



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:

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

VIRTUALLY PRESENT:

- | | | |
|--------------------------------|---|---|
| Hon. Florante A. Cayunda, Jr. | - | Floor Leader |
| Hon. Trinidad G. Apostol | - | 1 st Deputy Floor Leader |
| Hon. Ranulfo S. Abellanosa | - | 2 nd Deputy Floor Leader |
| Hon. Raissa J. Villasin | - | 2 nd District Board Member |
| Hon. Ma. Corazon E. Remandaban | - | 3 rd District Board Member |
| Hon. Anna Victoria V. Tuazon | - | 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 Sangguniang Panlalawigan Member/SK Provincial Fed. President |
| Hon. Chiqui Ruth C. Uy | - | Ex-Officio Sangguniang Panlalawigan Member/PCL President |

ABSENT:

- | | | |
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| 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. Victoria T. Banigueta
 RP-V
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RESOLUTION NO. 2020-264

A RESOLUTION APPROVING ON THIRD AND FINAL READING, PROVINCIAL ORDINANCE NO. 2020-09, ENTITLED: "AN ORDINANCE REQUIRING MANDATORY WEARING OF FACE MASK AT ALL TIMES BY ALL INDIVIDUALS IN PUBLIC PLACES TO CONTAIN AND PREVENT FURTHER TRANSMISSION AND SPREAD OF COVID-19 WITHIN THE TERRITORIAL JURISDICTION OF THE PROVINCE OF LEYTE FOR THE DURATION OF THE STATE OF NATIONAL EMERGENCY AND FOR ANY EXTENSION THEREOF, PROVIDING FOR PENALTIES FOR VIOLATION THEREOF AND PROVIDING FUNDS THEREFORE", OTHERWISE KNOWN AS THE "PROVINCIAL MANDATORY WEARING OF FACE MASK 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, the World Health Organization officially declared the Coronavirus Disease (COVID-19) as a pandemic, due to the rapid increase of cases of infection throughout the entire world, and the sustained risk of further global spread;

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) and the Code Alert System for COVID-19 was 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). Further, Presidential Proclamation No. 929, Series of 2020 was issued declaring a State of Calamity throughout the Philippines due to COVID-19;

WHEREAS, the Proclamation No. 922, which was enacted pursuant to Section 7 of the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act (R.A. 11332) to address COVID-19 threat, necessitates the application of essential provisions under R.A. 11332, which include mandatory reporting, intensified government response and measures, and enforced quarantine and isolation, disease control prevention measures, and the imposition of penalties for prohibited acts, on the premise that a Public Health Emergency is an occurrence of an imminent threat of an illness or health condition, which could pose the high probability of a large number of deaths and widespread exposure to infectious agents;

WHEREAS, cognizant of the rise of COVID-19 Code Alert to Red Sublevel Two (2) in accordance with the recommendation of the Department of Health, President Duterte issued Proclamation No. 929, series of 2020, declaring a State of Calamity throughout the Philippines, and enjoining government agencies and LGUs to render full assistance to and cooperation with each other and mobilize the necessary resources to undertake critical, urgent and appropriate disaster responses and measures in a timely manner to curtail and eliminate the threat of COVID-19;

WHEREAS, Governor Leopoldo Dominico L. Petilla issued Executive Order No. 03-2020-03 as amended by Executive Order No. 03-2020-03-A, and Executive Order No. 03-2020-03-B, on 17 March and 01 April 2020, respectively, placing the entire Province of Leyte under general community quarantine, enhancing the implementation of mandatory precautionary measures against COVID-19 by providing for restrictions in movement of all persons, border controls and checkpoints, suspension/postponement of public gatherings, adoption and enforcement of mandatory wearing of face mask in public places and other safety measures in the workplace and mass public transportation, quarantine and curfew, to contain the spread of COVID-19 and promote, safeguard and protect the health, safety and well-being of the people of Leyte;

WHEREAS, by order of the President of the Philippines, the Office of the Executive Secretary issued Memoranda dated March 13, 16 and 18, 2020, adopting guidelines for the management of the COVID-19 disease, which are hereby adopted by reference, insofar as they relate to a General Community Quarantine (GCQ) where movement of people throughout the Province of Leyte is limited to accessing basic necessities and work, and uniformed personnel and quarantine officers are present at border points, and without prejudice to LGUs within the Province of Leyte adopting an Enhanced Community Quarantine (ECQ) in their respective jurisdictions, and additional qualifications that the Inter-agency Task Force for the Management of Emerging Infectious Diseases (IATF – EID) may subsequently provide;

WHEREAS, the Department of Health (DOH) has issued Interim Guidelines which respond to the need to prevent, contain and mitigate COVID-19 transmission by the observance of personal protection and hygiene, social distancing, and various General Preventive Measures and Pre-emptive Prevention Measures detailed in Department Circular No. 2020- 039 (for all employers and workers to adopt as a COVID-19 Response in workplaces), Department Circular No. 2020-041 (for the administrative offices and checkpoint/convergence point extensions) in

residential communities such as subdivisions and condominiums), Department Circular No. 2020-042 (for schools and educational institutions), and Department Circular No. 2020-043 (for communities, hotels and similar business establishments), all of which are hereby adopted by reference, insofar as they relate to business establishments, institutions, schools, and offices that are temporarily open or remain operational in the Province of Leyte for the duration of the General Community Quarantine or Enhanced Community Quarantine, as the case may be;

WHEREAS, the Land Transportation Franchising and Regulatory Board (LTFRB) issued Memorandum Circular No. 005 series of 2020 setting the guidelines to govern all public utility drivers and conductors and terminal operators in ensuring safe public land transportation because of COVID-19;

WHEREAS, the Department of Interior and Local Government (DILG) issued Memorandum Circular No. 2020-062 containing the suppletory LGU guidelines on the State of Public Health Emergency due to the COVID-19 threat, requiring all LGUs to (a) comply with the guidelines set forth by DOH regarding COVID-19, (b) conform to the various issuances of the National Government relative to the State of Calamity, (c) enforce the prohibition on mass gatherings, and (d) impose upon their constituents the practice of maintaining a distance of at least 1 meter from another individual to reduce the possibility of person-to-person transmission, even as to apparently healthy persons without symptoms ("Social and Physical Distancing") and other personal protective measures involving the maintenance of proper personal hygiene;

WHEREAS, Section 15, Article II of the 1987 Philippine Constitution and Section 16 of the Local Government Code (LGC) charge Local Government Units (LGUs) with the promotion of health and safety within their jurisdictions, thus requiring LGUs to take the lead in the prevention and control of Covid-19 at the local level, and necessitating the adoption of quarantine regulations by the Sangguniang Panlalawigan, as the legislative body of the province, to prevent the introduction and spread of diseases within its territorial jurisdiction, pursuant to Section 468 (a)(4)(v) of the LGC;

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, the Department of Health Eastern Visayas reported as of April 16, 2020, there have been four (4) confirmed cases of COVID-19 in the region, with two (2) recovered and two (2) admitted, and two hundred sixteen (216) suspected patients recorded;

WHEREAS, as of April 16, 2020 there are three (3) suspected COVID-19 cases admitted in hospitals and fifty-nine (59) in home isolation in the Province of Leyte, according to the Department of Health (DOH) Eastern Visayas;

WHEREAS, the ASEAN Post on 13 April 2020 reported that "ASEAN is set to surpass 20,000 Total Cases within the next few hours. In a sign of further troubles for the Southeast Asian region, New Cases crossed the 1,000 mark for the second-day running. Indonesia (316) and the Philippines (284) for the third-day running reported the highest number of New Cases followed by Singapore (233) with the third highest number of New Cases as a result of the migrant workers dormitory spike. Fellow neighbors, Malaysia, Thailand and Vietnam have shown promising signs with diminishing numbers. In terms of New Deaths, Indonesia (26) and the Philippines (18) reported the highest numbers, illustrating that the worst is yet to come for them. On a positive note, 5,077 people have Recovered across the region representing a 25% overall Recovery Rate with Malaysia accounting for 12.5% of that.";

WHEREAS, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF – EID) has adopted a policy of mandatory wearing of face mask in all public places through IATF-MEID Resolution No. 18, dated 1 April 2020;

WHEREAS, the Department of Interior and Local Government (DILG) issued on 09 April 2020 Memorandum Circular 2020-071 encouraging Local Government Units to adopt measures requiring the mandatory wearing of face masks or other protective equipment in public establishments;

WHEREAS, Section 16 of R.A. 7160 (Local Government Code) 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 within their respective territorial jurisdictions, local government units shall ensure and support, among other things the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants";

WHEREAS, the COVID-19 virus spreads primarily through droplets of saliva or discharge from the nose when an infected person coughs or sneezes;

WHEREAS, the Provincial Government of Leyte recognizes the importance of active citizen's participation in its effort to pro-actively respond to prevent and control the local transmission of COVID-19 in the province;

WHEREAS, the Provincial Government of Leyte must require all individuals within its territorial jurisdiction to actively fight the COVID-19 virus by preventing and/or minimizing person-person transmission;

WHEREAS, there is an urgent need to require all individuals within the territorial jurisdiction of the Province of Leyte to wear face mask and exercise stringent physical distancing at all times in all public places to prevent and control the person-person transmission of COVID-19 especially by persons who are asymptomatic but carriers of the disease;

WHEREAS, mandatory wearing of face mask and stringent physical distancing can significantly contribute to flatten the curve:

NOW THEREFORE, on motion of Honorable Florante A. Cayunda, Jr., and duly seconded by Honorable Ranulfo S. Abellanosa, Honorable Trinidad G. Apostol, and Honorable Nolie C. Caña, be it

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

ORDINANCE NO. 2020-09
Series of 2020

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

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

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AN ORDINANCE REQUIRING MANDATORY WEARING OF FACE MASK AT ALL TIMES BY ALL INDIVIDUALS IN PUBLIC PLACES TO CONTAIN AND PREVENT FURTHER TRANSMISSION AND SPREAD OF COVID-19 WITHIN THE TERRITORIAL JURISDICTION OF THE PROVINCE OF LEYTE FOR THE DURATION OF THE STATE OF NATIONAL EMERGENCY AND FOR ANY EXTENSION THEREOF, PROVIDING FOR PENALTIES FOR VIOLATION THEREOF AND PROVIDING FUNDS THEREFORE", OTHERWISE KNOWN AS THE "PROVINCIAL MANDATORY WEARING OF FACE MASK 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 Mandatory Wearing of Face Mask Ordinance of 2020".

SECTION 2. COVERAGE – All persons within the territorial jurisdiction of the Province of Leyte.

SECTION 3. DEFINITION OF TERMS. For purposes of this ordinance, the following terms are defined:

1. **Face Masks** – refers to a protective mask used to cover the nose, mouth and chin with specifications and proper use as recommended by the Department of Health (e.g. surgical masks, medical masks, N95 masks) or any reusable or disposable item made of cloth or any breathable material worn over the nose, mouth and chin which can serve as a protection or barrier against possible infection from COVID-19.
2. **Physical Distancing** – refers to the measure taken to prevent the spread of a contagious disease by maintaining a physical distance between people and reducing the number of times people come into close contact with each other. It involves keeping a distance of a radius of at least one meter from others and avoiding gathering together in large groups.
3. **Public Places** – all places, fixed or mobile, that are accessible or open to the general public; or places for collective use, regardless of ownership or right to access, including but not limited to, schools, work places, government offices and facilities, establishments that provide food and drinks, accommodation, merchandise, professional services, entertainment, and other services. It also includes outdoor spaces where facilities are available for the public or where a crowd of people may gather such as, but not limited to, parks, playgrounds, sports grounds, centers, church grounds, health or hospital compounds, markets, walkways, and waiting areas.

Further, it shall also include public utility or common utility vehicles such as buses and mini buses offering free rides, shuttles and vans that ferry individuals and employees to and from their homes and places of work.

SECTION 4. MANDATORY WEARING OF MASK. All persons within the territorial jurisdiction of the Province of Leyte are required to wear a face mask at all times in any of the following instances, to wit:



- a. Whenever they are in public places, including but not limited to, government and private offices, hospitals, clinics, public markets, public plazas, parks, churches, chapels, shopping malls, groceries, convenience stores, restaurants, *carenderias*, bakeries, drugstores, pharmacies, bus and other transport terminals, and other similar or related places;
- b. Whenever they board or ride public utility vehicles, such as public buses, vans Jeepneys, e-tricycles, tricycles, habal-habal, *trisikad*, and private vehicles be it a four or two-wheeled vehicles driven by machine or manual, bicycles and the like;
- c. Whenever they report to work, wearing of face mask of workers, employees, officers or business owners in every establishments or office should be part of their uniform;

Due to the prevailing shortage of face mask supplies, wearing of improvised masks and other protective equipment, such as indigenous, reusable, homemade or do-it-yourself masks, face shields and handkerchiefs, that can reduce risks of local transmission of the virus shall be allowed.

SECTION 5. STRINGENT PHYSICAL DISTANCING. All persons are mandated to exercise stringent physical distancing of at least one (1) meter radius from other persons during the state of national emergency or while the threat of COVID-19 transmission persists.

SECTION 6. COMPLIANCE IN ALL ESTABLISHMENTS, WHETHER PRIVATE OR PUBLIC, COMMERCIAL OR NON-PROFIT ESTABLISHMENTS. To effectively promote and encourage compliance to this Ordinance, all establishments, whether private or public, commercial or non-profit, that are open to the public and operating in the Province of Leyte shall (i) conspicuously display at or near the entrance of the establishment a signage clearly stating "NO FACE MASK, NO ENTRY pursuant to Provincial Ordinance No. 2020-09", (ii) strictly prohibit entry of any person who is not wearing a face mask or an equivalent thereof into the establishment, and (iii) strictly enforce stringent physical distancing among its clients, customers, occupants, and guests, adapting appropriate methods for the purpose for the duration of the state of national emergency or while the threat of COVID-19 transmission persists.

SECTION 7. RESPONSIBILITY OF INDIVIDUAL PERSONS. It shall be the responsibility of all persons within the territorial jurisdiction of the Province of Leyte to protect themselves and others from infection of COVID-19. It shall be the responsibility of all persons (i) to wear a face mask at all times in all public places, (ii) to require others to wear a face mask, (iii) to properly care for and conscientiously dispose of the face mask after use, and (iv) to exercise stringent physical distancing in public places and transportation, government and private offices.

All individuals are further encouraged to ensure the supply of face masks or other protective equipment by preparing or devising their indigenous, reusable, homemade or do-it-yourself masks and face shields.

The Provincial Government of Leyte in coordination with the Department of Trade and Industry (DTI), Department of Health (DOH) and other concerned National Government Agencies shall ensure the availability of surgical masks to its constituents at recommended retail prices.

SECTION 8. CARE AND DISPOSAL OF FACE MASKS. Face masks should be treated as medical waste. Different germs can survive on a used mask for varying durations. Experts emphasize that viruses, when left exposed, can survive between a few hours and a few days. Do not throw the used mask indiscriminately in parks, workplaces, homes, open garbage bins or trash cans, as improper disposal can pose a potential health hazard to people who come in contact with such masks, hence putting their life in danger. The infected masks have respiratory secretions on them and can be dispersed and transmitted through the air. Always wash your hands before and after taking off the mask.

Used face mask can be cared for and disposed by:

- **Cloth mask and handkerchiefs (Wash)** – Should be washed properly and frequently and left to hang and air dry.
- **Surgical mask (Fold, tie, wrap)** – It should be removed chin upwards and take care to remove it from the strings and be careful not to touch the front portion while taking off the mask. After taking the mask off, please fold it half inwards, such that droplets from mouth and nose are not exposed. Then, fold the mask into another half, until it looks like a roll. The mask can also be wrapped with its ear loops so that it will not unravel. Then wrap the mask in a tissue paper or plastic bag and immediately discard it in a medical waste bag.
- **N95 respirator** – When removing the mask, hold the edge of the straps attached to take off the N95 mask. Don't touch the inside part of the respirator. Wash hands before and after it. Gently remove the mask so as not to disseminate contaminants on the mask. Place the mask in a plastic bag or zip-lock bag. You can also store them in a breathable container such as a paper bag between uses. Secure the bag tightly. Place the plastic bag into garbage can or biomedical waste disposal unit. Never put on a new mask until you have properly washed your hands.

SECTION 9. INFORMATION AND EDUCATION CAMPAIGN. The Provincial Health Office shall disseminate information about the COVID-19 virus, the disease it causes and how it spreads, its prevention and control, the proper wearing of face masks and its care and disposal. The Provincial Health Office shall adopt ways and means to effectively and efficiently disseminate information to ensure its full understanding in the communities within the territorial jurisdiction of the Province of Leyte.

SECTION 10. IMPLEMENTATION. All Component Local Government Units of the Province of Leyte and the Leyte Province Police Office are mandated to implement and enforce the provisions of this ordinance.

SECTION 11. PENALTIES. All natural and juridical persons are mandated to abide by the provisions of this Ordinance to ensure the management and containment of COVID-19 transmission in a manner consistent with the pronouncement and guidelines issued by the Department of Health (DOH), Department of Trade and Industry (DTI), the Department of Interior and Local Government (DILG), the Land Transportation Franchising and Regulatory Board (LTFRB), the Office of the President, and all other government agencies mandating counterpart legislation to enforce adherence by LGU constituents.

Without prejudice to the penalties prescribed under relevant ordinances issued by component local government units within the Province of Leyte, any person or entity found to have violated this Ordinance and in contravention of the Revised Penal Code, and special laws such as the Quarantine Law of 2004 (RA 9271) and RA 11332, shall be reported to the IATF EID implementing agencies and the Department of Justice (DOJ) for the initiation of appropriate charges as may be warranted.

SECTION 12. FUNDING. Such amount as may be necessary for the proper and effective implementation of this Ordinance shall be taken from the available fund of the Provincial Health Office, Provincial Disaster Risk Reduction Management Office, concerned offices and other funds not otherwise appropriated.

SECTION 13. IMPLEMENTING RULES AND REGULATIONS. The Provincial Governor and the Provincial Inter-Agency Task Force for COVID-19 and African Swine Fever shall cause the issuance of Implementing Rules and Regulations, if necessary, for the effective implementation of this Ordinance, in order to promote, safeguard and protect the health, safety and well-being of the people of Leyte.

**ARTICLE II
FINAL PROVISIONS**

SECTION 14. 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 15. 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 16. EFFECTIVITY. This Ordinance shall take effect immediately upon approval due to the urgency of the concern caused by the COVID-19 pandemic. Should the declared state of national emergency be lifted, the regulations imposed in this Ordinance shall accordingly be suspended until a subsequent Declaration of State of Calamity is made in accordance with Section 16 of Republic Act No. 10121, or a subsequent Declaration of Epidemic or Public Health Emergency is made in accordance with Section 7 of Republic Act No. 11332.

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


Approved unanimously.

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


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Sangguniang Panlalawigan Member


HON. MARIA CARMEN JEAN TORRES-RAMA
Sangguniang Panlalawigan Member


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Sangguniang Panlalawigan Member



HON. NOLIE C. CAÑA
Sangguniang Panlalawigan Member



HON. CHIQUI RUTH C. UY
Sangguniang Panlalawigan Member



HON. JO VANBLE CHUA-MERILO
Sangguniang Panlalawigan Member



ATTY. CARLO P. LORETO
Vice Governor and Presiding Officer

APPROVED:



LEOPOLDO DOMINICO L. PETILLA
Governor

