



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
21st City Council

PO21CC-430/
PO21CC-431

66th Regular Session

ORDINANCE NO. SP- **3031**, S-2021

AN ORDINANCE PROHIBITING THE SELLING AND BUYING OF GOVERNMENT PROCURED COVID-19 VACCINE AND SELLING AND BUYING OF SLOTS TO AVAIL OF COVID VACCINATION AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Introduced by Councilors DOROTHY A. DELARMENTE, M.D., WENCEROM BENEDICT C. LAGUMBAY, RAMON P. MEDALLA, IRENE R. BELMONTE, KATE GALANG-COSETENG, EDEN DELILAH "Candy" A. MEDINA and PEACHY A. DE LEON.

Co-Introduced by Councilors Bernard R. Herrera, Lena Marie P. Juico, Tany Joe "TJ" L. Calalay, Nicole Ella V. Crisologo, Victor V. Ferrer, Jr., Winston "Winnie" T. Castelo, Atty. Bong Liban, Mikey F. Belmonte, Estrella C. Valmocina, Franz S. Pumaren, Matias John T. Defensor, Jorge L. Banal, Sr., Imee A. Rillo, Marra C. Suntay, Resty B. Malañgen, Ivy L. Lagman, Hero M. Bautista, Jose A. Visaya, Karl Castelo, Patrick Michael Vargas, Shaira L. Liban, Ram V. Medalla, Allan Butch T. Francisco, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Diorella Maria G. Sotto-Antonio, Donato "Donny" C. Matias, Eric Z. Medina, Freddy S. Roxas and Noe Dela Fuente.

WHEREAS, on March 9, 2020, President Rodrigo Roa Duterte issued Proclamation No. 922, declaring the country under a State of Public Health Emergency;

WHEREAS, a year later, or as of March 27, 2021, it was announced by the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) that the Greater Manila Area including Bulacan, Cavite, Laguna and Rizal would be placed under Enhanced Community Quarantine due to the continuous increase in reported COVID-19 cases starting from March 20 to April 4, 2021 and then again extended until April 11, 2021;

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WHEREAS, as of April 5, 2021, the Philippines has 803,398 reported COVID-19 cases, 45,054 confirmed cases of which are from Quezon City as reported by the Department of Health;

WHEREAS, as of April 4, 2021, 43,603 total individuals have been vaccinated in Quezon City out of a total population of 1.9 million residents;

WHEREAS, according to vaccine czar, Carlito Galvez, Jr., the delivery of vaccine doses from the World Health Organization would be slightly delayed due to "global logistics constraint" and that most manufacturing countries are restricting exports of the vaccines;

WHEREAS, under Section 5 of Republic Act No. 115251, private entities may procure COVID-19 vaccines only in cooperation with the Department of Health (DOH) and the National Task Force through a multi-party agreement which shall include the DOH and the relevant supplier of COVID-19 vaccine;

WHEREAS, under Section 11 of Republic Act No. 115251, "Beginning January 1, 2021, the procurement, importation, donation, storage, transport, deployment, and administration of COVID-19 vaccines by private entities shall be exempt from custom duties, value-added tax, excise tax, donor's tax, and other fees: Provided, that the vaccines shall not be intended for resale or other commercial use and shall be distributed without consideration from persons to be vaccinated;

WHEREAS, at present, the sale and/or purchase of vaccines from private persons or entities are prohibited under the law until a full market authorization is issued by the Philippines FDA; COVID-19 vaccine suppliers have only been given an Emergency Use Authorization (EUA) by the Philippine Government since the vaccines are unregistered (under development) during public health emergencies of international concern. It aims to expedite the availability of drug to people affected by the public health emergency base on essential set of available quality, safety and efficacy performance data;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides the police power of the City to implement measures necessary for the protection of its citizens, which particularly states:

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“Section 16. General Welfare - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balance ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promotes full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.”

WHEREAS, in conjunction with Section 11 of Republic Act No. 115251 and in the exercise of the police power of the Quezon City Government in order to prevent the manufacture, sale and proliferation of fake COVID-19 vaccines for profit to the detriment of its citizenry, an Ordinance penalizing the perpetrators in the commission of the said illegal acts is necessary.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. It shall be unlawful for any person, institution, corporation, group or organization to engage in the sale, distribution or administration of COVID-19 vaccines for gains, income or profit, while the country is in a State of Public Health Emergency and without full market authorization issued by the Food and Drug Administration.

SECTION 2. DEFINITION OF TERMS. - As used in this Ordinance, the following terms shall mean as follows:

- a. *COVID-19 Vaccines - it is a vaccine intended to provide acquired immunity against Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-COV-2), the virus causing Coronavirus Disease 2019 (COVID-19).*

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- b. *Natural Person - it refers to a human being as distinguished from a person (as a corporation) created by law.*
- c. *Juridical Person - refers to non-human it is an organization legal entity, in other words, any organization that is not a single natural person but is authorized by law with duties and rights and is recognized as a legal person and as having a distinct identity.*
- d. *Procurement - it is the act of buying or obtains the vaccine typically for the purpose of government service.*
- e. *Selling - it is the act of selling goods with a legal document that outlines an agreement between a seller and a buyer.*
- f. *Buying – it is the act of buying or promising to buys goods with a legal document that outlines an agreement between a buyer and a seller.*
- g. *Vaccination Slots – an allotted place in arrangement or plan such as vaccination*

SECTION 3. PROHIBITED ACTS.

1. *Illegal and unwanted selling of Government Procured COVID-19 vaccines*
2. *Selling the vaccine slot to any person whether living or not living in Quezon City.*
3. *Buying of Government Procured COVID-19 vaccines*
4. *Buying of Covid Vaccines Slot/s*

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SECTION 4. PENALTY.

1. *For a violation committed under Section 3 No. 1 any person who sells Government Procured COVID-19 vaccines shall be imprisoned for a maximum of six (6) months and a fine of Five Thousand Pesos (Php5,000.00);*

For Juridical Person, the Officers of such entity shall be liable for the violation of Section 3 No. 1.

2. *For a violation committed under Section 3 No. 2 any person who sells vaccine slot to any person shall be imprisoned for a maximum of six (6) months and a fine of Five Thousand Pesos (Php5,000.00);*

For Juridical Person, the Officers of such entity shall be liable for the violation of Section 3 No. 2.

3. *Any person who buys Government Procured COVID-19 vaccines shall be imprisoned for a maximum of three (3) months and a fine of Three Thousand Pesos (Php3,000.00);*
4. *Any person who buys vaccines slot shall be imprisoned for a maximum of three (3) months and a fine of Three Thousand Pesos (Php3,000.00).*

SECTION 5. ENFORCEMENT. - *The City Legal Department, Business Permit and Licensing Department (BPLD), and/or Punong Barangays of Quezon City shall initiate the filing of necessary charges against violators. Said offices are also hereby authorized to implement this Ordinance.*

The City Legal Department shall prepare the Implementing Rules and Regulations (IRR) for this Ordinance within thirty (30) days from its passage.

SECTION 6. *If, for any reason or reasons, any part or provision of this Ordinance shall be held unconstitutional or invalid, other parts or provisions thereof, which are not affected thereby, shall continue to be in full force and effect.*

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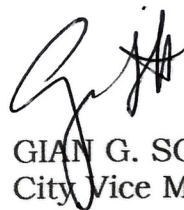
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SECTION 7. All ordinances, rules or regulations in conflict with the provisions of this Ordinance are hereby repealed; Provided, that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.


SECTION 8. EFFECTIVITY CLAUSE. - This Ordinance shall take effect immediately upon its approval and shall automatically be of no force and effect when the State of Public Emergency in the country is lifted.

ENACTED: May 31, 2021.



GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:



Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

APPROVED: JUN 16 2021



MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on May 31, 2021 under Suspended Rules and was PASSED on Third/Final Reading on the same date.



Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

