



ORDINANCE NO. 2020-046
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AN ORDINANCE INSTITUTING MEASURES TO PROMOTE PUBLIC HEALTH, SAFETY AND PROTECTION AGAINST THE CONTINUING THREAT OF COVID-19 OR ANY SUCH EMERGING INFECTIOUS DISEASES, IMPOSING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES

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EXPLANATORY NOTE

The protection of its citizens is a primordial duty of the government. This duty is specifically enshrined in no less than the Fundamental Law of the land.

In the area of health, Section 15, Article II of the Philippine Constitution specifically declares it as a State Policy to protect and promote the right to health of all people. Section 23, Article VI thereof empowers Congress to authorize the President of the Republic of the Philippines in times of national emergency to exercise powers necessary to carry out a declared national policy.

In the exercise of the aforementioned power granted by the Philippine Constitution, Congress enacted Republic Act No. 11332 which authorized the President of the Republic of the Philippines to declare a State of Public Health Emergency in the event of an epidemic of national and/or international concern which threatens national security in order to mobilize governmental and nongovernmental agencies to respond to the threat.

On March 16, 2020, the President of the Republic of the Philippines issued Proclamation Nos. 922 and 929, declaring a State of Public Health Emergency and a State of Calamity throughout the entire country due to Coronavirus Disease 2019 or COVID-19 pandemic. Consequent to these Proclamations, Presidential Memoranda were issued placing certain parts of the country on lockdown and community quarantine as measures to arrest the spread of the virus.

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The intent and purposes of the aforementioned laws, Presidential Proclamations and Memoranda will not be achieved without the full cooperation and determined action of local government units. In Naga City, various Executive Orders, Ordinances, and Resolutions were immediately issued by the City Mayor and the Sangguniang Panlungsod, respectively, to specially guide local action in the fight against COVID-19.

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With the sustained and determined action of all sectors in the community which resulted in the efforts to fight COVID-19 gaining the upper hand, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases in the

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Philippines (IATF) which was created under Executive Order No 168, series of 2014, approved Resolution No. 35, series of 2020 establishing the classification of Provinces, HUCS, and ICCs as **low-risk areas**, which are no longer under community quarantine but are required to strictly observe the required minimum health standards; **moderate-risk areas**, which shall be under general community quarantine; and **high-risk areas**, which shall be placed under modified enhanced community quarantine and issued specific guidelines for each classification.

The fight against COVID-19 must therefore continue until its full eradication when the vaccine that will make the human body immune to this virus becomes available.

In adherence to Section 16 of the Local Government Code of 1991 which authorizes local government units to exercise powers essential to the promotion of the general welfare, the enactment of measures in implementation of the mandate to strictly observe required health standards to continually arrest the spread of COVID-19 or any other emerging infectious diseases is not only necessary but also urgent. Thus, this Ordinance.

SECTION 1. Title. This ordinance shall be known as **An Ordinance for the Continuing Fight Against COVID-19 and other Emerging Infectious Diseases.**

SECTION 2. Scope and Applicability. This Ordinance covers all persons within the territorial jurisdiction of the City of Naga unless herein specifically excepted and enforceable immediately upon the declaration of the existence of a community health emergency due to an infectious disease by pertinent government authority until the lifting thereof and shall be consistent with and suppletory to the issuances/guidelines that pertinent national government authority may issue, if any, on the matter.

SECTION 3. Definition of Terms. As used in this Ordinance, the following terms shall mean as defined hereunder:

3.1. COVID-19 - an infectious disease caused by a certain type of corona virus transmitted through droplets from the nose or mouth which disease has been declared by the World Health Organization as a pandemic;

3.2 Emerging Infectious Diseases - Infectious diseases that affect the human population in a rapidly increasing rate of incidence or geographic range necessitating the application of the provisions of

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Republic Act No. 11332 otherwise known as Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act".

- 3.3 Lockdown** - A government measure carried out in particular territorial jurisdiction/s whereby the entry thereto or exit therefrom by any person is prohibited or highly regulated to prevent the spread or transmission of infectious diseases.
- 3.4 Quarantine** - A government measure carried out to prevent the spread or transmission of infectious diseases by designating certain place or area as quarantine whereby the exit therefrom of all those placed therein is prohibited or highly regulated.
- 3.5 Public Place** - Any place outside a person's place of residence or place of abode.

SECTION 4. Mandatory Proper Wearing of Face Mask or Improvised Face Shield. To prevent the spread of infectious diseases which, as declared by the Department of Health, is transmissible through the mouth or nose or by means of droplets from the mouth or nose of an infected individual, all persons entering Naga City or are within the territorial jurisdiction of Naga City but are outside of their home or place of abode are required to wear a face mask covering both the mouth and the nose at all times, except only to drink/eat. In further enforcement of this provision, all establishments/public utility vehicle operators operating in Naga City are mandated to provide such face mask to their employees/workers/drivers and require them to wear the same as herein prescribed.

SECTION 5. Mandatory Washing/Sanitizing of Hands. To ensure that viruses harmful to the human body are not transmitted through the person's hands, regular hand washing/sanitizing is hereby declared mandatory. For this purpose, individuals are highly encouraged to carry with them all the time while out of their homes a bottle of 70% alcohol solution or hand sanitizer which they should use to ensure clean/sanitized hands. Likewise, all establishments, government or private, are hereby mandated to require everyone entering their establishments to sanitize their hands and for this purpose make available such hand sanitizer at the entrance of the establishment. To ensure access to alcohol or hand sanitizer, this chemical compound shall be included in the relief/assistance that the government shall provide, subject to availability thereof.

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SECTION 6. Mandatory Social/Physical Distancing. To arrest the spread of COVID-19 or any such emerging infectious diseases, a distance of at least one (1) meter between individuals is hereby required of all persons outside of their homes until such time that a vaccine for such disease shall have been declared as available by appropriate government authority. For this purpose, any gathering of people may be carried out only when this requirement will be fully observed.

All establishments, public or private, operating within Naga City shall establish guidelines and procedures that will be implemented in the conduct of their operations to comply with this requirement.

SECTION 7. Impact of the Social/Physical Distancing Requirement to public/private transportation. To achieve the purposes of the social/physical distancing requirement as a strategy to fight COVID-19 and other such emerging infectious diseases, vehicles plying the streets within the territorial jurisdiction of Naga City shall comply with the following limitations on the allowed load thereof:

1. Car, SUV, AUV, "Owner-type" Jeep: Two (2) persons (including driver) at the front, and two (2) persons for each row at the back;
2. E-trike or taxicabs: Only the driver at the front and two passengers at the back, seated facing each other;
3. Tricycle: One (1) passenger in the main cab, one (1) passenger at the back of the driver provided that a separator between the passenger and the driver is installed. If the tricycle unit has a passenger cab annexed at the back of the main cab, one passenger may be accommodated therein.
4. Padyak: One (1) passenger only;
5. Jeepneys, Buses, Vans, Taxis: As may be prescribed by the Land Transportation Office;
6. For private motorcycles, one back rider may be allowed only for members of the family except children.

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For purposes of public utility e-trike, taxicab, tricycle, or padyak, the authorized fare shall be Twenty Pesos (P20.00) per passenger of e-trike, taxicab, or tricycle, and (P10.00) for padyak to any point within the PUVs authorized route, provided that certain portions of such routes may be excluded when required as a further measure to achieve the purposes of this Ordinance. This amount shall be subject to oversight review every six (6) months.

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SECTION 8. Regular Disinfection. As a further measure to achieve the purpose of this Ordinance, all heads of households, all Public utility operators/drivers, and

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