ORDINANCE NO. 2020-181

AN ORDINANCE INSTITUTING STAYSAFE.PH APPLICATION AS THE OFFICIAL CONTACT TRACING SYSTEM OF THE CITY OF MUNTINLUPA MANDATING ALL RESIDENTS AND NON-RESIDENTS OF THE CITY OF MUNTINLUPA TO USE IT IN ALL ESTABLISHMENTS, WHETHER PUBLIC OR PRIVATE, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Sponsored by: Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Alexson V. Diaz
Hon. Coun. Paty Katy C. Boncayao
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-VIA ZOOM
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, Section 15, Article II 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 that, "every local government unit shall exercise the powers expressly granted, those necessarily implied there from, 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, xxx promote health and safety, xxx support the development of appropriate and self-reliant scientific and technological capabilities, xxx among their residents... xxx";

WHEREAS, on 08 March 2020, President Rodrigo R. Duterte issued Proclamation No. 922, series of 2020 declaring a State of Public Health Emergency throughout the Philippines due to Coronavirus Disease 2019 [COVID-19]; enjoining all local government agencies and local government units (LGUs) to render full cooperation and assistance and to mobilize the necessary resources to undertake critical, urgent and appropriate response and measure in a timely manner to curtail and eliminate the threat of COVID-19;

WHEREAS, the Department of Interior and Local Government [DILG], issued a Memorandum dated 24 April 2020, directing the local government units to establish their own task forces against COVID-19 which includes contact tracing teams;
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WHEREAS, the DILG, in a subsequent Memorandum dated 10 June 2020, encourages the use of technology in contact tracing efforts to ensure a more comprehensive COVID-19 information management;

WHEREAS, the Department of Trade and Industry (DTI) and Department of Labor and Employment (DOLE) issued Joint Memorandum Circular No. 20-04-4 series of 2020, encouraging the use of technology, such as, but not limited to, the use of contactless, forms, in the contact tracing of customers including visitors, entering establishments or business premises;

WHEREAS, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases issued Resolution No. 70 Series of 2020, dated 10 September 2020, reaffirming the recommendations of the Department of Information and Communications Technology on maximizing the use of StaySafe.PH as the official social distancing, health-condition reporting, and contact-tracing system that will assist in the government's response to COVID-19;

WHEREAS, the DILG issued Memorandum Circular No.2020-129 dated 05 October 2020, reiterating and supplementing DILG Memorandum Circular No. 2020-081 dated 08 May 2020 enjoining the use of StaySafe.PH v.2 application system for the management of global pandemic;

WHEREAS, the City deemed it necessary to establish an automated contact tracing system through the use of QR Codes to provide safe, timely and more complete contact identification and follow-up compared with traditional system;

WHEREAS, the City will do away with the traditional practice of establishments with the manual logging by customers, visitors, and employees of the contact tracing forms prior to entering the establishments;

WHEREAS, the adoption of StaySafe.PH would help in the uniform efforts of the government in contact tracing and in the prevention of transmission of COVID-19;

NOW THEREFORE, BE IT ENACTED, AS IT HEREBY ENACTED, by 9th Sangguniang Panlungsod of Muntinlupa in Session assembled that:

SECTION 1. Short Title - This Ordinance shall be known as the "Staysafe.PH Application Ordinance";

SECTION 2. Coverage - This Ordinance shall apply to all residents and nonresidents who will enter, work or do business in all indoor or enclosed public and private establishments within the territorial jurisdiction of the City of Muntinlupa, including but not limited to government and private offices or workplaces, commercial, industrial and indoor establishments, churches, hotels, motels, inns, supermarkets and markets;

SECTION 3. Definition of Terms - For purposes of this Ordinance, these terms are defined as follows:
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1. Consent of the Data Subject - refers to any free given, specific, informed indication of will, whereby the data subject agrees to the collection and processing of personal information about and/or relation to him/her. Consent shall be evidenced by written, electronic or recorded means.

2. Data Subject - refers to an individual whose personal information is processed.

3. Public Establishment - refers to a building or enclosed place which is owned, leased, or controlled by a government entity for governmental purpose;

4. Private Establishment - refers to a building or enclosed place which is owned, leased, or controlled by a non-governmental entity for non-governmental purpose, which includes but not limited to, commercial, industrial and indoor establishments, churches, hotels, motels, inns, supermarkets and markets.

5. Registrant - refers to all customers, visitors and employees of public and private establishments, who are twenty-one (21) years old and above, whether resident or non-resident of the City of Muntinlupa

6. QR (Quick Response) Code - refers to the machine-readable code containing a matrix of dots which typically stores information, and which can be scanned using a QR scanner or a smartphone with built-in camera.

7. Scanner - refers to a device with functional camera, supports wireless internet access, and has the ability to run software applications that will be used for scanning QR codes.

SECTION 4. Mandatory Installation and Use of Staysafe PH System - An application software which enables people to report their health condition and facilitate the Government in contact tracing by allowing individuals to log their basic personal information upon registration, interactions, locations and health declaration. All covered individuals and establishment shall be required to download the StaySafe.PH application in their smartphones and register their own account therein. When the registration is complete, the individuals shall be provided with a non-transferable unique generated QR Code which they can store on their phone or print for physical copy. In the same way, public and private establishments shall be provided with a unique generated QR Code upon registering as an Administrator. QR Codes for non-smartphone user registrants shall be generated by their respective barangays and shall be distributed to where the registrant resides.

SECTION 5, Basic Information Required Upon Registration/Creating an Account - Registrant’s Personal Information collected under this Ordinance shall be limited to full name, birthdate, age, gender, complete address, contact number, e-mail address (if available); whereas covered establishments’ information shall be limited to name of establishment, business address, contact person, contact number and e-mail address (if available).

SECTION 6. Health Declaration - The registrant upon signing-in shall declare his/her health status. The registrant may update his/her health condition everyday and may also notify the StaySafe.PH if he/she is having COVID-19 like symptoms.
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SECTION 7. Mandatory Use of QR Code or the "No QR Code, No Entry Policy"

All covered establishments are mandated to designate personnel on every entrance of the establishment who shall make sure that each individual who enter the establishment possesses a StaySafe.PH unique personal QR Code. The establishment shall provide scanner and personnel who shall scan and monitor the authenticity of the QR Code of the registrants prior to entry.

All customers, visitors, and employees of the public and private establishments shall not be allowed entry unless they present their own QR Code.

The QR Code is the digital footprint of the registrant by recording whom he/she has had contact with in the covered establishment at a particular day and time.

SECTION 8. Processing and Storing of Gathered Information. Upon scanning of the QR Code, the personal information of the registrant shall automatically be transmitted and integrated real-time to the Department of Health's (DOH) Database, which could be accessed by the City's Contact Tracing Operation Centre.

SECTION 9. Privacy Policy - All information collected, processed, and shared shall be pursuant to Republic Act No. 11332 (the "Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern) and in accordance with Republic Act No. 10173 (the "Data Privacy Act"), and their respective Implementing Rules and Regulation.

SECTION 10. Confidentiality - All information collected, processed, shared, and gathered from the data subject, shall be treated by the City Government of Muntinlupa with utmost confidentiality, and shall securely dispose of them thirty (30) days from the time it was collected.

SECTION 11. Prohibited Acts - The following acts are hereby declared unlawful under this Ordinance:

a. For Covered Individuals:
   i. Going out of the residence, working or doing business in the City without logging into the StaySafe.PH system, activating its application, and logging his/her interactions;
   ii. Providing false information upon registration/creation of account with StaySafe.PH application;
   iii. Allowing other person to make use his/her unique QR Code to gain entry into the premises of the covered establishment
   iv. Intentionally registering more than once for the purpose of possessing more than one [1] unique personal QR Code;
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b. For Covered Establishments:
   i. Non-registration with the StaySafe.PH system;
   ii. Failure to designate some personnel tasked to make sure that all customers, visitors, and employees of the establishment possess QR Code prior to their entry;
   iii. Failure to provide scanner, and scan registrants' QR Code prior to entry;
   iv. Deliberate non-scanning of the registrants' QR Code; v. Allowing entry of customers, visitors, and employees to enter the establishment without QR Code;
   v. Deliberate non-transmittal of the personal information of the registrants within twenty-four (24) hours from being offline;
   vi. Unauthorized access and disclosure of personal information of the registrants.

SECTION 12. Administrative Penalty - In addition to the liability attaching to the offender prescribed by existing laws, any person or entity found to be violating any of the provisions of this Ordinance shall be meted out the following penalties:

   a. In case the offender is a government official or employee, the maximum penalty shall be imposed without prejudice to the filing of administrative, civil, and/or criminal action(s). In addition, he/she cannot go out of his/her residence, work or engage in business.

   b. Any covered establishment found violating Section 11b of this Ordinance shall be charged with an administrative penalty of:

      i. First Offense of Two Thousand Pesos (Php 2,000.00) and suspension of franchise or business permit until violation has been rectified;
      ii. Second Offense: Three Thousand Pesos (Php3,000.00),
      iii. Third Offense: suspension of franchise or business permit until violation has been rectified; Five Thousand Pesos (Php5,000.00) and revocation of franchise or business permit.

SECTION 13. Implementing Rules and Authority - This Ordinance shall be implemented by the Local Chief Executive through the coordination of the City Health Office (CHO), Muntinlupa City Department of Disaster Resilience and Management (MCDDRM), Muntinlupa City Philippine National Police (PNP), Business Permits and Licensing Office (BPLO), Management Information System (MIS), Punongbarangays and their respective Barangay Task Forces, and other personnel deputized by the Local Chief Executive.
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The Local Chief Executive is hereby authorized to issue implementing rules and regulations when necessary.

SECTION 14. Implementation and Transitory Provision. The Public Information Office, with the coordination of the Barangay Information Officers, shall conduct information dissemination through the different social media platforms, LED TVs, tarpaulin display, among others. The CHO and Community Affairs and Development Office (CADO), together with the BPLO, shall also conduct an appropriate information dissemination campaign to ensure that the community and business stakeholders are made aware of the provisions of this Ordinance.

This Ordinance shall strictly be implemented effective January 2021, giving covered individuals and persons to make the necessary adjustments.

SECTION 15. Separability Clause - If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provision not affected thereby shall continue in full force and effect.

SECTION 16. Repealing Clause - All ordinances, local issuances, or rules of this Ordinance are hereby repealed or modified.

SECTION 17. Effectivity Clause - This Ordinance shall immediately take effect immediately upon approval and in accordance with the publication and posting requirement, due to the urgency concern caused by the COVID-19 pandemic.

Should the declared state of emergency be lifted, the regulations imposed by this Ordinance shall accordingly be automatically repealed without need of further action from the Sangguniang Panlungsod.

ENACTED, by the 9th SangguniangPanlungsod this 7th day of December 2020, on its 74th Regular Session.

CONCURRED:

DISTRICT 1:

COUN. ATTY. RAUL R. CORRO
Member

COUN. ALEXSON V. DIAZ
Member

COUN. PATY-KATY C. BONCAYAO
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. TING NIEFES
Member
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COUN. STEPHANIE G. TEVES
Member

COUN. IVEE RHIA A. TADEFA
Member

DISTRICT 2:

COUN. ENGR. MARISSA C. RONGAVILLA
Member

COUN. FRANCIS IAN T. BAGATSING
Member

COUN. MARK LESTER M. BAES
Member

COUN. MA. DHERSIDEE G. AREVALO
Member

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

COUN. ENGR. ARLENE D. HILAPO
Member

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

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 R. FRESENDE
City Mayor
Date: 09 DEC 2020