



Republika ng Pilipinas  
**SANGGUNIANG PANLUNGSOD**  
Lungsod Mandaluyong

ORDINANCE NO. 805, S-2020

**AN ORDINANCE PROVIDING MANDATORY  
HEALTH AND SAFETY PROTOCOLS FOR  
FITNESS ESTABLISHMENTS DURING  
COMMUNITY QUARANTINE AND PROVIDING  
PENALTIES FOR VIOLATION THEREOF**

WHEREAS, the Inter Agency Task Force for the Management of Emerging Infectious Disease (IATF) has approved the Omnibus Guidelines for the Implementation of Community Quarantine in the Philippines ("Omnibus Guidelines") and provides the categorization of industries allowed to operate;

WHEREAS, Order No. 112, Series of 2020, was issued by the President approving the Omnibus Guidelines and declaring that "any amendment or modification of such Omnibus Guidelines may be approved by the [Inter-Agency Task Force for the Management of Emerging Infectious Diseases] IATF without need of further approval of the President";

WHEREAS, on 03 June 2020, the Omnibus Guidelines was amended providing for the categorization of industries from I-IV that "are allowed to operate at an operational capacity provided herein," and that the "lists of sectors and industries per category are illustrative. Specific industries under each category are reflected in a separate document issued by the DTI which shall contain the updated guidelines to implement the gradual increase of operational capacity without diminution of the current operational capacity previously allowed;"

WHEREAS, under MC No. 20-33, the following are placed under Category IV industries -- (a) gyms/fitness studios and sports facilities; (b) internet and computer shops; (c) other education and educational support establishments such as but not limited to testing, tutorial and review centers, and language, driving, dance/acting/voice schools; (d) entertainment industries (e.g. cinemas, theaters, karaoke bars, etc.); (e) kid amusement industries (e.g. playrooms, rides); (f) libraries, archives, museums and cultural centers; (g) tourist destinations (e.g. water parks, beaches, resorts); (h) travel agencies, tour operators, reservation service and related activities; (i) other personal care services (e.g. massage parlors, saunas, facial care, waxing, etc), and (j) pet grooming services;

WHEREAS, on 16 July 2020, the Omnibus Guidelines, as amended, states that the DTI, in consultation with the Department of Finance, Department of the Interior and Local Government, and the Department of Tourism is hereby authorized to gradually recategorize industries from Category IV to Category III as may be deemed necessary;

WHEREAS, Memorandum Circular 20-44 of the DTI has reclassified gyms, fitness centers, and sports facilities from Category IV to Category III; thus allowing such business to reopen beginning 01 August 2020 at thirty percent (30%) operation capacity, subject to the mandatory minimum health standards protocols provided under Annex "B" of the said Memorandum Circular, and respective protocols per business establishment and activities;

WHEREAS, DTI Secretary Ramon Lopez, during the Laging Handa briefing with public officials last August 31 said that Gyms may be allowed to resume operations starting September 1, 2020;

WHEREAS, the City Mayor issued Executive Order #31, Series of 2020, which is: An Order Allowing the Operation of Certain Establishments that were Previously Prohibited to Operate during GCQ and MGCQ, among these are the Fitness Establishments;

WHEREAS, the City Government of Mandaluyong has the duty to protect the right to health of its constituents amidst the COVID-19 pandemic;

WHEREAS, the City Government of Mandaluyong recognizes exercise as a natural and effective means of enhancing a person's immune system;

WHEREAS, the City Government of Mandaluyong would like to assure its constituents that health and safety protocols are in place for gyms, fitness centers, and sports facilities within its jurisdiction.

NOW, THEREFORE, BE IT ORDAINED, by the Sangguniang Panlungsod of Mandaluyong, in regular session assembled:

SECTION 1. TITLE. This Ordinance shall be known as "An Ordinance Providing Health and Safety Protocols for Fitness Establishments during Community Quarantine, and Providing Penalties for Violation Thereof."

#### SECTION 2. DECLARATION OF POLICY

- 2.1 To provide additional safety protocols, and contact tracing capabilities for gyms, fitness centers, and sports facilities amidst the COVID-19 pandemic;
- 2.2 To supplement DTI Memorandum Circular 20-44 PRESCRIBING THE RECATEGORIZATION OF SOME BUSINESS ACTIVITIES FROM CATEGORY IV TO CATEGORY III, ADDITIONAL SERVICES ALLOWED FOR BARBERSHOPS AND SALONS, ADJUSTMENT OF OPERATING HOURS, AND AMENDMENT OF THE IATF NEGATIVE LIST;
- 2.3 To allow the populace to naturally enhance their immune systems through exercise, while safeguarding them from exposure to COVID-19;

- 2.4 To reprimand, penalize, and sanction businesses and individuals, who fail to comply with the health and safety protocols mandated by law.

**SECTION 3. MANDATORY HEALTH AND SAFETY PROTOCOLS TO BE IMPLEMENTED BY FITNESS ESTABLISHMENTS, GYMS, AND SPORTS FACILITIES**

- 3.1 Registration with SafePass or StaySafe.ph, or administration of a contact-tracing form for customers, clients, and visitors, and health declaration form for personnel, provided that owners of establishments comply with the relevant provisions of the Data Privacy Act of 2012;
- 3.2 Thermal scanning of all customers, clients, personnel, and suppliers prior to entry -- persons with a temperature higher than 37.5 degrees celsius shall not be allowed entry. Symptomatic individuals shall be referred to the nearest appropriate health facility as provided in the Interim Guidelines on Health Care Provider Networks during the COVID-19 Pandemic. The establishments are required to identify the nearest Barangay Health Emergency Response Team unit and contact details for referral in the event of COVID-19 related concerns prior to resuming operations;
- 3.3 Customers, clients exhibiting symptoms such as colds, cough, and/or difficulty breathing shall be politely declined entry and asked to undergo self-quarantine;
- 3.4 Provision of rubbing alcohol/sanitizers which can be easily sprayed on the hands of personnel, suppliers, and customers prior to entry, and regular interval of sanitation of hands of customers, clients and personnel;
- 3.5 Strict enforcement of the "No Face Mask, No Entry" Policy -- all personnel, suppliers, customers, and clients shall wear facemask at all times while inside the establishments;
- 3.6 Strict observance of social distancing of at least one (1) meter in all parts of the establishment;
- 3.7 Proper ventilation and exhaust system in the establishment. Proprietors of establishments shall enhance their exhaust system, ensure better airflow inside confined spaces and air-conditioned rooms, or install high-efficiency particulate (HEPA) filtration systems;
- 3.8 Gym equipment, shall be distanced at least one (1) meter from each other;
- 3.9 Queueing areas shall comply with the one (1) meter distance on all sides requirement;

- 3.10 Gym equipment, comfort rooms, bathrooms, chairs, desks, tables, counters, pens, doorknobs, and other high-touch surfaces shall be regularly cleaned and sanitized by gym, fitness center, and sport facilities staff after every use;
- 3.11 Proper sanitation of restrooms and ensuring that it is free from the accumulation of trash;
- 3.12 Gyms, Fitness Centers, and Sports Facilities must provide alcohol and disinfectants beside each fitness equipment
- 3.13 Gyms, Fitness Centers, and Sports Facilities clients and visitors must wear gloves that do not expose any part of the hand;
- 3.14 Gyms, Fitness Centers, and Sports Facilities clients and visitors are required to bring their own towel(s). No towel, no entry;
- 3.15 Gyms, Fitness Centers, and Sports Facilities clients and visitors must bring and use their own mats;
- 3.16 Gyms, Fitness Centers, and Sports Facilities staff and employees must undergo PCR swab testing, when exhibiting symptoms for COVID-19:
- 3.16.1 In the event of positive test result(s), Gyms, Fitness Centers, and Sports Facilities must notify all gym visitors from the past 7 days;
- 3.16.2 Gyms, Fitness Centers, and Sports Facilities must report positive cases to the City Health Department; and
- 3.16.3 Such Gyms, Fitness Centers, and Sports Facilities must suspend operations for at least 2 days for sanitation.
- 3.17 Gyms, Fitness Centers, and Sports Facilities staff and employees must do general cleaning/sanitation every hour, and suspend operations for at least fifteen (15) minutes while doing so;
- 3.18 Gyms, Fitness Centers, and Sports Facilities shall keep lockers, and showers, closed at all times;
- 3.19 Gyms, Fitness Centers, and Sports Facilities staff and employees shall impose a strict no loitering policy;
- 3.20 Gyms, Fitness Centers, and Sports Facilities staff shall impose a no-trainer/coach, no workout policy;
- 3.21 Provision of foot baths or foot mats with disinfectant at the entrance of the establishment;

- 3.22 Installation of strategically located and functional hand washing stations, soap and sanitizers, and hand drying equipment or supplies (single use paper towel, etc.), as applicable, and visual cues and reminders to practice proper hand washing among employees and customers;
- 3.23 Allow scheduling of appointments through phone calls, emails, or any online mode;
- 3.24 Visible floor markings for guidance of clients in queuing areas;
- 3.25 Installation of air purifiers;
- 3.26 Provision of single-used or QR-based menus;
- 3.27 Covering furniture made of porous materials with plastic for easy sanitation;
- 3.28 Observance of the proper disposal of single-use equipment;
- 3.29 Observance and enforcement of the customer-personnel contact protocols;
- 3.30 Implementation of no physical contact policy during payment; Establishments may provide small trays for this purpose;
- 3.31 Designation of a Manager-On-Duty or any personnel to oversee compliance with prevailing government protocols;
- 3.32 Posting of the following information at the entrance and/or other prominent or conspicuous areas in the establishment:
  - 3.32.1 Contact tracing forms or registration to SafePass or StaySafe.ph;
  - 3.32.2 No face mask, no towel; no entry policy;
  - 3.32.3 Social distancing protocols;
  - 3.32.4 Maximum number of allowable persons in the establishment during GCQ is 30% operational capacity; and 50% during MGCQ
  - 3.32.5 Sanitation schedule and procedures;
  - 3.32.6 Alternative methods of payment, if applicable;
  - 3.32.7 No customer-personnel contact protocols;
  - 3.32.8 Administration of protocols, including the right to refuse service to customers who fail or refuse to comply;
  - 3.32.9 Telemedicine consultation websites for COVID-19 health concerns;

**3.32.10 Compliance with Mandaluyong City Ordinance No. 805, S-2020 and providing a copy thereof.**

- 3.33 Gyms, Fitness Centers, and Sports Facilities** must require scheduling of appointments through phone calls, emails, or any online mode;
- 3.34** Only individual workouts shall be allowed. Group workout sessions composed of two (2) or more persons (e.g. zumba, yoga, pilates, etc.) shall be strictly prohibited;
- 3.35** Masks may only be removed when performing individual workouts, provided that the establishment utilizes natural ventilation and continuous air circulation. Provided, further, that strict 1-meter physical distancing on all sides is observed. A personnel must be assigned to strictly enforce the policy of wearing of masks when the client is not engaging in a physical activity;
- 3.36** Gym equipment, devices, and paraphernalia shall be arranged in such a way as to allow the physical distancing of their users at all times;
- 3.37** Voice modulation of personnel, coaches and clients shall be kept to a minimum while inside the premises;
- 3.38** The dispensation of water shall be limited to clients bringing their own water bottles. The use of drinking fountains shall be strictly prohibited;
- 3.39 Gyms, Fitness Centers, and Sports Facilities** must ensure proper health and safety of all personnel at all times, as follows:
- 3.39.1** No wearing of jewelry (e.g. rings, bracelets, watches, earrings, etc.);
  - 3.39.2** Wearing of closed shoes;
  - 3.39.3** Observance of proper personal hygiene (e.g. clipped fingernails, observance of company-imposed personal sanitation, etc.);
  - 3.39.4** Washing of hands at least once every hour or after every encounter with guests;
- 3.40** Eating inside Gyms, Fitness Centers, and Sports Facilities shall be prohibited.

**SECTION 4. PENALTIES.** Any person, natural or juridical, who violates Section 3 of this Ordinance shall be subject to the following penalties:

1. In the event of a first offense, such person, natural or juridical shall merely be issued a reprimand or a written warning;

2. In the event of a second offense, the penalty is a fine of Two Thousand Pesos (P 2,000.00), imprisonment of one (1) to two (2) months, or both, at the discretion of the court.
3. In the event of a third offense, the penalty shall be imprisonment of two (2) to six (6) months, a fine of Five Thousand Pesos (P5,000.00), or both, at the discretion of the court;

This is without prejudice to the imposition of administrative sanctions such as permanent closure of establishment and loss of capacity to conduct business in Mandaluyong City perpetually, or suspension or revocation of business permit, business license or accreditation.

#### SECTION 5. IMPLEMENTATION AND MONITORING.

- 5.1 Fitness Establishments, Gyms, and Sports Facilities are instructed to be diligent in the compliance of this ordinance. Likewise, Fitness Establishments, Gyms, and Sports Facilities must be up to date with the laws, memorandum circulars, and other guidelines issued by the national government, concerning the operations of their industry amidst the COVID-19 pandemic;
- 5.2 The City Health Department and City Business Permits and Licensing Department are instructed to send a representative who will monitor the compliance of Fitness Establishments, Gyms, and Sports Facilities at least every week;
- 5.3 The City Health Department and City Business Permits and Licensing Department shall, likewise, cooperate in the contact tracing efforts of the DOH and/or the City Health Department by notifying them of any COVID-19 positive cases.

SECTION 6. SEPARABILITY CLAUSE. Any provision or portion of this Ordinance found to be violative of the Constitution, invalid, or contrary to issuances made by the Inter-Agency Task Force for the Management of Emerging Infectious Disease (IATF), and the Department of Trade and Industry (DTI) shall not impair the other provisions or parts thereof which shall continue to be in force and in effect.

SECTION 7. REPEALING CLAUSE. Ordinances, rules and regulations or parts thereof, which are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed or modified accordingly.

SECTION 8. EFFECTIVITY. This Ordinance shall take effect upon approval, and shall continue to be enforced until the state of public emergency is lifted by the National Government, or unless sooner repealed or amended by the Sangguniang Panlungsod.

**ENACTED** on this 26<sup>th</sup> day of October, 2020 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:

  
CHARISSE MARIE ABALOS-VARGAS  
Councilor &  
Acting Presiding Presiding Officer

APPROVED:

  
CARMELITA A. ABALOS  
City Mayor

Date: OCT 27 2020