



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
21st City Council

PO21CC-453

72nd Regular Session

ORDINANCE NO. SP- **3032**, S-2021

AN ORDINANCE PROHIBITING THE UNAUTHORIZED OR FRAUDULENT SALE, DISTRIBUTION OR ADMINISTRATION OF COVID-19 VACCINES OR VACCINE SLOTS, FALSIFICATION OF COVID-19 VACCINATION CARDS, AND OTHER FRAUDS IN RELATION TO COVID-19 VACCINATION AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

Introduced by Councilors FRANZ S. PUMAREN, DOROTHY A. DELARMENTE, M.D. and DIORELLA MARIA G. SOTTO-ANTONIO.

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, Eden Delilah "Candy" A. Medina, Ramon P. Medalla, Mikey F. Belmonte, Estrella C. Valmocina, Kate Galang-Coseteng, Matias John T. Defensor, Wencerom Benedict C. Lagumbay, Jorge L. Banal, Sr., Peachy V. De Leon, Imee A. Rillo, Marra C. Suntay, Irene R. Belmonte, 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, Marivic Co Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Donato "Donny" C. Matias, Eric Z. Medina, Freddy S. Roxas and Noe Dela Fuente.

WHEREAS, on 13 March 2020, the City Council declared Quezon City to be under a State of Calamity due to COVID-19 pandemic;

WHEREAS, Section 6(e) of Republic Act No. 11332, otherwise known as "The Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act" provides that local governments have the authority to conduct and enforce disease surveillance and response systems, epidemic/outbreak and epidemiologic investigations, and rapid containment, quarantine and isolation, disease prevention and control measure;

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WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, granted the City the implied power to do all things necessary, appropriate or incidental to govern efficiently and effectively, promote the general welfare, promote health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitants;

WHEREAS, Section 12 of Republic Act No. 11525 entitled: "An Act Establishing the Corona Virus Disease 2019 (COVID-19) Vaccination Program Expediting the Vaccine Procurement and Administration Process, Providing Funds Therefor, and for Other Purposes" states that falsification of a vaccine card shall be punishable under the Revised Penal Code;

WHEREAS, Section 12 of Republic Act No. 11525 further provides that the sale, advertisement, distribution, administration of COVID-19 Vaccines without a valid Emergency Use Authorization (EUA) shall be penalized based on the appropriate provisions of R.A. No. 9771, otherwise known as the "Food and Drug Administration Act of 1991", and other relevant, existing rules, regulations and issuance;

WHEREAS, all COVID-19 vaccines currently being administered only have Emergency Use Authorization and are not for commercial distribution;

WHEREAS, there has been reported selling of COVID-19 vaccines stolen from the allocations provided by the National Government to the local government units, tampering or falsification of vaccine cards, offering of vaccine slots, as well as the sale, manufacture and proliferation of fake COVID-19 vaccines;

WHEREAS, there are reported instances of persons misrepresenting their vaccine status as non-vaccinated in order to be vaccinated again by their preferred vaccine brand;

WHEREAS, the Inter-Agency Task Force Against COVID-19 (IATF) has allowed fully vaccinated individuals to merely show their vaccination cards for inter-zonal travel without the need of a presentation of a RT-PCR result;

WHEREAS, no person or organization may engage in the sale, distribution, or administration of COVID-19 vaccines for profit, while the country is in a State of Public Health Emergency and without market authorization issued by the Food and Drug Administration;

WHEREAS, no person or organization may engage in the sale, manufacture and proliferation of fake COVID-19 vaccines;

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WHEREAS, any person or organization is prohibited to engage in the falsification of vaccine cards or offering of vaccines slots for sale.

NOW, THEREFORE,

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

SECTION 1. TITLE. – This Ordinance shall be known as “An Ordinance Prohibiting COVID-19 Vaccine Fraud”.

SECTION 2. DEFINITION OF TERMS. – Whenever used in this Ordinance, the following terms shall have the respective meanings herein set forth:

2.1 Vaccine Card – A card issued by a local government unit, medical institution, or other duly authorized entity indicating relevant information concerning a person’s inoculation with a COVID-19 vaccine.

2.2 COVID-19 Vaccines – refers to vaccines intended to provide acquired immunity against Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-COV-2, the virus causing Coronavirus Disease [COVID-19]).

2.3 Vaccination Slots – for purposes of availing the COVID-19 vaccines, are those applied for by individuals and reserved by the same person who supplied his/ her own personal details through the use of accepted government confirmation process/es.

SECTION 3. PROHIBITED ACTS. – The following acts shall be penalized under this Ordinance:

1. Counterfeiting, forging, altering or imitating a vaccine card, or any information, signature, seal or feature on the same;
2. Misrepresenting any information requested by authorities in relation to vaccination, including the information indicated in the vaccine card, for purposes of obtaining undue benefits or privileges;
3. Sale, advertisement, distribution, solicitation or administration of COVID-19 vaccines for profit or commercial purposes without any authorization or permit issued by the Food and Drug Administration or its equivalent;

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4. Purchasing COVID-19 vaccines, whether from a private individual or a government official/employee, without any authority, issued by the Food and Drug Administration;
5. Sale, advertisement, distribution, solicitation or administration of fake or adulterated COVID-19 vaccines;
6. Sale of COVID-19 vaccine slot/s originally reserved to the person applying for the same to others for the purpose of substituting someone other than the original and supposed applicant;
7. Purchasing COVID-19 vaccine slot/s, whether from a private individual or a government official/employee, without any authority;
8. Misrepresentation of vaccine status for purposes of fraud or deceit, including a fully-vaccinated person pretending to be unvaccinated for purposes of receiving additional unwarranted inoculations; and
9. Commission of any other deceit or fraud in relation to the Government's COVID-19 vaccination program.

SECTION 4. PENALTIES. – Any violation of the provisions of Section 3 of this Ordinance shall be penalized with a fine of Five Thousand Pesos (Php5,000.00) and/or imprisonment of not less than one (1) month but not more than six (6) months, or both such fine and imprisonment, at the discretion of the proper court.

If the offense is committed by a firm, partnership, corporation or other juridical entity duly organized in accordance with law, the chief executive officer, president, general manager, or such other officer in charge shall be held liable. In addition, the business permit and license to operate of the concerned firm, partnership, corporation or legal entity shall be revoked/cancelled.

This Ordinance is without prejudice to the filing of charges for violation of Republic Act No. 9771 otherwise known as the "Food and Drug Administration Act of 1991", the Revised Penal Code, and other appropriate administrative, civil, or criminal charges under applicable laws.

SECTION 5. ENFORCEMENT. – The City Legal Department, Business Permits and Licensing Department, the Department of Public Order and Safety, Quezon City Police District and/or Punong Barangays of Quezon City shall ensure the effective and efficient implementation of this Ordinance. Further, appropriate charge/s shall be immediately filed against the violator/s of this Ordinance.

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SECTION 6. REPEALING CLAUSE. – Ordinance No. SP-3031, S-2021 is hereby modified accordingly. All Ordinances, Resolutions, Circulars, Orders, or other City issuances or parts thereof which are inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

SECTION 7. SEPARABILITY CLAUSE. – If any provision of this Ordinance is declared void or unconstitutional, the remaining portions shall not be affected and shall remain in full force and effect.

SECTION 8. EFFECTIVITY CLAUSE. – This Ordinance shall take effect upon posting at prominent places in Quezon City Hall for a minimum period of three (3) consecutive weeks and upon publication in a newspaper of general circulation within Quezon City, in accordance with Section 511 of R.A. No. 7160, otherwise known as the Local Government Code of 1991.

ENACTED: July 12, 2021.




GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:



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

APPROVED: JUL 29 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 July 12, 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

