



Republic of the Philippines
Province of Bataan
Municipality of Dinalupihan

OFFICE OF THE SANGGUNIANG BAYAN

**EXCERPTS FROM THE MINUTES OF THE 6th SPECIAL SESSION OF THE
10th SANGGUNIANG BAYAN OF DINALUPIHAN, BATAAN HELD AT THE
MUNICIPAL SESSION HALL ON THE 16th DAY OF APRIL 2020**

PRESENT:

Hon. Renato M. Matawaran, MD.	Municipal Vice Mayor & Presiding Officer
Hon. Sherry U. De Ausen	SB Member
Hon. Emmanuel T. Bajada	do
Hon. Joseph P. Catli	do
Hon. Danilo P. Dela Cruz	do
Hon. Armando M. Buniag	do
Hon. Carmen M. Sandoval	do
Hon. Elizalde M. Torno	do
Hon. Ramer S. Fernando	do – ABC
Hon. Joel F. Abraham	do – IPMR
Hon. Kathrin R. David	do – MFSK

ABSENT:

Hon. German M. Santos, Jr.	SB Member
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MUNICIPAL ORDINANCE NO. 05 – 2020

AN ORDINANCE PROHIBITING ANY PERSON FROM COMMITTING ANY ACT WHICH CAUSES STIGMA, DISGRACE, SHAME, HUMILIATION, HARASSMENT OR OTHERWISE DISCRIMINATING AGAINST A PERSON INFECTED, UNDER MONITORING OR INVESTIGATION DUE TO THE COVID – 19 VIRUS INCLUDING PUBLIC AND PRIVATE DOCTORS, NURSES, HEALTH WORKERS, EMERGENCY PERSONNEL AND VOLUNTEERS, SERVICE WORKERS WHO ARE ASSIGNED TO HOSPITALS OR OTHER CENTERS WHERE THESE PERSONS ARE BEING TREATED, HEREIN OTHERWISE KNOWN AS THE “ANTI COVID – 19 DISCRIMINATION ORDINANCE OF 2020 OF THE MUNICIPALITY OF DINALUPIHAN, BATAAN” AND IMPOSING THE APPROPRIATE PENALTIES THEREIN

Unanimously Authored

WHEREAS, Proclamation No. 922 was issued by the President of the Philippines, declaring a state of public health emergency throughout the Philippines, enjoining all government agencies and LGUs to render full assistance and cooperation and mobilize the necessary resources to undertake critical, urgent and appropriate response and measures in a timely manner to curtail and eliminate the Coronavirus Disease 2019 (COVID – 19) threat;


MIRAZOL G. CHAVEZ
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WHEREAS, Proclamation No. 929 was issued by the President declaring a State of Calamity throughout the Philippines and imposed an Enhanced Community Quarantine throughout the island of Luzon;

WHEREAS, Republic Act No. 11469 was passed declaring the existence of a National Emergency over the entire country arising from the COVID – 19 and declaring the national policy in connection therewith;

WHEREAS, COVID – 19 has caused the emergence of unwarranted fear and paranoia in some segments of the communities which has resulted in the irrational treatment and victimization of people infected with the COVID – 19, the Persons Under Investigation (PUIs), Persons Under Monitoring (PUMs) and the health care, emergency and frontline workers;

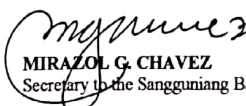
WHEREAS, there were several reports of discrimination, stigmatization, maltreatment and rise of harmful stereotypes committed against our health care and frontline workers, the PUIs and PUMs and those infected with the COVID – 19, such as, but not limited to, getting forcibly evicted from their rented boarding houses or residences, being physically maltreated, being refused essential services, getting maligned in social media, having their names unnecessarily and without their consent, circulated online or on print, sometimes with false and inaccurate posts, and being subjects of utterances or hate speeches;

WHEREAS, it is the duty of the government to ensure the protection of its constituents against any form of discrimination and to promote the equal treatment of its people regardless of their status, religion, race, health, physical or medical condition, gender, age, economic status, social status or occupation;

WHEREAS, there is an urgent need to rectify the stigmatization of the COVID – 19 and to provide for safeguards and other protection against all types of discrimination health care and frontline workers, the PUIs and PUMs, and those infected with COVID – 19;

WHEREAS, pursuant to Section 11, Article II of the 1987 Constitution embodying the state's policy in embracing the value of human dignity and in guaranteeing full respect for human rights, the Municipal Government of Dinalupihan, Bataan reaffirms its faith in fundamental human rights, in the dignity and worth of the human person, that all human beings are born free and equal in dignity and rights, without distinction;

WHEREAS, the Revised Penal Code, as amended, penalizes any form of physical injuries or maltreatment upon any person, assault upon person in authority or their agent, disobedience and/or resistance to a person in authority, unlawful use of means of publication, illegal detention, threats and coercion, and any form of slander as well as libelous and defamatory imputation in relation to Republic Act 10175 otherwise known as Cybercrime Prevention Act of 2012;


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WHEREAS, Republic Act No. 11332 otherwise known as the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act penalizes persons, in times of epidemics, who commit unauthorized disclosure of private and confidential information pertaining to a patient's medical condition or treatment, intentionally providing misinformation and the non-cooperation of persons affected by said epidemics;

WHEREAS, Section 6 of RA 11469 (Bayanihan to Heal as One Act) penalizes any person or group creating, perpetrating or spreading false information regarding the COVID – 19 crisis in social media and other platforms which is geared to promote chaos, panic, anarchy, fear or confusion, and pursuant to said law this may as well include any form of discrimination posted or circulated in social media or other online platforms;

WHEREAS, Section 32 of Republic Act No. 7305, otherwise known as the Magna Carta of Public Health Workers, prohibits and penalizes any form of discrimination, interference, coercion, harassment, or intimidation against health workers in the discharge of their functions, including any act which is calculated to intimidate or harass health workers or to prevent the performance of his/her duties;


WHEREAS, Articles 19 and 20 of the New Civil Code enjoins that every person must act with justice, give everyone his due and observe honesty and good faith and every person who, contrary to law, willfully or negligently causes damage to another, shall be liable to indemnify the other;

WHEREAS, Article 26 of the New Civil Code requires that every person to respect the dignity, personality, privacy and peace of every other person and that vexing or humiliating another on account of his physical defect or other personal condition, such as the COVID – 19 as in this case, shall warrant the filing of an appropriate action in court for damages, prevention and other reliefs;

WHEREAS, pursuant to the New Civil Code, every person must honour and respect his contractual obligations such as contracts of lease or employment, especially in this challenging time, whether such person is infected with the COVID – 19, PUI, PUM, health care worker, emergency worker and or other frontline worker;

WHEREAS, Section 16 of the Local Government Code of 1991 allows local government units to exercise powers necessary, appropriate or incidental for its efficient and effective governance and for those essential to the promotion of the general welfare, to promote health and safety as well as in maintaining peace and order;

WHEREAS, the Integrated Bar of the Philippines and the Philippine Medical Association, in a joint statement entitled as "Cooperation no Discrimination", have urged countrymen to fully cooperate rather than discriminate, show benevolence rather than bias, increase help, not hype so as to protect health workers, other frontliners and patients;


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WHEREAS, the Integrated Bar of the Philippines – Bataan Chapter is recommending to the Municipal Council of Dinalupihan to enact the “COVID – 19 Anti-Discrimination Ordinance” for the protection and safety of health workers, frontliners and the patients as well;

WHEREAS, in a statement, the Inter – Agency Task Force for Emerging Infectious Disease (IATF – EID) enjoins LGUs to issue the necessary executive orders or ordinance prohibiting and penalizing all discriminatory acts committed against person infected with the COVID – 19, PUIs, PUMs, health care workers, emergency workers and other frontline workers;

WHEREAS, the DILG Region 3 issued a Memorandum dated 6 of April 2020 encouraging all Local Government Units to enact ordinances or issue related orders against discriminatory acts affecting frontline workers in relation to the performance of their duties;

WHEREAS, pursuant to Section 465 of the Local Government Code of 1991, the Provincial Governor of the Province of Bataan issued Executive Order No. 29, series of 2020, dated 9 April 2020, which prohibits acts of discrimination committed against health, emergency and frontline workers and persons infected or under investigation or monitoring due to the COVID – 19 virus;

WHEREAS, Section 4 of the above Executive Order provides that all Sanggunian within the Province of Bataan may adopt the said Order via legislative action imposing penalties of fine and/or imprisonment to any person found liable for the discriminatory acts, as therein defined, in accordance with the Local Government Code of 1991, as well as the revocation or suspension of business permit of business establishment, if warranted;

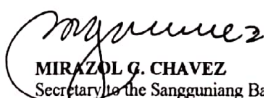
WHEREAS, this 10th Sangguniang Bayan of the Municipal Government of Dinalupihan, Bataan deems it necessary to enact the Ordinance.


NOW THEREFORE, on a unanimous motion, be it:

ORDAINED, as it is hereby ordained, by the Sangguniang Bayan of the Municipality of Dinalupihan, in special session assembled that:

Section 1. Short Title

This Ordinance shall be known as the “The Anti COVID – 19 Discrimination Ordinance of 2020 of the municipality of Dinalupihan, Bataan.”


MIRAZOL G. CHAVEZ
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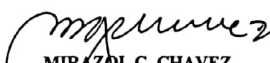
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Section 2. Prohibition

It is prohibited for any person, government office or entity, to commit discriminatory acts which cause stigma, disgrace, shame, humiliation, harassment or otherwise discriminating against a person infected, under monitoring or investigation due to the COVID – 19 virus including public and private doctors, nurses, health workers, emergency personnel and volunteers, service workers who are assigned to hospitals or other centers where these persons are being treated. The following are considered discriminatory acts:

- a. Denying access to the public or social programs and services otherwise available to the public.
- b. Denying entry or eviction for usual accommodation in any lodging house, apartment, motel, hotel, inn, dormitory, and other places of dwelling being rented out or offered to the public or for a fee.
- c. Denying access or admission to medical and other health services, health insurance, or giving inferior accommodation or services.
- d. Slandorous or abusive statements, in person or online, which incite discrimination against a health, emergency or frontline worker as well as persons infected, PUIs and PUMs.
- e. Subjecting said persons to any form of harassment or any threat of physical, mental, and verbal violence, intimidation or other threatening disruptive behavior.
- f. Maliciously disclosing information of patients including their actual names, address and other information that reveals their identities except when the patient considered waived his/her right to privacy.
- g. Refusal to admit or expulsion from public markets, supermarkets, groceries, bakeshops, convenience stores by reason of his/her being a health, emergency or frontline worker.
- h. Denying access to and/or use of establishments, facilities, utilities, and transportation services, that are open to the general public by reason of his/her being a health, emergency and frontline worker.
- i. Any other act of discrimination that demeans, impairs, mars, reduces, nullifies the enjoyment or exercise of the human and legal rights of health, emergency and frontline workers, person infected, PUIs and PUMs.


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Section 3. Penalties

- a. Any person found violating the provisions of the Ordinance shall be dealt and penalized with the following:

- 1st Offense : payment of fine of One Thousand Pesos or equivalent to five (5) days imprisonment
- 2nd Offense : payment of fine of Two Thousand Five Hundred Pesos (P 2,500.00) or equivalent to ten (10) days imprisonment
- 3rd Offense : payment of fine of Two Thousand Five Hundred Pesos (P 2,500.00) or imprisonment of not more than six (6) months, or both in the discretion of the court

- b. For Minors who violated this Ordinance, the parent /guardian shall be liable to a fine of Two Thousand Five Hundred Pesos (P 2,500.00) or imprisonment of ten (10) days.

- c. Any Business owner who violated this Ordinance shall be meted with the following fine or penalty, as the case may be:

- | | | |
|----------------|---|-------------------------------------------|
| First Offense | - | P 2,500.00 |
| Second Offense | - | closure and revocation of business permit |

Section 4. Separability Clause

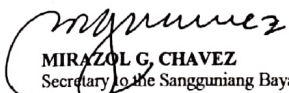
If for any reason, any provision of this Ordinance shall be held invalid or unconstitutional, the other provisions hereof which are not affected by the invalidity shall continue to be in full force and effect.

Section 5. Repealing Clause

All ordinances, resolutions, local executive orders or administrative issuances or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed or amended accordingly.

Section 6. Effectivity

This Ordinance shall take effect upon approval. Let copies / information about this Ordinance be posted in conspicuous places in the Municipality for the information and compliance of the public.


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UNANIMOUSLY ENACTED this 16th day of April 2020 in the 6th Special Session of the 10th Sangguniang Bayan of Dinalupihan, Bataan.

CERTIFIED TRUE & CORRECT:


MIRAZOL CUANZON CHAVEZ
Secretary to the Sangguniang Bayan

ATTESTED:


RENATO M. MATAWARAN, MD.
Municipal Vice Mayor & Presiding Officer

APPROVED:


MARIA ANGELA S. GARCIA
Municipal Mayor

Mgc/neth.