



Republic of the Philippines
 Province of Davao Oriental
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
 SP Complex, Government Center, Dahican
 CITY OF MATI



EXCERPTS FROM THE MINUTES OF THE 40TH REGULAR SESSION OF THE 16TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL, HELD ON WEDNESDAY, APRIL 1, 2020 AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Hon. Niño Sotero L. Uy, Jr. Vice Governor - Presiding Officer

Regular Members:

District I

Hon. Nelson R. Dayanghirang, Jr.
 Hon. Joselito B. Villademoso
 Hon. Laureano B. Taya

District II

Hon. Louis N. Rabat
 Hon. Anacleto P. Macatabog
 Hon. Lemuel Ian M. Larcia
 Hon. Enrico M. Antopuesto

Ex-Officio Members:

Hon. Rabsalon M. Lamarin
 Hon. Ronald T. Lara, Jr.

President, Philippine Councilor's League
 Sangguniang Kabataan Provincial
 Federation President

ABSENT:

Hon. Dennis V. Roflo, Jr.
 Hon. Dante M. Caubang
 Hon. Marietta D. Palmera
 Hon. Rustan R. Castellones
 Hon. Charlie S. Ambasan

SP Member, District II
 SP Member, District I
 SP Member, District I
 President, Liga Ng Mga Barangay –
 O.B. – Mati City
 Indigenous Peoples' Mandatory
 Representative

PROVINCIAL ORDINANCE NO. 16-26-04-2020

Author : Hon. Anacleto P. Macatabog
 Sponsor : Hon. Anacleto P. Macatabog

AN ORDINANCE FURTHER AMENDING PROVINCIAL ORDINANCE NO. 16-22-03-2020, OF THIS AUGUST BODY, ENTITLED: "AN ORDINANCE IMPOSING A CURFEW FROM 9 O'CLOCK IN THE EVENING TO 5 O'CLOCK IN THE MORNING IN THE PROVINCE OF DAVAO ORIENTAL DUE TO THE OUTBREAK OF NOVEL CORONAVIRUS DISEASE (COVID-19)", SPECIFICALLY THE TITLE, SECTION 1, SECTION 4, AND SECTION 13 THEREOF, BY CHANGING THE CURFEW TIME FROM "9 O'CLOCK IN THE EVENING TO 5 O'CLOCK IN THE MORNING" TO "6 O'CLOCK IN THE EVENING TO 6 O'CLOCK IN THE MORNING, EFFECTIVE IMMEDIATELY UPON THE APPROVAL OF THE HONORABLE GOVERNOR.

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 provides that "every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. xxx;"

WHEREAS, Section 468 (a)(4)(v) of the same Code mandates the Sangguniang Panlalawigan to “approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases within its territorial jurisdiction”;

WHEREAS, the COVID-19 virus can be spread through contact with certain bodily fluids, such as droplets in a cough, also by touching something an infected person has touched and then touching your hand to your mouth, nose, or eyes;

WHEREAS, the enforcement of a nightly curfew is part of LGUs’ community quarantine measures to prevent and control the novel coronavirus from further spreading. The curfew is for the people to stay at home as much as possible;

WHEREAS, on March 18, 2020, the 16th Sangguniang Panlalawigan enacted Provincial Ordinance No. 16-22-03-2020, entitled: “*AN ORDINANCE IMPOSING A CURFEW FROM 9 O’CLOCK IN THE EVENING TO 5 O’CLOCK IN THE MORNING IN THE PROVINCE OF DAVAO ORIENTAL DUE TO THE OUTBREAK OF NOVEL CORONAVIRUS DISEASE (COVID-19)*”;

WHEREAS, on its 1st special session last March 23, 2020, said honorable body amended Provincial Ordinance No. 16-22-03-2020, and enacted Provincial Ordinance No. 16-24-03-2020, entitled: “*AN ORDINANCE AMENDING SECTION 6 OF PROVINCIAL ORDINANCE NO. 16-22-03-2020, OF THIS AUGUST BODY, ENTITLED: “AN ORDINANCE IMPOSING A CURFEW FROM 9 O’CLOCK IN THE EVENING TO 5 O’CLOCK IN THE MORNING IN THE PROVINCE OF DAVAO ORIENTAL DUE TO THE OUTBREAK OF NOVEL CORONAVIRUS DISEASE (COVID-19)”, BY ADDING OTHER ESTABLISHMENTS UNDER THOSE THAT ARE NOT SUBJECT TO THE HOURS OF CLOSURE*”;

WHEREAS, there is a need to extend the curfew hours as one way of imposing stricter measures to suppress the spread of COVID 19 infection, thereby further amending said ordinance;

WHEREFORE, on motion of SP Member Anacleto P. Macatabog, unanimously seconded by all members present, it was

Be it ordained by the 16th Sangguniang Panlalawigan of Davao Oriental in session duly assembled that:

Section 1. TITLE. - This ordinance shall be known as “*An Ordinance imposing curfew in the Province of Davao Oriental from 6 o’clock in the evening to 6 o’clock in the morning due to the outbreak of Novel Coronavirus Disease (COVID 19).*”

Section 2. SCOPE OR COVERAGE. - This ordinance shall cover all persons and all establishments within the territorial jurisdiction of the Province of Davao Oriental.

Section 3. DEFINITION OF TERMS:

1. CURFEW - a regulation requiring people to remain inside their home or indoors between specified hours.
2. COVID-19 - the disease caused by the new Coronavirus that emerged in China in December 2019.

3. **HUMANITARIAN REASONS** - having concern for or helping to improve the welfare of people and pertaining to the saving of human lives or to the alleviation of suffering.
4. **TASK FORCE** – refers to local COVID-19 Task Force in the city/municipalities/barangays.
5. **FOOD SHOPS** – refer to shops selling ready-to-eat products.

Section 4. IMPOSITION OF CURFEW - A curfew is hereby imposed upon all persons between the hours of 6 o'clock in the evening to 6 o'clock in the morning, effective immediately upon the approval of the Honorable Governor.

Section 5. EXEMPTIONS - The following shall be exempted from the curfew:

1. Persons travelling for medical and humanitarian reasons;
2. Persons responding emergencies, providing basic services and public utilities;
3. Persons going to work or returning home from work with proper identifications;
4. Persons trading fish and similar products at Davao Oriental and other markets and facilities where food products in any form are being traded;
5. Persons working in trading and/or delivery of raw materials, food products and other food supplies;
6. Persons officially transporting any item in assistance of the fight against the virus;
7. Hospital personnel doing their official functions such as: Doctors, Nurses and other health personnel, ambulance drivers, security guards and those who maybe allowed by the COVID-19 Task Force herein created;
8. Authorized local government officials and personnel such as the members of Emergency Response Teams, Peace and Order Personnel in city, municipal and barangay levels in the Province of Davao Oriental or as maybe determined by the Local Chief Executive;

Section 6. CLOSURE OF ESTABLISHMENTS - Starting March 19, 2020, all establishments within the territorial jurisdiction of the Province of Davao Oriental shall be closed at 9 o'clock in the evening to prevent mass gatherings by persons beyond the curfew hours.

The following are not subject to the hours of closure herein provided:

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|-------------------------------|------------------------------|
| 1. Food shops | 12. Courier services |
| 2. Supermarkets and groceries | 13. Auto repair shops |
| 3. Pharmacies and drugstores | 14. Printing press |
| 4. Clinics and Hospitals | 15. Gas stations |
| 5. Banks and ATM machines | 16. Laundry shops |
| 6. Commissaries | 17. Cellphone repair shops |
| 7. Hardwares | 18. Pet shops |
| 8. Money transfer services | 19. Water refilling stations |

9. Medical Laboratories
10. Convenient stores
11. Wholesale and Retail stores

20. Telecom, Energy & Internet
21. Private Business Offices
22. Government Offices

Section 7. TASK FORCE – There is hereby created a COVID-19 Curfew Task Force who shall implement the provisions of this ordinance which shall be composed of the following:

1. The City/Municipal Mayor as Head or his assigned representative
2. Chief of Police/Philippine National Police
3. Barangay Chairpersons
4. Other personnel as deputized by the Local Chief Executive

Section 8. DISCIPLINARY ACTION - In case of abuse in the enforcement of this ordinance, the police, barangay and other deputized personnel shall be subject to disciplinary action under existing laws.

Section 9. PENALTIES – A penalty of Three Thousand (P3,000.00) Pesos or an imprisonment of one (1) day or equivalent to 24hours as maybe determined by the Provincial Inter-Agency Task Force or the court, shall be imposed for every violation thereof. In the case of minor violators, they shall be turned over to the Local Social Welfare and Development Office for appropriate management.

Section 10. SEPARABILITY CLAUSE - Should any provision of this ordinance be declared unconstitutional or illegal by any competent court of jurisdiction, the parts that are not affected shall remain in full force and effect.

Section 11. DISSEMINATION. Copies of this ordinance shall be posted in conspicuous places, barangay halls and other public places in the province of Davao Oriental and in social media and be published in the newspaper or in general/local circulation and that copies of the same be furnished to all municipalities and city for their information and guidance.


Section 12. REPEALING CLAUSE. – All Provincial and Local Ordinances, Resolutions, Issuances, Memoranda, Circulars or parts thereof, inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

Section 13. EFFECTIVITY. This ordinance shall take effect immediately upon the approval of the Honorable Governor.

ENACTED: APRIL 1, 2020.

CARRIED, by Nine (9) affirmative votes of SP Members Nelson R. Dayanghirang, Jr., Louis N. Rabat, Anacleto P. Macatabog, Lemuel Ian M. Larcia, Enrico M. Antopuesto, Joselito B. Villademosa, Laureano B. Taya, Rabsalon M. Lamaran, and Ronald V. Lara, Jr.; negative votes – none; and abstention - none.

I hereby Certify to the Correctness
of the foregoing Ordinance.


MAXIMINO A. NAZARENO II
Secretary to the Sangguniang Panlalawigan

**Attested and Certified
to be duly Adopted:**


NIÑO SOTERO L. UY, JR.
Vice Governor and Presiding Officer

APPROVED:


NELSON L. DAYANGHIRANG
Governor

Date approved
and signed APR 06 2020