

Republic of the Philippines
Province of Sorsogon
CITY OF SORSOGON



Office of the Sangguniang Panlungsod

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SEVENTH CITY COUNCIL HELD VIA ZOOM TELECONFERENCING ON APRIL 20, 2021 AT THE OFFICE OF THE SECRETARY TO THE SANGGUNIANG PANLUNGSOD.

PRESENT:

HON. MARK ERIC C. DIONEDA
City Vice Mayor/Presiding Officer

BACON DISTRICT

Hon. Jo Abegail C. Dioneda
Hon. Danilo A. Deladia

EAST DISTRICT

Hon. Ralph Walter R. Lubiano
Hon. Mary Ellen D. Jamisola
Hon. Franco Eric O. Ravanilla
Hon. Joven G. Laura

WEST DISTRICT

Hon. Nestor J. Baldon
Hon. Erwin J. Duana
Hon. Fernando David H. Duran, III
Hon. Rebecca D. Aquino

EX-OFFICIO MEMBERS

Hon. Ma. Teresa D. Perdigon
Hon. Lorenz S. Abenion

ABSENT:

Hon. Hilario D. Dioneda
Hon. Melchor P. Atutubo

Resolution No. 122, Series of 2021

(Author: **Hon. Danilo A. Deladia**)

RESOLUTION ENACTING AN ORDINANCE MANDATING AN EMERGENCY CURFEW HOURS FOR ALL RESIDENTS OF SORSOGON CITY FROM 9:00 O'CLOCK IN THE EVENING TO 4:00 O'CLOCK IN THE MORNING OF THE FOLLOWING DAY IN THE EVENT OF UNUSUAL OR SUDDEN SURGE OF COVID 19 CASES, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

WHEREAS, Section 16 under General Welfare Clause of Republic Act 7160 otherwise known as the Local Government Code of 1991 states that "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”;

WHEREAS, Section 458 (a) (5) (xii) of the same code mandates the Sangguniang Panlungsod to “approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases”;

WHEREAS, passage of this ordinance is anchored on the recommendation made by the City Health Office during the April 15, 2021 Special Session of the 7th City Council, following the alarming surge in the number of COVID 19 Cases in recent days;

WHEREAS, Section (8), General Provisions of the Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines (with Amendments as of October 15, 2020) issued by the Inter Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID), Local Government Units are enjoined to enact the necessary ordinances to enforce curfew only for non- workers in jurisdictions placed under MECQ, GCQ and MGCQ to penalize in a fair and humane manner, violations of the restrictions of the movement of people as provided under these Omnibus Guidelines. Law Enforcement Agencies in implementing and enforcing said ordinances are likewise strongly enjoined to fair and humane treatment of curfew violators, public transportation however shall not be restricted by such curfew ordinances (As amended by Paragraph c of IATF Resolution 47, June 19, 2020)

WHEREAS, Section 6(e) of Republic Act No. 11332, "The Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act," provides that local governments have the authority to conduct and enforce disease surveillance and response systems, epidemic/outbreak and epidemiologic investigations, and rapid containment, quarantine and isolation, disease prevention and control measures;

WHEREAS, the present situation of Sorsogon City wherein sudden surge of Covid 19 cases were reported and placed in the high-risk category, requires stringent measures and strict observance of the minimum health and safety protocols;

WHEREAS, the city government has been classified a high risk area of the Department of Health for having a 2-week growth rate (March 29, 2021 to April 11, 2021) of 456% and an ADAR (Average Daily Attack Rate) of 4 that causes the spikes of confirmed COVID 19 in the locality;

WHEREAS, as of April 14, 2021, the city of Sorsogon has 74 total number of active cases; 319 recovered and 10 deaths;

NOW THEREFORE, on motion of **Hon. Danilo A. Deladia**, duly seconded by **Hon. Mary Ellen D. Jamisola**, resolve as it is hereby done to enact an ordinance mandating a new curfew hours for all residents of Sorsogon City from 9:00 o'clock in the evening to 4:00 o'clock in the morning of the following day in the event of unusual or sudden surge of Covid 19 cases, providing penalties for violation thereof and for other purposes.

City Ordinance No. 13, Series of 2021

AN ORDINANCE MANDATING AN EMERGENCY CURFEW HOURS FOR ALL RESIDENTS OF SORSOGON CITY FROM 9:00 O'CLOCK IN THE EVENING TO 4:00 O'CLOCK IN THE MORNING OF THE FOLLOWING DAY IN THE EVENT OF UNUSUAL OR SUDDEN SURGE OF COVID 19 CASES, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

Be it ordained by the 7th City Council of Sorsogon in Session assembled that:

SECTION 1 SHORT TITLE

This ordinance shall be known as the **“Sorsogon City Emergency Curfew Ordinance of 2021 AMID COVID 19”**.

SECTION 2 DECLARATION OF POLICY

It is hereby declared the policy of the City Government of Sorsogon to help contain emergence of Infectious Diseases and residents shall be protected from the spread of infectious diseases. Toward this end, the city shall, through the Sangguniang Panlungsod institute legislative measures responsive to any emergencies in exercise of the inherent power of a government to exercise reasonable control over persons and property within its jurisdiction in the interest of the general security, health, safety, morals, and welfare.

It is also the policy of the City Government of Sorsogon that in pursuance and implementation of reasonable control over persons and property within its jurisdiction in the interest of the general security, health, safety, morals, and welfare, full extent of the law shall be applied.

SECTION 3 SCOPE OF APPLICATION

This ordinance shall be limited to the following;

Implementation of Emergency Curfew in the event of unusual or sudden surge of Covid 19 cases, on all residents, business establishments within the territorial jurisdiction of the city from 9:00 in the evening to 4:00 in the morning of the following day except those identified in the Omnibus Guidelines issued by the Inter Agency Task Force for the Management of Infectious Diseases.

Imposition of penalty sanctions for violations of the provision of this ordinance.

SECTION 4 DEFINITION OF TERMS

As used in this ordinance, hereunder words and phrases shall be construed as follows;

ACCOMMODATION ESTABLISHMENTS - refers to an establishment operating primarily for accommodation purposes including, but not limited to, hotels, resorts, apartment hotels, tourist inns, motels, pension houses, private homes used for homestay, ecolodges, serviced apartments, condotels, and bed and breakfast facilities. (As amended by Paragraph A(1) of IATF Resolution No. 43, June 03, 2020)

ADAR (Average Daily Attack Rate) - is the number of COVID 19 cases per day per 100,000 people.

AUTHORIZED PERSON OUTSIDE RESIDENT (APOR) - shall be construed to include persons mentioned in Section 6 of this ordinance.

COVID-19- refers to the Coronavirus Disease 2019 which is caused by the virus known as the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

CURFEW HOURS- shall refer to the time when persons or individuals are required to return to and stay in their houses or homes which is 9:00 in the evening to 4:00 in the morning of the next day for purposes of mitigating the spread of COVID 19 Pandemic in the territorial jurisdiction of the City of Sorsogon.

ESSENTIAL GOODS AND SERVICES- covers health and social services to secure the safety and well-being of persons, such as but not limited to, food, water, medicine, medical devices, public utilities, energy, and others as may be determined by the IATF.

ESSENTIAL BUSINESS ESTABLISHMENTS- shall refer to health and social services to secure the safety and well-being of persons, such as but not limited to, food, water, medicine, medical devices, public utilities, energy, and others as may be determined by the IATF.

GROWTH RATE OF INFECTION- refer to the natural way to capture how quickly the number of infection are changing.

HEALTH AND EMERGENCY FRONTLINERS- refers to services provided by public health workers [all employees of the Department of Health (DOH), DOH Hospitals, Hospitals of LGUs, and Provincial, City, and Rural Health Units, and Drug Abuse Treatment and Rehabilitation Centers including those managed by other government agencies (e.g. police and military hospitals/clinics, university medical facilities), uniformed medical personnel], private health workers, such as but not limited to medical professionals, hospital and health facility administrative and maintenance staff, and aides from private health facilities, as well as their service providers, health workers and volunteers of the Philippine Red Cross and the World Health Organization, and employees of Health Maintenance Organizations (HMOs), the Philippine Health Insurance Corporation (PHIC), health insurance providers, disaster risk reduction management officers, and public safety officers.

INTRAZONAL MOVEMENT- the movement of people, goods and services between provinces, highly urbanized cities, and independent component cities under the same community quarantine classification, without transiting through an area placed under a different classification. (As amended by Paragraph A of IATF Resolution No. 79, October 15, 2020).

INTERZONAL MOVEMENT- - the movement of people, goods and services between provinces, highly urbanized cities, and independent component cities under different community quarantine classification. (As amended by Paragraph A of IATF Resolution No. 79, October 15, 2020).

MINIMUM PUBLIC HEALTH STANDARDS- refers to guidelines set by the DOH under Administrative Order No. 2020-0015, as well as sector-relevant guidelines issued by national government agencies as authorized by the IATF, to aid all sectors in all settings to implement non-pharmaceutical interventions (NPI), which refer to public health measures that do not involve vaccines, medications or other pharmaceutical interventions, which individuals and communities can carry out in order to reduce transmission rates contact rates, and the duration of infectiousness of individuals in the population to mitigate COVID-19.

NON-ESSENTIAL BUSINESS ESTABLISHMENTS- shall refer to business establishments which operations does not offer essential goods and services and are mainly visited by the public for leisure purposes.

OPERATIONAL CAPACITY- refers to such a number of employees or workers who can be permitted or required to physically report to work on-site in a particular office or establishment.

OTHER GOVERNMENT PERSONNEL- shall mean government personnel aside from those herein provided to implement the Curfew Ordinance wherein their presence during the duration of the curfew is necessary and vital as the circumstances arises.

PROHIBITED ACTS AND ACTIVITIES- shall mean those enumerated under Section 5 of this ordinance.

PUBLIC PLACES- shall mean locations to which all of the public has access and is not a place exclusively used for a private gathering or any other personal purposes.

UNUSUAL OR SUDDEN SURGE OF COVID 19 CASES – shall refer to the classification of the city government issued by the Department of Health based on the prevailing Average Daily Attack Rate and of the growth rate of infection in the city.

SECTION 5 PROHIBITED ACTS AND ACTIVITIES

Hereunder acts and activities shall be prohibited while emergency curfew is in effect;

Operations of non-essential business establishments during the duration of curfew hours; Roaming around, loitering, wander, stay or meander in public places of person during the duration of curfew hours.

SECTION 6 EXEMPTIONS

For purposes of this ordinance, Authorized Person Outside Resident (APOR) as herein provided are exempted from curfew hours;

1. PNP Personnel
2. Barangay Tanod on Duty
3. Elective City and Barangay Officials
4. City Disaster Risk Reduction and Management Personnel
5. Health and Emergency Frontliners who are going home and or going to work during the duration of the curfew hours
6. Person seeking assistance during emergency cases
7. Persons purchasing medicines
8. Persons whose presence outside residence during the duration of curfew hours are justifiable subject to verification
9. Intrazonal movement and interzonal movement of APOR for purposes of delivery of essential goods and services
10. Other government personnel when circumstances necessitates their presence during the duration of the curfew hours

SECTION 7 BUSINESS ESTABLISHMENTS AUTHORIZED TO OPERATE DURING THE DURATION OF CURFEW HOURS

Accommodation establishments as herein defined is authorized to operate during the duration of curfew hours subject however to the minimum public health standards and operational capacity among employees of the business establishments.

Further, essential business establishments such as pharmacies, gasoline stations, food chains and the like provided such establishments shall in no case offer liquor and other intoxicating beverages.

SECTION 8 ENFORCEMENT

This ordinance shall be implemented by the Barangay officials and their Barangay Tanods, the PNP-Sorsogon City and TMECS/SK3/Public Order and Safety Office through the issuance of City Ordinance Violation Citation Tickets.

The citation ticket shall be accomplished in three copies. The original shall be given to the offender/s; the second copy will be given to the City Treasurer and the third copy will be for the enforcers.

The enforcers shall advise the violator to report and pay the corresponding fine or penalty to the City Treasurer within 48 hours or he may select or choose the alternative penalty of community service after which he shall affix his signature for confirmation.

When the offender select or choose the payment of fine and if after 48 hours from the receipt of the citation ticket the violator fails or refuses to pay the fine imposed by this ordinance, the Chief of Police and/or the City Legal Officer shall, within twenty four (24) hours therefrom, institute the corresponding complaint against the offender with the Office of the City Prosecutor.

In case the offender select or choose the alternative penalty of community service, the citation officer shall advise the offender to proceed within 48 hours either to the Office of the Philippine National Police (City PNP) or to the City Legal Office or to the City Administrator's Office. Should the offender failed to report within 48 hours from the receipt of the citation ticket, the Chief of Police and/or the City Legal Officer shall, within twenty four (24) hours therefrom, institute the corresponding complaint against the offender with the Office of the City Prosecutor.

Protest on apprehensions, whether written in the citation ticket or not shall be lodged with the City Legal Office which is hereby authorized to summarily dispose thereof without regard to technical rules on evidence. However, complaints against apprehending officers may be brought directly to the immediate supervisor of the said apprehending officer for proper disciplinary action.

SECTION 9 PENALTY PROVISIONS

FOR MINORS

Any minor found violating the curfew hours will be escorted home. Parents and/or guardians who are found to be negligent and remiss of their parental duty to enforce home quarantine to their children or wards, shall be meted out with the penalties prescribed under City Ordinance No. 004, Series of 2016, (Sorsogon City code of parental responsibility for the protection of children's rights)

FOR INDIVIDUALS AGED 18 YEARS OLD AND ABOVE

Any individual aged 18 years old and above found violating the emergency curfew hours shall be meted out with the following penalties:

1 st Offense	-P100.00 or four (4) hour community service
2 nd Offense and Succeeding Offenses	-P 500.00 or eight (8) hour community service

All fines collected from this ordinance shall accrue to the trust fund created for the purpose and shall be appropriated solely for Covid 19 response efforts of the city government of Sorsogon. The Office of the City Treasurer shall establish a data base for the aforesaid purpose including the list of violators which shall be available to the enforcers at all times for purposes of enforcement or implementation of this ordinance.

In case the offender select or choose the alternative penalty of community service, the Philippine National Police (City PNP) or the City Legal Office, shall prepare an order imposing the community service, specifying the number of hours to be worked, the period within which to complete the service and the specific activities to be done. The order shall be referred to the assigned officer who shall have responsibility of the offender.

The officer who shall take in charge of the execution of the community service shall be any officer or member of the Philippine National Police (City PNP) or Traffic Management Emergency and Civil Security (TMECS/SK3) or Office of the City Environment and Natural Resources (CENRO). The Punong Barangay or any member of the Sangguniang Barangay where the offense was committed may likewise be designated as an officer to implement the community service. Officers in charge shall, after completion of the community service, issue the corresponding certification to that effect. However, should the offender failed or refused to work or complete the duration of the community service, the Officer in charge shall likewise issue certification of non-completion or non-compliance, as the case may be. Certifications shall be forwarded to the Office of the Philippine National Police (City PNP) or to the City Legal Office.

If the offender failed or refused to work or complete the duration of the community service or should violates the terms thereof, the Chief of Police and/or the City Legal Officer shall institute the corresponding complaint against the offender with the Office of the City Prosecutor for violation of this ordinance.

FOR BUSINESS ESTABLISHMENTS

Any business establishment found violating the emergency curfew hours shall be meted out with the following penalties:

1 st Offense	-Suspension of business permit for one (1) month
2 nd Offense	-Suspension of business permit for three (3) months
3 rd Offense	-Revocation of Business Permit

SECTION 10 SUNSET PROVISION

Enforcement or implementation of this ordinance shall be limited only during the Covid 19 Pandemic and shall be terminated upon the official declaration to that effect by the national government.

Application of this ordinance may be suspended temporarily or otherwise, by way of a resolution, only upon recommendation of the City Health Office and/or of the Inter-Agency Task

Force (IATF) for the Management of Emerging Infectious Diseases- Sorsogon City and may be re-implemented in the same manner.

SECTION 11 SEPARABILITY CLAUSE

If any clause or parts hereof is declared invalid or unconstitutional, other provisions hereof which is not affected thereby shall be in full force and effect.

SECTION 12 REPEALING CLAUSE

All ordinances, rules and regulations inconsistent with the provision of this ordinance are hereby repealed and/or modified accordingly.

SECTION 13 EFFECTIVITY CLAUSE

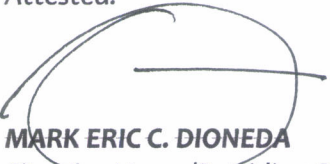
This ordinance shall take effect immediately upon its approval by the Sangguniang Panlungsod.

DATE APPROVED: APRIL 20, 2021

I HEREBY CERTIFY to the correctness of the foregoing resolution and ordinance.


ROVAN E. DOMASIAN
Secretary to the Sangguniang Panlungsod

Attested:


MARK ERIC C. DIONEDA
City Vice Mayor/Presiding Officer

Approved:


MA. ESTER E. HAMOR
City Mayor