



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
21st City Council

PO21CC-526

11th Special Session

ORDINANCE NO. SP- **3076**, S-2022

AN ORDINANCE REGULATING THE MOBILITY OF INDIVIDUALS UNVACCINATED FOR COVID-19 IN QUEZON CITY.

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

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, Atty. Bong Liban, 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, Marra C. Suntay, Irene R. Belmonte, Resty B. Malañgen, Ivy L. Lagman, Hero M. Bautista, Jose A. Visaya, Patrick Michael Vargas, Shaira L. Liban, Ram V. Medalla, Allan Butch T. Francisco, Marivic Co Pilar, Rogelio "Roger" P. Juan, Diorella Maria G. Sotto-Antonio, Freddy S. Roxas and Noe Dela Fuente.

WHEREAS, on March 9, 2020, President Rodrigo Duterte issued Proclamation No. 922, declaring the entire country under a State of Public Health Emergency due to COVID-19 pandemic;

WHEREAS, on March 13, 2020, in furtherance of the Presidential Proclamation, the City Council declared Quezon City under a State of Calamity due to pandemic;

WHEREAS, on December 31, 2021, the Inter-Agency Task Force (IATF) adopted Resolution No. 155 placing the National Capital Region on Alert Level 3 status in view of the rising active cases of COVID-19 in the Philippines;

WHEREAS, on January 2, 2022, the Metropolitan Manila Development Authority issued a Resolution urging the Metro Manila local government units to enact their respective ordinances on an enhanced vaccination mandate to regulate the mobility of unvaccinated individuals in the National Capital Region;

g

K

S

WHEREAS, the advances in public health and the economic gains that have been achieved in the recent months under Alert Level 2 must be sustained and pre-emptive measures must be adopted in order to forestall and immediately address the perceived adverse impact of COVID-19, particularly the highly-transmissible Omicron variant;

WHEREAS, due to the array of available COVID-19 vaccines and the City's determined vaccination drive, more than one hundred percent (100%) of Quezon City's target eligible population are now fully vaccinated;

WHEREAS, the global experience shows that the COVID-19 vaccines are and continue to be effective against the virus, including the Omicron variant, and prevent severe infection cases and avert the need for hospital care;

WHEREAS, however, despite the availability of vaccines, there are a number of individuals who adamantly opt not to be vaccinated and thus, become more susceptible to severe cases of COVID-19 infection which will in turn require hospital care, thereby unduly burdening the health care system to the detriment of public health;

WHEREAS, Republic Act No. 11332 or the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act declares that it is the policy of the State "to protect and promote the right to health of the people and instill health consciousness among them" and that the State "recognizes epidemics and other public health emergencies as threats to public health and national security, which can undermine the social, economic, and political functions of the State";

WHEREAS, Section 6 (e) of Republic Act No. 11332 provides that local governments have the authority to conduct and enforce disease surveillance and response systems, epidemic/outbreak and epidemiologic investigations, and rapid containment, quarantine and isolation, disease prevention and control measures;

WHEREAS, based on 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 general welfare, promote health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

9

K

7



WHEREAS, Section 458 (a)(1)(iv) of Republic Act No. 7160 provides that the City Council may adopt measures to protect the inhabitants of the city from the harmful effects of natural disasters and calamities;

WHEREAS, Section 458 (a)(5)(xii) of Republic Act No. 7160 provides that the City Council may approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases;

WHEREAS, in *People v. Jose Abad Lopez*, G.R. No. 42199 [January 14, 1936], 62 Phil. 835-841, the Supreme Court stated, "The right of the State to compel compulsory vaccination is well established";

WHEREAS, the above case cited the US Supreme Court case of *Jacobson v. Massachusetts*, 197 U.S. 11 (1905), which stated: "In every well ordered society charged with the duty of conserving the safety of its members, the rights of the individual in respect of his liberty may at times, under the pressure of great dangers, be subjected to such restraint, to be enforced by reasonable regulations, as the safety of the general public may demand;

WHEREAS, there is an urgent need for the City to enact an Ordinance mandating COVID-19 vaccination to regulate the mobility of unvaccinated individuals in the NCR for the protection of public health, promotion of general welfare, and sustainability of an improving economy.

NOW, THEREFORE,

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

SECTION 1. RESTRICTION ON NON-FULLY VACCINATED PERSONS. - A "Fully Vaccinated Person" is defined as a person that has completed the original prescribed doses of a COVID-19 vaccine at least two weeks previously, as shown by an LGU-issued vaccine card or a DOH-issued vaccine certification with the corresponding ID of the said person. All others are considered as a Non-Fully Vaccinated Person. All Non-Fully Vaccinated Person shall:

- a. remain in their residences at all times except for the procurement of essential goods and services such as, but not limited to, food, water, medicine, medical devices, public utilities, and energy, work, and medical and dental necessities; Provided, however, that individual outdoor exercise shall be allowed within the general area of their residence, e. g., within the barangay, purok, subdivision, or village;

9

K

S

- b. *be prohibited in indoor and outdoor/al fresco dining in restaurants and other food establishments and shall likewise be prohibited from leisure or social trips to malls, hotels, event venues, sports and country clubs, and similar facilities; and*
- c. *be prohibited in public transportation except for the procurement of essential goods and services such as, but not limited to, food, water, medicine, medical devices, public utilities, and energy, work, and medical and dental necessities subject to the production of proof to support and justify such travel.*

SECTION 2. WORKPLACE VACCINE MANDATE. - Non-fully vaccinated persons shall be required to undergo a Reverse Transcription Polymerase Chain Reaction (RT PCR) test every two (2) weeks at their personal expense and present a COVID-19 negative result prior to being admitted for work onsite, subject to issuances of the IATF and the Department of Labor and Employment; Provided, however, that in the event that the RT PCR test and/or result is/are not immediately available, a Rapid Antigen Test may be utilized in lieu thereof; Provided, further, that the employer shall have the option to provide a non-fully vaccinated employee a grace period of one (1) calendar month to obtain his or her first COVID-19 vaccination shot. As long as the employee obtains the first shot within this grace period, and subsequently obtains any required second shot as prescribed for the concerned vaccine, the employee shall not be required to take the biweekly tests or otherwise be held liable under this clause.

As an exception, a person with a medical condition that prevents full COVID-19 vaccination shall not be subject to the requirements of this Section 2. In this regard, the concerned person should submit to his or her employer a medical certification by a physician. The certification should include the contact number of the physician for verification purposes.

SECTION 3. PENALTY. - Any individual found to be in violation of this Ordinance shall be charged with the following penalties:

- a. *Five Hundred Pesos (Php500.00) for the first offense;*
- b. *One Thousand Pesos (Php1,000.00) for the second offense; and*
- c. *Three Thousand Pesos (Php3,000.00) for the third and subsequent offenses.*

g

AG

g

↓

Any establishment found to be in violation of this Ordinance (including but not limited to allowing non-fully vaccinated persons to enter the establishment for non-essential reasons) shall be charged with the following penalties:

- a. Three Thousand Pesos (Php3,000.00) fine for the first offense;
- b. Five Thousand Pesos (Php5,000.00) fine, suspension of business permit and temporary closure order for the second offense; and
- c. Five Thousand Pesos (Php5,000.00) fine, cancellation of business permit and closure order for the third offense.

Also, any individual or establishment that falsifies the COVID-19 vaccine card shall be prosecuted under Ordinance No. SP-3032, S-2021, the "Ordinance Prohibiting COVID-19 Vaccine Fraud", without prejudice to prosecution under other applicable laws.

SECTION 4. DURATION. - This Ordinance shall remain effective until the City Mayor, on recommendation of the City Health Department, determines that the emergency public health measures contained herein are no longer necessary.

SECTION 5. NATIONAL ISSUANCES. - This Ordinance shall be subject to further guidelines or orders of the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID) or the Office of the President.

SECTION 6. REPEALING CLAUSE. - All Ordinances, City Council Resolutions, Executive Orders of the Mayor or other City Government issuances that are inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

SECTION 7. SEPARABILITY CLAUSE. - If any provision of this Ordinance is declared void or unconstitutional, the remaining portions shall not be affected and shall remain in full force and effect.

9

K

9

6

11th Special Session

Ord. No. SP- **3076**, S-2022
Page -6- PO21CC-526


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

ENACTED: January 4, 2022.



GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:



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

APPROVED: JAN 06 2022



MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading during its 11th Special Session held on January 4, 2022 and was PASSED on Third/Final Reading on the same date.



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

9