



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 43RD REGULAR SESSION OF THE 16TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL, HELD ON WEDNESDAY, APRIL 22, 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. Dante M. Caubang
Hon. Marietta D. Palmera
Hon. Joselito B. Villademosa
Hon. Laureano B. Taya

District II

Hon. Louis N. Rabat
Hon. Anacleto P. Macatabog
Hon. Enrico M. Antopuesto
Hon. Dennis V. Roflo, Jr.

Ex-Officio Members:

Hon. Rabsalon M. Lamarin
Hon. Rustan R. Castellones
Hon. Charlie S. Ambasan

Hon. Ronald T. Lara, Jr.

President, Philippine Councilor's League
President, Liga Ng Mga Barangay
Indigenous Peoples' Mandatory
Representative
Sangguniang Kabataan Provincial
Federation President

ABSENT:

Hon. Lemuel Ian M. Larcia

SP Member, District II – Sick Leave

PROVINCIAL ORDINANCE NO. 16-28-04-2020

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

AN ORDINANCE AMENDING PROVINCIAL ORDINANCE NO. 16-26-04-2020, SPECIFICALLY SECTIONS 1; 4; AND 6 THEREOF, BY CHANGING THE CURFEW TIME FROM "6 O'CLOCK IN THE EVENING TO 6 O'CLOCK IN THE MORNING" TO "8 O'CLOCK IN THE EVENING TO 5 O'CLOCK IN THE MORNING", EFFECTIVE UPON THE APPROVAL OF HONORABLE GOVERNOR NELSON L. DAYANGHIRANG.

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 40TH Regular session last April 1, 2020, said honorable body amended Provincial Ordinance No. 16-24-03-2020, and enacted Provincial Ordinance No. 16-26-04-2020, entitled: *"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, there is a need to amend the curfew hours due to the possible lifting of the Enhance Community Quarantine (ECQ) on April 27, 2020 and possibly placing the Province of Davao Oriental under General Community Quarantine (GCQ) considering that the province until this date is still free from COVID-19;

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 8 o'clock in the evening to 5 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 8 o'clock in the evening to 5 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 April 27, 2020, all establishments within the territorial jurisdiction of the Province of Davao Oriental **SHALL BE TEMPORARILY CLOSED** until the lifting of this public emergency, **EXCEPT**:

1. Government offices;
2. Groceries/supermarkets/wet markets/palengkes;
3. Food commissaries/food manufacturing/food delivery services/bakeries and bakeshops;
4. Wholesale stores/convenience stores/sari-sari stores;
5. Hospitals/medical laboratories/pharmacies/drugstores/doctor's and dentist's clinics;
6. Banks and ATMs, savings and credit cooperatives, money transfer services and bayad centers;
7. Courier services, other delivery services;
8. Hardware and construction supplies;
9. Mass media agencies;

10. Gas stations, LPG stations;
11. Water refilling stations;
12. Agribusiness, farms/feeds distributorship;
13. Auto/vehicle repair shops and vulcanizing shops;
14. Manufacturing/fabrication/construction work;
15. Printing shops/printing press;
16. Power, water & telecommunications utilities/providers;
17. Funeral parlors.
18. Office and school supply shops;
19. Cellphone repair shops; and
20. General merchandise stores.

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 22, 2020.

CARRIED, by thirteen (13) affirmative votes of SP Members Nelson R. Dayanghirang, Jr., Louis N. Rabat, Anacleto P. Macatabog, Dante M. Caubang, Marietta D. Palmera, Enrico M. Antopuesto, Dennis V. Roflo, Jr., Joselito B. Villademosa, Laureano B. Taya, Rabsalon M. Lamarin, Rustan R. Castellones, Charlie S. Ambasan and Ronald V. Lara, Jr.; negative votes – none; and abstention - none.

I hereby Certify to the Correctness
of the foregoing Ordinance.


MAXIMINO A. MAZARENO 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 27 2020