



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 44TH REGULAR SESSION OF THE 16TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL, HELD ON WEDNESDAY, APRIL 29, 2020 AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

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

Regular Members:

District I

Hon. Marietta D. Palmera
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
Hon. Dennis V. Roflo, Jr.

Ex-Officio Members:

Hon. Rabsalon M. Lamarin
Hon. Rustan R. Castellones
Hon. Ronald T. Lara, Jr.

President, Philippine Councilor's League
President, Liga Ng Mga Barangay
Sangguniang Kabataan Provincial
Federation President

ABSENT:

Hon. Nelson R. Dayanghirang, Jr.
Hon. Dante M. Caubang
Hon. Charlie S. Ambasan

SP Member, District I - O.B. - Cateel
SP Member, District I
Indigenous Peoples' Mandatory
Representative

PROVINCIAL ORDINANCE NO. 16-29-04-2020

Author : Hon. Anacleto P. Macatabog
Sponsor : Hon. Joselito B. Villademoso

AN ORDINANCE IMPLEMENTING THE COVID-19 PUBLIC HEALTH MEASURES IN THE PROVINCE OF DAVAO ORIENTAL AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, President Rodrigo Roa Duterte issued Proclamation No. 922, series of 2020, declaring a State of Public Health Emergency throughout the Philippines due to COVID-19 pandemic which enjoins all government agencies, and Local Government Units to render full assistance and cooperation in this time of health crisis;

WHEREAS, the number of COVID-19 cases in the Philippines surged, LGUs must adapt and respond to the challenges posed by the pandemic by enacting stringent public health measures to effectively reinforce current efforts to stem the community transmission;

WHEREAS, in support to Governor Nelson L. Dayanghirang's Executive Order No. 17-2020 placing the entire Province of Davao Oriental under General Community Quarantine (GCQ) and other urgent public safety measures that prevent and contain the

transmission of the coronavirus disease (COVID-19) in every community in the Province of Davao Oriental;

WHEREAS, mandatory wearing of face masks whenever the people of Davao Oriental are in public places is an additional measure that can be required of them aside from maintaining stringent social/physical distancing, staying at home and regulated use of quarantine pass during this period of health emergency;

WHEREAS, the Local Government Code of 1991 provides that the Local Government Unit shall exercise powers for its efficient and effective governance, and those which are essential to the promotion of the general welfare, of which among these is the health and safety of the people;

WHEREFORE, on motion of SP Member Joselito B. Villademoso, duly seconded by SP Member Dennis V. Roflo, Jr., it was

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

Section 1. Short Title. - This Ordinance shall be known for brevity as “**DAVAO ORIENTAL COVID-19 PUBLIC HEALTH MEASURES**”

Section 2. Application. - This ordinance shall apply to all residents or persons within the territorial jurisdiction of the Province of Davao Oriental.

Section 3. Definition of Terms. - as used in this ordinance the following terms shall mean:

- a) **Facemask** – refers to a cloth mask/shield covering the nose, mouth and chin or part of the face protecting against spitting or blocks germs, virus and other foreign substances coming from the mouth or getting into the mouth/nose. These can be surgical masks, medical masks, N95 masks, ear-loop masks, indigenous masks, reusable or do-it-yourself face shields, handkerchiefs, or other similar protective gears.
- b) **Protective Gear**- refers to specialized shield designed to protect a person from direct exposure to potentially hazardous or noxious chemicals or transmissible diseases.
- c) **Social Distancing**- refers to DOH recommended public health safety intervention requiring physical distance or space of at least one (1) meter away from other persons to lessen the chances of catching or transmitting contagious coronavirus diseases.
- d) **Home Quarantine Pass (HQP)** – refers to LGU/Barangay issued card or pass slip to designated household member intended to purchase basic necessities or access to other basic commodities during health emergency.
- e) **Public places** - include, but are 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, and places of entertainment and similar places or establishments.

- f) **Public Health Measures** – refers to non-medical interventions used or imposed on an individual or group of individuals in order to prevent or reduce the spread of or exposure to a communicable disease, toxic substance or transmissible agent.

Section 4. Mandatory Use of Face Masks. - Every person is required to wear face masks and other similar face covers, shield or protective gears at all times, especially when going outside of their residence, at the workplace, when entering government buildings and offices, business establishments, and travelling or visiting public places.

Section 5. Social/Physical Distancing. - All persons are mandated or required to exercise stringent social/physical distancing of at least two (2) meters away from other persons in all public places while the threat of COVID-19 is still persisting in the province.

Section 6. Regulations on the Use of Home Quarantine Pass (HQP) . – the following regulations on the valid use of Home Quarantine Pass (HQP) shall be strictly followed during the existence of public health emergency in Davao Oriental:

- i. The Home Quarantine Pass (HQP) shall only be used by duly designated household member in procuring basic necessities such as medicines, food supplies and access to other basic commodities before curfew hours;
- ii. The designated HQP holder must bring valid identification card;
- iii. The HQP holder must be between 20 to 59 years old;
- iv. The HQP shall be without cost to the holder;
- v. LGU officials, members of COVID-19 task force, health workers or front liners, and barangay officials shall be exempted from this regulation.

Section 7. Compliance in Private Commercial Establishments. - To effectively promote and encourage compliance to this Ordinance, all private commercial establishments operating in the Province of Davao Oriental shall:

- i) Conspicuously display at or near the entrance of the establishment a full copy of this Ordinance; and
- ii) Strictly prohibit entry of any person who is not wearing a face mask or similar protective gear and/or without home quarantine pass (HQP) and valid identification card or an equivalent thereof in the establishments.

Section 8. Enforcement. – This ordinance shall be implemented or enforced by the Local Chief Executives of component LGUs, the Philippine National Police (PNP) and other government officials or authorities concerned. The Local Chief Executives may deputize the Barangay TANODS/BPATs and other force multipliers to enforce this ordinance in their respective area of jurisdiction.

Section 9. Penalty Clause. – Any person who fails to wear a face mask or does not exercise stringent physical or social distancing shall be meted out the following penalties:

- i) **First Offense** - The offender shall attend community service or awareness campaigns on COVID-19 for at least three (3) hours as conducted by the barangays and other local government offices. A written stern warning for owner of concerned business establishments.
- ii) **Second and subsequent offenses** - A fine of not less than One Thousand (P1,000.00) Pesos nor more than Two Thousand (P2,000.00) Pesos for individual offender; and not less than Three Thousand (P3,000.00) Pesos nor more than Five Thousand (P5,000.00) Pesos for owners of establishments or cancellation of business permit or both at the discretion of the Court without prejudice to prosecution under other laws.

Section 10. Repealing Clause. - Any ordinances, resolutions or local issuances which are inconsistent with the provisions of this Ordinance are hereby amended, repealed or modified accordingly.

Section 11. 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 12. Effectivity - This ordinance shall take effect immediately upon approval.

Section 13. Public Dissemination - All LGUs through their local Public Information Offices and Local Health Offices shall disseminate this Ordinance in their respective territorial jurisdiction immediately upon its effectivity.

ENACTED: APRIL 29, 2020.

CARRIED, by eleven (11) affirmative votes of SP Members Louis N. Rabat, Anacleto P. Macatabog, Lemuel Ian M. Larcia, Enrico M. Antopuesto, Dennis V. Roflo, Jr., Marietta D. Palmera, Joselito B. Villademoso, Laureano B. Taya, Rabsalon M. Lamarin, Rustan R. Castellones, and Ronald V. Lara, Jr.; negative votes – none; and abstention - none.

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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 MAY 04 2020