



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 46TH REGULAR SESSION OF THE 16TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL, HELD ON WEDNESDAY, MAY 13, 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

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. Laureano B. Taya
Hon. Charlie S. Ambasan

SP Member, District I – O.B. - Baganga
SP Member, District I
SP Member, District I – O.B. - Baganga
Indigenous Peoples' Mandatory
Representative – Sick Leave

PROVINCIAL ORDINANCE NO. 16-30-05-2020

Author : Hon. Anacleto P. Macatabog
Sponsor : Hon. Dennis V. Roflo, Jr.

AN ORDINANCE PENALIZING ANY ACT OR UTTERANCE THAT IS DETRIMENTAL OR DISCRIMINATORY AGAINST ANY HEALTH PERSONNEL AND FRONTLINER, OR PATIENT SUSPECTED, INFECTED, UNDER MONITORING OR INVESTIGATION DUE TO CORONAVIRUS DISEASE (COVID-19) IN THE PROVINCE OF DAVAO ORIENTAL, AND IMPOSING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, Section 11, Article II, of the 1987 Philippines Constitution provides "*the State values the dignity of every person and guarantees full respect for human rights*". Furthermore, Section 1, Article III thereof, provides that: "*No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws*";

WHEREAS, spurred by numerous complaints about healthcare workers, frontliners, and COVID 19 patient or patients being subjected to various kinds of discrimination, humiliation, and abused, without any regard to their contribution in keeping the people infected by the virus, well attended;

WHEREAS, the Inter-Agency Task Force for Emerging Infectious Diseases (IATF-EID) is urging Local Government Units (LGUs) to issue executive orders or ordinances, prohibiting and penalizing acts of discrimination and attacks against health workers, frontliners xxx and COVID-19 patients amid the on-going coronavirus disease crisis such as, but not limited to, coercion, libel, slander, physical injuries, xxx shall be dealt with criminally, civilly, and/or administratively;

WHEREAS, it is of utmost necessity to provide appropriate policy that penalize any person, and entity from committing any act or utterance which causes stigma, disgrace, shame, humiliation, harassment or otherwise discriminating a person infected, under monitoring, or investigation, due to the COVID-19 virus, including health personnel and frontliners;

WHEREAS, RA 7160 mandated every local government unit to 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;

WHEREFORE, on motion of SP Member Dennis V. Roflo, Jr., duly and jointly seconded by SP Members Anacleto P. Macatabog, Marietta D. Palmera, Rabsalon M. Lamarin, and Enrico M. Antopuesto, 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 PENALIZING ANY ACT OR UTTERANCE THAT IS DETRIMENTAL OR DISCRIMINATORY AGAINST ANY HEALTH PERSONNEL AND FRONTLINER, OR PATIENT SUSPECTED, INFECTED, UNDER MONITORING OR INVESTIGATION DUE TO CORONAVIRUS DISEASE (COVID-19) IN THE PROVINCE OF DAVAO ORIENTAL AND IMPOSING PENALTIES FOR VIOLATION THEREOF”***

SECTION 2. PURPOSE – That every LGU shall bring order amidst the crisis and protect its constituencies, the infected person, those under monitoring, or investigation, due to Covid-19 virus, including health personnel or frontliners, from public humiliation, harassments, injuries, and social discrimination brought on by fear and panic.

SECTION 3. COVERAGE - This ordinance shall cover all persons whether natural or juridical and establishments within the territorial jurisdiction of the Province of Davao Oriental.

SECTION 4. DEFINITION OF TERMS – For purposes of this ordinance, the following term/s used shall mean:

1. **DISCRIMINATORY ACTS** - refer to unreasonable, unfair or unequal treatment of any individual, families or groups due to infection, association or affiliation with the coronavirus disease (COVID-19);
2. **PERSONS INFECTED, PATIENTS UNDER INVESTIGATION (PUIs), PATIENTS UNDER MONITORING (PUMs)** – are those defined by the protocols and guidelines issued by the National government or the Department of Health.
3. **UTTERANCE** – refers to any statement tending to prejudice one's name and reputation and putting him to public hatred, ridicule and contempt.

4. **HEALTH PERSONNEL** – refers to physician, surgeon, nurse, physiotherapist, dentist, midwife, psychologist, psychiatrist, or pharmacist including those who performs services in allied health professions in hospitals and other health care units or centers.
5. **FRONTLINERS** – include the officers and members of the PNP, AFP, PCG and instrumentalities of the government rendering emergency frontline services, border controls, and other critical services. It also include service workers who are working in private establishment providing basic necessities and such activities related to food and medicine production, i.e. public markets, supermarkets, groceries, convenience stores, hospitals, medical clinics, pharmacies, and drug stores, food preparation and delivery services, water-refilling stations, manufacturing and processing plants of basic food products and medicines, banks, money transfer services, power, energy, telecommunication, water supplies and other related facilities.
6. **SOCIAL MEDIA** – refers to internet or computer-based technology that gives users quick electronic communication of content or facilitates the sharing of ideas, messages, thoughts, and information (such as *text, Facebook, video*), through networks and online communities.
7. **MEDIA** – refers to any person natural or juridical or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

SECTION 5. UNLAWFUL ACTS

It is hereby declared unlawful for any person, whether natural or juridical to commit any of the following acts:

- a) to make utterances that causes stigma, disgrace, shame, humiliation, harassment or discrimination against COVID-19 positive patients, persons under investigation (PUI) and persons under monitoring (PUM), including health personnel and frontliners within the province of Davao Oriental;
- b) to make false statement, or divulging personal information or identity of any COVID-19 patient tested positive, admitted, under monitoring or investigation, recovered patients, and frontline workers or health personnel without an authority from authorized LGU or health officials, agency or department;
- c) to publicly claim, post on social media, spread or announce in radio, television and newspaper or in any media outlet that a person is infected, is under investigation or under monitoring due to Covid-19, whether or not, the same has been confirmed or validated from the list given by authorized proper health officials, agency or department;
- d) person who abuses, harms, causes and/or inflicts physical pains, injuries or damages to any COVID-19 patients, health personnel and frontliners;
- e) for public officer who will refuse or fail to give assistance to COVID-19 patients, health workers and other frontliners, who intend “to return to [their] place of residence or domicile after obtaining clearance of the COVID-19 infection from the proper health officials shall be equally liable thereof;

SECTION 6. IMPLEMENTATION/ENFORCEMENT – This ordinance shall be implemented or enforced by the Local Chief Executives, Provincial/City/Municipal Inter-agency Task Force on Covid-19 in collaboration with DOH, PNP, AFP, NBI, DICT and other government agencies or authorities concerned.

The Local Chief Executives may deputize the Barangay Officials and Tanods to enforce this ordinance in their respective area of jurisdiction.

SECTION 7. PENALTIES – Any person or organization caught violating Section 5 hereof, shall be fined of a minimum of P2,000.00 and maximum of P5,000.00 or an imprisonment of not less than one(1) month and not more than six (6) months, or both at the discretion of the Court.

The maximum penalty shall be imposed upon any violator who causes or inflicts physical harm, injury or damage against any COVID-19 patients, the health personnel and frontliners.

If the person violating is a public officer, the penalty imposed shall be in its maximum and without prejudice of filing appropriate administrative case against said official. *EXCEPT*, when the patient concerned waive his/her right to privacy and for purposes of contact tracing and other medical purposes.

SECTION 8. JURIDICAL PERSON – If committed by a juridical person, the President, General Manager, Corporate Secretary or person with related interest in the Corporation or Partnership or Association shall be liable or penalized accordingly.

SECTION 9. IMPLEMENTING GUIDELINES – The Provincial Inter-Agency Task Force in coordination with the Provincial Legal Officer and Provincial Prosecutor shall promulgate specific implementing guidelines within three (3) working days from approval of this ordinance.

SECTION 10. REPEALING CLAUSE - Any ordinance, resolutions or local issuances which are inconsistent with the provisions of this Ordinance are hereby amended, repealed or modified accordingly. *PROVIDED*, that the rights vested under those Ordinances, rules or regulations shall not be impaired.

SECTION 12. 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 13. EFFECTIVITY - This ordinance shall take effect immediately upon approval.

ENACTED: MAY 13, 2020.

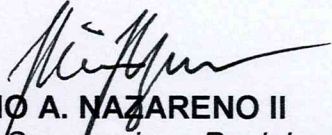
CARRIED, by ten (10) affirmative votes of SP Members Louis N. Rabat, Anacleto P. Macatabog, Lemuel Ian M. Larcia, Enrico M. Antopuesto, Dennis V. Roflo, Jr., Marietta D. Palmera, Joselito B. Villademoso, Rabsalon M. Lamarin, Rustan R. Castellones, and Ronald V. Lara, Jr.; negative votes – none; and abstention - none.

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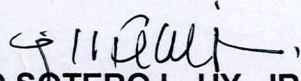
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I hereby Certify to the Correctness
of the foregoing Ordinance.



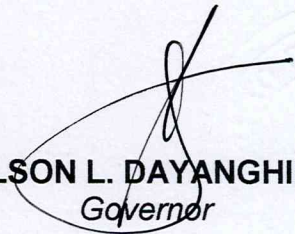
MAXIMINO A. NAZARENO II
Secretary to the Sangguniang Panlalawigan

**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 18 2020