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

PO21CC-262

26th Regular Session

ORDINANCE NO. SP-2905, S-2020

AN ORDINANCE SETTING PUBLIC SAFETY HOURS WITHIN THE TERRITORIAL JURISDICTION QUEZON CITY FROM 8:00 P.M TO 5:00 A.M., DUE TO THE CORONA VIRUS DISEASE 2019 (COVID-19) PANDEMIC, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES.

Introduced by Councilor FRANZ S. PUMAREN.
Co-Introduced by Councilors Bernard R. Herrera, Lena Marie P. Juico, Dorothy A. Delarmente, M.D., 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, Diorella Maria G. Sotto-Antonio, Donato "Donny" C. Matias, Eric Z. Medina, Freddy S. Roxas and Noe Dela Fuente.

WHEREAS, the World Health Organization (WHO) officially characterized Coronavirus Disease 2019 (Covid-19) as a pandemic after assessing the impact of the outbreak in view of the alarming levels of inaction worldwide;

WHEREAS, on March 8, 2020, President Rodrigo Roa Duterte issued Proclamation No. 922, entitled: "Declaring a State of Public Health Emergency throughout the Philippines" to facilitate measures to address the COVID-19 pandemic, including mandatory reporting, quarantine, and disease control or prevention measures;

WHEREAS, on March 9, 2020, the Inter-Agency Task Force for the Management of Emerging Infectious Disease (IATF-EID) adopted social distancing measures to fight the spread of Covid-19;

WHEREAS, on March 12, 2020, IATF-EID Resolution No. 11, S-2020, as approved by President Rodrigo Roa Duterte, declared the entirety of Metro Manila under a community quarantine;

WHEREAS, on March 13, 2020, the Quezon City Council, in a special session, adopted Resolution No. 8141, S-2020, which declared Quezon City under a state of calamity due to the pandemic;

WHEREAS, on March 13, 2020, the Executive Secretary issued a Memorandum requiring the restriction of non-essential movement during the community quarantine period;

WHEREAS, on March 14, 2020, the Metro Manila Council adopted an MMC Resolution strongly recommending to all local legislative councils of the National Capital Region to enact an ordinance declaring a City-wide curfew due to Covid-19;

WHEREAS, on March 15, 2020, City Mayor Ma. Josefina G. Belmonte issued Executive Order No 20, Series of 2020, entitled: "An Order Setting Public Safety Hours within the Territorial Jurisdiction of Quezon City from 8:00 p.m. to 5:00 a.m., due to the Coronavirus Disease 2019 (Covid-19) Pandemic, Providing Guidelines Thereof and for other Purposes";

WHEREAS, Section 458 (a) (5) (xii) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the City Council is mandated to approve measures and adopt quarantine regulations to prevent the introduction and spread of diseases;

WHEREAS, Sec. 6(e) of Republic Act No. 11332, "The Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act," local governments have the authority to conduct rapid containment, quarantine and isolation, disease prevention and control measures;

WHEREAS, in the recent case of SPARK, et.al vs. Quezon City Government, et. al. (G.R. No. 225442 dated August 8, 2017, En Banc), the Supreme Court declared that "... grave and overriding considerations of public interest justify restrictions even if made against fundamental rights. Specifically, on the freedom to move from one place to another, jurisprudence provides that this right is not absolute. As the 1987 Constitution itself reads, the State may impose limitations on the exercise of this right, provided that they: (1) serve the interest of national security, public safety, or public health; and (2) are provided by law."

NOW, THEREFORE,

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

SECTION 1. TITLE – This shall be known as the "Quezon City Public Safety Hours Ordinance".

SECTION 2. DEFINITION OF TERMS – The following words and phrase, whenever used in this Ordinance, shall be construed as defined in this section:

a. *PUBLIC SAFETY HOURS – means the hours from 8:00 P.M. every night up to 5:00 A.M. the next morning.*

b. *PUBLIC PLACE – a place located within the jurisdictional boundaries of Quezon City, where the general public, or substantial group of people, have access, including but not limited to streets, highway, sidewalks, parking lots, vacant lots, and the common areas in and about churches, apartment, buildings, office buildings, hospitals, schools, malls or shopping centers, commercial establishments and places of entertainment such as movie theaters and similar places or establishments.*

SECTION 3. PROHIBITED ACTS – Except those listed in Section 4 of this Ordinance, all persons within the territorial jurisdiction of Quezon City are prohibited to roam around, loiter, wander, stay or meander in all public places during public safety hours – 8:00 P.M. every night up to 5:00 A.M. the next morning – whether singly or in groups.

SECTION 4. EXEMPTIONS – Any person under the following circumstances shall not be covered by the provisions of this Ordinance:

a. Those who are going to work or returning home from the same place of employment activity, without any detour or stop;

b. Those in immediate need of medical attention or emergency medicines;

c. Health workers and personnel in the actual performance of their duties;

d. Government officials and employees performing essential or emergency official functions;

e. Those attending to, or in experience of, an emergency situation such as conflagration, earthquake, hospitalization, road accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;

f. Those on directly proceeding to or returning from the airport or pier, as shown by their paper or electronic tickets;

g. Drivers and conductors operating their public utility vehicles;

h. Other lawful purposes or justifiable reasons that the City Mayor may determine from time to time.

Provided that, to mitigate crime, persons riding in tandem on motorcycles shall be subjected to close scrutiny.

Provided further that, the law enforcement officer may require any person found in any public place during public safety hours to present the appropriate proof of their activities (official ID, certification, plane ticket, and others).

SECTION 5. ENFORCEMENT GUIDELINES FOR MINORS – The procedures provided in Section 5 of Ordinance No. SP-2301, Series of 2014 shall be observed by law enforcement in dealing with minor or minors found violating this Ordinance.

SECTION 6. PENALTIES – Violation of any provisions of this Ordinance shall be penalized by a Fine of Five Thousand Pesos (P5,000.00). In case the offender is unable to pay the above-mentioned fine, except for minors, shall be penalized with imprisonment of one (1) year.

The provisions as contemplated in Ordinance No. SP-2752, S-2018 shall be followed in prosecuting the offender.

In case of minors, the penalties and manner of dealing with the violator provided in Section 8 of Ordinance No. SP-2301, Series of 2014 shall be imposed accordingly.

Violators may also be charged for violation of Section 9 (e) of Republic Act No. 11332, which penalizes non-cooperation of person or entities affected by a health event of public concern.

SECTION 7. SEPARABILITY CLAUSE – If, for any reasons, any part or provision of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall be in full force and effect.

SECTION 8. REPEALING CLAUSE – Ordinance No. SP-2301, S-2014 is hereby modified only in so far as the public safety hours are concerned. All other Ordinances, Resolutions, Executive Orders, Memorandum Circulars and Administrative Orders or parts thereof which are inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 9. AUTHORITY TO CITY MAYOR – Pending approval and implementation of this Ordinance, the City Mayor is hereby authorized to implement Executive Order No. 20, S-2020. Further, in the exigency of service to contain the spread of COVID-19, the City Mayor is likewise authorized to declare or impose other emergency measures required for the expedient resolution of the state of public health emergency, subject to applicable laws, regulations or ordinances.

SECTION 10. AUTOMATIC DISSOLUTION – This Ordinance shall be deemed automatically dissolved and without effect immediately after the State of Public Health Emergency due to COVID-19 has been lifted by proper authorities.

SECTION 11. EFFECTIVITY – This Ordinance shall take effect upon its approval.

ENACTED: March 16, 2020.

GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:

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

APPROVED: _____

MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on March 16, 2020 and was PASSED on Third/Final Reading under Suspended Rules on the same date.

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