

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 SANGGUNIAN 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. 123, Series of 2021
(Unanimously Proposed)

RESOLUTION ENACTING AN ORDINANCE REQUIRING THE MANDATORY WEARING OF FACEMASK AND FACE SHIELD AND OBSERVANCE OF SOCIAL/PHYSICAL DISTANCING IN ALL PUBLIC PLACES IN THE CITY OF SORSOGON AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, it is a state policy to protect and promote the right to health of its people;

WHEREAS, on March 8, 2020, President Rodrigo Roa Duterte issued Proclamation No. 922, entitled "Declaring a State of Public Health Emergency throughout the Philippines";

WHEREAS, on March 16, 2020, the President declared a State of Calamity throughout the entire Philippines and placed Luzon under Enhanced Community Quarantine (ECQ), as part of its continuous campaign to halt the spread of COVID19;

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;

WHEREAS, based on Section 16 of the Local Government Code, every local government unit has the implied power to do all things necessary, appropriate, or incidental to govern efficiently and effectively, promote general welfare, promote health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, the measure further aims to use and issue City Ordinance Violation Citation Tickets in the enforcement of this ordinance and all other related Covid 19 mitigating measures and ordinances and commissioning all barangay officials in the city of Sorsogon in the enforcement thereof;

NOW THEREFORE, on motion of **Hon. Franco Eric O. Ravanilla**, duly seconded by **Hon. Jo Abegail C. Dioneda**, the body resolved as it is hereby resolve enact an ordinance requiring the mandatory wearing of facemask and face shield and observance of Social/Physical Distancing in all public places in the City of Sorsogon and imposing penalties for violations thereof.

City Ordinance No. 14, Series of 2021

AN ORDINANCE REQUIRING THE MANDATORY WEARING OF FACEMASK AND FACE SHIELD AND OBSERVANCE OF SOCIAL/PHYSICAL DISTANCING IN ALL PUBLIC PLACES IN THE CITY OF SORSOGON AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF

BE IT ORDAINED, by the Sangguniang Panlungsod, in session assembled that:

SECTION 1 SHORT TITLE

This Ordinance shall be known as the **"Mandatory wearing of face mask, face shields and observance of Social/Physical Distancing Ordinance of 2021"**.

SECTION 2 DEFINITIONS

For purposes of this Ordinance, the following definitions shall be adopted:

- a. **"ADAR"** (Average Daily Attack Rate) is the number of COVID 19 cases per day per 100,000 people.
- b. **"Community Service"** is "any actual physical activity which inculcates civic consciousness and is intended towards the improvement of a public work or promotion of a public service." (Defined under Republic Act 11362 or the Community Service Act (CSA))
- c. **"Citation Ticket"** is a form and notice issued to person/s violating any city ordinance of the city of Sorsogon in lieu of arrest and/or prosecution, among other things, it notifies the offender/s on the particular infraction of the ordinance he/she violated and also advices him/her to pay the fine within the prescribed period otherwise a corresponding legal action would be instituted against him/her. This ticket shall be issued by a person authorized to issue a citation ticket.

- d. **“Face mask” or “face covering”** is any form of covering for the nose and mouth, including medical masks, industrial masks, earloop masks, indigenous, reusable, or do-it-yourself masks, cloth masks, improvised masks, bandanas, or handkerchiefs.
- e. **“Face shield” or goggles** is a full face plastic covered shield as an additional protection.
- f. **“Growth Rate of Infection”** is the natural way to capture how quickly the number of infection are changing.
- g. **“Public place”** shall include any place located within the territorial boundaries of Sorsogon City that people in general may access, including but not limited to streets, highways, sidewalks, parking lots, transportation terminals for public vehicles, vacant lots, parks, sari-sari stores, groceries, supermarkets, wet markets, pharmacies, drug stores, banks, offices, and the common areas in and about pawnshops, money changers, remittance centers, churches, malls or shopping centers, commercial establishments and places of entertainment such as movie theaters and similar places or establishments, public and private office buildings, hospitals, clinics, centers, and schools, including all barangay roads and alleys.
- h. **“Social/Physical Distancing”** means keeping a safe space between yourself and other people at least one (1) meter in both indoor and outdoor spaces. For purposes of this ordinance, the term shall include the prohibition on mass gathering.

SECTION 3 PERSONS LIABLE

All persons in public places within the territorial jurisdiction of Sorsogon City without a face mask and face shield/covering and/or non-observance of social/physical distancing shall be liable under this Ordinance.

Wearing of face masks shall at all times be observed, however, non-wearing of face masks and face shields in public places may be considered only on some circumstances, such as:

- a. While driving a motorcycle and private vehicles
- b. While eating and/or drinking inside the establishment serving foods and drinks
- c. Construction workers while working
- d. While swimming and inside in the pool or beach premises
- e. Farmers and fishermen while traversing a public road going to and from the field/sea

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)

SECTION 4 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 advice 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 5 PENALTIES

Any person violating this ordinance shall be meted with the penalty of:

1st Offense **-P100.00** or four (4) hour community service

2nd 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 of misdeclaration in the citation ticket as to the offense charged and fine, previous records of violation encoded in the data base shall prevail over the issued citation tickets.

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 Disaster Risk Reduction and Management Office (CDRRMO). 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.

SECTION 6 **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 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 7 REPEALING CLAUSE

All ordinances, resolutions and regulations, or any part(s) thereof which are inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 8 SEPARABILITY CLAUSE

If for any reason or reasons, any part or provision of this ordinance shall be held to be unconstitutional or invalid, other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.


SECTION 9 EFFECTIVITY


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