



Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



RN-Sison

EXCERPT FROM THE MINUTES OF THE 96TH REGULAR SESSION
VIA ZOOM MEETING OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN
HELD AT THE PROVINCE OF BATAAN ON AUGUST 16, 2021

SANGGUNIANG PANLALAWIGAN
CAPITOL BATAAN
RELEASED
RECORDS DIVISION
SEP 01 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
- Hon. Maria Khristine G. Dela Fuente, Board Member

SECOND DISTRICT:

- Hon. Maria Margarita R. Roque, Board Member
- Hon. Manuel N. Beltran, Board Member
- Hon. Edgardo P. Calimbas, Board Member
- Hon. Jose C. Villapando, Sr., Board Member
- Hon. Romano L. Del Rosario, Board Member
- Hon. Doroteo M. Austria, Board Member (FABC President)
- 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:

None

**ORDINANCE NO. 13
Series of 2021**

**AN ORDINANCE PENALIZING THE UNAUTHORIZED SALE OF COVID-19
VACCINES AND VACCINATION SLOTS.**

Sponsored by: Hon. Godofredo B. Galicia, Jr., M.D.

WHEREAS, pursuant to Republic Act No. 9711, otherwise known as the "Food and Drug Administration Act (FDA) of 2009", the manufacture, importation, exportation, sale, offering for sale, distribution, transfer, promotion, advertising or sponsorship of health products without proper authorization from the FDA is prohibited;

WHEREAS, presently, the sale of COVID-19 vaccines for commercial use is prohibited as it is covered by emergency use authorization from the FDA;

ALBERT S. GARCIA
Provincial Governor

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

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WHEREAS, the Department of Interior and Local Government (DILG), in its advisory dated July 16, 2021, enjoined all local government units to enact ordinances providing for penalties to those who, without authority, sell vaccines owned or donated to the government;

WHEREAS, in the same advisory, it states that penalties maybe meted against those who provide or promise to provide vaccination slots or schedules in exchange for valuable consideration;

WHEREAS, there is need to prevent and discourage the manufacture, sale, and proliferation of fake COVID-19 vaccines;

WHEREAS, there is a need to protect the citizenry of Bataan from hoarding and profiteering by unscrupulous individuals of the COVID-19 vaccines;

WHEREAS, Republic Act No. 11525, otherwise known as "COVID-19 Vaccination Program Act of 2021" and its Implementing Rules and Regulations essentially provides that COVID-19 vaccines are to be administered free of charge;

WHEREAS, it is the policy of the Provincial Government of Bataan (PGB) to provide an accessible, safe and free vaccination program within its jurisdiction;

NOW THEREFORE, be it enacted, as it is hereby enacted by the Sangguniang Panlalawigan of Bataan, in session duly assembled, by virtue of powers vested in it by law, that:

Section I – Title:

This Ordinance shall be known as "AN ORDINANCE PENALIZING THE UNAUTHORIZED SALE OF COVID-19 VACCINES AND VACCINATION SLOTS."

Section II – Coverage:

This Ordinance shall apply within the territorial jurisdiction of the Province of Bataan.

Section III – Definition of Terms:

- a. **Corona Virus Disease 2019 (COVID-19)** – a new strain of an infectious disease that was discovered in 2019 caused by a new virus that had not been previously identified in humans which causes respiratory illness (like the flu) with symptoms such as a cough, fever and in more severe cases, pneumonia. It also refers to a disease assigned by World Health Organization (WHO) with emergency code UO7.1 (2019-nCoV acute respiratory disease) in the International Classification of Diseases, Tenth Revision (ICD-10) and characterized by rapid transmission and signs and symptoms that may include fever, tiredness, dry cough, runny nose, sore throat, nasal congestion, diarrhea, shortness of breath, and in more severe cases, pneumonia, severe acute respiratory syndrome, and sometimes, death;

ALBERT S. GARCIA
Provincial Governor

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- b. **COVID-19 Vaccine** – Any brand of vaccine, which was granted emergency use authorization from the FDA, that is intended to provide acquired immunity against COVID-19. For purposes of this Ordinance, COVID-19 vaccines are limited to those that are owned and/or donated to the Provincial Government of Bataan (PGB);
- c. **Valuable Consideration** – an equivalent or compensation having value that is given for something acquired or promised and that may consist either in a benefit accruing to one party or a loss falling upon the other;
- d. **Vaccination-for-sale schemes** – acts enumerated under Section IV of this Ordinance.

Section IV. Prohibited Acts:

- a. It shall be unlawful for any person, be it natural or juridical, to sell, without authority, COVID-19 vaccines, which are owned and donated to the Provincial Government of Bataan or any of its instrumentalities;
- b. It shall also be unlawful, for any person, be it natural or juridical, to provide or promise to provide vaccination slots or schedules in exchange for valuable consideration. This is limited to vaccination drives that are being conducted by the Provincial Government of Bataan or any of its instrumentalities.

Section V. Persons Liable:

The following persons shall be liable under this Ordinance:

- a. Any person who shall violate the provisions set forth in Section IV-a and/or Section IV-b shall be liable under this Ordinance;
- b. In case of corporation or other juridical entities, the directors, officers, employees or other officers of corporation who have direct participation with respect to the prohibited acts enumerated in Section IV of this Ordinance shall be held liable. This is without prejudice to the possible revocation of business license, after the observance of due process.

Section VI. Penalties:

Any person who violates the provisions of this Ordinance shall be penalized with a fine of Five Thousand Pesos (P5,000.00) or imprisonment of not exceeding one (1) year or both, in the sound discretion of the proper Court.

Section VII. Coordination:

The Provincial Government of Bataan (PGB) shall work closely and seek proper guidance with the Department of Health (DOH), Philippine National Police (PNP), National Bureau of Investigation (NBI), Department of Interior and Local Government (DILG), other national agencies and other local government units to ensure that vaccine-for-sale schemes shall be avoided. This coordination includes the institution of mechanism so that the public may report the persons involved in the illegal vaccine-for-sale scheme.

ALBERT S. GARCIA
Provincial Governor

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Section VIII. Implementing Agencies:

The PNP, AFP, MBDA, respective City/Municipal Marshalls, Barangay Tanods and deputized task force shall have the duty and power to enforce the provisions of this Ordinance and shall apprehend the violators thereof. Moreover, the implementing agencies are encouraged to inform, educate, and communicate to the public the following:

- a. COVID-19 Vaccines are distributed by the Provincial Government of Bataan **FOR FREE;**
- b. Slots or schedules for vaccination are accessible to all those who belong to the eligible population WITHOUT COST, and the slot or schedule must be secured to the means provided by the Provincial Government of Bataan;
- c. They shall only acquire doses of vaccines from legitimate sources.

Section IX. Repealing Clause:

All ordinances contrary to or inconsistent with this Ordinance are hereby repealed or modified accordingly.

Section X. Separability Clause:

If any part or provision of this Ordinance is declared unconstitutional or invalid, the same shall not affect the validity and effectivity of the other parts or provisions hereof.

Section XI. Effectivity Clause:

This Ordinance shall take effect immediately upon compliance with the requirements of the relevant provision of RA 7160.

ENACTED AND APPROVED this 16th day of August, 2021 in the City of Balanga, Province of Bataan.

APPROVED UNANIMOUSLY.


 MA. LILIOSA B. OCONER
 Assistant Secretary to the SP


 BENJAMIN C. SERRANO, JR.
 Board Member


 JOMAR L. GAZA J.D.
 Board Member


 ALBERT S. GARCIA
 Provincial Governor



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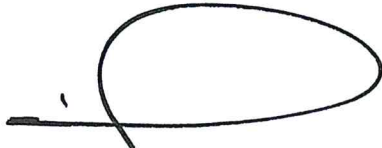
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REYNALDO T. IBE, JR.
Board Member



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



MARIA KRISTINE G. DELA FUENTE
Board Member



MARIA MARGARITA R. ROQUE
Board Member



MANUEL N. BELTRAN
Board Member



EDGARDO P. CALIMBAS
Board Member



JOSE C. VILLAPANDO, SR.
Board Member



ROMANO L. DEL ROSARIO
Board Member



DOROTEO M. AUSTRIA
Board Member
(FABC President)



NOEL JOSEPH L. VALDECAÑAS
Board Member
(PCL President)



PRECIOUS D. MANUEL
Board Member
(SKF President)



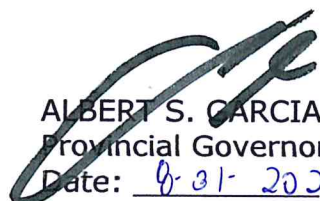
ROSITA N. SISON
Board Member
(IPM Representative)

ATTESTED:



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

APPROVED:



ALBERT S. GARCIA
Provincial Governor
Date: 8-31-2021

