



Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



EXCERPT FROM THE MINUTES OF THE 112TH REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN VIA ZOOM ON JANUARY 17, 2022 HELD IN THE PROVINCE OF BATAAN

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. Noel Joseph L. Valdecañas, Board Member (PCL President)
- Hon. Doroteo M. Austria, Board Member (FABC President)
- Hon. Precious D. Manuel, Board Member (SKF President)
- Hon. Rosita N. Sison, Board Member (IPM Representative)

ABSENT:

None

PROVINCIAL ORDINANCE NO. 02 Series of 2022

AN ORDINANCE REGULATING THE MOVEMENT OF UNVACCINATED INDIVIDUALS IN THE PROVINCE OF BATAAN.

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

WHEREAS, on March 16, 2020, President Rodrigo Duterte issued Proclamation No. 929 which declared a State of Calamity throughout the Philippines due to the Coronavirus Disease 2019 (COVID-19) pandemic. Proclamation Nos. 1021 and 1218 extended the State of Calamity until September 12, 2022;

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;

ALBERT S. GARCIA
Provincial Governor

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

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SANGGUNIANG PANLALAWIGAN
CAPITOL BATAAN
RELEASED
RECORDS DIVISION
JAN 28 2022

WHEREAS, the Province of Bataan created its Provincial Task Force to better respond to the COVID-19 situation in the province in accordance with DILG Memorandum Circular No. 2020-077 and Resolution No. 25 of the National IATF which adopted a government-enabled, local government unit led, and people-centered response to the COVID-19 pandemic;

WHEREAS, the Provincial Task Force requests the Sangguniang Panlalawigan to adopt its Resolution No. 49 dated 7 January 2022 through the enactment of an ordinance;

WHEREAS, the Department of Health (DOH) confirmed the local transmission of the highly transmissible COVID-19 Omicron (B.1.1.529) variant. As of January 3, 2022, the country has recorded 14 cases of the new variant;

WHEREAS, the National Capital Region (NCR) and other neighboring provinces of Bataan have been placed under Alert Level 3 by the National IATF due to an alarming increase of confirmed cases;

WHEREAS, there has been a sharp increase in COVID-19 cases in the past few days. A total of 122 cases were reported on January 6, 2022 alone, pushing the number of active cases to 400 on even date, indicating an almost tripling of cases every day;

WHEREAS, a particular concern that must be addressed is the significant portion of the local population who remains hesitant to be vaccinated despite the proven effectivity of vaccines to prevent severe cases and the aggressive vaccination campaign of the province;

WHEREAS, unvaccinated individuals are more susceptible to severe cases of COVID-19 infection which will in turn require hospital care causing undue burden to the health care system to the detriment of public health;

WHEREAS, the Regional Inter-Agency Task Force on COVID-19 issued Resolution No. 01, dated January 5, 2022, encouraging local government units of Central Luzon to regulate the mobility of unvaccinated individuals;

WHEREAS, the League of Provinces of the Philippines issued a Memorandum, dated January 3, 2022, urging the provinces to issue policies regulating the mobility of unvaccinated individuals so as to protect the health and well-being of the fully and partially vaccinated population in view of the surge of new cases;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, which are essential to the promotion of the general welfare. The Sangguniang Panlalawigan thus deems it urgent and appropriate to prescribe regulations on the movement of unvaccinated individuals as a measure against the threat of the Omicron variant for the protection of public health, promotion of general welfare, and sustainability of an improving economy of the province;

NOW, THEREFORE, BE IT ENACTED BY THE SANGGUNIANG PANLALAWIGAN OF BATAAN IN REGULAR SESSION ASSEMBLED:

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Section 1. Movement Regulations on Unvaccinated Individuals. Covid-19 unvaccinated individuals, including those with medical conditions making them unfit for vaccination, and when applicable, those belonging to the vaccine-ineligible age population, shall:

1. Remain in their residences at all times, except in the following instances:
 - a. to acquire essential goods and services, including but not limited to, food, water, medicine, public utilities and energy, and medical and dental necessities, subject to the presentation of proof to support and justify such travel, such as certification from the barangay, doctor or other relevant authorities.
 - b. to go to work, subject to the presentation, every 2 weeks, of a COVID-19 negative test result, taken at his/her own expense within 48 hours through a Reverse Transcription Polymerase Chain Reaction (RT PCR) test, prior to being admitted for work onsite, consistent with the guidelines, rules, and regulations issued by the IATF and the Department of Labor and Employment;

Provided, however, that in the event that an RT PCR test or its result is not immediately available, a Rapid Antigen Test taken within 24 hours prior to reporting for work, may be utilized *in lieu* thereof.

The foregoing regulation shall also be applicable to non-residents of Bataan who work or travel within the province.

- c. individual outdoor exercise shall be allowed within the general area of their residence, *e.g.*, within the *barangay, purok*, subdivision, or village subject to the guidelines that may be issued by the respective mayors of the city and municipalities of the province with respect to their territories;
2. Be prohibited in dining in restaurants and other food establishments, whether indoor or outdoor/*al fresco*, and from making leisure or social visits to malls, hotels, event venues, sports and country clubs, and other facilities with closed spaces, crowded places or close contact settings (3Cs);
3. Be prohibited in public transportation except for the procurement of essential goods and services, subject to the same requirements as provided in Section 1, (1), (a);

The provisions of this Section shall not apply to partially vaccinated individuals or those yet to receive all the required doses, and who are waiting for their next dose.

Section 2. Proof of Vaccination. To prove that an individual is vaccinated, he/she shall present the original vaccination card or a screen shot/picture thereof, and a valid identification card or sufficient proof of identity.

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Without prejudice to penalties imposed under applicable ordinances, any individual who or establishment which will falsify or use a falsified COVID-19 vaccination card or certificate shall be prosecuted accordingly under Act No. 3815 (The Revised Penal Code), pursuant to Sec. 12 of R.A. No. 11525 (COVID-19 Vaccination Program Act of 2021).

Public and private establishments shall require the presentation of proof of vaccination prior to and as a condition for entry and accommodation therein. They shall refuse entry and/or accommodation to individuals who remain to be unvaccinated, subject to the exceptions provided herein above.

Section 3. Penalties. A violation of any of the provisions of this Ordinance shall be meted out with a fine of Five Thousand Pesos or imprisonment of not exceeding one (1) year, or both, at the sound discretion of the proper court.

As regards public and private establishments, the directors, officers, employees or other officers who have direct participation with respect to the prohibited acts mentioned herein shall be held liable, aside from the possible revocation of business license, after the observance of due process.

This is without prejudice to further prosecution under the provisions of R.A. No. 11332 or the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act, particularly Sec. 9 (d) and (e) on Prohibited Acts in relation to Sec. 10 on Penalties i.e. a fine of not less than Twenty Thousand Pesos (₱20,000.00) but not more than Fifty Thousand Pesos (₱50,000.00) or imprisonment of not less than one (1) month but not more than six (6) months, or both, at the discretion of the proper court.

Section 4. Repealing clause. Any Provincial Ordinance, or parts thereof, inconsistent with any of the provisions provided herein shall be deemed superseded thereby or modified accordingly.

Section 5. 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 6. Effectivity. This Ordinance shall take effect immediately, upon compliance with the requirements of the relevant provision of RA 7160, and shall remain effective unless repealed, amended, or modified accordingly by the Sangguniang Panlalawigan.

ENACTED this 17th day of January 2022, Balanga City, Bataan.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

ATTY. MARK LORENZ C. QUEZON
Secretary to the Sangguniang Panlalawigan

BENJAMIN C. SERRANO, JR.
Board Member

MARIA MARGARITA R. ROQUE
Board Member

ALBERT S. GARCIA
Provincial Governor

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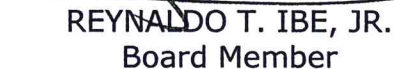
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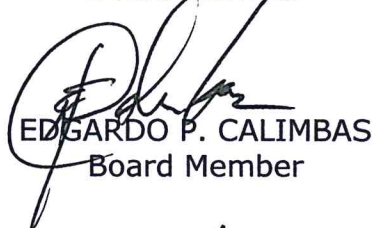
JOMAR L. GAZA J.D.
Board Member



MANUEL N. BELTRAN
Board Member



REYNALDO T. IBE, JR.
Board Member



EDGARDO P. CALIMBAS
Board Member



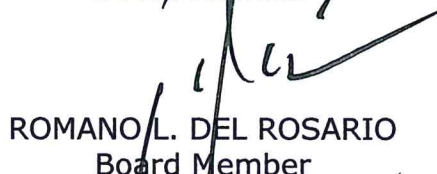
GODOFREDO B. GALICIA, JR., M.D.
Board Member



JOSE C. VILLARANDO, SR.
Board Member



MARIA KRISTINE G. DELA FUENTE
Board Member



ROMANO L. DEL ROSARIO
Board Member



NOEL JOSEPH L. VALDECAÑAS
Board Member
(PCL President)



PRECIOUS D. MANUEL
Board Member
(SKF President)

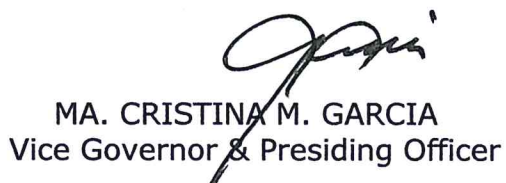


DOROTEO M. AUSTRIA
Board Member
(FABC President)



ROSITA N. SISON
Board Member
(IPM Representative)

ATTESTED:



MA. CRISTINA M. GARCIA
Vice Governor & Presiding Officer

APPROVED:



ALBERT S. GARCIA
Provincial Governor
Date: _____

