEF) declared in an Interim Guidance entitled “Water, Sanitation, Hygiene and Waste Management for COVID-19 Virus” dated 19 March 2020 that the provision of safe water, sanitation, and hygienic conditions are essential to protecting human health during all infectious disease outbreaks, including the COVID-19 outbreak (emphasis supplied);

WHEREAS, the WHO and UNICEF also emphasized the importance of the following in health care settings: (i) managing excreta (faces and urine) safely, including ensuring that no one comes into contact with it and that it is treated and disposed of correctly; (ii) engaging in frequent hand hygiene using appropriate techniques; (iii) implementing regular cleaning and disinfection practices; and (iv) safely managing health care waste (emphasis supplied);

WHEREAS, the fast and widespread transmission of COVID-19 can be mitigated by prohibiting and penalizing hazardous societal habits that are public nuisances which potentially exposes other persons to the COVID-19 virus, such as, spitting from the mouth or nose mucus and other substances, vomiting, urinating or excreting bodily wastes, and littering of used or contaminated Personal Protective Equipment (PPEs) in public places.
NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by
the 9th Sangguniang Panlungsod of Muntinlupa in session assembled that:

SECTION 1. This Ordinance shall be known as the "Anti-Spitting and Anti-
Littering Ordinance of 2020."

SECTION 2. Coverage. This Ordinance shall apply to any person found within
the jurisdiction of the City of Muntinlupa.

SECTION 3. Definition of Terms.

a. Mucus – the clear viscid secretion of the mucous membranes, consisting of
mucin, epithelial cells, leukocytes, and various inorganic salts dissolved in
water.

b. Other substances – substances similar to phlegm, saliva or mucus, as may be
determined by the Department of Health that is dispersed by a person from his
mouth or nose.

c. Personal Protective Equipment (PPE) – hazmat suits, hair nets, protective
clothing, medical masks, face masks, plastic gloves, helmets, goggles, or other
garments or equipment designed to protect the wearer's body from COVID-19
viral infection or other contagious diseases.

d. Phlegm – abnormal amounts of mucus, especially as expectorated from the
mouth.

e. Public Places – generally any area, privately or publicly owned, to which the
public has any kind of access.

f. Saliva – a clear, tasteless, odorless, slightly acidic (pH 6.8) viscid fluid,
consisting of the secretion from the parotid, sublingual and submandibular
salivary glands and the mucous glands of the oral cavity.

g. Spitting – the act of expectorating carelessly or intentionally saliva, phlegm,
mucus or other substances, usually coming from the mouth or sneezing out
nasal mucus.

SECTION 4. Unlawful Acts. The following shall be considered as an unlawful
act:

(1) Any person, who carelessly or intentionally, spits mucus, saliva, phlegm, or
other substances from the mouth, vomits, or openly sneezes out nasal mucus or other
substances from the nose in city streets, alleys, sidewalks, parks, grocery stores
malls, markets, streets, public carriers, public halls, and buildings, parking spaces,
banks, public squares, terminals, shopping and business centers, schools, churches,
hospitals, and other similar public places;
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Section 4. Definitions - When used in this Ordinance, the term "litter" means any unneeded or unwanted substance, material, or thing, whether solid, liquid, or gaseous, that is thrown, cast, or otherwise deposited neglectfully or carelessly, which is not intended for disposal or within the control of the person depositing it; and "disposal" means any act of depositing, discarding, disposing, or otherwise handling or managing any personal protective equipment, which has been used or is contaminated, whether in city streets, alleys, sidewalks, parks, grocery stores, malls, markets, streets, public carriers, public halls, and buildings, parking spaces, banks, public squares, terminals, shopping and business centers, schools, churches, hospitals, and other similar public places.

Section 5. Penalties. Any person who commits any of the unlawful acts under this Ordinance shall be penalized as follows:

First Offense - A warning with a fine of One Thousand Pesos (PhP1,000) or one (1) month imprisonment or both at the discretion of the court.

Second Offense - A fine of Three Thousand Pesos (PhP3,000) or three (3) months imprisonment or both at the discretion of the court.

Third Offense - A fine of Five Thousand Pesos (PhP5,000) or six (6) months imprisonment or both at the discretion of the court.

The succeeding offenses need not be the same unlawful act committed during the first or previous offense by the same offender, for as long as the subsequent unlawful act falls under any of the provisions of Section 4 of this Ordinance.

If the unlawful act is committed by a juridical entity, the directors, officers and employees of the juridical entity that participated, contributed or tolerated the commission of Section 4, Clause No. 2, shall be held liable.

The penalties under this Ordinance is without prejudice to other criminal or civil liability that are available for the commission of other criminal acts punishable under the Revised Penal Code or Special Penal Laws arising from the same unlawful act committed in this Ordinance.
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SECTION 6. Collection of Evidence. In order to effectively respond to the state of public health emergency and provide relevant government authorities, such as, the Philippine National Police, Department of Justice and judicial courts, evidence of violation of this Ordinance, any private citizen or peace officer who has personal knowledge that an unlawful act is being committed, or has just been committed, are authorized to document any violation of this Ordinance through photographs or video recording, provided that, the photograph or video recording is taken exclusively for reporting purposes to the public authorities in order to file the appropriate action or complaint.

SECTION 7. Separability Clause. – The provisions of this Ordinance are hereby declared to be separable and if any clause, sentence, provision or section of this Ordinance or its application thereof to any person or circumstance should, for any reason, be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given force and effect.

SECTION 8. Repealing Clause. – All ordinances, resolutions, memoranda, orders and similar issuances, or parts thereof which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 9. Effectivity. – This Ordinance shall take effect immediately after the approval thereof.

ENACTED, by the 9th Sangguniang Panlungsod of Muntinlupa this 13th day of April, 2020, on its 40th Regular Session.

CONCURRED:

DISTRICT 1:

COUN. ATTY. RAUL R. CORRO
Member

COUN. PATY KATY C. BONCAYAO
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. STEPHANIE G. TEVES
Member

COUN. ALEXSON V. DIAZ
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. TING NIEFES
Member

COUN. IVEE RHIA A. TADEF
Member
DISTRICT 2:

COUN. ENGR. MARISSA C. RONGAVILLA  
Member

COUN. FRANCIS IAN T. BAGATSING  
Member

COUN. MARK LESTER M. BAES  
Member

COUN. MA. DHERÈÈE G. AREVALO  
Member

COUN. ENGR. MAMERTO T. SEVILLA, JR.  
Member

COUN. ENGR. ARLENE D. HILAPO  
Member

COUN. CORNELIO M. MARTINEZ  
Member

COUN. WALTER A. ARCILLA  
President  
Sectoral Representative  
Association of Barangay Chairman

COUN. KENICHI D. TAKAGI, JR.  
President  
Sectoral Representative  
Federation of Sangguniang Kabataan

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CECILIA C. LAZARTE  
Secretary to the Sangguniang

ATTESTED:

ARTEMIO A. SIMUNDAC  
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. PÉREZNÉDÍ  
City Mayor  
Date: 13 APR 2020