



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 869, S-2022

**AN ORDINANCE REGULATING THE MOBILITY
OF INDIVIDUALS UNVACCINATED FOR COVID-19
IN THE CITY OF MANDALUYONG**

WHEREAS, on March 9, 2020, President Rodrigo Duterte issued Proclamation No. 922, declaring the country under a state of public health emergency due to the COVID-19 pandemic;

WHEREAS, on March 15, 2020, the City Council placed Mandaluyong City under a state of calamity by virtue of Ordinance No. 759, S-2020, due to the sharp increase in COVID-19 cases throughout the City;

WHEREAS, on December 31, 2021, Inter-Agency Task Force (IATF) Resolution No. 155 placed the National Capital Region on Alert Level 3 status in view of the rising active cases of COVID-19 in the Philippines;

WHEREAS, on January 2, 2022, the Metropolitan Manila Development Authority issued a Resolution urging the Metro Manila local government units to enact their respective ordinances on an enhanced vaccination mandate to regulate the mobility of unvaccinated individuals in the National Capital Region;

WHEREAS, in order to sustain the advances in public health and the economic gains achieved under Alert Level 2, and in anticipation of the adverse impact of the highly-transmissible Omicron variant of COVID-19, pre-emptive measures must be enforced;

WHEREAS, due in large part to the City's aggressive vaccination program, it is one of the first cities in the National Capital Region to vaccinate more than one hundred percent (100%) of its target eligible population;

WHEREAS, global experience shows that COVID-19 vaccines are and continue to be effective against the virus, including the Omicron variant, and prevent severe infection cases which would otherwise require hospitalization;

WHEREAS, despite the availability of vaccines, there are a number of individuals who choose not to be vaccinated; they thus become more susceptible to severe cases of COVID-19 infection which will require hospital care, and eventually unduly burden the health care system to the detriment of public health;

WHEREAS, Republic Act No. 11332 or the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act declares that it is the policy of the State "to protect and promote the right to health of the people and instill health consciousness among them" and that the State "recognizes epidemics and other public health emergencies as threats to public health and national security, which can undermine the social, economic, and political functions of the State";

WHEREAS, Section 6 (e) of Republic Act No. 11332 provides that local governments have the authority to conduct and enforce disease surveillance and response systems, epidemic/outbreak and epidemiologic investigations, and rapid containment, quarantine and isolation, disease prevention and control measures;

WHEREAS, based on Section 16 of the Republic Act No. 7160 otherwise known as the Local Government Code of 1991, the City has the power to do all things necessary, appropriate, or incidental to govern efficiently and effectively, promote general welfare, promote health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

WHEREAS, Section 458 (a) (1) (iv) of Republic Act No. 7160 provides that the City Council may adopt measures to protect the inhabitants of the city from the harmful effects of natural disasters and calamities;

WHEREAS, Section 458 (a) (5) (xii) of Republic Act No. 7160 provides that the City Council may approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases;

WHEREAS, as of January 4, 2022, per Department of Health, out of 29,809 active cases, 85% of severe cases being hospitalized were unvaccinated and 93% of death cases were also from unvaccinated individuals;

WHEREAS, also citing a data from Mandaluyong City Health Department's latest recorded tally as of January 6, 2022, we have 150 new cases, *(1 being hospitalized; 0 severe cases and 2 deaths, one of which was unvaccinated individual)*, which is a bit higher compared to the last day of December 2021 (with total recorded 33 new cases), and this may still change in a span of few days;

WHEREAS, as reported by MMDA Chairman Benhur Abalos, the current situation of LGU Managed Isolation Facilities as of January 4, 2022 has already reached at 52.81% occupancy rate, which is very close to 65.61% during delta variant surge last September 2021, considering that we only have 90 facilities then, as compared to 95 facilities that we have now;

WHEREAS, there is an urgent need for the City to enact an Ordinance on the enhanced vaccination mandate to regulate the mobility of unvaccinated individuals in the NCR for the protection of public health, promotion of general welfare, and sustainability of an improving economy.

NOW, THEREFORE, be it ordained by the *Sangguniang Panlungsod* of the City of Mandaluyong, in special session assembled:

SECTION 1. TITLE. This Ordinance shall be known as "Mobility Ordinance for the Unvaccinated" in the City of Mandaluyong.

SECTION 2. SCOPE. This Ordinance shall be applicable to all individuals whether residents or non-residents or merely transients who may be violating this Ordinance.

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

a.) *Fully Vaccinated Individual*. An individual shall be considered as having been fully vaccinated for COVID-19:

- i. More than or equal to 2 weeks after having received the second dose in a 2-dose series, or
- ii. More than or equal to 2 weeks after having received a single-dose vaccine.
- iii. The vaccines administered to the individual are included in any of the following:
 1. Emergency Use Authorization (EUA) List or Compassionate Special Permit (CSP) issued by the Philippine Food and Drug Administration; or
 2. Emergency Use Listing of the World Health Organization (*IATF Resolution 124-B dated July 2, 2021.*)

b.) *Non-Fully Vaccinated Individual*. An individual who is not vaccinated as mentioned in the preceding paragraph.

c.) *Essential Goods and Services*. They cover health and social services to secure the safety and well-being of persons, such as but not limited to, food, water, medicine, medical devices, public utilities, energy, and others as may be determined by the IATF (*Latest Omnibus Guidelines dated September 23, 2021*).

SECTION 4. RESTRICTION ON NON-FULLY VACCINATED INDIVIDUALS. All Non-Fully Vaccinated Individuals shall:

- a.) remain in their residences at all times except for the procurement of essential goods and services; *Provided, however*, that individual outdoor exercise shall be allowed within the general area of their residence, *e. g.*, within the *barangay*, *purok*, subdivision, or village;
- b.) be prohibited in indoor and outdoor/*al fresco* dining in restaurants and other food establishments and shall likewise be prohibited from leisure or social trips to malls, hotels, event venues, sports and country clubs, and similar facilities; and

- c.) be prohibited in public transportation except for the procurement of essential goods and services subject to the production of proof to support and justify such travel.

SECTION 5. WORKPLACE VACCINE MANDATE. Non-fully vaccinated individuals shall be required to undergo a Reverse Transcription Polymerase Chain Reaction (RT PCR) test every two (2) weeks at their personal expense and present a COVID-19 negative result prior to being admitted for work onsite, subject to issuances of the IATF and the Department of Labor and Employment; *Provided, however,* that in the event that the RT PCR test and/or result is/are not immediately available, a Rapid Antigen Test may be utilized *in lieu* thereof; *Provided, further,* that the employer shall have the option to provide a non-fully vaccinated employee a grace period of one (1) calendar month to obtain his or her first COVID-19 vaccination shot. As long as the employee obtains the first shot within this grace period, and subsequently obtains any required second shot as prescribed for the concerned vaccine, the employee shall not be required to take the biweekly tests or otherwise be held liable under this clause.

SECTION 6. MANDATE FOR THE BARANGAY. The concerned Barangay shall keep a listing of households or individuals within their territorial jurisdiction whom they know are unvaccinated for COVID-19. They shall encourage and, if necessary, render assistance, for those unvaccinated or non-fully vaccinated to be inoculated.

In case an unvaccinated or non-fully unvaccinated individual desires to leave her or his residence to avail essential goods and services, the concerned Barangay Captain shall issue an Authorized Person Outside Residence (APOR) pass or its equivalent, and shall be responsible in keeping track of her or his whereabouts.

SECTION 7. MANDATE FOR BUSINESS ESTABLISHMENTS. Business establishments indicated in Section 4 hereof shall ensure that they allow, accept or otherwise serve vaccinated individuals only, and shall strictly require at all times that vaccinated individuals to show or exhibit their vaccination card before entering the premises.

SECTION 8. MANDATE FOR THE PUBLIC TRANSPORT SECTOR. Drivers, conductors, operators or owners of public transportation shall allow or take only fully vaccinated individuals as passengers, save in those cases mentioned in Section 4. The riding public is encouraged to wear their vaccination card to make it visible for faster mobility and monitoring.

The City Traffic and Parking Management Department shall ensure that the riding public always wear their vaccination card in Mandaluyong City.

SECTION 9. ENFORCEMENT. This Ordinance shall be primarily implemented by the members of the Philippine National Police (PNP) assigned or stationed in Mandaluyong City, Punong Barangays and their Bantay Bayan, Business Permit and Licensing Department, City Traffic and Parking Management Department, City Ordinance and Enforcement Division (COED) and other city employees who may be duly deputized by the Local Chief Executive.

SECTION 10. PENALTY. Any person found to have violated Sections 4 and 5 of the Ordinance shall be penalized with a fine of not less than Three Thousand Pesos (P3,000.00) but not more than Five Thousand Pesos (P5,000.00), or imprisonment of three (3) months, or both, at the discretion of the court.

If the offense is committed by a corporation, partnership or other juridical entity, the chief executive officer, president, general manager, and/or such other officers-in-charge shall be held liable. In addition, the business permit and license to operate of the concerned entity shall be suspended or cancelled after hearing. As preventive measure, immediate closure of the establishment shall be made pending such hearing.

Also, any individual or establishment that falsifies the COVID-19 vaccine card shall be prosecuted under Ordinance No. 849, S-2021, the "Ordinance Prohibiting COVID-19 Vaccine Fraud," without prejudice to prosecution under other applicable laws.

SECTION 11. NECESSARY GUIDELINES. The Local Chief Executive may issue the necessary guidelines, rules or regulations to implement the Ordinance, and harmonize IATF resolutions and guidelines that may later be promulgated.

SECTION 12. REPEALING CLAUSE. All ordinances and resolutions that are inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 13. SEPARABILITY CLAUSE. If any provision of this Ordinance is declared void or unconstitutional, the remaining portions shall not be affected and shall remain in full force and effect.

SECTION 14. EFFECTIVITY. This Ordinance shall take effect after publication in a newspaper of general circulation. It shall remain in force and effect while the COVID-19 alert level in the National Capital Region is at Alert Level 3 or higher and shall be automatically lifted once Alert Level 2 or lower is declared.

ENACTED on this 8th day of January 2022, in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS
ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN A SPECIAL SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:


ANTONIO DLS. SUVA
City Vice Mayor &
Presiding Officer

APPROVED:


CARMELITA A. ABALOS
City Mayor

Date: JAN 08 2022