



# Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



*Hon. Sison*

EXCERPT FROM THE MINUTES OF THE 77<sup>TH</sup> REGULAR SESSION  
VIA ZOOM MEETING OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN  
HELD AT THE PROVINCE OF BATAAN ON MARCH 22, 2021

PRESENT:

Hon. Ma. Cristina M. Garcia, Vice Governor and Presiding Officer

FIRST DISTRICT:

Hon. Benjamin C. Serrano, Jr., Board Member  
Hon. Jomar L. Gaza J.D., Board Member  
Hon. Reynaldo T. Ibe, Jr., Board Member  
Hon. Godofredo B. Galicia, Jr., M.D., Board Member



SECOND DISTRICT:

Hon. Manuel N. Beltran, Board Member  
Hon. Edgardo P. Calimbas, Board Member  
Hon. Jose C. Villapando, Sr., Board Member  
  
Hon. Noel Joseph L. Valdecañas, Board Member (PCL President)  
Hon. Precious D. Manuel, Board Member (SKF President)  
Hon. Rosita N. Sison, Board Member (IPM Representative)

ABSENT:

Hon. Maria Khristine G. Dela Fuente, Board Member (On Leave)  
Hon. Maria Margarita R. Roque, Board Member (On Leave)  
Hon. Romano L. Del Rosario, Board Member (On Leave)  
Hon. Doroteo M. Austria, Board Member (FABC President) (On Leave)

**ORDINANCE NO. 04**  
**Series of 2021**

**AN ORDINANCE STRICTLY ENFORCING MINIMUM PUBLIC HEALTH STANDARDS AND FOR OTHER PURPOSES**

**Sponsored by: HON. GODOFREDO B. GALICIA, JR., M.D.**

**WHEREAS**, the country is under a State of Calamity pursuant to Presidential Proclamation No. 929, as extended by Presidential Proclamation No. 1021 issued on September 16, 2020;

**WHEREAS**, on March 17, 2020, the Sangguniang Panlalawigan of Bataan passed Resolution No. 133-2020 declaring the entire province under a State of Calamity due to the COVID-19 pandemic;

**WHEREAS**, Executive Order No. 112 dated April 30, 2020 mandates the local government units (LGUs) to adopt lawful and necessary measures to enforce minimum public health standards set by the Department of Health (DOH) and other national government agencies at all times during the implementation of all levels of community quarantine;

ALBERT S. GARCIA  
Provincial Governor

**"EXCELLENT PUBLIC SERVICE TOWARDS A BETTER QUALITY OF LIFE FOR ALL"**

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**WHEREAS**, the DILG issued a Memorandum dated July 23, 2020 directing all LGUs to implement existing national laws and/or enact/amend local ordinances that shall ensure compliance with the aforesaid Omnibus Guidelines and minimum public health standards prescribed by the DOH within their respective jurisdictions;

**WHEREAS**, the DILG, pursuant to Memorandum Circular dated March 5, 2021, reiterated its call for LGUs to intensify enforcement of measures against violators of health and safety protocols as provided in the required local ordinances, in response to the increasing number of COVID-19 cases caused mainly by the non-observance of the minimum public health standards. This problem has been compounded by the presence of new COVID-19 variants in the country;

**WHEREAS**, Presidential Proclamation No. 1021 enjoins all government agencies and local government units (LGUs) to mobilize necessary resources to undertake critical, urgent and appropriate response aid and measures in a timely manner to curtail and eliminate the threat of COVID-19;

**WHEREAS**, LGUs are mandated to promote the general welfare, including the health and safety of its constituents, in accordance with Sec. 16 of Republic Act No. 716, or the Local Government Code of 1991;

**NOW THEREFORE**, foregoing premises considered, the Sangguniang Panlalawigan, in a regular session, assembled, hereby ordains that:

**Section 1. Title.** This Ordinance shall be known as "**AN ORDINANCE STRICTLY ENFORCING MINIMUM PUBLIC HEALTH STANDARDS AND FOR OTHER PURPOSES**".

**Section 2. Mandatory wearing of face masks and face shields.** All persons shall properly wear full-coverage face shields and face masks whenever they are out of their homes, pursuant to existing guidelines issued by the national government. Face masks should cover the nose and mouth while face shield should cover the whole face. Parents or legal guardians of minors shall be responsible to make sure that their children and wards shall wear face masks and face shields as provided hereinabove;

**Section 3. Movement restrictions.** Any person below fifteen (15) and over sixty-five (65) years old, those with immunodeficiency, comorbidity, or other health risks, and pregnant women are required to remain inside their homes at all times except for essential or emergency travels as may be allowed under the relevant National IATF Omnibus Guidelines under whatever community quarantine is in effect;

**Section 4. Social distancing.** Pursuant to Provincial Task Force (PTF) Resolution No. 16 dated August 14, 2020 and to Section 5 (12) of the National IATF Omnibus Guidelines, as amended, all permitted establishments shall strictly enforce social distancing protocols within their premises, and shall strictly comply with the required seating and operational capacity and duration, as assessed and recommended by the local building officials. To this end, the concerned local building officials shall:

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1. Issue COVID-19-responsive building permit to applicants or building owners upon compliance with the condition that the proposed building and architectural plans shall have sufficient spaces and features that will allow social or physical distancing among the employees or customers, and such added features will allow sufficient ventilation and sanitation not only for the convenience of customers or patrons but for the prevention of transmission of virulent, highly contagious and airborne viruses;
2. Inspect, assess and evaluate all existing buildings and establishments including, but not limited to, hotels, convention centers, restaurants, inns, motels, canteens, supermarkets, department stores, offices and malls and other entertainment establishments, and determine the following:
  - a. Maximum capacity or the maximum number of people who may be admitted or be gathered inside.
  - b. Maximum period or number of hours that the gathering may be allowed to be held.
  - c. Other reasonable conditions that the building officials may deem necessary to observe taking into consideration the area, building orientation, ventilation, sanitation, and other aspects of the building/structure;

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In any public place, such as in dining, queuing or waiting or service area, the people shall be required to keep a distance of at least six (6) feet from each other.

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**Section 5. Prohibition on Mass Gatherings.** Mass gatherings, such as, but not limited to, entertainment events, concerts, sporting events and other non-essential activities are prohibited in line with the PTF Resolution No. 13 dated August 2, 2020, subject to the following exceptions:

1. **Religious gatherings**, as defined in PTF Resolution No. 27 dated September 29, 2020, are allowed subject to the following conditions and protocols in said Resolution:
  - a. All venues for religious gatherings, services, rites, or ceremonies and related celebrations/events must comply with gathering restrictions upon inspection by the local building official and sanitary engineer for the purpose of determining the gathering limit or the maximum number of attendees that can be accommodated as well as the proper ventilation and appropriate facilities for the observance of the public health and safety standards.
  - b. Physical Distancing means keeping a distance of six feet from others. Religious group or organizers shall ensure the strict implementation and observance of physical distancing and other important health and safety standards:
    - i. Seats shall be assigned to the participants who shall be encouraged to remain in their designated space throughout the religious activity or service.

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ii. Stewards shall be appointed to manage the selection of seating and/or flow of attendees.

- c. Temperature shall be checked at the entrances where alcohol or hand sanitizer stations shall also be made available.
- d. Access to basic hygiene facilities shall be provided such as toilets and handwashing areas sufficiently supplied with water, soap, and disinfectants.
- e. The religious group officers or organizers shall remind the participants to cover mouth and nose with tissue when coughing or sneezing. If no tissue is available, sneezing or coughing into one's own sleeve is advised.
- f. Wearing of masks and face shields is mandatory throughout the religious activity, service, mass or worship.
- g. Religious group officers or organizers shall plan to adapt, modify or suspend activities that increase the risk of disease transmission.
- h. For activities that involve distributing/sharing items such as, but not limited to, worship materials and ceremonial objects, the religious group or organizers shall:

- i. Limit the number of individuals who have contact with religious or ceremonial materials/objects;
- ii. Ensure that hand hygiene is performed prior to distribution and sharing;
- iii. Consider leaving materials/objects to be distributed on a table for individuals to pick up;
- iv. Utilize drop boxes instead of passing around collection boxes for offerings or collections;
- v. Limit or Suspend physical contact between people (shaking of hands, hugging, etc.);
- vi. Suspend serving of food, drinks, meals.

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- i. Congregational or group singing is strongly discouraged, even with masks since singing may contribute to the spread of the virus;
- j. *In accordance with this Ordinance*, only those who are between fifteen (15) and sixty five (65) years of age and without co-morbidities are allowed to participate in the religious gathering;
- k. For contact tracing purposes, all attendees and participants of the religious gathering shall register and provide their full names, age, contact numbers, and complete address in an application or platform that may be provided by their respective religious organization or group. A seat plan, with the date and time of the religious gathering, shall be enforced.

Gathering

2. **Essential Gatherings**, including work-related meetings and conferences, public hearings, government meetings and training seminars are permitted subject to the protocols provided PTF Resolution No 30 dated November 26, 2020 that include:

- a. Temperature screening at the entrance;
- b. Wearing of face mask and face shield;
- c. Disinfection at the entrance;

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- d. Physical distancing of 6 feet in the seating arrangement;
- e. Controlled flow of attendees;
- f. Disinfection of the venue or place of gathering;
- g. Access to basic hygiene facilities such as toilets and handwashing areas sufficiently supplied with water, soap and disinfectants;
- h. Proper ventilation of the venue;
- i. Observance of minimal physical interaction;
- j. Limited number of speakers and arrangements to avoid close contact.

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**Section 6. Curfew.** A curfew is hereby declared and shall be enforced from 10:00 p.m. to 5:00 a.m.. No person shall be allowed to be outside of residence during said curfew hours except for emergency cases.

Individuals working in permitted industries and businesses under MGCQ which require operations beyond the curfew including medical services, security services, BPOs, and export-oriented industries, are exempted from the curfew. Government and LGU officials and employees who are in the performance of their duties are exempted from the curfew. Parents and legal guardians shall be responsible for the compliance of their children or wards to the curfew imposed herein;

**Section 7. Public Transportation.** Public utility vehicles (PUVs) including buses, jeepneys, and tricycles shall strictly comply with and implement minimum public health standards in their operations such as the observance of allowable passenger capacity, social distancing, regular disinfections, and the required health safety installations on the vehicles.

**Section 8. Wakes/Funerals and Management of Human Remains.** Pursuant to PTF Resolution No. 34 dated February 26, 2021, the following guidelines shall be observed in the handling and management of human remains, and for wakes and burials:

**1. Requirements when death is due to a communicable disease:**

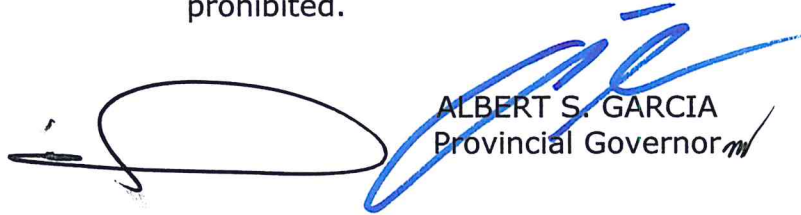
- a. The remains shall be placed in a durable, air tight, and sealed casket.
- b. The remains shall be buried within twelve (12) hours after death.
- c. The remains shall not be taken to any place of public assembly.
- d. Only adult members of the family of the deceased shall be permitted to attend the funeral and burial of human remains.
- e. Subject to Section 3 hereof, no remains of a person who died of dangerous communicable disease shall be transferred from one place to another.

**2. Precautions in handling infectious human remains for suspect, probable, and confirmed COVID-19 cases:**

- a. The remains shall be wrapped with cloth or robust and leak-proof transparent plastic bag, and placed in an airtight cadaver bag that is leak-proof and shall be zipped or closed tightly with tapes and bandage strips.
- b. Unzipping of the plastic bag and cadaver bag shall be prohibited.
- c. Hygienic preparations on and embalming of the remains shall be prohibited.

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Provincial Governor











  
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- d. Viewing of the deceased's face shall not be permitted.
- e. Direct contact with the human remains is not allowed.
- f. Disposal of the remains shall be through cremation or immediate burial.

**3. Precautions on the transfer of infectious human remains for suspect, probable, and confirmed COVID-19 cases:**

- a. As a general rule, no remains of a person who died of dangerous communicable disease shall be transferred from one place to another.
- b. The body or remains of any person who died of a dangerous communicable disease shall not be carried from place to place, except for the purpose of burial or cremation. It shall be the duty of local health authorities to cause such body or remains to be thoroughly disinfected before being prepared for burial; and the house, furniture, wearing apparel, and everything capable of conveying or spreading infection shall also be disinfected.
- c. The issuance of a permit to transfer the human remains shall be granted only when absolutely necessary, provided that the transfer shall strictly comply with the universal, standard, transmission-based precautions required in DILG Memorandum Circular No. 2020-063 and other relevant issuances, in the handling and transfer of human remains.
- d. There shall be no stopover during transport, unless in an emergency or when requested at the checkpoints;
- e. The person in charge shall ensure that all documents for travel are secured beforehand and copies furnished to the driver or documenter, in case need or deemed necessary, such as in passing thru checkpoints.
- f. Prior coordination should be done with the concerned LGUs and local authorities;
- g. Documents to be secured before transport:
  - i) Certified True Copy of the death certificate;
  - ii) Transfer Permit secured from the Local Health Officer of the point of origin, and which shall also be secured from other LGUs where the remains will pass, if local ordinances of such LGUs so require;
  - iii) Other documents that the appropriate government agencies might require.

**4. Guidelines for deceased with pending PCR result:**

- a. All human remains with pending PCR test results must be securely kept in the morgue of the hospital or health facility until the release of the results;
- b. The hospital or health facility shall coordinate with and inform the concerned Local Health Officer of the case;
- c. The hospital or health facility shall inform the family of the deceased and advise them of the guidelines that need to be observed;

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- d. Notwithstanding the pending PCR test result, no unembalmed body shall remain unburied or uncremated after forty eight (48) hours from the time of death. The remains shall be directly buried or cremated regardless of the test result;
- e. If test result returns positive for COVID-19, the remains shall be directly buried or cremated within twelve (12) hours after death;
- f. All suspects or probable suspects without negative PCR test results shall be directly buried or cremated within twelve (12) hours after death;
- g. No wake shall be allowed unless a Death Certificate from the hospital, city/municipal health office, or rural health unit is secured;
- h. The Bataan General Hospital and Medical Center (BGHMC) and the Mariveles District Hospital (MDH) are enjoined to expedite the processing and release of RT-PCR test results of deceased persons who were tagged as suspects or probable COVID-19 cases but who are found to be negative after testing, to afford the relatives the opportunity to practice wakes and burial for their loved ones.

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**5. Wakes.** No wake shall be allowed for suspect, probable, and confirmed COVID-19 cases. The remains shall be directly buried or cremated within twelve (12) hours after death.

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For non-COVID-19 deaths, wakes shall be held in accordance with the prevailing rules and guidelines issued by the respective LGUs of the province. In any case, the minimum public health standards including proper social distancing, limitations as to the attendance and seating capacity of the place of gathering, and age restrictions, among others, shall always be observed and implemented the conduct of wakes.

**Section 9. Penalties.** Violations of the above-cited rules on mandatory proper wearing of face masks and face shields under Section 2 hereof shall have the corresponding penalties:

|                               |   |
|-------------------------------|---|
| First Offense                 | Fine in the amount of ₱1,000 or community service   |
| Second Offense                | Fine in the amount of ₱2,000  |
| Third and Succeeding Offenses | Fine in the amount of ₱2,500 and/or imprisonment for 10-30 days at the discretion of the proper court |

Violations on or non-compliance with the movement restrictions of covered individuals as provided in Section 3 hereof shall have the corresponding penalties:

|                               |   |
|-------------------------------|---|
| First Offense                 | Fine in the amount of ₱500 or community service |
| Second Offense                | Fine in the amount of ₱1,000                    |
| Third and Succeeding Offenses | Fine in the amount of ₱1,500                    |

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 ALBERT S. GARCIA  
 Provincial Governor

Violations of the above-cited rules on the social distancing measures of establishments under Section 4 hereof shall be penalized as follows:

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| First Offense                 | Fine in the amount of ₱1,500 and suspension of permit for 5 days                               |
| Second Offense                | Fine in the amount of ₱2,000 and suspension of permit for 10 days                              |
| Third and Succeeding Offenses | Fine in the amount of ₱2,500 and revocation of business permit and/or closure of establishment |

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Violations of the above-cited rules on the prohibition against mass gatherings under Section 5 hereof shall have the corresponding penalties:

|                               |  |
|-------------------------------|--|
| First Offense                 | Fine in the amount of ₱500 for each individual participating in the mass gathering event and for each organizer thereof  |
| Second Offense                | Fine in the amount of ₱1,000 and imprisonment of ten (10) days for each individual participating in the mass gathering event and for each organizer thereof    |
| Third and Succeeding Offenses | Fine in the amount of ₱2,500 and imprisonment of twenty (20) days for each individual participating in the mass gathering event and for each organizer thereof |

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Violations of the above-cited rules on the curfew set under Section 6 hereof shall be penalized as follows:

|                               |   |
|-------------------------------|---|
| First Offense                 | Fine in the amount of ₱500 or community service |
| Second Offense                | Fine in the amount of ₱1,000                    |
| Third and Succeeding Offenses | Fine in the amount of ₱1,500                    |

Violations of the above-cited rules on the minimum public health standards for PUVs under Section 7 shall be penalized as follows:

|                               |   |
|-------------------------------|---|
| First Offense                 | Fine in the amount of ₱1,000  |
| Second Offense                | Fine in the amount of ₱2,000  |
| Third and Succeeding Offenses | Fine in the amount of ₱2,500 and revocation of license/permit to operate or recommendation with the LTFRB for the imposition of the appropriate penalties |

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If the offender is a minor, the penalties provided for violations on the mandatory wearing of face shield/facemask, movement restrictions, and curfew, shall be imposed upon the parents or legal guardian of the minor.

ALBERT S. GARCIA  
Provincial Governor

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**Section 10. Law Enforcement.** All law enforcement agencies and the Barangay Health Emergency Response Teams (BHERTs) are hereby enjoined to coordinate among themselves to strictly enforce this Ordinance.

**Section 11. Barangay Share in the Collected fines.** The collected fines from the enforcement of this Ordinance shall be divided between the city/municipality or province and the (apprehending) barangay. *Provided, however,* that the barangay shall only get its fifty percent (50%) share in the collection of fines when the apprehension is carried out by the barangay itself. *Provided, further,* that said collection shall be used to fund their local government's COVID-19 response, subject to accounting and auditing regulations.

**Section 12. COVID-Free Barangay Incentives.** In addition to the criteria provided in Provincial Ordinance No. 12 dated September 10, 2020 and PTF Resolution No. 23 dated September 10, 2020, the adoption of this Ordinance at the municipal or barangay levels is required for the barangay to be qualified for the incentives provided therein. *Provided that,* the barangay with the highest total monthly collections from fines imposed upon violators of this Ordinance may be given additional incentives on top of the incentives provided in Provincial Ordinance No. 12 dated September 10, 2020. *Provided, further,* that the amount of incentives and the starting date of its implementation shall be determined by the Governor, upon the recommendation of the Provincial Task Force. *Provided, finally,* that in order for the barangay to be entitled to this additional incentives, it should have been qualified for the incentives under Provincial Ordinance No. 12 in the first place.

**Section 13. Reports of violations.** Any private individual may report any violation of this Ordinance to the law enforcement body or authority which shall be verified and validated for its truthfulness, accuracy and honesty. Evidentiary means such as photographs, video or recording may be sent to an official portal or webpage or site to be set up by the provincial government and the identity of the individual reporting the violations shall be kept strictly confidential.

**Section 14. Barangay border protocols.** Checkpoints shall be established or installed at the points of entry in every barangay to enforce barangay border protocols which include requiring the presentation of the following documents as a condition for entry of individuals:

| Category   | Requirement  |
|--|--|
| Non-resident individuals   | Negative RT-PCR Test Result issued within three (3) days prior to entry  |
| Residents  | Valid I.D.   |
| Resident APORs*  | Valid I.D.   |
| Non-resident APORs   | Valid I.D. and Company I.D.  |
| Resident APORs and Non-resident APORs coming from NCR, Bulacan, Laguna, Cavite and Rizal | <ul style="list-style-type: none"> <li>Valid I.D. and/or Company I.D.</li> <li>Medical Certificate and Health Clearance issued within three (3) days prior to entry</li> </ul> |

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Provincial Governor

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| APORs from national government agencies and their attached agencies with official missions in the Bataan | <ul style="list-style-type: none"> <li>• I.D.</li> <li>• Travel Order</li> <li>• Travel Itinerary</li> </ul> |
|--|--|

*\*Authorized Person Outside of Residence*

**Section 15. Implementation.** Unless when the Governor or Mayor, through its MBDA, PDRRMO/MDRRMO, Finance Committee and/or PHO/MHO issues implementing guidelines hereon, this Ordinance shall be fully implemented and executed.

**Section 16. Separability Clause.** If, for any reason or reasons, any part or provision of this Code shall be declared invalid or unconstitutional, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**Section 17. Repealing Clause.** Any ordinance, order, PTF Resolution, or any issuance, or parts thereof, inconsistent with any of the provisions provided herein shall be deemed amended or modified accordingly.


**Section 18. Effectivity.** This Ordinance shall take effect immediately after posting or publication thereof in accordance with the Local Government Code of 1991.

**APPROVED UNANIMOUSLY.**

  
MA. LILIOSA B. OCONER  
Assistant Secretary to the SP

  
BENJAMIN C. SERRANO, JR.  
Board Member

  
JOMAR L. GAZA J.D.  
Board Member

  
REYNALDO T. IBE, JR.  
Board Member

  
GODOFREDO B. GALICIA, JR., M.D.  
Board Member

  
MANUEL N. BELTRAN  
Board Member

  
EDGARDO P. CALIMBAS  
Board Member

  
ALBERT S. GARCIA  
Provincial Governor

TMTA







  
JOSE C. VILLAPANDO, SR.  
Board Member

  
NOEL JOSEPH L. VALDECAÑAS  
Board Member  
(PCL President)

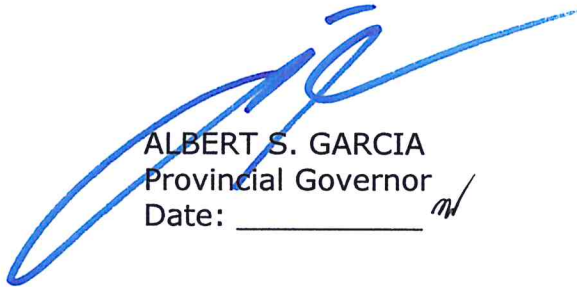
  
PRECIOUS D. MANUEL  
Board Member  
(SKF President)

  
ROSITA N. SISON  
Board Member  
(IPM Representative)

ATTESTED:

  
MA. CRISTINA M. GARCIA  
Vice Governor  
(Presiding Officer)

APPROVED:

  
ALBERT S. GARCIA  
Provincial Governor  
Date: \_\_\_\_\_

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