



Republic of the Philippines
 Province of Leyte
 Tacloban City
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 4-30-2020
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF THE 36th REGULAR SESSION HELD BY THE SANGGUNIANG PANLALAWIGAN OF LEYTE, AT THE SESSION HALL, LEGISLATIVE BUILDING, PROVINCIAL CAPITOL GROUNDS, TACLOBAN CITY, LEYTE ON April 18, 2020.

PHYSICALLY PRESENT:

- | | | |
|-----------------------|---|--|
| Atty. Carlo P. Loreto | - | Vice-Governor/Presiding Officer |
| Hon. Nolie C. Caña | - | Ex Officio SP Member/
LnBP Provl. President |

VIRTUALLY PRESENT:

- | | | |
|--------------------------------|---|---|
| Hon. Florante A. Cayunda, Jr. | - | Floor Leader |
| Hon. Trinidad G. Apostol | - | First Deputy Floor Leader |
| Hon. Ranulfo S. Abellanosa | - | Second Deputy Floor Leader |
| Hon. Raissa J. Villasin | - | 2 nd District Board Member |
| Hon. Anna Victoria V. Tuazon | - | 3 rd District Board Member |
| Hon. Ma. Corazon E. Remandaban | - | 3 rd District Board Member |
| Hon. Maria Carmen Jean T. Rama | - | 4 th District Board Member |
| Hon. Mesias P. Arevalo | - | 4 th District Board Member |
| Hon. Emmanuel L. Gacis | - | 5 th District Board Member |
| Hon. Jo Vanille C. Merilo | - | Ex-Officio SP Member/
SK Provincial Fed. President |
| Hon. Chiqui Ruth C. Uy | - | Ex Officio SP Member/
PCL Provl. President |

ABSENT:

- | | | |
|---------------------|---|--|
| Hon. Gina E. Merilo | - | 1 st District Board Member
(On Sick Leave) |
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CERTIFIED PHOTO-COPY
 DATE FEB 10 2022
 BY MA. VILMA T. RAMIGUEZ
 10-11
 sp-lyte

RESOLUTION NO. 2020-261

A RESOLUTION APPROVING ON THIRD AND FINAL READING, PROVINCIAL ORDINANCE NO. 2020-08, ENTITLED: "AN ORDINANCE PROHIBITING ANY PERSON FROM COMMITTING ANY ACT WHICH CAUSES STIGMA, DISGRACE, SHAME, HUMILIATION, HARASSMENT OR OTHERWISE DISCRIMINATING AGAINST A PERSON CONFIRMED TO HAVE OR HAVE HAD, PROBABLY AFFLICTED BY, OR SUSPECTED OF HAVING THE COVID-19 DISEASE, 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, FRONTLINE WORKERS, AND IMPOSING THE APPROPRIATE PENALTIES THEREIN", OTHERWISE KNOWN AS THE "PROVINCIAL ANTI - COVID-19 DISCRIMINATION ORDINANCE OF 2020"; AUTHORED BY THE HONORABLE VICE GOVERNOR, ATTY. CARLO P. LORETO, ATTY. ANNA VICTORIA VELOSO-TUAZON, ATTY. FLORANTE A. CAYUNDA, JR. AND HONORABLE RAISSA J. VILLASIN.

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WHEREAS, on March 9, 2020, President Rodrigo Duterte issued Proclamation No. 922, declaring a State of Public Health Emergency throughout the Philippines due to the Corona Virus Disease 2019 (COVID-19) noting that the Code Alert System for COVID-19 having been raised to Code Red Sub-Level Two (2) in accordance with the recommendation of the Department of Health (DOH) and the Inter-Agency Task Force for Emerging Infectious Diseases (IATF), and Presidential Proclamation No. 929, Series of 2020 was subsequently issued declaring a State of Calamity throughout the Philippines due to Covid-19;

WHEREAS, as of April 16, 2020, there have been five thousand six hundred sixty (5,660) confirmed cases of the COVID-19 in the Philippines, with four hundred thirty five (435) recoveries and three hundred sixty two (362) deaths recorded;

WHEREAS, with the emergence and continued spread of COVID-19, public stigma formed against persons who have contracted, are suspected of, probably afflicted with, or had recovered from the COVID-19 disease, Patients Under Investigation (PUIs), Persons Under Monitoring (PUM) or are exposed to those suffering from the disease by proximity, profession, or affiliation, giving rise to harmful stereotypes, contributing to concealment of real information for fear of triggering protocol, or preventing people from immediately seeking health care and adopting healthy behavior;

WHEREAS, the Department of Health (DOH) recently warned the public against discrimination of persons probably afflicted with, suspected of, or confirmed to have contracted COVID-19, including health workers and frontline workers in the battle against the rapidly spreading COVID-19, stressing that while the human instinct for self-preservation permeates in a " world confronted with a virus with little information known... we must not allow hysteria and paranoia to result in irrational treatment of people";

WHEREAS, there have been several reported incidents of undue deprivation or denial of access to food, housing, transportation, and basic services suffered by those suspected to be, probably afflicted with, or confirmed to be suffering from COVID-19, as well as those whose profession, proximity to, or affiliation with those afflicted by COVID-19 create a perceived danger of spreading the COVID-19 disease, perpetuated by false and inaccurate social media posts spreading names of people alleged to have been infected with COVID-19, urging the recipients to check if they had contact with those listed, in contravention of the Data Privacy Act, the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act, the Bayanihan to Heal as One Act, and the Cybercrime Prevention Act;

WHEREAS, considering the gravity of the situation, there is an urgent need for the Province of Leyte to combat this pervasive stigmatization, bring normalcy and order amidst the crisis, and protect its Frontline Workers, Health Workers, and its constituency from unjust discrimination, abuse, and violence brought on by misinformation, chaos, panic, anarchy, hysteria, fear, and confusion;

WHEREAS, it is during these trying times that families who are affected by this pandemic suffer severe anxiety and social humiliation, making it imperative for the Provincial Government of Leyte to act as *parens patriae* by protecting Health Workers and Frontline Workers, and creating an atmosphere of compassion, empathy and respect enabling them to perform their duties and responsibilities without fear of violence, discrimination and abuse, so they can service affected constituents in need of protection from a virus that can inflict any person regardless of race, age, sex or social standing;

WHEREAS, on 1 April 2020, Governor Leopoldo Dominico L. Petilla passed Executive Order No. 03-2020-03-B enhancing the implementation of Mandatory Precautionary Measures against COVID-19, identifying, by way of exception, the Authorized Persons Outside Residence (APOR) who are allowed to travel within the Province of Leyte, provided identification card or employment certificate is presented upon request;

WHEREAS, Department of Health Administrative Order No. 2020-013 has amended the COVID-19 decision classification tools from Patients Under Investigation (PUI) or Persons Under Monitoring (PUM) to Suspect, Probable, and Confirmed COVID-19 cases in accordance with World Health Organization (WHO) interim guidelines on global surveillance for COVID-19;

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WHEREAS, the 1987 Philippine Constitution under Article III, Section 1 provides that every person has the right to life, liberty, security of person and privacy and the right to be free from discrimination, while Article II, Section 11 emphasizes the State policy valuing the dignity of every person and guarantee of full respect for human rights;

WHEREAS, the Sangguniang Panlalawigan of the Province of Leyte is authorized to adopt measures to protect the inhabitants of the province from the harmful effects of calamities, and provide assistance, and enact ordinances for the general welfare of the Province and its inhabitants, pursuant to Section 16 of the Local Government Code (LGC), and Section 468 (1) (iv) of the LGC;

NOW THEREFORE, on motion of Honorable Ranulfo S. Abellanosa, duly seconded by Hon. Nolie C. Caña, be it

RESOLVED to enact, as it is hereby **ENACTED** on third and final reading, the following:

ORDINANCE NO. 2020-08
Series of 2020

AUTHORS : ATTY. CARLO P. LORETO
ATTY. ANNA VICTORIA VELOSO-TUAZON
HON. RAISSA J. VILLASIN
ATTY. FLORANTE A. CAYUNDA JR.

CO-AUTHORS: HON. RANULFO S. ABELLANOSA
HON. GINA E. MERILO
HON. TRINIDAD G. APOSTOL
HON. MA. CORAZON E. REMANDABAN
HON. MARIA CARMEN JEAN TORRES-RAMA
HON. MESIAS P. AREVALO
HON. EMMANUEL L. GACIS
HON. CHIQUI RUTH C. UY
HON. NOLIE C. CAÑA
HON. JO VANILLE CHUA-MERILO

"AN ORDINANCE PROHIBITING ANY PERSON FROM COMMITTING ANY ACT WHICH CAUSES STIGMA, DISGRACE, SHAME, HUMILIATION, HARASSMENT OR OTHERWISE DISCRIMINATING AGAINST A PERSON CONFIRMED TO HAVE OR HAVE HAD, PROBABLY AFFLICTED BY, OR SUSPECTED OF HAVING THE COVID-19 DISEASE, 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, FRONTLINE WORKERS, AND IMPOSING THE APPROPRIATE PENALTIES THEREIN", OTHERWISE KNOWN AS THE "PROVINCIAL ANTI - COVID-19 DISCRIMINATION ORDINANCE OF 2020"

Be it ordained by the Sangguniang Panlalawigan of Leyte, that:

ARTICLE I

TITLE, POLICY, PRINCIPLES AND DEFINITION OF TERMS

SECTION 1. SHORT TITLE - This Ordinance shall be known as "Provincial Anti Covid-19 Discrimination Ordinance of 2020".

SECTION 2. DECLARATION OF POLICY. It is hereby declared a policy of the Province of Leyte to ensure equality among all sectors of society, including the protection of persons as human beings, regardless of their religion or faith, physical condition, age, social or economic status, gender, and establish a society of equal and fair protection for all and the elimination of all forms of discrimination that violate their rights as provided under the Philippine Constitution and other existing laws.



This policy shall be read within the context of the General Welfare Clause authorizing the Province of Leyte to protect the health and safety, prosperity, morals, peace, good order, comfort, and convenience of its constituents and the protection of their property. This Ordinance shall likewise be read in light of the limitations, prohibitions, and restrictions under the Bayanihan To Heal As One Act (R.A. 11469) and its Implementing Rules and Regulations, other relevant national laws and local ordinances, Executive Orders issued by the Local Chief Executives of the Province of Leyte, and relevant protocols, guidelines, and rules issued by the State through the Department of Health, the IATF-EID, or authorized agencies of the government relative to the COVID-19 pandemic and containing the spread of the COVID – 19 disease.

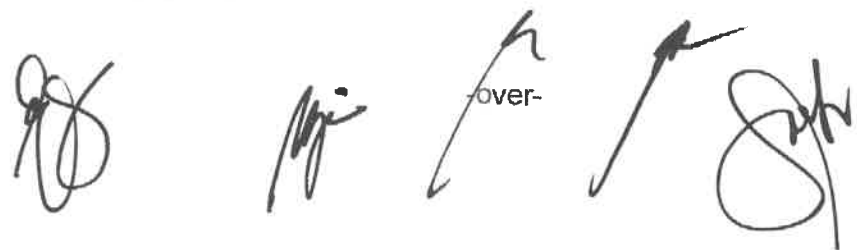
Notwithstanding the issuance of Administrative Order No. 2020-0013 of the Department of Health which replaced the initial classification of Patients Under Investigation (PUI) and Persons Under Monitoring (PUM) to Suspect, Probable and Confirmed, it shall be the continuing policy of the Province to strictly monitor, quarantine, or isolate those persons who have been previously identified by their respective barangays as PUMs, even if they do not show any symptoms of COVID-19.

SECTION 3. DEFINITION OF TERMS.

1. **Discrimination** refers to any derogatory distinction, or any act or omission which unduly withholds, excludes, restricts, curtails, impairs, or otherwise makes more difficult the access to services, goods, benefits, or privileges, where the right or access to which is not otherwise withheld, prohibited, or restricted by relevant protocols, guidelines, and rules issued by the State through the Department of Health, the Inter-agency Task Force for Emerging Infectious Diseases (IATF-EID), and such other authorized agencies of the government relative to measures against the COVID-19 pandemic. It shall include any act that causes or tends to cause any stigma, disgrace, shame, humiliation, harassment, or discrimination against (a) an individual confirmed to have, afflicted by, suspected of having, or who had the COVID – 19 disease, (b) a Frontline Worker, (c) a Health Worker, or (d) anyone whose exposure to individuals confirmed to have or recovered from, afflicted by, suspected of having, the COVID – 19 disease, by reason of profession, affiliation, ethnicity, religion, or similar distinction, has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons of equal footing of all rights and freedoms in the political, economic, social, cultural, civil or any other field.
2. **Frontline Worker or Frontliner** refers to persons, whether in the public or private sector, who are required or allowed to leave their physical residence in order to report for or go to work during the period of community quarantine, enhanced community quarantine, and/or community lockdown, in order to render frontline, critical, and other essential services. They include (a) officers and members of the Philippine National Police (PNP), Armed Forces of the Philippines (AFP), Philippine Coast Guard (PCG), Local Disaster Risk Reduction and Management Council officials, and instrumentalities of the government rendering emergency frontline services, (b) Authorized Persons Outside Residence as identified in Executive Order No. 03-2020-03-B, in the conduct of their duty, and provided they present their identification card or employment certificate upon request, (c) Border control government officials and other critical service providers, as well as their support staff, including the Governor, Vice-Governor, Provincial Board Members, Mayors, Vice-Mayors and City/Municipal Councilors in the conduct of their duties, and (d) service workers who are working in private establishments 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, telecommunications and water supplies and other related facilities.



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3. **Health Workers** are (a) those rendering medical services or performing emergency response and identified as Authorized Persons Outside Residence under Section 3.B (1) and (3) of Executive Order No. 03-2020-03-B, in the conduct of their duty, and provided they present their identification card or employment certificate upon request, and (b) those who deliver care and services to the sick and ailing, either directly or indirectly, including, among others, doctors, nurses, hospital and clinic aides, and laboratory technicians.
4. **Persons Confirmed to Have, Probably Affected by, or Suspected of Having, or Who Recovered From the COVID – 19 Disease, and Persons Under Monitoring** are (a) those defined by the protocols and guidelines of the Department of Health, (b) those specified in Department of Health Administrative Order No. 2020-013 as amending the COVID-19 decision classification tools from Patients Under Investigation (PUI) or Persons Under Monitoring (PUM) to Suspect, Probable, and Confirmed COVID-19 cases in accordance with World Health Organization (WHO) interim guidelines on global surveillance for COVID-19, (c) Patients being transported by ambulance to or through cities or municipalities, and who may have, are Probably Affected by or Suspected of Having COVID-19 Disease notwithstanding the absence of documentary evidence of said COVID-19 classification, (d) Patients who recovered from the COVID-19 Disease, and (e) Filipino citizens returning from work abroad or repatriated from a COVID-19 affected country, classified accordingly.

SECTION 4. UNLAWFUL ACTS. - It shall be unlawful for any person, whether natural or juridical, to discriminate against the following persons: (1) a Frontline Worker, (2) a Health Worker, (3) a Person Confirmed to Have, is Probably Affected by, is Suspected to Have, or who recovered from the COVID-19 Disease, and Persons Under Monitoring (PUMs), and (4) anyone whose exposure, by reason of profession, affiliation, ethnicity, religion, or similar distinction, to individuals confirmed to have or have recovered from, afflicted by, suspected of having, the COVID – 19 disease, by curtailing or impairing their right, preventing them from exercising a right, or withholding access to services, goods, benefits, or privileges, where their exercise of such right and access to services, goods, benefits, or privileges, are not otherwise withheld, prohibited, or restricted by the Bayanihan To Heal As One Act (R.A. 11469) and its Implementing Rules and Regulations, by other relevant national laws and local ordinances, by Executive Orders issued by the Local Chief Executives of the Province of Leyte, and by relevant protocols, guidelines, and rules issued by the State through the Department of Health, the IATF-EID, or authorized agencies of the government relative to the COVID-19 pandemic. These unlawful acts shall include the following, which cause or tend to cause stigma, disgrace, shame, humiliation, embarrassment, or harassment, to wit:

- a) Unwarranted denial of access or refusal of admission to public markets, supermarkets, groceries, banks, pharmacies, and other establishments providing basic or essential necessities, or areas thereof, if such establishment or the areas concerned are otherwise open and accessible to the general public.
- b) Unwarranted refusal to provide services or goods that are otherwise available to the general public.
- c) Unwarranted denial of access to, or use of, hospitals, medical facilities, clinics, and other establishments, facilities, utilities, or services, otherwise open or available to the general public.
- d) Unnecessarily requiring the undertaking of any extra step, measure, or procedure before providing services or goods, not otherwise required to be observed by members of the general public, as a deterrent to the provision of the services or goods sought.

- e) Unwarranted refusal or denial of access, by reason of exposure, profession, or COVID-19 classification, to housing, usual accommodation, place of residence or domicile, or availment of quarters or accommodation in a house, apartment, condominium, townhouse, flat, hotel, inn, dormitory, or any place of dwelling being rented out or offered to the public, by reason of his or her exposure, profession, or COVID – 19 classification.
- f) Eviction or undue pressure exerted to deprive or prevent access to housing or entry into his or her quarters or accommodation in a house, apartment, condominium, townhouse, flat, hotel, inn, dormitory, or any place of dwelling, by reason of his or her exposure, profession, or COVID-19 classification.
- g) Acts of humiliation, ridicule, insult, embarrassment, or harassment, whether verbal, physical, or in writing, which demeans the dignity and self-respect, including posting or sending of messages in social media applications, by reason of such individual's exposure, profession, job, position, occupation, affiliation, ethnicity, religion, or COVID-19 classification.
- h) Other analogous acts which demean the dignity and self-respect, or which cause any form of discrimination, harassment, and abuse.
- i) Denial of access to food, housing, transportation, health institutions, or basic services, by preventing or disallowing the entry and/or passage through checkpoints to or through cities or municipalities for the availment of food, housing, transportation, health needs, or basic services.
- j) Discrimination against another by reason of the latter's association or relation with a person classified as Person Under Monitoring, Suspect, Probable, or Confirmed to have the COVID-19 disease, or has recovered therefrom.
- k) Unauthorized disclosure of personal information or identity, or denial of confidentiality of COVID-19 status by any person who shall publicly claim, post on social medial, spread, or announce, that a person is confirmed to have, is probably afflicted by, is suspected of having, or has recovered from the COVID-19 Disease, whether or not the same has been confirmed or validated from the list given by the authorized proper health officials, agency or department, except when the patient concerned has waived his or her right to privacy and for purposes of contract tracing and other medical purposes.

If any public officer refuses or fails to give assistance to (1) a Frontline Worker, (2) a Health Worker, (3) a Person Confirmed to Have or recovered from, is Probably Affected by, or is Suspected to Have the COVID-19 Disease, or a Person Under Monitoring, (4) anyone whose exposure, by reason of profession, affiliation, ethnicity, religion, or similar distinction, to individuals confirmed to have or have recovered from, afflicted by, suspected of having, the COVID – 19 disease, or (5) a Person who intends to return to his place of residence or domicile after obtaining clearance of the COVID-19 infection from the proper health officials, he/she shall be equally liable under this Section.

If a public officer publicly discloses the identity or personal data of a person confirmed to have, is probably afflicted by, is suspected of having, or has recovered from COVID-19 disease, or a Person Under Monitoring, or spreads or announces such, regardless of whether or not the same has been confirmed or validated from the list given by authorized proper health officials, agency or department, EXCEPT when the patient concerned waived his/her right to privacy and for purposes of contact tracing and other medical purposes, the penalty imposed shall be in its maximum and can also be a ground for filing of an administrative case against said official.

SECTION 5. PERSONS LIABLE. Any person, natural or juridical, who commits any of the unlawful acts proscribed herein shall be criminally liable hereunder, Provided that the owner, manager, supervisor, or any officer in charge of the store, facilities, establishments, dormitory, condominium, hotels, inn, apartments, and any such establishment guilty of the unlawful act of discrimination shall be liable separately and to the same extent as the direct perpetrator if they ordered, consented to, allowed, or failed to take action to prevent such discrimination.

SECTION 6. CONSTRUCTION. Nothing in this Ordinance shall be construed as defeating, qualifying, modifying, or superseding in any way, manner, or extent the guidelines, rules, and protocols issued by the Department of Health, by the IATF-EID, or by authorized agencies of the Government on the proper handling, procedure, and management response for PUIs, PUMs, and persons found afflicted with or undergoing treatment for or have recovered from the COVID-19 virus.

SECTION 7. PENALTIES. – Any person caught in violation of Section 4 hereof shall be fined with Five Thousand Pesos (Php5,000.00) or imprisonment not exceeding one (1) year for each act, or both, at the discretion of the court. If the offender is a public officer, the maximum penalty herein shall be imposed

Juridical Person – If committed by a juridical person, the employer, owner, manager, supervisor, or officer in charge as provided in Section 5 hereof, shall be held subsidiarily liable for the fine imposed upon the direct perpetrator for violation of this ordinance.

The foregoing penalties shall be imposed without prejudice to administrative, criminal, and civil sanctions for acts of discrimination such as coercion, libel, slander, and physical injuries punishable under applicable law.

SECTION 8. MECHANISMS FOR REPORTING AND REDRESS OF GRIEVANCES. Any Unlawful Act complained of shall be investigated and prosecuted with the assistance of the Philippine National Police, the respective Inter Agency Task Force, the National Bureau of Investigation, the Public Attorney's Office, the Prosecutor's Office, the Department of Justice Action Center, or directly with the Office of the Secretary of Justice.

ARTICLE II

FINAL PROVISIONS

SECTION 9. SEPARABILITY CLAUSE. - If, for any reason or reasons, any part or provision of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof, which are not affected thereby, shall continue to be in full force and effect.

SECTION 10. REPEALING CLAUSE. All ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.


SECTION 11. EFFECTIVITY. This Ordinance shall take effect immediately upon its publication in a local newspaper of general circulation and its posting in the Bulletin Board at the entrance of the Provincial Capitol, Sangguniang Panlalawigan, and in at least two other conspicuous places.

PASSED AND ENACTED on April 18, 2020 by the Sangguniang Panlalawigan in session assembled.

Approved unanimously.

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I HEREBY CERTIFY to the correctness of the foregoing resolution.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

ATTESTED

HON. GINA E. MERILO
Sangguniang Panlalawigan Member
(On Sick Leave)


HON. RANULFO S. ABELLANOSA
Sangguniang Panlalawigan Member

HON. TRINIDAD G. APOSTOL
Sangguniang Panlalawigan Member


HON. RAISSA J. VILLASIN
Sangguniang Panlalawigan Member

HON. MA. CORAZON E. REMANDABAN
Sangguniang Panlalawigan Member

HON. ANNA VICTORIA M. VELOSO-TUAZON
Sangguniang Panlalawigan Member



HON. MESIAS P. AREVALO
Sangguniang Panlalawigan Member


HON. MARIA CARMEN JEAN TORRES-RAMA
Sangguniang Panlalawigan Member


ATTY. FLORANTE A. CAYUNDA JR.
Sangguniang Panlalawigan Member


HON. EMMANUEL L. GACIS
Sangguniang Panlalawigan Member


HON. NOLIE C. CAÑA
Sangguniang Panlalawigan Member


HON. CHIQUI RUTH C. UY
Sangguniang Panlalawigan Member


HON. JO VANILLE CHUA-MERILO
Sangguniang Panlalawigan Member

ATTY. CARLO P. LORETO
Vice Governor and Presiding Officer

Approved:


LEOPOLDO DOMINICO L. PETILLA
Governor

FILE
SP RESOLUTIONS SECTION



Republic of the Philippines
Province of Leyte
Tacloban City
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF THE 36th REGULAR SESSION HELD BY THE SANGGUNIANG PANLALAWIGAN OF LEYTE, AT THE SESSION HALL, LEGISLATIVE BUILDING, PROVINCIAL CAPITOL GROUNDS, TACLOBAN CITY, LEYTE ON April 18, 2020.

PHYSICALLY PRESENT:

- Atty. Carlo P. Loreto - Vice-Governor/Presiding Officer
- Hon. Nolie C. Caña - Ex Officio SP Member/
LnBP Provl. President

VIRTUALLY PRESENT:

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- Hon. Chiqui Ruth C. Uy - Ex Officio SP Member/
PCL Provl. President

ABSENT:

- Hon. Gina E. Merilo - 1st District Board Member
(On Sick Leave)

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WHEREAS, the Department of Health (DOH) recently warned the public against discrimination of persons probably afflicted with, suspected of, or confirmed to have contracted COVID-19, including health workers and frontline workers in the battle against the rapidly spreading COVID-19, stressing that while the human instinct for self-preservation permeates in a " world confronted with a virus with little information known... we must not allow hysteria and paranoia to result in irrational treatment of people";

WHEREAS, there have been several reported incidents of undue deprivation or denial of access to food, housing, transportation, and basic services suffered by those suspected to be, probably afflicted with, or confirmed to be suffering from COVID-19, as well as those whose profession, proximity to, or affiliation with those afflicted by COVID-19 create a perceived danger of spreading the COVID-19 disease, perpetuated by false and inaccurate social media posts spreading names of people alleged to have been infected with COVID-19, urging the recipients to check if they had contact with those listed, in contravention of the Data Privacy Act, the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act, the Bayanihan to Heal as One Act, and the Cybercrime Prevention Act;

WHEREAS, considering the gravity of the situation, there is an urgent need for the Province of Leyte to combat this pervasive stigmatization, bring normalcy and order amidst the crisis, and protect its Frontline Workers, Health Workers, and its constituency from unjust discrimination, abuse, and violence brought on by misinformation, chaos, panic, anarchy, hysteria, fear, and confusion;


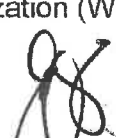
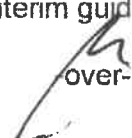
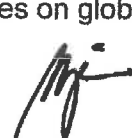

WHEREAS, it is during these trying times that families who are affected by this pandemic suffer severe anxiety and social humiliation, making it imperative for the Provincial Government of Leyte to act as *parens patriae* by protecting Health Workers and Frontline Workers, and creating an atmosphere of compassion, empathy and respect enabling them to perform their duties and responsibilities without fear of violence, discrimination and abuse, so they can service affected constituents in need of protection from a virus that can inflict any person regardless of race, age, sex or social standing;

WHEREAS, on 1 April 2020, Governor Leopoldo Dominico L. Petilla passed Executive Order No. 03-2020-03-B enhancing the implementation of Mandatory Precautionary Measures against COVID-19, identifying, by way of exception, the Authorized Persons Outside Residence (APOR) who are allowed to travel within the Province of Leyte, provided identification card or employment certificate is presented upon request;

WHEREAS, Department of Health Administrative Order No. 2020-013 has amended the COVID-19 decision classification tools from Patients Under Investigation (PUI) or Persons Under Monitoring (PUM) to Suspect, Probable, and Confirmed COVID-19 cases in accordance with World Health Organization (WHO) interim guidelines on global surveillance for COVID-19;





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WHEREAS, the 1987 Philippine Constitution under Article III, Section 1 provides that every person has the right to life, liberty, security of person and privacy and the right to be free from discrimination, while Article II, Section 11 emphasizes the State policy valuing the dignity of every person and guarantee of full respect for human rights;

WHEREAS, the Sangguniang Panlalawigan of the Province of Leyte is authorized to adopt measures to protect the inhabitants of the province from the harmful effects of calamities, and provide assistance, and enact ordinances for the general welfare of the Province and its inhabitants, pursuant to Section 16 of the Local Government Code (LGC), and Section 468 (1) (iv) of the LGC;

NOW THEREFORE, on motion of Honorable Ranulfo S. Abellanos, duly seconded by Hon. Nolie C. Caña, be it

RESOLVED to enact, as it is hereby **ENACTED** on third and final reading, the following:

ORDINANCE NO. 2020-08
Series of 2020

AUTHORS : ATTY. CARLO P. LORETO
ATTY. ANNA VICTORIA VELOSO-TUAZON
HON. RAISSA J. VILLASIN
ATTY. FLORANTE A. CAYUNDA JR.

CO-AUTHORS: HON. RANULFO S. ABELLANOSA
HON. GINA E. MERILO
HON. TRINIDAD G. APOSTOL
HON. MA. CORAZON E. REMANDABAN
HON. MARIA CARMEN JEAN TORRES-RAMA
HON. MESIAS P. AREVALO
HON. EMMANUEL L. GACIS
HON. CHIQUI RUTH C. UY
HON. NOLIE C. CAÑA
HON. JO VANILLE CHUA-MERILO

"AN ORDINANCE PROHIBITING ANY PERSON FROM COMMITTING ANY ACT WHICH CAUSES STIGMA, DISGRACE, SHAME, HUMILIATION, HARASSMENT OR OTHERWISE DISCRIMINATING AGAINST A PERSON CONFIRMED TO HAVE OR HAVE HAD, PROBABLY AFFLICTED BY, OR SUSPECTED OF HAVING THE COVID-19 DISEASE, 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, FRONTLINE WORKERS, AND IMPOSING THE APPROPRIATE PENALTIES THEREIN", OTHERWISE KNOWN AS THE "PROVINCIAL ANTI - COVID-19 DISCRIMINATION ORDINANCE OF 2020"

Be it ordained by the Sangguniang Panlalawigan of Leyte, that:

ARTICLE I

TITLE, POLICY, PRINCIPLES AND DEFINITION OF TERMS

SECTION 1. SHORT TITLE - This Ordinance shall be known as "Provincial Anti Covid-19 Discrimination Ordinance of 2020".

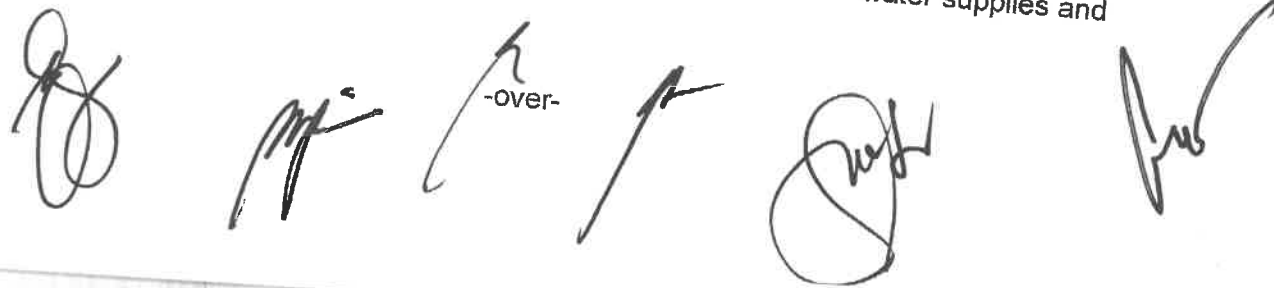
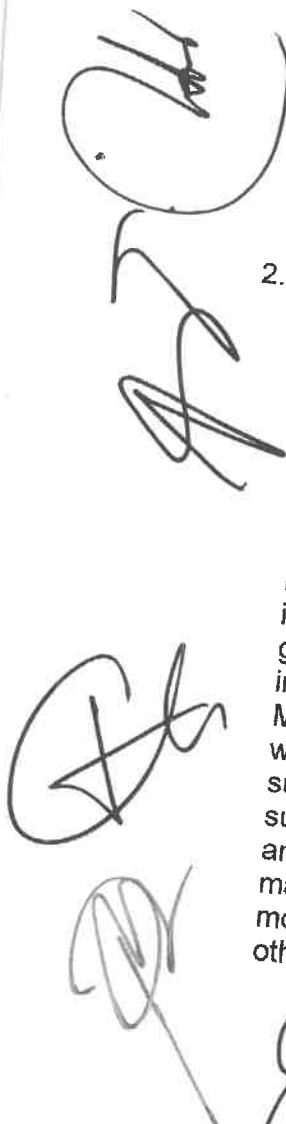
SECTION 2. DECLARATION OF POLICY. It is hereby declared a policy of the Province of Leyte to ensure equality among all sectors of society, including the protection of persons as human beings, regardless of their religion or faith, physical condition, age, social or economic status, gender, and establish a society of equal and fair protection for all and the elimination of all forms of discrimination that violate their rights as provided under the Philippine Constitution and other existing laws.

This policy shall be read within the context of the General Welfare Clause authorizing the Province of Leyte to protect the health and safety, prosperity, morals, peace, good order, comfort, and convenience of its constituents and the protection of their property. This Ordinance shall likewise be read in light of the limitations, prohibitions, and restrictions under the Bayanihan To Heal As One Act (R.A. 11469) and its Implementing Rules and Regulations, other relevant national laws and local ordinances, Executive Orders issued by the Local Chief Executives of the Province of Leyte, and relevant protocols, guidelines, and rules issued by the State through the Department of Health, the IATF-EID, or authorized agencies of the government relative to the COVID-19 pandemic and containing the spread of the COVID - 19 disease.

Notwithstanding the issuance of Administrative Order No. 2020-0013 of the Department of Health which replaced the initial classification of Patients Under Investigation (PUI) and Persons Under Monitoring (PUM) to Suspect, Probable and Confirmed, it shall be the continuing policy of the Province to strictly monitor, quarantine, or isolate those persons who have been previously identified by their respective barangays as PUMs, even if they do not show any symptoms of COVID-19.

SECTION 3. DEFINITION OF TERMS.

- 1. Discrimination** refers to any derogatory distinction, or any act or omission which unduly withholds, excludes, restricts, curtails, impairs, or otherwise makes more difficult the access to services, goods, benefits, or privileges, where the right or access to which is not otherwise withheld, prohibited, or restricted by relevant protocols, guidelines, and rules issued by the State through the Department of Health, the Inter-agency Task Force for Emerging Infectious Diseases (IATF-EID), and such other authorized agencies of the government relative to measures against the COVID-19 pandemic. It shall include any act that causes or tends to cause any stigma, disgrace, shame, humiliation, harassment, or discrimination against (a) an individual confirmed to have, afflicted by, suspected of having, or who had the COVID - 19 disease, (b) a Frontline Worker, (c) a Health Worker, or (d) anyone whose exposure to individuals confirmed to have or recovered from, afflicted by, suspected of having, the COVID - 19 disease, by reason of profession, affiliation, ethnicity, religion, or similar distinction, has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons of equal footing of all rights and freedoms in the political, economic, social, cultural, civil or any other field.
- 2. Frontline Worker or Frontliner** refers to persons, whether in the public or private sector, who are required or allowed to leave their physical residence in order to report for or go to work during the period of community quarantine, enhanced community quarantine, and/or community lockdown, in order to render frontline, critical, and other essential services. They include (a) officers and members of the Philippine National Police (PNP), Armed Forces of the Philippines (AFP), Philippine Coast Guard (PCG), Local Disaster Risk Reduction and Management Council officials, and instrumentalities of the government rendering emergency frontline services, (b) Authorized Persons Outside Residence as identified in Executive Order No. 03-2020-03-B, in the conduct of their duty, and provided they present their identification card or employment certificate upon request, (c) Border control government officials and other critical service providers, as well as their support staff, including the Governor, Vice-Governor, Provincial Board Members, Mayors, Vice-Mayors and City/Municipal Councilors in the conduct of their duties, and (d) service workers who are working in private establishments 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, telecommunications and water supplies and other related facilities.



3. **Health Workers** are (a) those rendering medical services or performing emergency response and identified as Authorized Persons Outside Residence under Section 3.B (1) and (3) of Executive Order No. 03-2020-03-B, in the conduct of their duty, and provided they present their identification card or employment certificate upon request, and (b) those who deliver care and services to the sick and ailing, either directly or indirectly, including, among others, doctors, nurses, hospital and clinic aides, and laboratory technicians.
4. **Persons Confirmed to Have, Probably Affected by, or Suspected of Having, or Who Recovered From the COVID – 19 Disease, and Persons Under Monitoring** are (a) those defined by the protocols and guidelines of the Department of Health, (b) those specified in Department of Health Administrative Order No. 2020-013 as amending the COVID-19 decision classification tools from Patients Under Investigation (PUI) or Persons Under Monitoring (PUM) to Suspect, Probable, and Confirmed COVID-19 cases in accordance with World Health Organization (WHO) interim guidelines on global surveillance for COVID-19, (c) Patients being transported by ambulance to or through cities or municipalities, and who may have, are Probably Affected by or Suspected of Having COVID-19 Disease notwithstanding the absence of documentary evidence of said COVID-19 classification, (d) Patients who recovered from the COVID-19 Disease, and (e) Filipino citizens returning from work abroad or repatriated from a COVID-19 affected country, classified accordingly.

SECTION 4. UNLAWFUL ACTS. - It shall be unlawful for any person, whether natural or juridical, to discriminate against the following persons: (1) a Frontline Worker, (2) a Health Worker, (3) a Person Confirmed to Have, is Probably Affected by, is Suspected to Have, or who recovered from the COVID-19 Disease, and Persons Under Monitoring (PUMs), and (4) anyone whose exposure, by reason of profession, affiliation, ethnicity, religion, or similar distinction, to individuals confirmed to have or have recovered from, afflicted by, suspected of having, the COVID – 19 disease, by curtailing or impairing their right, preventing them from exercising a right, or withholding access to services, goods, benefits, or privileges, where their exercise of such right and access to services, goods, benefits, or privileges, are not otherwise withheld, prohibited, or restricted by the Bayanihan To Heal As One Act (R.A. 11469) and its Implementing Rules and Regulations, by other relevant national laws and local ordinances, by Executive Orders issued by the Local Chief Executives of the Province of Leyte, and by relevant protocols, guidelines, and rules issued by the State through the Department of Health, the IATF-EID, or authorized agencies of the government relative to the COVID-19 pandemic. These unlawful acts shall include the following, which cause or tend to cause stigma, disgrace, shame, humiliation, embarrassment, or harassment, to wit:

- a) Unwarranted denial of access or refusal of admission to public markets, supermarkets, groceries, banks, pharmacies, and other establishments providing basic or essential necessities, or areas thereof, if such establishment or the areas concerned are otherwise open and accessible to the general public.
- b) Unwarranted refusal to provide services or goods that are otherwise available to the general public.
- c) Unwarranted denial of access to, or use of, hospitals, medical facilities, clinics, and other establishments, facilities, utilities, or services, otherwise open or available to the general public.
- d) Unnecessarily requiring the undertaking of any extra step, measure, or procedure before providing services or goods, not otherwise required to be observed by members of the general public, as a deterrent to the provision of the services or goods sought.

- e) Unwarranted refusal or denial of access, by reason of exposure, profession, or COVID-19 classification, to housing, usual accommodation, place of residence or domicile, or availment of quarters or accommodation in a house, apartment, condominium, townhouse, flat, hotel, inn, dormitory, or any place of dwelling being rented out or offered to the public, by reason of his or her exposure, profession, or COVID - 19 classification.
- f) Eviction or undue pressure exerted to deprive or prevent access to housing or entry into his or her quarters or accommodation in a house, apartment, condominium, townhouse, flat, hotel, inn, dormitory, or any place of dwelling, by reason of his or her exposure, profession, or COVID-19 classification.
- g) Acts of humiliation, ridicule, insult, embarrassment, or harassment, whether verbal, physical, or in writing, which demeans the dignity and self-respect, including posting or sending of messages in social media applications, by reason of such individual's exposure, profession, job, position, occupation, affiliation, ethnicity, religion, or COVID-19 classification.
- h) Other analogous acts which demean the dignity and self-respect, or which cause any form of discrimination, harassment, and abuse.
- i) Denial of access to food, housing, transportation, health institutions, or basic services, by preventing or disallowing the entry and/or passage through checkpoints to or through cities or municipalities for the availment of food, housing, transportation, health needs, or basic services.
- j) Discrimination against another by reason of the latter's association or relation with a person classified as Person Under Monitoring, Suspect, Probable, or Confirmed to have the COVID-19 disease, or has recovered therefrom.
- k) Unauthorized disclosure of personal information or identity, or denial of confidentiality of COVID-19 status by any person who shall publicly claim, post on social media, spread, or announce, that a person is confirmed to have, is probably afflicted by, is suspected of having, or has recovered from the COVID-19 Disease, whether or not the same has been confirmed or validated from the list given by the authorized proper health officials, agency or department, except when the patient concerned has waived his or her right to privacy and for purposes of contract tracing and other medical purposes.

If any public officer refuses or fails to give assistance to (1) a Frontline Worker, (2) a Health Worker, (3) a Person Confirmed to Have or recovered from, is Probably Affected by, or is Suspected to Have the COVID-19 Disease, or a Person Under Monitoring, (4) anyone whose exposure, by reason of profession, affiliation, ethnicity, religion, or similar distinction, to individuals confirmed to have or have recovered from, afflicted by, suspected of having, the COVID - 19 disease, or (5) a Person who intends to return to his place of residence or domicile after obtaining clearance of the COVID-19 infection from the proper health officials, he/she shall be equally liable under this Section.

If a public officer publicly discloses the identity or personal data of a person confirmed to have, is probably afflicted by, is suspected of having, or has recovered from COVID-19 disease, or a Person Under Monitoring, or spreads or announces such, regardless of whether or not the same has been confirmed or validated from the list given by authorized proper health officials, agency or department, EXCEPT when the patient concerned waived his/her right to privacy and for purposes of contact tracing and other medical purposes, the penalty imposed shall be in its maximum and can also be a ground for filing of an administrative case against said official.

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SECTION 5. PERSONS LIABLE. Any person, natural or juridical, who commits any of the unlawful acts proscribed herein shall be criminally liable hereunder, Provided that the owner, manager, supervisor, or any officer in charge of the store, facilities, establishments, dormitory, condominium, hotels, inn, apartments, and any such establishment guilty of the unlawful act of discrimination shall be liable separately and to the same extent as the direct perpetrator if they ordered, consented to, allowed, or failed to take action to prevent such discrimination.

SECTION 6. CONSTRUCTION. Nothing in this Ordinance shall be construed as defeating, qualifying, modifying, or superseding in any way, manner, or extent the guidelines, rules, and protocols issued by the Department of Health, by the IATF-EID, or by authorized agencies of the Government on the proper handling, procedure, and management response for PUIs, PUMs, and persons found afflicted with or undergoing treatment for or have recovered from the COVID-19 virus.

SECTION 7. PENALTIES. – Any person caught in violation of Section 4 hereof shall be fined with Five Thousand Pesos (PhP5,000.00) or imprisonment not exceeding one (1) year for each act, or both, at the discretion of the court. If the offender is a public officer, the maximum penalty herein shall be imposed

Juridical Person – If committed by a juridical person, the employer, owner, manager, supervisor, or officer in charge as provided in Section 5 hereof, shall be held subsidiarily liable for the fine imposed upon the direct perpetrator for violation of this ordinance.

The foregoing penalties shall be imposed without prejudice to administrative, criminal, and civil sanctions for acts of discrimination such as coercion, libel, slander, and physical injuries punishable under applicable law.

SECTION 8. MECHANISMS FOR REPORTING AND REDRESS OF GRIEVANCES. Any Unlawful Act complained of shall be investigated and prosecuted with the assistance of the Philippine National Police, the respective Inter Agency Task Force, the National Bureau of Investigation, the Public Attorney's Office, the Prosecutor's Office, the Department of Justice Action Center, or directly with the Office of the Secretary of Justice.

ARTICLE II

FINAL PROVISIONS

SECTION 9. SEPARABILITY CLAUSE. - If, for any reason or reasons, any part or provision of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof, which are not affected thereby, shall continue to be in full force and effect.

SECTION 10. REPEALING CLAUSE. All ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 11. EFFECTIVITY. This Ordinance shall take effect immediately upon its publication in a local newspaper of general circulation and its posting in the Bulletin Board at the entrance of the Provincial Capitol, Sangguniang Panlalawigan, and in at least two other conspicuous places.

PASSED AND ENACTED on April 18, 2020 by the Sangguniang Panlalawigan in session assembled.

Approved unanimously.

A series of handwritten signatures in black ink, arranged horizontally across the bottom of the page. The signatures vary in style, some being more cursive and others more blocky. There are approximately seven distinct signatures visible.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

ATTESTED

HON. GINA E. MERILO
Sangguniang Panlalawigan Member
(On Sick Leave)


HON. RANULFO S. ABELLANOSA
Sangguniang Panlalawigan Member


HON. TRINIDAD G. APOSTOL
Sangguniang Panlalawigan Member


HON. RAISSA J. VILLASIN
Sangguniang Panlalawigan Member


HON. MA. CORAZON E. REMANDABAN
Sangguniang Panlalawigan Member

HON. ANNA VICTORIA M. VELOSO-TUAZON
Sangguniang Panlalawigan Member


HON. MESIAS P. AREVALO
Sangguniang Panlalawigan Member


HON. MARIA CARMEN JEAN TORRES-RAMA
Sangguniang Panlalawigan Member


ATTY. FLORANTE A. CAYUNDA JR.
Sangguniang Panlalawigan Member


HON. EMMANUEL L. GACIS
Sangguniang Panlalawigan Member


HON. NOLIE C. CAÑA
Sangguniang Panlalawigan Member


HON. CHIQUI RUTH C. UY
Sangguniang Panlalawigan Member


HON. JO VANILLE CAUA-MERILO
Sangguniang Panlalawigan Member


ATTY. CARLO P. LORETO
Vice Governor and Presiding Officer

Approved:


LEOPOLDO DOMINICO L. PETILLA
Governor