



Republic of the Philippines
Province of Zamboanga del Norte
MUNICIPALITY OF PIÑAN



Office of the Sangguniang Bayan

**EXCERPT FROM THE MINUTES OF THE 103RD REGULAR SESSION OF THE
10TH SANGGUNANG BAYAN OF PIÑAN, ZAMBOANGA DEL NORTE HELD ON
JULY 12, 2021 AT ITS SESSION HALL**

Present:

Honorable Deogracias T. Cimafranca

Honorable Rommel I. Gudmalin
Honorable Al Immanuel U. Cantila
Honorable Saturnino P. Sorronda
Honorable Greg C. Belangoy
Honorable Gina R. Aleta
Honorable Jose Antonio L. Galan
Honorable Celso M. Montemayor
Honorable Enrique P. Acoymo

Honorable Lucino A. Gumial

Honorable Geselle Marie R. Saguin

Municipal Vice-Mayor
(Presiding Officer)

Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Ex-Officio Sangguniang Bayan Member
(Liga ng mga Punong Barangay- President)
Ex-Officio Sangguniang Bayan Member
(IP Mandatory Representative)
Ex-Officio Sangguniang Bayan Member
(SK Federated President)
Sangguniang Bayan Member

On Vacation Leave: Honorable Nestor E. Protacio

MUNICIPAL ORDINANCE NO. 2021-011
Series of 2021

Sponsored by: Honorable Jose Antonio L. Galan

**AN ORDINANCE PROVIDING FOR A SPECIAL PROTECTION OF CHILDREN
AGAINST CORONAVIRUS DISEASE 2019 (COVID-19) BY SETTING CHILDREN
PROTECTION HOURS WITHIN THE TERRITORIAL JURISDICTION OF PIÑAN,
ZAMBOANGA DEL NORTE, PROVIDING PENALTIES FOR VIOLATION THEREOF,
AND FOR OTHER PURPOSES**

WHEREAS, the World Health Organization (WHO) officially characterized
Coronavirus Disease 2019 (COVID-19) as a pandemic after assessing the impact of the
outbreak in view of the alarming levels of inaction worldwide;

WHEREAS, on March 8, 2020, President Rodrigo Roa Duterte issued
Proclamation No. 922 entitled "Declaring a State of Public Health Emergency
Throughout the Philippines" to facilitate measures to address COVID-19 outbreak,
including mandatory reporting, quarantine, and disease control prevention measures;

WHEREAS, the Province of Zamboanga del Norte through the issuance of
Provincial Executive Order declared Zamboanga del Norte under the Modified Enhanced
Community Quarantine for the month of June to mid-July, 2021 due to COVID-19
outbreak, in relation to the recommendation of National Inter-Agency Task Force for the
Management of Emerging Infectious Diseases (IATF-MEID) as approved by the
President Duterte;

WHEREAS, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID) has recommended the extension of community quarantine under different classification in all provinces and cities to contain and prevent the spread of COVID-19 and to avoid a spike in cases once quarantine is lifted;

WHEREAS, the ongoing pandemic continues to pose a risk of widespread emergence especially during these recent months where there is a sudden surge or increase of COVID cases in the province and specifically in this municipality;

WHEREAS, when recent pronouncements were made allowing minors to go shopping malls and other establishment alike, the Philippine Pediatric Society strongly recommended that minors remain at home to minimize the risk of getting infected and to reduce viral transmission;

WHEREAS, despite the Municipality of Piñan is under the Modified Enhanced Community Quarantine (GCQ), various reports were received by the Piñan IATF regarding the presence of children in public places which greatly expose them to health hazards due to COVID-19;

WHEREAS, under Section 458 (a) (5) (xii) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the Sangguniang Bayan Council is mandated to approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases;

WHEREAS, according to the Philippine jurisprudence, the Supreme Court declared that “. . . *grave and overriding considerations of public interest justify restrictions even if made against fundamental rights. Specifically, on the freedom to move from one place to another, jurisprudence provides that this right is not absolute. As the 1987 Constitution itself reads, “the State may impose limitations on the exercise of this right, provided that they: (1) serve the interest of national security, public safety, or public health; and (2) are provided by law.”*

NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG BAYAN COUNCIL OF PIÑAN IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE. – This shall be known as the “Piñan Special Protection of Children against COVID-19.”

SECTION 2. SCOPE OF APPLICATION. – The provisions of this Ordinance shall strictly apply during the effectivity of Enhanced Community Quarantine (ECQ), Modified Enhanced Community Quarantine (MECQ), General Community Quarantine (MGCQ), General Community Quarantine (GCQ) or Modified General Community Quarantine (MGCQ) due to COVID-19, unless otherwise lifted by the Municipal Mayor or modified by the guidelines issued by the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-MEID).

SECTION 3. DEFINITION OF TERMS. – The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this section:

- a. Children Protection Hours – means twenty-four (24) hours a day and seven (7) days a week.

- b. Emergency – means an unforeseen combination of circumstances or the residing state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, a vehicular accident, earthquake, seeking emergency medical attention, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- c. Essential Goods – refers to goods or items extremely important or absolutely necessary in order to sustain health or life. For purposes of this Ordinance, in order to avoid the spread of COVID – 19, essential goods shall be limited only to food, water, and medicine.
- d. Guardian – means:
 - 1. A person who, under court order, is the guardian of the person of a minor;
 - 2. A public or private agency with whom a minor has been placed for custody by a court;
 - 3. A person in charge of the custody or who is taking care of a minor, whether relative or not; or
 - 4. A person at least eighteen (18) years of age and authorized by a parent or guardian to accompany a minor in a public place or to have the care and custody over him/her.
- e. Law Enforcement Officer – refers to a person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, as amended, including Barangay Public Safety Officers (BPSO).
- f. Minor – means any person under eighteen (18) years of age. For purposes of this Ordinance, the terms “minor” and “child” shall be used interchangeably.
- g. Parent – refers to both biological and adoptive parents who have actual custody of and living together with the minor.
- h. Public Place – a place located within the territorial jurisdiction of Piñan where the general public or substantial group of people have access including but not limited to streets, highway, sidewalks, parking lots, vacant lots, and the common areas in and about churches, apartment, buildings, office buildings, hospitals, schools, malls or shopping centers, commercial establishments, places of entertainment such as movie theatres, and similar places of entertainments.
- i. Remain – means to linger or stay, as well as refuse to leave when requested to do so by a Police Officer, a Barangay Public Safety Officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in public place.
- j. Residence – means the house where the minor and his/her parent or guardian actually live.

SECTION 4. PROHIBITED ACTS.

- a. Except those listed in Section 5 of this Ordinance, all minors who may be found within the territorial jurisdiction of Municipality of Piñan are prohibited to roam around, loiter, wander, stay, remain or meander in all public places during the children protections hours, whether accompanied by a parent or guardian or not, without lawful purpose or justifiable reason.
- b. It is unlawful for a parent or guardian of a minor to knowingly permit or by insufficient control allow the minor to remain in any public place within the territorial jurisdiction of this Municipality during the Children Protection Hours.

SECTION 5. EXEMPTIONS. – The following circumstances shall not be covered by the provisions of this Ordinance:

- a. When the minor is engaged in an authorized employment activity requiring physical presence, or going to or returning home from the same place of employment activity, without any detour or stop, provided that minors who are 15 years of age shall be accompanied by their parent or guardian;
- b. Those seeking immediate medical attention or with medical/dental appointments, provided that the minor is accompanied by his/her parent or guardian;
- c. Those persons transiting for international or domestic air/sea travel as shown by pre-booked tickets, provided that the minor is accompanied by his/her parent or guardian;
- d. In extreme cases of need to buy/purchase of essential goods as defined in this Ordinance, provided that no other person of legal age living with the minor can perform such duty;
- e. Those attending to, or in experience of, an emergency situation such as conflagration, earthquake, hospitalization, road accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Provided that, compliance with the existing safety and health protocols, e.g. *social/physical distancing, wearing of face masks or other face covering and face shields, shall be strictly observed while the minor and/or his/her parent or guardian are outside of their residence.*

Provided further that, the law enforcement officer may require the minor and/or his/her parent or guardian found in any public place during the Children Protection Hours to present the appropriate proof of their activities (*company ID, government-issued ID, school ID, Authorized Person Outside Residence (APOR) ID, certification or any other official ID showing age or status as employee/worker, plane ticket, and others*).

SECTION 6. ENFORCEMENT GUIDELINES FOR MINORS. The procedures provided in Section 21 of Republic Act 9344, otherwise known as the "*Juvenile Justice*

Welfare Act of 2006", as amended by Republic Act No. 10630 shall be observed by law enforcers in dealing with minors found violating this Ordinance.

SECTION 7. OBLIGATIONS AND LIABILITIES OF PARENTS OR GUARDIANS.

Parents or guardians who are in actual custody of or living together with the minor are hereby mandated to supervise the conduct and activities of their minor children to see if the latter shall remain inside their residence during all types of community quarantine classification issued by the Piñan IATF.

SECTION 8. PENALTIES AND MANNER OF DEALING WITH THE VIOLATOR.

1. The penalty for parent/guardian of minors who violate this Ordinance shall be:

- a. First Offense – a minor found violating this Ordinance for the first time will be turned over to the Barangay Council for the Protection of Children (BCPC) of the Barangay where the minor was apprehended. The BCPC shall conduct counselling before the minor will be properly turned over to his parent or guardian.

A fine of Three Hundred Pesos (P300.00) shall be imposed to the parent/guardian of the minor or render community service to be initiated and monitored by the MSWDO for two (2) hours.

- b. Second Offense - a minor found violating this Ordinance for the second time will be turned over to the Barangay Council for the Protection of Children (BCPC) of the Barangay where the minor was apprehended. The BCPC shall conduct counselling before the minor will be properly turned over to his parent or guardian.

A fine of Five Hundred Pesos (P500.00) shall be imposed to the parent/guardian of the minor or render a community service to be initiated and monitored by the MSWDO for four (4) hours.

- c. Third and Subsequent Offenses - a minor found violating this Ordinance for the third and subsequent offenses will be turned over to the Barangay Council for the Protection of Children (BCPC) of the Barangay where the minor was apprehended. The BCPC shall conduct counselling before the minor will be properly turned over to his parent or guardian. Provided that the minor shall be subject to intervention program of the Social Services Development Department (SSDD).

A fine of One Thousand Pesos (P1, 000.00) shall be imposed to the parent/guardian of the minor or shall render a community service to be initiated and monitored by the MSWDO for eight (8) hours.

- d. In case the residence of a minor who violates this Ordinances is that of another municipality, the provisions under paragraphs (a), (b) or (c), as the case may be, of the herein Ordinance, shall be observed in coordination with the BCPC where the place of residence of the minor is in question; or when the residence of the minor is from far away municipality, custody of the minor shall be made immediately, but not later than (8) hours after apprehension, turned over to the Social

Services Development Department or other accredited NGOs and notify the child's apprehension.

2. The penalty for owners/proprietors/managers of shopping centers, commercial establishments, places of entertainment and similar places or establishments who violate this Ordinance shall be:
 - a. First Offense – a fine of Five Hundred Pesos (P500.00) shall be imposed for every violation.
 - b. Second Offense – a fine of One Thousand Pesos (P 1,000.00) shall be imposed for every violation with warning of revocation of business permit/license and closure of the establishment.
 - c. Third and Subsequent Offenses – a fine of Two Thousand Five Hundred Pesos (P 2,500.00) shall be imposed for every violation. In addition, revocation of business permit/license and closure of the establishment shall be meted to the violator.

SECTION 9. IMPLEMENTING RULES AND REGULATIONS. While this Ordinance and provisions hereof are already operative upon its effectivity, the Municipal Mayor, in consultation with the Municipal Social Welfare and Development Office, Committee on Public Order and Safety, Local Council for the Protection of Children, and the Liga ng mga Barangay President may issue the necessary Implementing Rules and Regulations to further ensure the effective and efficient enforcement of this Ordinance.

SECTION 10. SEPARABILITY CLAUSE. – If, for any case, any part of 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 full force and effect.

SECTION 11. REPEALING CLAUSE. - All ordinances, executive orders, rules and regulations inconsistent or in conflict with the provision of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 12. AUTOMATIC TERMINATION AND MODIFICATION. – This Ordinance shall be deemed automatically terminated and without effect immediately after the State of Public Health Emergency due to COVID-19 has been lifted by proper authorities.

SECTION 13. EFFECTIVITY CLAUSE. – This Ordinance shall take effect after posting in three (3) conspicuous places in this Municipality for a period of three (3) consecutive weeks.


UNANIMOUSLY APPROVED AND ADOPTED.

--oOOo--

I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance.


MARIA CELESTE B. CANOY
Secretary to the Sangguniang Bayan

CERTIFIED CORRECT AS TO ITS
PASSAGE ON THE THIRD AND FINAL
READING:


DEOGRACIAS T. CIMAFRANCA
Municipal Vice Mayor
(Presiding Officer) 07/12/2021

APPROVED:


CECILIA J. CARREON
Municipal Mayor

14 JUL 2021