



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 849, S-2021

AN ORDINANCE PROHIBITING THE
UNAUTHORIZED OR FRAUDULENT SALE,
DISTRIBUTION OR ADMINISTRATION OF
COVID-19 VACCINES OR VACCINE SLOTS,
FALSIFICATION OF COVID-19 VACCINATION
CARDS, AND OTHER FRAUDS IN RELATION
TO COVID-19 VACCINATION AND
PROVIDING PENALTIES THEREOF

WHEREAS, the State recognizes public health emergencies, including pandemics, as threats to public health and national security, which can undermine the social, economic, and political functions of the State;

WHEREAS, on March 15, 2020, under Ordinance No. 759, S-2020, the City Council placed Mandaluyong City under a state of calamity, following the sharp increase in the number of confirmed COVID-19 cases throughout the country;

WHEREAS, Section 6(e) of Republic Act No. 11332 entitled, "*The Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act*" 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, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 gives the City the implied power to do all things necessary, appropriate or incidental to govern efficiently and effectively, promote the general welfare, promote health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, Section 12 of Republic Act No. 11525 otherwise known as "*An Act Establishing the Corona Virus Disease 2019 (Covid-19) Vaccination Program Expediting the Vaccine Procurement and Administration Process, Providing Funds Therefor, and for Other Purposes*", states that falsification of a vaccine card shall be punishable under the Revised Penal Code;

WHEREAS, Section 12 of Republic Act No. 11525 further provides that the sale, advertisement, distribution, administration of Covid-19 Vaccines without a valid Emergency Use Authorization (EUA) shall be penalized based on the appropriate provisions of R.A. No. 9771 otherwise known as the "*Food and Drug Administration Act of 1991*" and other relevant, existing rules, regulations and issuance;

WHEREAS, all COVID-19 vaccines currently being administered have Emergency Use Authorization only and are not for commercial distribution;

WHEREAS, there has been reported selling of COVID-19 vaccines stolen from the allocations provided by the National Government to the local government units, tampering or falsification of vaccine cards, offering of vaccine slots, as well as the sale, manufacture and proliferation of fake COVID-19 vaccines;

WHEREAS, there are reported instances of persons misrepresenting their vaccine status as non-vaccinated, in order to avail of their preferred vaccine brand as "booster shots";

WHEREAS, the Inter-Agency Task Force Against COVID-19 (IATF) has allowed fully vaccinated individuals to merely show their vaccination cards for inter-zonal travel without the need of a presentation of an RT-PCR result;

WHEREAS, no person or organization may engage in the sale, distribution, or administration of COVID-19 vaccines for profit, while the country is in a state of public health emergency and without market authorization issued by the Food and Drug Administration;

WHEREAS, no person or organization may engage in the sale, manufacture and proliferation of fake COVID-19 vaccines;

WHEREAS, any person or organization is prohibited to engage in the falsification of vaccine cards or offering of vaccine slots for sale.

NOW, THEREFORE, be it ordained by the City Council of Mandaluyong City in regular session assembled:

SECTION 1. TITLE. This Ordinance shall be known as: "An Ordinance Prohibiting COVID-19 Vaccine Fraud."

SECTION 2. DEFINITION OF TERMS. Whenever used in this Ordinance, the following terms shall have the respective meanings herein set forth:

2.1 VACCINE CARD – A card issued by a local government unit, medical institution, or other duly authorized entity indicating relevant information concerning a person's inoculation with a COVID-19 vaccine.

SECTION 3. PROHIBITED ACTS. The following acts shall be penalized under this Ordinance:

1. Counterfeiting, forging, altering or imitating a vaccine card, or any information, signature, seal or feature on the same;

2. Misrepresenting any information requested by authorities in relation to vaccination, including the information indicated in the vaccine card, for purposes of obtaining undue benefits or privileges;
3. Sale, advertisement, distribution, solicitation or administration of COVID-19 vaccines for profit or commercial purposes without applicable market authorization from the FDA or its equivalent;
4. Sale, advertisement, distribution, solicitation or administration of fake or adulterated COVID-19 vaccines;
5. Sale of COVID-19 vaccine slots;
6. Misrepresentation of vaccine status for purposes of fraud or deceit, including a fully-vaccinated person pretending to be unvaccinated for purposes of receiving additional unwarranted inoculations;
7. Commission of any other deceit or fraud in relation to the government's COVID-19 vaccination program.
8. Sale, advertisement, distribution, administration of COVID-19 Vaccines without a valid Emergency Use Authorization (EUA).

SECTION 4. PENALTIES. Any person that violates this Ordinance shall be penalized with a fine of P5,000.00 and/or imprisonment of up to six months.

If the violation is committed by a corporation or other juridical entity, the directors, officers, employees or other officers thereof responsible for the violation shall be charged and penalized. Further, the City Government may summarily revoke the business license of the offending entity.

This Ordinance is without prejudice to the filing of charges for violation of R.A. No. 9771 otherwise known as the: "*Food and Drug Administration Act of 1991*", the Revised Penal Code, and other appropriate administrative, civil, or criminal charges under applicable laws.

SECTION 5. ENFORCEMENT. In Implementing this Ordinance, the provisions of Ordinance No. 740, S-2019 entitled: AN ORDINANCE ESTABLISHING THE PROCEDURE IN THE IMPLEMENTATION AND ENFORCEMENT OF A CITY ORDINANCE" shall be applied.

The PNP-Mandaluyong, assisted by the following authorities: (a) City Ordinance and Enforcement Division (COED), (b) Mandaluyong Action Command (MAC), and (c) Anti-Vice Division, shall enforce the Ordinance.

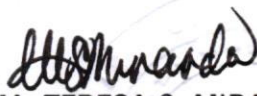
SECTION 6. REPEALING CLAUSE. All Ordinances, Resolutions, Circulars, Orders, or other City issuances or parts thereof which are inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 7. 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 8. EFFECTIVITY. This Ordinance shall take effect upon posting at prominent places in Mandaluyong City Hall for a minimum period of three (3) consecutive weeks and upon publication in a newspaper of general circulation within Mandaluyong City, in accordance with Section 511 of R.A. 7160, otherwise known as the Local Government Code of 1991.

ENACTED on this 6th day of September, 2021 in the City of Mandaluyong.

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


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:


JESUS C. CRUZ
City Councilor &
Acting Presiding Officer

APPROVED:


CARMELITA A. ABALOS
City Mayor

Date: SEP 07 2021

ON OFFICIAL BUSINESS
ANTONIO DLS. SUVA
City Vice Mayor

DISTRICT I

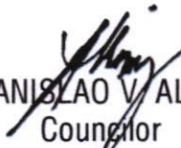
ON OFFICIAL BUSINESS
CHARISSE MARIE ABALOS-VARGAS
Councilor


ANJELO ELTON P. YAP
Councilor


DANILO L. DE GUZMAN
Councilor


GRACE MARIE V. ANTONIO
Councilor


RODOLFO M. POSADAS
Councilor


ESTANISLAO V. ALIM III
Councilor

DISTRICT II

ON OFFICIAL BUSINESS
BENJAMIN A. ABALOS III
Councilor


CHERRY LYNN PABLO-SANTOS
Councilor


ROEHL B. BACAR
Councilor

ACTING PRESIDING OFFICER
JESUS C. CRUZ
Councilor

ABSENT
FERNANDO S. OCAMPO
Councilor


MICHAEL ERIC G. CUEJILO
Councilor


DARWIN A. FERNANDEZ
LnB President


AEROL SEDRICK A. MANGALIAG
SK Federation President