



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
21st City Council

PO21CC-380

50th Regular Session

ORDINANCE NO. SP-**2985**, S-2020

AN ORDINANCE PROVIDING FOR A SPECIAL PROTECTION OF CHILDREN AGAINST CORONAVIRUS DISEASE 2019 (COVID-19) BY SETTING CHILDREN PROTECTION HOURS WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES.

Introduced by Councilors FRANZ S. PUMAREN, DONATO "Donny" C. MATIAS, ERIC Z. MEDINA, VICTOR V. FERRER, Jr. and SHAIRA L. LIBAN.

Co-Introduced by Councilors Bernard R. Herrera, Lena Marie P. Juico, Dorothy A. Delarmente, M.D., Tany Joe "TJ" L. Calalay, Nicole Ella V. Crisologo, Winston "Winnie" T. Castelo, Eden Delilah "Candy" A. Medina, Ramon P. Medalla, Mikey F. Belmonte, Estrella C. Valmocina, Kate Galang-Coseteng, Matias John T. Defensor, Wencerom Benedict C. Lagumbay, Jorge L. Banal, Sr., Peachy V. De Leon, Imee A. Rillo, Marra C. Suntay, Irene R. Belmonte, Resty B. Malañgen, Ivy L. Lagman, Hero M. Bautista, Jose A. Visaya, Karl Castelo, Patrick Michael Vargas, Ram V. Medalla, Allan Butch T. Francisco, Marivic Co Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Diorella Maria G. Sotto-Antonio, Freddy S. Roxas and Noe Dela Fuente.

WHEREAS, the World Health Organization (WHO) officially characterized Coronavirus Disease 2019 (COVID-19) as a pandemic after assessing the impact of the outbreak in view of the alarming levels of inaction worldwide;

WHEREAS, on March 8, 2020, President Rodrigo Roa Duterte issued Proclamation No. 922 entitled "Declaring a State of Public Health Emergency Throughout the Philippines" to facilitate measures to address COVID-19 outbreak, including mandatory reporting, quarantine, and disease control prevention measures;

WHEREAS, on March 13, 2020, the Quezon City Council, in a special session, adopted Resolution No. SP-8141, S-2020, which declared Quezon City under a State of Calamity due to COVID-19 outbreak, in relation to the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID) Resolution No. 11, S-2020 approved by President Duterte, which likewise declared the entirety of Metro Manila under a community quarantine;

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WHEREAS, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID) has recommended the extension of community quarantine under different classifications in all provinces and cities to contain and prevent the spread of COVID-19 and to avoid a spike in cases once quarantine is lifted;

WHEREAS, the ongoing pandemic continues to pose a risk of widespread emergence especially during the holiday season with the anticipated influx of people going out of their homes to visit public areas such as malls and other places of convergence;

WHEREAS, when recent pronouncements were made allowing minors to go to shopping malls, the Philippine Pediatric Society strongly recommended that minors remain at home to minimize the risk of getting infected and to reduce viral transmission;

WHEREAS, on December 3, 2020, heeding the recommendation of health experts and authorities, the local chief executives of Metro Manila unanimously voted against allowing minors from going outside their homes and visiting malls in order to prevent contracting and spreading COVID-19;

WHEREAS, though the entire National Capital Region (NCR) is still under the General Community Quarantine (GCQ), various reports were received by the Quezon City Government regarding the presence of children in public places which greatly expose them to health hazards due to COVID-19;

WHEREAS, in a Memorandum dated December 4, 2020, the Office of the City Mayor issued the Revised GCQ Guidelines pursuant to the latest announcements of the IATF-MEID and Metro Manila Council in light of the holiday season;

WHEREAS, under Section 458 (a)(5)(xii) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the City Council is mandated to approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases;

WHEREAS, in the recent case of SPARK, et.al. versus Quezon City Government et.al. (G.R. No. 225442 dated August 8, 2017, En Banc), the Supreme Court declared that "...grave and overriding considerations of public interest justify restrictions even if made against fundamental rights. Specifically, on the freedom to move from one place to another, jurisprudence provides that this right is not absolute. As the 1987 Constitution itself reads, the State may impose limitations on the exercise of this right, provided that they: (1) serve the interest of national security, public safety, or public health; and (2) are provided by law."

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NOW, THEREFORE,

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

SECTION 1. TITLE. - This shall be known as the "Quezon City Special Protection of Children against COVID-19."

SECTION 2. SCOPE OF APPLICATION. - The provisions of this Ordinance shall strictly apply during the effectivity of Enhanced Community Quarantine (ECQ), Modified Enhanced Community Quarantine (MECQ), General Community Quarantine (GCQ) or Modified General Community Quarantine (MGCQ) due to COVID-19, unless otherwise lifted by the City Mayor or modified by the guidelines issued by the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID).

SECTION 3. DEFINITION OF TERMS. - The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this section:

- a. Children Protection Hours - means twenty-four (24) hours a day and seven (7) days a week.
- b. Emergency - means an unforeseen combination of circumstances or the residing state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, a vehicular accident, earthquake, seeking emergency medical attention, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- c. Essential Goods - refers to goods or items extremely important or absolutely necessary in order to sustain health or life. For purposes of this Ordinance in order to avoid the spread of COVID-19, essential goods shall be limited only to food, water, and medicine.
- d. Guardian - means:
 - 1. A person who, under court order, is the guardian of the person of a minor;
 - 2. A public or private agency with whom a minor has been placed for custody by a court;
 - 3. A person in charge of the custody or who is taking care of a minor, whether relative or not; or

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4. A person at least eighteen (18) years of age and authorized by a parent or guardian to accompany a minor in a public place or to have the care and custody over him/her.
- e. Law Enforcement Officer - refers to a person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, as amended, including Barangay Public Safety Officers (BPSO).
- f. Minor - means any person under eighteen (18) years of age. For purposes of this Ordinance, the terms "minor" and "child" shall be used interchangeably.
- g. Parent - refers to both biological and adoptive parents who have actual custody of or living together with the minor.
- h. Public Place - a place located within the territorial jurisdiction of Quezon City, where the general public or substantial group of people have access including but not limited to streets, highway, sidewalks, parking lots, vacant lots, and the common areas in and about churches, apartment, buildings, office buildings, hospitals, schools, malls or shopping centers, commercial establishments, places of entertainment such as movie theaters, and similar places or establishments.
- i. Remain - means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, a Barangay Public Safety Officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in public place.
- j. Residence - means the house where the minor and his/her parent or guardian actually live.

SECTION 4. PROHIBITED ACTS. -

- a. Except those listed in Section 5 of this Ordinance, all minors who may be found within the territorial jurisdiction of Quezon City are prohibited to roam around, loiter, wander, stay, remain or meander in all public places during the children protection hours, whether accompanied by a parent or guardian or not, without lawful purpose or justifiable reason.
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- b. It is unlawful for a parent or guardian of a minor to knowingly permit or by insufficient control allow the minor to remain in any public place within the territorial jurisdiction of Quezon City during the Children Protection Hours.

SECTION 5. EXEMPTIONS. - The following circumstances shall not be covered by the provisions of this Ordinance:

- a. When the minor is engaged in an authorized employment activity requiring physical presence, or going to or returning home from the same place of employment activity, without any detour or stop, provided that minors who are below 15 years of age shall be accompanied by their parent or guardian;
- b. Those seeking immediate medical attention or with medical/dental appointments, provided that the minor is accompanied by his/her parent or guardian;
- c. Those persons transiting for international or domestic air/ sea travel as shown by pre-booked tickets, provided that the minor is accompanied by his/ her parent or guardian;
- d. In extreme case of need to buy/purchase of essential goods as defined in this Ordinance, provided that no other person of legal age living with the minor can perform such duty;
- e. Those attending to, or in experience of, an emergency situation such as conflagration, earthquake, hospitalization, road accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Provided that, compliance with the existing safety and health protocols, e.g. social/physical distancing, wearing of face masks or other face covering and face shields, shall be strictly observed while the minor and/or his/ her parent or guardian are outside of their residence.

Provided further that, the law enforcement officer may require the minor and/or his/ her parent or guardian found in any public place during the Children Protection Hours to present the appropriate proof of their activities (company ID, government-issued ID, school ID, Authorized Person Outside Residence (APOR) ID, certification or any other official ID showing age or status as employee/worker, plane ticket, and others).

SECTION 6. ENFORCEMENT GUIDELINES FOR MINORS. - The procedures provided in Section 21 of Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006", as amended by Republic Act No. 10630, and reiterated in Section 5 of Ordinance No. 2301, Series of 2014, otherwise known as the "Quezon City Discipline Hours For Minors" shall be observed by law enforcers in dealing with minors found violating this Ordinance.

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SECTION 7. OBLIGATIONS AND LIABILITIES OF PARENTS OR GUARDIANS.
- Parents or guardians who are in actual custody of or living together with the minor are hereby mandated to supervise the conduct and activities of their minor children to see to it that the latter shall remain inside their residence during all types of community quarantine classification, whether Enhanced Community Quarantine (ECQ), Modified Enhanced Community Quarantine (MECQ) or General Community Quarantine (GCQ), unless otherwise lifted by the City Mayor or modified by guidelines issued by the IATF-MEID.

SECTION 8. PENALTIES AND MANNER OF DEALING WITH THE VIOLATOR. -

1. The penalty for parent/guardian of minors who violate this Ordinance shall be:

- a. First Offense - a minor found violating this Ordinance for the first time will be turned over to the Barangay Council for the Protection of Children (BCPC) of the Barangay where the minor was apprehended. The BCPC shall conduct counseling before the minor will be properly turned over to his/her parent or guardian. A fine of Three Hundred Pesos (Php300.00) shall be imposed to the parent/guardian of the minor.
- b. Second Offense - a minor found violating this Ordinance for the second time will be turned over to the Barangay Council for the Protection of Children (BCPC) of the Barangay where the minor was apprehended. The BCPC shall conduct counseling before the minor will be properly turned over to his/her parent or guardian. A fine of Five Hundred Pesos (Php500.00) shall be imposed to the parent/guardian of the minor.
- c. Third and Subsequent Offenses - a minor found violating this Ordinance for the third time and for subsequent offenses, will be turned over to the Barangay Council for the Protection of Children (BCPC) of the Barangay where the minor was apprehended. The BCPC shall conduct counseling before the minor will be properly turned over to his/her parent or guardian. Provided that, the minor shall be subject to intervention program of the Social Services Development Department (SSDD). A fine of One Thousand Pesos (Php1,000.00) shall be imposed to the parent/guardian of the minor.
- d. In case the residence of a minor who violates this Ordinance is that of another city or municipality, the provisions under paragraphs (a), (b) or (c), as the case may be, of the herein Ordinance, shall be observed in coordination with the BCPC where the place of residence of the minor is in question; or when the residence of the minor is from far away city or municipality, custody of the minor shall be made immediately, but not later than eight (8) hours after apprehension, turned over to the Social Services Development Department or other accredited NGOs and notify the child's apprehension as provided for under paragraph (i), Section 21 of Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006", as amended by Republic Act No. 10630.

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2. The penalty for owners/proprietors/managers of malls or shopping centers, commercial establishments, places of entertainment such as movie theaters, and similar places or establishments who violate this Ordinance shall be:

- a. First Offense – a fine of Five Hundred Pesos (Php500.00) shall be imposed for every violation.
- b. Second Offense – a fine of One Thousand Pesos (Php1,000.00) shall be imposed for every violation with warning of revocation of business permit/license and closure of the establishment.
- c. Third and Subsequent Offenses – a fine of Three Thousand Pesos (Php3,000.00) shall be imposed for every violation. In addition, revocation of business permit/license and closure of the establishment shall be meted to the violator.

SECTION 9. IMPLEMENTING RULES AND REGULATIONS. - While this Ordinance and provisions hereof are already operative upon its effectivity, the City Mayor, in consultation with the Social Services Development Department (SSDD), Department of Public Order and Safety (DPOS), Quezon City Council for the Protection of Children (QCPC), and the Liga ng mga Barangay President may issue the necessary Implementing Rules and Regulations to further ensure the effective and efficient enforcement of this Ordinance.

SECTION 10. SEPARABILITY CLAUSE. - If, for any 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 11. REPEALING CLAUSE. - All Ordinances, Resolutions, Executive Orders, Memorandum Circulars and Administrative Orders or parts thereof which are inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

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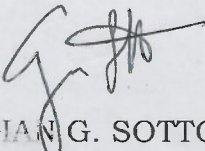
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SECTION 12. AUTOMATIC TERMINATION AND MODIFICATION. - This Ordinance shall be deemed automatically terminated and without effect immediately after the State of Public Health Emergency due to COVID-19 has been lifted by proper authorities.

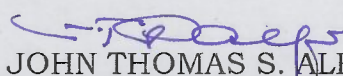
Provided that, this Ordinance is deemed modified in case of issuance of relevant Executive Order of the City Mayor or in accordance with the Guidelines set by the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID).

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

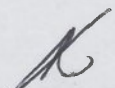
ENACTED: December 7, 2020.


GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:

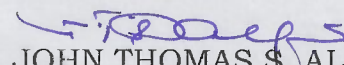

Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

APPROVED: DEC 15 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 December 7, 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

