

Republic of the Philippines
Province of Bulacan
City of Malolos

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT FROM THE MINUTES OF REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF MALOLOS HELD AT BULWAGANG DON RAMON G. DE LEON OF THE CITY OF MALOLOS ON APRIL 08, 2020.

MEMBERS PRESENT:

HON. NOEL G. PINEDA	City Vice Mayor Presiding Officer City Councilor
HON. FRANCISCO J. CASTRO	"
HON. NIÑO CARLO C. BAUTISTA	"
HON. KIRK LOUIS NICOLAS	"
HON. MICHAEL M. AQUINO	"
HON. ENRICO C. CAPULE	"
HON. DENNIS D. SAN DIEGO	"
HON. EMMANUEL R. SACAY	"
HON. EDGARDO F. DOMINGO	"
HON. LUIS ALFONSO M. ARCEGA	"
HON. MIGUEL CARLOS B. SOTO	"
HON. PATRICK S. DELA CRUZ	SK President
HON. DIONISIO C. MENDOZA	ABC President

ALL MEMBERS PRESENT:

CITY ORDINANCE NO. 16-2020

AN ORDINANCE PROHIBITING ANY PERSON FROM COMMITTING ANY ACT WHICH CAUSES STIGMA, DISGRACE, SHAME, HUMILIATION, HARASSMENT, OR OTHERWISE DISCRIMINATING AGAINST A PERSON INFECTED, UNDER MONITORING OR INVESTIGATION DUE TO CORONAVIRUS DISEASE (COVID-19) INCLUDING PUBLIC AND PRIVATE DOCTORS, NURSES, HEALTH WORKERS, EMERGENCY PERSONNEL AND VOLUNTEERS, SERVICE WORKERS WHO ARE ASSIGNED TO HOSPITALS OR OTHER CENTERS WHERE THESE PERSONS ARE BEING TREATED AND PROVIDING PENALTIES FOR VIOLATION THEREIN.

SPONSORED BY: HON. ENRICO C. CAPULE AND HON. DIONISIO C. MENDOZA
HON. NOEL G. PINEDA, HON. FRANCISCO J. CASTRO, HON. NIÑO CARLO C. BAUTISTA,
HON. KIRK LOUIS NICOLAS, HON. MICHAEL M. AQUINO, HON. DENNIS D. SAN DIEGO,
HON. EMMANUEL R. SACAY, HON. EDGARDO F. DOMINGO, HON. LUIS ALFONSO M. ARCEGA,
HON. MIGUEL CARLOS B. SOTO & HON. PATRICK S. DELA CRUZ

EXPLANATORY NOTE

WHEREAS, on March 9, 2020, President Rodrigo Duterte issued Proclamation No. 922, declaring a State of Public Health Emergency throughout the Philippines due to the Corona Virus Disease 2019 (COVID-19) and Code Alert System for COVID-19 was raised to Code Red Sub-Level Two (2) in accordance with the recommendation of the Department of Health (DOH) and the Inter-Agency Task Force for Emerging Infectious Diseases (IATF-EID). Further, Presidential Proclamation No. 929, Series of 2020 was issued declaring State of Calamity throughout the Philippines due to COVID-19;

WHEREAS, since the emergence of COVID-19 we have seen instances of public stigmatization among persons who have contracted the disease including PUIs and PUMs, and may lead to rise of harmful stereotypes. This means that the people are being labeled, stereotyped, separated and/or experience loss of status and discrimination because of a potential negative affiliation with the disease. Stigmatization could drive people to hide the illness to avoid discrimination or prevent people from seeking healthcare immediately and discourage them from adopting healthy behaviors;

WHEREAS, the Department of Health (DOH) recently warned the public against discriminations against persons reported to have contracted COVID-19 as well PUIs, PUMs including health workers and emergency workers who are among those in the front lines of the battle against rapid spreading COVID-19; The DOH stated "that with the world confronted with a virus with little information known, it is human to be afraid. But we must not allow hysteria and paranoia to result in irrational treatment of people";

WHEREAS, also the Inter-Agency Task Force for Emerging Infectious Diseases (IATF-EID) strongly denounced acts of discrimination inflicted upon healthcare workers, OFWs, COVID-19 cases, whether confirmed or suspected, recovered or under monitoring and urged Local Government Units to pass measures against discrimination of these kind;

HON. NOEL G. PINEDA
CITY VICE MAYOR

HON. FRANCISCO J. CASTRO
CITY COUNCILOR

HON. NIÑO CARLO C. BAUTISTA
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HON. KIRK LOUIS NICOLAS
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HON. PATRICK S. DELA CRUZ
CITY COUNCILOR

HON. DIONISIO C. MENDOZA
CITY COUNCILOR

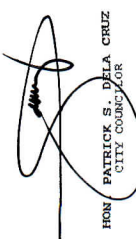
HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

HON. LUIS ALFONSO M. ARCEGA
CITY COUNCILOR

HON. EDGARDO F. DOMINGO
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CITY COUNCILOR


HON. PATRICK S. DELA CRUZ
CITY COUNCILOR

WHEREAS, considering the gravity of the situation, there is an urgent need to combat this pervasive stigmatization on the basis of one's medical condition; there is a need for the City to bring normalcy and order amidst the crisis, and protect its constituency from unjust discrimination brought on by fear and panic by public;


HON. DIONISIO C. MENDOZA
CITY COUNCILOR

WHEREAS, R.A. No. 7160, otherwise known as the Local Government Code of 1991 grants the local government units the power to deliver and/or regulate basic services and facilities and also provide powers to exercise the powers expressly granted, those necessarily implied from there, as well as the powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotions of the General Welfare;

WHEREAS, Section 16 Article II of the Constitution likewise provides that the state shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;


HON. MIGUEL CARLOS B. SOTO
CITY COUNCILOR

WHEREAS, Section 1 Article XII also of the Constitution states that there should be enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good;

FURTHERMORE, Section 11 Article II of the Constitution emphasizes that the State shall value the dignity of every human person and guarantees full respect for human rights;

NOW THEREFORE, on motion of Hon. Enrico C. Capule and Hon. Dionisio C. Mendoza,

Be, it ENACTED by the Sangguniang Panlungsod of the City of Malolos in session assembled that:


HON. LUIS ALFONSO M. ARCEGA
CITY COUNCILOR

**RULE I
GENERAL PROVISIONS**

SECTION 1. - TITLE OF ORDINANCE - This Ordinance shall be known and be cited as "ANTI COVID-19 DISCRIMINATION ORDINANCE OF 2020".

**RULE II
DECLARATION OF POLICY**

SECTION 2. - DECLARATION OF POLICY AND PRINCIPLES - It is hereby declared that the policy of the City of Malolos are the following:

- a. The City recognizes the fundamental rights of every person, regardless of sex, age, class, status, ethnicity, color, disability, religious and political beliefs, gender identity and job description, to be free from all forms of discrimination;
- b. To ensure all efforts are intensified in fulfilling the duties under international and domestic laws to respect, protect, and fulfill the right and dignity of every individual;
- c. To address and protect public and private doctors, nurses, health workers, emergency personnel and volunteers, service workers from all forms of discrimination and violence during COVID-19 pandemic outbreak;


HON. EUSEBIO F. DOMINGO
CITY COUNCILOR

**RULE III
DEFINITION OF TERMS**

SECTION 3. - DEFINITION OF TERMS - In this Ordinance, unless the context otherwise requires:

- a. **DISCRIMINATION** - any act, or conduct which withholds, excludes, restricts, curtails, demeans human dignity, or otherwise impairs the recognition, enjoyment and exercise of human rights and basic freedoms in the economic, labor, social, cultural, educational or any other field of public life;
- b. **FRONTLINERS** - include officers and members of PNP, AFP, PCG and instrumentalities of the government rendering emergency frontline services, border control and other critical services. Included those in the Provincial, City and Barangay Officials, employees and volunteers. Frontliners also include service workers who are working in the private establishments providing basic necessities and such activities


HON. FRANKLIN S. SCAAY
CITY COUNCILOR


HON. DENNIS P. SAN DIEGO
CITY COUNCILOR


HON. HOEL G. TINEDA
CITY VICE MAYOR

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;

- c. **PUI** - Person Under Investigation;
- d. **PUM** - Person Under Monitoring.

**RULE IV
UNLAWFUL ACTS**

SECTION 4. - SCOPE OF EFFECTIVITY - The provisions of this Ordinance shall be effective from its approval until such time that the National Government lifted its declaration from state of emergency due to COVID-19.

SECTION 5. - UNLAWFUL ACTS - It shall be unlawful for any person, whether natural or juridical, to commit any act or make utterances which cause or tend to cause stigma, disgrace, shame, humiliation, harassment, or otherwise discriminating against a person infected, under monitoring or investigation due to Coronavirus Disease (COVID-19), health workers or frontliners as defined under this ordinance.

If any public officer refuses or fails to give assistance to a person infected, under investigation or monitoring due to COVID-19, health worker or frontliner who intend to return to his place of residence or domicile, after obtaining clearance of the COVID-19 infection from the proper health officials, he/she shall be equally liable under this section.

Any person who shall publicly claim, spread or announce that a person is infected, is under investigation or monitoring due to COVID-19 whether or not the same has been confirmed or validated from the list given by authorized proper health officials, agency or department, shall also be liable under this section. If the person violating is a public officer, the penalty imposed shall be in its maximum and can also be a ground for filing of an administrative case against said official. EXCEPT when the patient concerned waives his/her right to privacy and for purposes of contact tracing and other medical purposes and when there is a lawful order from the court for the disclosure of the confidential information of the COVID-19 patient.

**RULE V
FINAL PROVISIONS**

SECTION 6. - INFORMATION DISSEMINATION - Upon approval of this Ordinance, the City Information Office shall properly inform the public regarding the provisions of this Ordinance.

SECTION 7. - PERSON LIABLE - Any person, natural or juridical, who commits any of the acts herein prohibited and enumerated in the immediately preceding section shall be criminally liable therefor, and penalized accordingly, provided that in the case of a juridical person such as, but not limited to, corporations, associations, partnerships, educational and vocational institutions, whether public or private, the manager, head and the officers thereof shall also be criminally accountable and responsible.

SECTION 8. - PENALTIES - Any person caught in violation of Section 5 hereof shall be fined with Five Thousand Pesos (Php5,000.00).

SECTION 9. - SEPARABILITY CLAUSE - If for any reason, any part or provision of this Ordinance shall be held unconstitutional or invalid, the other parts or provisions not otherwise affected shall remain in full force and effect.

SECTION 10. - REPEALING CLAUSE - All ordinances or provisions of previous ordinances that are inconsistent with this ordinance are hereby repealed. PROVIDED, that the rights already vested under those Ordinances, rules or regulations shall not be impaired.

SECTION 11. - EFFECTIVITY CLAUSE - This ordinance shall take effect upon its approval.

APPROVED.

HON. FRANCISCO J. CASTRO
CITY COUNCILOR

HON. NINO CARLO C. BAUTISTA
CITY COUNCILOR

HON. KIRK LOUIS NICOLAS
CITY COUNCILOR

HON. MICHAEL M. AQUINO
CITY COUNCILOR

HON. ENRIQUE C. CAPULE
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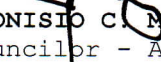

HON. DENNIS D. SAN DIEGO
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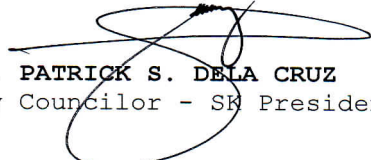

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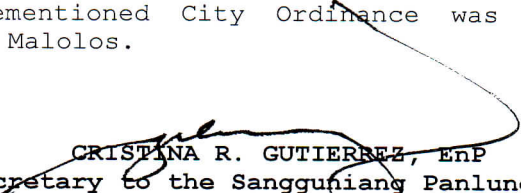
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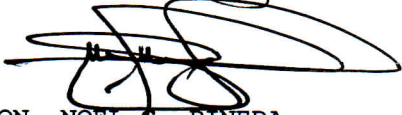

HON. DIONISIO C. MENDOZA
City Councilor - ABC President


HON. PATRICK S. DELA CRUZ
City Councilor - SK President

I HEREBY CERTIFY that the aforementioned City Ordinance was duly approved by the Sangguniang Panlungsod of Malolos.


CRISTINA R. GUTIERREZ, EnP
Secretary to the Sangguniang Panlungsod

ATTESTED BY:


HON. NOEL E. PINEDA
City Vice Mayor - Presiding Officer

APPROVED/DISAPPROVED:

Date of Approval:


ENGR. GILBERT T. GATCHALIAN
City Mayor

*absent

*DhorieTrago*04082020