ORDINANCE NO. 2020-109

AN ORDINANCE ON THE MANDATORY USE OF FACE MASKS IN MUNTINLUPA CITY AND AMENDING FOR THIS PURPOSE ORDINANCE NO. 2020-083

Sponsored by:
Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Alexson V. Diaz – VIA ZOOM
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Stephanie G. Teves – VIA ZOOM
Hon. Coun. Ivey Rhia A. Tadefa – VIA ZOOM
Hon. Coun. Francis Ian T. Bagatsing – VIA ZOOM
Hon. Coun. Mark Lester M. Baes – VIA ZOOM
Hon. Coun. Cornelio M. Martinez – VIA ZOOM
Hon. Coun. Kenichi D. Takagi, Jr. – VIA ZOOM

WHEREAS, under Section 15, Article II of the Philippines Constitution, it is the State’s policy to protect and promote the right to health of the people;

WHEREAS, Section 16 of the Local Government Code of 1991 (R.A. No. 7160) provides that “every local government unit (LGU) shall exercise 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”;

WHEREAS, on 16 March 2020, the Office of the President through a Memorandum of the Executive Secretary and pursuant to the declaration of State of Public Health Emergency and State of Calamity, placed the entire Luzon under Community Quarantine beginning 17 March 2020, which imposed strict safeguard measures including the observation of minimum public health protocols;

WHEREAS, on 24 March 2020, the Congress through the “Bayanihan to Heal as One Act” (R.A. No. 11469) declared a State of National Emergency over the entire country to respond efficiently to the crisis brought by the pandemic;

WHEREAS, on 30 March 2020, the 9th Sangguniang Panlungsod enacted Ordinance No. 2020-083 otherwise known as the “Mandatory Face Mask and Physical Distancing Ordinance;”

WHEREAS, on 11 July 2020, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) issued Resolution No. 54, series of 2020 placing all highly-urbanized cities of the National Capital Region (NCR) including Muntinlupa City under General Community Quarantine (GCQ) until 31 July 2020;
WHEREAS, on 14 July 2020, the Department of the Interior and Local Government (DILG) urged the LGUs to enact ordinances making new normal as a non-medical measure to fight COVID-19 as part of the DILG’s broader “Disiplina Muna” advocacy campaign to include health safety protocols such as but not limited to wearing a face mask in public, sanitizing hands, doing at least one-meter physical distancing, observing cough etiquette and staying at home for children and senior citizens;

WHEREAS, on 16 July 2020, the IATF issued an amended Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines (Omnibus Guidelines). Section 8, Subparagraph No. 5 thereof reads in part:

“All persons are mandated to wear face masks, ear loop masks, indigenous, reusable, do-it-yourself masks, or face shields, handkerchiefs, or such other protective equipment or any combination thereof, which can effectively lessen the transmission of COVID-19, whenever they go out of their residences, pursuant to existing guidelines issued by the national government subject to fair and humane penalties or punishments that may be imposed by the LGUs or implemented by law enforcement agencies, respectively.”

NOW THEREFORE, BE IT ENACTED, by the 9th Sangguniang Panlungsod in session assembled that:

SECTION 1. Short Title. This Ordinance shall be known as “An Ordinance on the Mandatory Use of Face Masks in Muntinlupa City.”

SECTION 2. Coverage. This Ordinance shall be in effect for the duration of the Community Quarantine and any extension thereof, as may be determined by the IATF and/or other implementing authorities, and shall cover all persons within the territorial jurisdiction of Muntinlupa City.

SECTION 3. Mandatory Use of Face Masks. Every person is required to wear face masks at all times whenever outside of their residence, at the workplace, when entering government buildings and offices, and while in public places.

Face mask refers to a protective clothing or material used to cover the nose, mouth, and chin with specifications and proper use as recommended by the Department of Health (DOH), including, but not limited to, surgical masks, medical masks, N95 masks, ear loop masks, indigenous, reusable, and do-it-yourself masks.

SECTION 4. Exemption. An individual inside a private enclosed vehicle shall not be required to wear face mask. If there are more than one (1) person inside the vehicle and in all other instances, wearing of face mask is mandatory.
SECTION 5. **Enforcement and Implementation.** This Ordinance shall be implemented by the Muntinlupa National Police Force (PNP-Muntinlupa), Barangay Chairpersons and their personnel, Public Order and Security Office (POSO) and other personnel as deputized by the Local Chief Executive;

SECTION 6. **Penalties.** Any person violating this Ordinance shall be meted with the following penalties, without prejudice to the charges under R.A. No. 11332 or the Bayanihan to Heal as One Act, which penalizes non-cooperation of persons or entities during a health event of public concern:

- **First Offense** – fine amounting to Three Hundred Pesos (PhP300.00).

- **Second Offense** – fine amounting to Five Hundred Pesos (PhP500.00).

- **Third and Subsequent Offenses** – fine amounting to One Thousand Pesos (PhP1,000.00).

For **minor violators**, the following penalties shall be imposed and the fine shall be charged against their parent/s or guardian/s, as applicable:

- **First Offense** – stern warning.

- **Second Offense** – withdrawal of **scholarship grants** from the local government. **For non-grantee**, a fine amounting to Three Hundred Pesos (PhP300.00).

- **Third and Subsequent Offenses** – fine amounting to Five Hundred Pesos (PhP500.00).

SECTION 7. **Separability Clause.** If, for any reason or reasons, any part/s or provision/s of this Ordinance shall be held to be unconstitutional or invalid, other part/s or provision/s hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 8. **Repealing Clause.** All previous ordinances inconsistent with this Ordinance shall be deemed repealed and/or modified accordingly.

SECTION 9. **Publication.** This Ordinance shall be posted in the Official Website of the City Government of Muntinlupa and in all available social media platforms.

SECTION 10. **Effectivity Clause.** This Ordinance shall be effective immediately upon its approval.

**ENACTED**, by the 9th Sangguniang Panlungsod of Muntinlupa this 20th day of July 2020, on its 54th Regular Session.
Concurred:

District 1:

COUN. ATTY. RAUL R. CORRO
Member

(ABSENT)
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

(ABSENT)
COUN. TING NIEFES
Member

COUN. IVEE RHIA A. TADEPA
Member

District 2:

COUN. ENGR. MARISSA C. RONGAVILLA
Member

COUN. FRANCIS IAN T. BAGATSING
Member

COUN. MARK LESTER M. BAES
Member

(ABSENT)
COUN. MA. DHESIREE G. AREVALO
Member

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

COUN. ENGR. ARLENE D. HILAPO
Member

COUN. CORNELIO M. MARTINEZ
Member
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(ABSENT)
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. PRESNEDI
City Mayor

Date: 27 JUL 2020

Norie/9th SP