ORDINANCE NO. 2020-145

AN ORDINANCE EASING COMMUNITY QUARANTINE RESTRICTIONS TO PERSONS WHO ARE AT LEAST 18 AND NOT OVER 65 YEARS OLD IN MUNTINLUPA CITY

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

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 (LGC) further provides that, “every local government unit (LGU) shall exercise powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental to its efficient and effective governance, and those which are essential to the promotion of general welfare”;

WHEREAS, Section 11 (a) (4), Article V of Republic Act (R.A.) No. 7926, otherwise known as the “Charter of the City of Muntinlupa”, provides that the Sangguniang Panlungsod shall approve ordinances and pass resolutions necessary for an efficient and effective city government, and in this connection shall adopt measures to protect the inhabitants of the City from the harmful effects of man-made or natural disasters and calamities, and to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and in their return to productive livelihood following said events;

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 (ECQ) beginning 17 March 2020, which imposed strict safeguard measures including the observation of stringent social distancing due to the COVID-19 outbreak;
Ordinance No. 2020-145

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

WHEREAS, on 11 September 2020, the Congress enacted R.A. No. 11494, otherwise known as "Bayanihan to Recover as One Act", for the establishment of mechanisms and policies that will provide adequate social services, and promote standard of living and an improved quality of life for all, particularly the aftermath of natural and man-made disasters;

WHEREAS, on 16 September 2020, President Rodrigo Roa Duterte issued Proclamation No. 1021 extending the declaration of the State of Calamity from 13 September 2020 to 12 September 2021, unless earlier lifted, or extended, as circumstances may warrant;

WHEREAS, on 28 September 2020, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) issued Resolution No. 75-A, series of 2020, placed the National Capital Region, including Muntinlupa City, under General Community Quarantine until 31 October 2020, without prejudice to any extensions thereof;

WHEREAS, on 15 October 2020, the IATF issued an amended Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines (Omnibus Guidelines) providing age-based stay-at-home restrictions in different levels of community quarantine;

WHEREAS, on 15 October 2020, Paragraph A of the IATF Resolution No. 79, series of 2020 provides that:

"Age-based stay-at-home restriction are hereby adjusted to include those who are under fifteen (15) years of age, as well as over sixty-five (65) years. Provided, that local government units retain the authority to impose a higher age limit for minors depending on the COVID-19 situation in their respective jurisdictions. Provided finally, that this shall not be interpreted to mean that the restrictions imposed by various prevailing community quarantine qualifications for the general population are lifted."

WHEREAS, Section 4, Paragraph 7 of the IATF Omnibus Guidelines as amended by Resolution No. 79, s. 2020 states that:
Page 3
Ordinance No. 2020-145

“Limited operations in malls and shopping centers shall be allowed, except for leisure establishments and services which shall continue to be closed. Xxx. Provided further, those below fifteen (15) years old, and those over sixty-five (65) years old and those with immunodeficiency, comorbidity, or other health risks, and pregnant women, including any person who resides with the aforementioned, may not enter malls and shopping centers except when indispensable under the circumstances for obtaining essential goods and services or for work in establishments located therein until otherwise modified through subsequent issuances of the IATF. Xxx.”

WHEREAS, on 19 October 2020, the Members of Metro Manila Council (MMC), agreed to allow Authorized Persons Outside Residence (APOR) who are eighteen (18) years of age and not over sixty-five (65) years in the National Capital Region (NCR).

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 Easing Community Quarantine Restrictions to Persons who are at least 18 and not over 65 Years Old in Muntinlupa City.”

SECTION 2. Coverage. This Ordinance shall be in effect for the duration of the Community Quarantine or 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. Age-based stay-at-home restriction. Persons, who are eighteen (18) years old and not over sixty-five (65) years, are allowed to go out of their residence unless expressly prohibited under the national and local issuances.

SECTION 4. Exempt Entities. This Ordinance shall not apply to Authorized Persons Outside their Residence (APOR) and other exempt individuals, as may be determined by the Philippine National Police, Joint Task Force COVID Shield and/or other implementing authorities.

SECTION 5. Implementation and Enforcement. This Ordinance shall be implemented by the Philippine National Police (PNP)-Muntinlupa, Public Order and Security Office (POSO), City Security Office (CSO), Muntinlupa Traffic Management Bureau (MTMB), Barangay Chairpersons and their personnel, and other individuals deputized by the Local Chief Executive.
Ordinance No. 2020-145

SECTION 6. Penalty. Any person who violates this Ordinance, upon notice, shall be penalized with the following:

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<tr>
<th>Offense</th>
<th>Penalty Description</th>
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<tr>
<td>First Offense</td>
<td>Fine amounting to Three Hundred Pesos (PhP300.00)</td>
</tr>
<tr>
<td>Second Offense</td>
<td>Fine amounting to Five Hundred Pesos (PhP500.00)</td>
</tr>
<tr>
<td>Third and Subsequent</td>
<td>Fine amounting to One Thousand Pesos (PhP1,000.00)</td>
</tr>
<tr>
<td>Offenses</td>
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</tbody>
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For violators who are minors, the following penalties shall be imposed and the fine shall be charged against their parent/s or guardian/s, as applicable:

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<tbody>
<tr>
<td>First Offense</td>
<td>Stern warning</td>
</tr>
<tr>
<td>Second Offense</td>
<td>Withdrawal of scholarship grants from the local government. For non-grantee, a fine amounting to Three Hundred Pesos (PhP300.00)</td>
</tr>
<tr>
<td>Third and Subsequent</td>
<td>Fine amounting to Five Hundred Pesos (PhP500.00)</td>
</tr>
<tr>
<td>Offenses</td>
<td></td>
</tr>
</tbody>
</table>

Provided, That the foregoing penalties shall be imposed without prejudice to the charges under the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act (R.A. 11332), Bayanihan to Heal as One Act (R.A. No. 11469), Bayanihan to Recover as One Act (R.A. No. 11494), and other liabilities under the Revised Penal Code or any special law arising out of the prohibited act herein.

SECTION 7. Imposition of Penalties. Any person apprehended for violation of a City Ordinance, who does not wish to contest the violation and is willing to pay voluntarily the fine imposed upon him/her, prior to the filing of a formal complaint with the Office of the City Prosecutor, shall be allowed to pay the said fine within five (5) working days from the issuance of the City Ordinance Violation Receipt (COVR) with the City Treasurer to avoid being criminally prosecuted.

SECTION 8. 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 9. Repealing Clause. All previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

SECTION 10. Publication. This Ordinance shall be published pursuant to the requirements of the Local Government Code and shall be posted in the Official Website of the City Government of Muntinlupa. The Public Information Office (PIO) shall disseminate copies of this Ordinance in all available social media platforms.
SECTION 11. Effectivity Clause. This Ordinance shall be effective immediately upon its approval and during the community quarantine in Muntinlupa City, unless earlier lifted by the IATF, implementing authorities, or through a subsequent City Ordinance for that matter.

Let copies of this Ordinance be furnished to the Office of the Mayor, Office of the City Administrator, City Legal Office (CLO), Philippine National Police (PNP-Muntinlupa City), Public Order and Safety Office (POSO), City Security Office (CSO), Muntinlupa Traffic Management Bureau (MTMB), Public Information Office (PIO), Liga ng mga Barangay, and other concerned offices for their information, guidance and reference.

ENACTED, by the 9th Sangguniang Panlungsod of Muntinlupa this 26th day of October, 2020, on its 68th Regular Session.

CONCURRED:

DISTRICT 1:

COUN. ATTY. RAUL R. CORRO
Member

COUN. PATY KATY C. BONCAYAO
Member

COUN. ALLAN REY A. CAMILON
Member

(ABSENT)
COUN. STEPHANIE G. TEVES
Member

COUN. ALEXSON V. DIAZ
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. TING NIEFES
Member

COUN. IVEE RHIA A. TADEFA
Member

DISTRICT 2:

COUN. ENGR. MARISAA C. RONGAVILLA
Member

COUN. FRANCIS IAN T. BAGATSING
Member

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

COUN. MARK LESTER M. BAES
Member
Ordinance No. 2020-145

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

COUN. ENGR. ARLENE D. HILAPO
Member

COUN. CORNELIO M. MARTINEZ
Member

(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 Sanggunian

ATTESTED:

ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME F. FRESNEDI
City Mayor
Date: 26 OCT 2020