



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
21st City Council

PO21CC-339

37th Regular Session

ORDINANCE NO. SP- **2965**, S-2020

AN ORDINANCE MANDATING THE WEARING OF FACE SHIELD IN PUBLIC TRANSPORTATION, WORKPLACES, MARKETS AND OTHER IDENTIFIED COMMERCIAL ESTABLISHMENTS, WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY.

Introduced by Councilors KATE GALANG-COSETENG, DIORELLA MARIA G. SOTTO-ANTONIO, DOROTHY A. DELARMENTE, M.D., PEACHY DE LEON and FRANZ S. PUMAREN.

WHEREAS, on March 8, 2020, Proclamation No. 922, S-2020 was issued by the President declaring a State of Public Health Emergency throughout the Philippines due to the Coronavirus Disease 2019 (COVID-19) outbreak, and enjoining all government agencies and local government units (LGUs) to render full assistance and cooperation and mobilize the necessary resources to undertake critical, urgent, and appropriate response and measures in a timely manner to curtail and eliminate the COVID-19 threat;

WHEREAS, on March 11, 2020, the World Health Organization, which includes the Philippines as a Member State and which has the primary role of directing and coordinating international health within the United Nations system, declared the COVID-19 outbreak as a global pandemic;

WHEREAS, under Proclamation No. 929, S-2020, the President declared a State of Calamity throughout the Philippines and imposed a Community Quarantine in the entire Luzon due to COVID-19 pandemic;

WHEREAS, under Resolution No. SP-8141, S-2020, the City Council declared Quezon City to be under a State of Calamity due to COVID-19 outbreak;

WHEREAS, Section 6 (e) of Republic Act No. 11332, otherwise known as 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; mandatory reporting of notifiable diseases and health events of public health concern; epidemic/outbreak and epidemiologic investigations; rapid containment, quarantine and isolation, disease prevention and control measures, and product recall; and response activities for events of public health concern;

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WHEREAS, based on Book I, Title I, Chapter II, Section 16 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", the City has the implied power to do all things necessary, appropriate, or incidental to govern efficiently and effectively, promote the general welfare, promote health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, Book III, Title III, Chapter III, Article III, Section 458 (a) (1) (iv) of the Local Government Code of 1991, provides that the City Council shall adopt measures to protect the inhabitants of the City from the harmful effects of natural disasters and calamities;

WHEREAS, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID) approved the Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines (Omnibus Guidelines) on April 29, 2020 and the Amended Omnibus Guidelines on June 3, 2020, stating, among others, that "All persons are mandated to wear face masks, ear loop masks, indigenous, reusable, do-it-yourself masks, or face shields, handkerchiefs, or such other protective equipment or any combination thereof, which can effectively lessen the transmission of COVID-19 whenever they go out of their residences, pursuant to existing guidelines issued by the national government subject to fair and humane penalties or punishments that may be imposed by LGUs or implemented by law enforcement agencies, respectively.";

WHEREAS, on August 3, 2020, the Department of Transportation issued Memorandum Circular No. 2020-014 mandating all officials/heads of various transportation sectors to enjoin within their respective jurisdictions the mandatory wearing of face shields (aside from face masks) for all passengers in areas where public transportation is allowed effective on August 15, 2020;

WHEREAS, on August 15, 2020, the Department of Trade and Industry (DTI) and the Department of Labor and Employment (DOLE) issued Joint Memorandum Circular No. 20-04-A, Series of 2020 (DTI and DOLE Supplemental Guidelines on Workplace Prevention and Control of COVID-19) requiring the wearing of face shields as one of the minimum public health standards to be complied within all workplaces to reduce the transmission of COVID-19;

WHEREAS, the 21st Quezon City Council enacted ordinances regarding the mandatory use of face mask or other face coverings in public places within Quezon City;

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WHEREAS, according to the Department of Health (DOH), studies show that the use of face shields can be used complementary to face masks to further reduce the transmission of COVID-19. However, the DOH emphasized that face shields should not be used as substitutes for face masks and should only be used in addition to the same as added protection.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE – This Ordinance shall be known and referred to as the “Quezon City Face Shield Ordinance.”

SECTION 2. DEFINITION OF TERMS – For purposes of this Ordinance, the following terms are hereby defined:

- a. Commercial establishment refers to an edifice, building or structure that is used for business or commercial purposes, identified as follows: shopping malls, public markets such as super palengke, palengke, tiangge, supermarkets and the like. Provided however, that the City Mayor, through an Executive Order, may identify other commercial establishments requiring the use of face shield in accordance with the guidelines that may be issued from time to time by the IATF-MEID and/or concerned national government’s departments/offices/agencies.
- b. Face shield refers to an object that completely covers the sides and length of the face. It should extend up to below the chin.
- c. Interacting shall mean voluntary verbal communication or physical contact between and among persons.
- d. Market – refers to public markets, whether city or privately-owned markets, talipapa/satellite market or bagsakan, covered by the Revised Quezon City Market Code under Ordinance No. SP-2459, S-2015.
- e. Public transportation refers to a vehicle that carries passengers for a fee, offering services to the public, which may include, but not limited to, mass transit system, jeepneys, buses, bus rapid transit, rail transport, Utility Vehicle Express Service, Transport Network Vehicle Service, Filcab, taxis, tricycles, and the like.

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f. *Visor-type face shield refers to an object made of clear plastic or other material that covers only the eyes or only the eyes and nose for protection.*

g. *Workplace means the office, premises or work site, stationary or mobile, where the workers are habitually employed and shall include the office or place where the workers, who have no fixed or definite work site, regularly report for assignment in the course of their employment. For purposes of this Ordinance, a workplace shall include the shuttle service or any vehicle provided by an employer to transport an employee for work-related matters.*

SECTION 3. MANDATORY WEARING OF FACE SHIELD — *All persons shall, at all times, wear a face shield on top of a face mask while onboard public transportation, markets, or in indoor and enclosed spaces of identified commercial establishments and workplaces in Quezon City, regardless of the length of time in such public transportation, markets, or indoor and enclosed spaces of identified commercial establishments and workplaces, purpose for being there, or proximity to another person.*

The wearing of visor-type face shields shall not be considered as compliance with this Ordinance.

Face shields and face masks must always be worn together when interacting with colleagues, clients and/or visitors less than one (1) meter from each other in commercial establishments and workplaces, when in an indoor and enclosed space. However, face shields are not required to be worn by said persons if they are separated by a glass, acrylic, plastic, or similar non-permeable material that creates a barrier between their faces.

SECTION 4. EMPLOYER'S OBLIGATION — *An employer shall make sure that each employee is wearing their face shield when interacting with co-employees, office visitors, clients and/or customers. However, this may be removed if the job requires such or they installed barriers such as glass or acrylic or plastic barriers sufficient to comply with the minimum health standard requirement, or when otherwise allowed under the exceptions mentioned in the Section immediately below.*

In line with this, Employers are highly encouraged to provide free face shield to their employees.

SECTION 5. EXCEPTIONS — *Face shields are not required to be worn:*

a. *By persons driving transportation and other vehicles, motorized or non-motorized, when glare or other conditions might obstruct the driver's vision or create a driving hazard;*

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- b. By motorcycle passengers, provided they are wearing helmets in accordance with the applicable rules and regulations;
- c. By persons eating or drinking, provided physical distancing guidelines are properly observed;
- d. By persons employed inside a household or residential property, such as domestic workers, kasambahay, gardeners, drivers, construction workers and the like;
- e. By non-frontline employees that do not directly interact with customers or the general public, such as back-office workers or clerical or administrative staff;
- f. By persons working behind a non-permeable divider or partition as mentioned in Section 4 above; or
- g. When required by the demands of work or occupational health and safety, such as when wearing safety or technical headgear, or when face shields are otherwise impractical under the circumstances.

Other exceptions that may be later determined necessary or permissible upon the recommendation of the City Health Department and upon approval of the City Mayor.

SECTION 6. DEPUTIZATION OF ENFORCEMENT AGENTS – The personnel of the Department of Public Order and Safety (DPOS) are hereby deputized as agents in the enforcement of this Ordinance. Barangay Public Safety Officer (BPSO) shall be deputized in the event that the DPOS personnel are not available.

SECTION 7. VIOLATION – Any person found violating this Ordinance shall be penalized as follows:

- First Offense: Fine of Three Hundred Pesos (PHP300.00)
- Second Offense: Fine of Five Hundred Pesos (PHP500.00)
- Third Offense: Fine of One Thousand Pesos (PHP1,000.00), or imprisonment of not more than one (1) month, or both such fine and imprisonment, at the discretion of the court.

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If the offender is a corporation, partnership, organization, or any similar entity, the officials and employees directly involved shall be individually held liable. Upon filing of an appropriate complaint and after due notice and hearing, the Business Permits and Licensing Department (BPLD), may cause the cancellation or revocation of the business permit, permit to operate, franchise, and other similar privileges granted to any business that fails to abide by the provisions of this Ordinance. The BPLD, in coordination with the Quezon City Health Department, Quezon City Disaster Risk Reduction and Management Office, and other pertinent departments or offices of the City Government, may promulgate additional rules and regulations for the smooth implementation of this Ordinance.

The provisions as contemplated in Ordinance No. 2752, S-2018 shall be followed in prosecuting the offender.

In case of minor offenders, the fine shall be imposed on the parent, guardian or person having custody over the minor.

The foregoing is without prejudice to the filing of appropriate charges under Republic Act No. 11332, otherwise known as the "Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act", or any other applicable law.

SECTION 8. ISSUANCE OF ORDINANCE VIOLATION RECEIPT (OVR) — Any person who is cited in violation of any provision of this Ordinance shall be issued an OVR pursuant to Ordinance No. SP-2752, S-2020. If the offender is a juridical person, the OVR shall be issued to the juridical entity's officers or the Officer in Charge of the management of the business.

SECTION 9. VIOLATION OF THE ORDINANCE BY A MINOR (person under eighteen (18) years old) — In the event that the violator of this Ordinance is a minor, he/she shall be exempt from the issuance of an OVR and shall not be subject to the fines and penalty provided herein. The minor's parents or legal guardians shall be issued with the OVR corresponding to the violation and shall be liable to pay the fine and/or undergo the penalty provided herein.

SECTION 10. DURATION — This Ordinance shall remain effective until the City Mayor, on recommendation of the Quezon City Health Department, determines that the public health emergency measures contained herein are no longer necessary.

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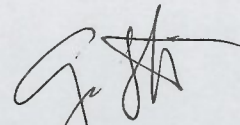
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SECTION 11. REPEALING CLAUSE — All ordinances, resolutions, executive orders, memorandum circulars, administrative orders, rules, and regulations, or parts thereof, which are in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed, amended, or modified accordingly.

SECTION 12. SEPARABILITY CLAUSE — If any section or provision of this Ordinance is declared unconstitutional or invalid by a competent court, the other sections or provisions hereof shall continue to be in full force and effect.

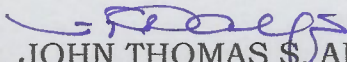
SECTION 13. EFFECTIVITY — This Ordinance shall take effect immediately upon its approval.

ENACTED: August 24, 2020.




GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:



Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III


APPROVED: SEP 17 2020



MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on August 24, 2020 under Suspended Rules and was PASSED on Third/Final Reading on the same date.



Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

