



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 766, S-2020

AN ORDINANCE PROHIBITING THE HARASSMENT, VIOLENCE, AND/OR ANY FORM OF DISCRIMINATION AGAINST PERSONS WHO ARE CONFIRMED COVID-19 CASES, PERSONS WHO HAVE RECOVERED FROM COVID-19, PERSONS UNDER INVESTIGATION (PUIs) AND PERSONS UNDER MONITORING (PUMs), AND AGAINST HEALTH WORKERS, FRONTLINERS, OR PERSONS WHOSE EMPLOYMENT HAS CALLED THEM TO REPORT FOR DUTY DURING THIS TIME OF NATIONAL HEALTH EMERGENCY, AND IMPOSING PENALTIES THEREFOR

WHEREAS, it is a state policy to value the dignity of every human person and to guarantee full respect for human rights;

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 12, 2020, the President approved Resolution No. 11, Series of 2020 by the Inter-Agency Task Force (IATF) for the Management of Emerging Infectious Disease which imposed wide-ranging emergency health measures, including community quarantine on the entire Metro Manila, prohibition of mass gatherings, class suspensions, and imposition of stringent social distancing, among others;

WHEREAS, on March 15, 2020, under Ordinance No. 759, S-2020, the City Council declared Mandaluyong City to be under a State of Calamity, following the sharp increase in the number of confirmed COVID-19 cases throughout the country;

WHEREAS, on March 16, 2020, the President declared a State of Calamity throughout the entire Philippines and placed Luzon under Enhanced Community Quarantine, as part of its continuous campaign to halt the COVID-19 pandemic;

WHEREAS, based on Section 16 of the Local Government Code, every local government unit, including the barangay, 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, as of April 5, 2020, the Department of Health (DOH) reported that there are 3,246 confirmed cases of COVID-19 in the Philippines; 152 deaths from confirmed cases; 1,441 cases of Persons Under Investigation (PUIs); and 6,321 cases of Persons Under Monitoring (PUMs);

WHEREAS, the rapid increase of COVID-19 cases has struck fear and paranoia in people so much so that it has brought forth biases and prejudices against persons who are confirmed COVID-19 cases, who have recovered from COVID-19, Persons Under Investigation (PUIs) and Persons Under Monitoring (PUMs), and against health workers, frontliners, repatriated overseas Filipino workers and seafarers, or others persons whose employment has called them to report for duty during this time of national health emergency (Covered Individuals);

WHEREAS, these biases and prejudices have resulted in unwarranted actual and virtual vilification, discrimination, and violence towards these Covered Individuals;

WHEREAS, there has been an alarming rise of reported crimes against Covered Individuals, such as unauthorized publication of their names in social media, unlawful eviction from their homes, prohibition from their return to their residences, refusal of services in eateries or transportation, and even dousing with water or bleach;

WHEREAS, both the DOH and the IATF called for the protection of these Covered Individuals, and sought the assistance of the LGUs to enact measures to prevent these crimes;

WHEREAS, it is the City's mandate to keep peace and order within its territorial jurisdiction and to bring before the law those who violate the same.

NOW, THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of Mandaluyong, in special session duly assembled:

SECTION 1. Short Title. - This Ordinance shall be known as the "Anti-Discrimination Due to Covid-19".

SECTION 2. Who are Covered Individuals. – The following persons are Covered Individuals as defined by this Ordinance:

Person who is a Confirmed COVID-19 Patient – a person with laboratory confirmation of COVID-19 infection, irrespective of clinical signs and symptoms;

Person Under Investigation (PUI) – a person showing symptoms of COVID-19 within 14 days after traveling to a country or area with local transmission of COVID-19, or after having close contact with a confirmed COVID-19 case;

Person Under Monitoring (PUM) – an asymptomatic person with appropriate exposure history who is either quarantined at home or in an isolation unit for 14 days to monitor the development of symptoms;

Recovered person – a person who was either a confirmed COVID-19 patient or a PUI who has made a recovery, and who was subsequently discharged from the public or private hospital, clinic, or center by the attending physician;

Health workers - persons who deliver care and services to the sick and ailing, either directly or indirectly. Health workers include, among others, doctors, nurses, aides, barangay health workers, first-responders, ambulance drivers, and laboratory technicians, in public and private hospitals, clinics, and centers.

Frontliners – are persons who are:

officers and members of the PNP, AFP, PCG and other government instrumentalities rendering emergency frontline services; border control, and other critical services; barangay officials and their Bantay Bayan; local government officials and employees called upon to render service during this period of national health emergency; service workers in private establishments providing basic necessities and such activities related to food and medicine production, i.e. public markets, supermarkets, groceries, convenience stores, hospitals, medical clinics, pharmacies and drug stores, food preparation and delivery services, water-refilling stations, manufacturing and processing plants of basic food products and medicines, banks, money transfer services, power, energy, telecommunications and water supplies and other related facilities, including their security guards and janitors, garbage collectors and street sweepers; employees of publicly and privately-owned crematorium and funeral parlors; repackers for the City's food distribution program and the drivers for the trucks used in the distribution; drivers of the City and City Council's shuttle services; sellers and drivers for the City's mobile palengke program; Repatriated Overseas Filipino Workers and seafarers; other persons whose employment has called them to report for duty during this time of national health emergency.

SECTION 3. UNLAWFUL ACTS. – It shall be unlawful for any person, whether natural or juridical, to commit any of the following act/s against Covered Individuals as defined under this Ordinance:

Make utterances which cause or tend to cause the Covered Individuals' discrimination, stigma, disgrace, shame, insult, or harassment, including the unauthorized disclosure of their names and/or place of residence to other people;

Unauthorized disclosure of their names and/or place of residence in social media;

Commit any act of violence against them or any of their family member/s;

Prohibit their return to their residences even after obtaining clearance from the proper health officials;

Refuse to render them service or assistance solely due to their status as Covered Individuals as defined herein;

Refuse to allow them entry in private establishments providing basic necessities solely due to their status as Covered Individuals as defined herein;

SECTION 4. ENFORCEMENT. - This Ordinance shall be primarily implemented by the Punong Barangay and their Bantay Bayan, to be assisted by the following authorities: a.) PNP-Mandaluyong, b.) City Ordinance and Enforcement Division (COED), c.) Anti-Vice, and d.) Mayor's Action Command (MAC).

SECTION 5. PENALTIES. - Any person who commits any of the acts under Section 3 hereof shall suffer a fine ranging from Three Thousand Pesos (₱3,000.00) to Five Thousand Pesos (₱5,000.00) and/or imprisonment not exceeding six (6) months, or both, at the discretion of the court.

If the offender is a public officer, the maximum penalty herein shall be imposed.

If any of the acts under Section 3 herein is committed by a juridical person, the President, General Manager, its directors or any person with related interest in the corporation, partnership, or association shall be held liable.

SECTION 6. SEPARABILITY CLAUSE. - If, for any reason or reasons, any part or provision of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof, which are not affected thereby, shall continue to be in full force and effect.

SECTION 7. REPEALING CLAUSE. - All Ordinances and rules inconsistent with the provisions of this Ordinance are hereby modified or repealed accordingly.

SECTION 8. EFFECTIVITY. - This Ordinance shall take effect immediately after its approval.

ENACTED on this 8th day of April, 2020, in the City of Mandaluyong.


I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE
WAS ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN A SPECIAL SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:


JESUS C. CRUZ
Councilor &
Acting Presiding Officer

APPROVED:


CARMELITA A. ABALOS
City Mayor

Date: APR 08 2020

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ABSENT
ANTONIO DLS SUVA
Vice Mayor

DISTRICT I

DISTRICT II


CHARISSE MARIE ABALOS-VARGAS
Councilor


BENJAMIN A. ABALOS III
Councilor


ANJELO ELTON P. YAP
Councilor


CHERRY LYNN PABLO-SANTOS
Councilor


DANILO L. DE GUZMAN
Councilor


ROEHL B. BACAR
Councilor


GRACE MARIE V. ANTONIO
Councilor

ACTING PRESIDING OFFICER
JESUS C. CRUZ
Councilor


RODOLFO M. POSADAS
COUNACTING PRESIDING OFFICER

ABSENT
FERNANDO S. OCAMPO
Councilor


ESTANISLAO V. ALIM III
Councilor


MICHAEL ERIC G. CUEJILO
Councilor


DARWIN A. FERNANDEZ
LnB President


AEROL SEDRICK A. MANGALIAG
SK Federation President