

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON JANUARY 8, 2021 IN LIEU OF
JANUARY 5, 2021

PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Benjamin S. Pongos, Jr.,	SP Member
Roiland H. Villasencio,	SP Member
Tomas R. Serafica,	SP Member, Majority Floor Leader
Nolito M. Quilang,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Jasper M. Lucero,	SP Member, Asst. Majority Floor Leader
Peter M. Rodriguez,	SP Member
Vincent L. Rama,	SP Member
Gregorio G. Yrastorza III,	SP Member
Lalaine A. Marcos,	SP Member
Esteban V. Laurente,	Ex-Officio SP Member, Chapter President, Liga ng mga Barangay ng Ormoc
Joan Marbie C. Simbajon,	Ex-Officio SP Member, Chapter President, Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

EXPLANATORY NOTE

Article 2, Section 15 of the 1987 Philippine Constitution provides that "The State shall protect and promote the right to health of the people and instill health consciousness among them." With the upsurge of cases of corona virus infection in the Philippines, Presidential Proclamation No. 922 was issued on March 8, 2020 declaring the country in a State of Public Health Emergency in relation to COVID-19 after the World Health Organization has declared COVID-19 as a pandemic. Proclamation 929 was likewise issued placing the entire Philippines under the state of calamity to allow the government to tap more funds to contain the spread of COVID-19;

R.A. No. 11332 known as the "Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act" requires the mandatory reporting of reportable diseases and health events of public health concern as well as rapid containment and implementation of measures for disease prevention and control. Pursuing the mandate of this law and Section 16 of the Local Government Code (RA 7160) that granted LGU the authority to 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 the general welfare, the City Government of Ormoc implemented several measures to prevent, mitigate, contain or curtail the spread of COVID-19 disease, which include the surveillance, early detection, management, and contact tracing;

Public health experts in countries like Singapore, China, Taiwan and South Korea state that the use of QR Code as location tracking capabilities proved remarkably effective in helping public officials control the spread of coronavirus. The National Privacy Commission (NPC) PHE Bulletin No. 8, supports the successful use of digital technologies and the processing of personal data to enable health authorities contain the COVID-19 pandemic, in a manner that is effective and preserves and protects the data privacy rights of individuals;

Given the many successful stories of other places, there is merit and it is seen advantageous to the City Government of Ormoc to adopt the use of QR Codes for collecting, using, and sharing personal information to facilitate contact tracing as precautionary measure to prevent transmission of COVID-19 during this time of public health emergency;

WHEREFORE, on joint motion of SP Member Eusebio Gerardo Penserga, Chairman, Committee on Health and Sanitation and SP Member Nolito M. Quilang, Chairman, Committee on Trade, Commerce and Industry, severally seconded by SP Members Tomas R. Serafica, Gregorio G. Yrastorza, III, Lalaine A. Marcos, Joan Marbie C. Simbajon, Esteban V. Laurente, Peter M. Rodriguez, Vincent L. Rama and Roiland H. Villasencio; be it

RESOLVED, to enact:

**ORDINANCE NO. 050
(Series of 2021)**

AN ORDINANCE ADOPTING THE QUICK RESPONSE (QR) CODE SYSTEM FOR PURPOSES OF CONTACT TRACING DURING A PUBLIC HEALTH EMERGENCY AND IMPOSING THE MANDATORY REGISTRATION OF ALL RESIDENTS IN ORMOC AND ALL THOSE ENTERING THE JURISDICTION OF ORMOC CITY AND PROVIDING PENALTIES THEREFOR.

BE IT ORDAINED by the 15th Sangguniang Panlungsod in its session duly assembled, that:

SECTION 1. TITLE. This local legislation shall be known as the "Ormoc City QR Code Contact Tracing Ordinance."

SECTION 2. PURPOSE. This ordinance aims to institute a digital system for contact tracing in aid of the prevention and control of the spread of infectious disease and reduction of unnecessary physical interaction in contact tracing.

SECTION 3. COVERAGE. This ordinance requires all persons referred in Section 7 of this ordinance to register in the QR Code System. This ordinance shall be imposed or implemented by on all establishments and authorized frontliners manning the border controls during a declared public health emergency when contact tracing is required declared by national or local authorities.

SECTION 4. DEFINITION OF TERMS - The following terms or phrases used in this Code shall mean as follows:

- a. **Contact Tracing** -Refers to identification, listing, and follow-up of persons who may have come into contact with an infected person. Contact tracing plays an important role in containing outbreaks of infectious diseases and the main purposes are to confirm diagnosis, determine the extent of secondary transmission, and identify appropriate control measures for the specific disease.
- b. **Establishment** - refers to any entity with entrance and exit for clients or customers and principally engaged in the sale or delivery of goods or services to the public.

- c. **Frontliners**- are persons who are: officers and members of the PNP, AFP, PCG, BFP and other government instrumentalities rendering emergency frontline services including healthcare workers of both public and private establishments such as doctors, nurses, midwives, BHERTs, emergency rescue personnel; Volunteer organizations recognized or accredited by the Local Government Unit (LGU) such as but not limited to Accredited Community Disaster Volunteers (ACDVs); border control, and other critical services; barangay officials and their Bantay Bayan; local government officials and employees called upon to render service during this period of national health emergency; and other persons whose employment has called them to report for duty during this time of national health emergency.
- d. **QR Code** - is a type of barcode that can be read by a digital device and which stores information. A quick response code, also called a QR code, is most frequently used to track information about products and is often frequently used in marketing and advertising campaigns.
- e. **Residents** - refer to individuals who live or reside in Ormoc City or have stayed in Ormoc City for more than six (6) months.
- f. **Transients** - refer to a person who enters Ormoc City for a particular purpose or working in Ormoc City but goes home every day and has no intention to live or reside in Ormoc City.
- g. **APOR-Duly**- authorized person travelling for medical or humanitarian reasons, persons going to the airport for travel abroad, and anyone crossing border zones for work or business permitted in the zone of destination and going back home as authorized persons outside their residences (APOR).
- h. **Home Quarantine** -An intervention where a person is prohibited from leaving his/her room until allowed by the local health official or his/her designated physician to do so, following the guidelines set forth in DOH Department Memorandum No. 2020-0439 as well as the requirements set forth in MC No. 2020-0020.

SECTION 5. REQUIREMENT OF REGISTRATION. When mandated by law or ordinance or an executive order, all persons shall personally register with the Ormoc QR Code or like and similar system. A minor or incompetent shall be personally assisted in the process of registration by the individual exercising parental authority over his/ her person.

The following data shall be required upon registration in the QR Code system:

- a. Full Name (Last name, middle name, first name)
- b. Address (Purok/Street, Barangay, Municipality/City, Province)
- c. Age
- d. Gender
- e. Electronic mail address and/or mobile phone number

SECTION 6. AUTHORIZED APPLICATIONS FOR REGISTRATION - The registrant or person authorized to assist him/ her shall generate the QR Code from the Uniform Resource Locator (URL) prescribed or authorized by the City Government of Ormoc.

SECTION 7. PRESENTATION OF A QR CODE. All residents and transients in Ormoc City shall be required to present QR Code:

- a. When entering the territorial jurisdiction of Ormoc City;
- b. When entering the premises of all establishments in Ormoc; and

The individual presenting the QR code is required to present any proof of his/her identity for confirmation and validation.

SECTION 8. SCANNING REQUIRED. The frontliners manning the border controls and all establishments in Ormoc City must utilize the QR scanners account provided by the City Government of Ormoc. The QR Code scanner application can be downloaded from the URL prescribed or authorized by the City Government of Ormoc.

SECTION 9. ROLE OF THE BARANGAYS. All Barangays in Ormoc City shall assist and ensure that all residents in the barangay regardless of age are registered and able to generate the QR Code. All the Barangays shall coordinate with the Information and Technology Office (ITO) of the City Government of Ormoc to establish needed booths for registration.

SECTION 10. CONFIDENTIALITY CLAUSE. The City of Government of Ormoc shall ensure that the personal data collected will be used solely for the purposes of contact tracing and management of the disease. Duly authorized employees of ITO may access the system only for purposes of encoding the data to the system.

The personal data collected or generated from the QR Code may be accessed only by the Local Chief Executive and/ or the Philippine National Police City Director and/ or the City Health Officer when a person is confirmed as a COVID positive through RT-PCR test. Any of such persons shall be sufficient to authorize access to the data.

Disclosure of said data to other government entities shall be based on and strictly in accordance with the provisions of the Data Privacy Act and related issuances.

Except for those enumerated in Section 5 hereof, all data processed and collected that are THIRTY (30) days and older, shall be completely and totally expunged from the system.

Unless otherwise directed by law or ordinance, all other data including those enumerated in Section 5 hereof, shall be disposed of or discarded in a secure manner that would prevent further processing, unauthorized access, or disclosure to any other party or the public, or prejudice the interests of the data subjects, upon the declaration of the termination of the public health emergency.

The City Government of Ormoc, public health authorities, public and private establishments who are custodians of personal data shall have the legal obligation to protect the data privacy rights of any individual and ensure the confidentiality, integrity, and availability of the personal data collected.

SECTION 11. OFFENSES—The following acts are violative of this ordinance:

- a. Any person referred to in Section 7 who refuses to register in the QR Code System;
- b. Any person referred to in Section 7 who refuses to present his/ her QR code;

- c. Any frontliner who allows entry in the border without presentation of the QR Code;
- d. Any owner or operator of business or commercial establishment who allows entry into the said establishment without the customer or client showing his/her QR Code;
- e. Failure to submit or disclose truthful information and non-compliance to the disclosure requirement;
- f. Act of falsification of the QR Code;
- g. Any misuse, abuse, unlawful or unauthorized use of the information generated under Section 5 of this ordinance.

SECTION 12. PENALTIES- Any violation committed under Section 11 of this Ordinance is punishable with a fine of not more than five thousand pesos (P5,000.00), and/or imprisonment for a period of not more than one (1) year at the discretion of the court.

Business operators whose establishments are found in violation of this Ordinance shall be fined for every act of violation and shall be a ground for revocation of permits issued for its continued operation. If the violation of this Ordinance is committed by any partnership, corporation or association, the president and the directors or managers thereof shall be deemed to be principals in the offense if they have consented to or knowingly tolerated its commission.

In case of inability to pay the fine, the offender shall be required to render subsidiary imprisonment, at the discretion of the court.

Any person cited for violation of Section 11, paragraphs a and b of this Ordinance who does not wish to contest the apprehension may opt to pay fine of one thousand pesos (P 1,000.00), in lieu of the institution of criminal charges. For such purpose, a citation ticket shall be issued to him/ her by the PNP or other persons or agents in authority.

Any person cited for violation of Section 11, paragraphs d and g of this Ordinance who does not wish to contest the apprehension may opt to pay fine of two thousand five hundred pesos (P 2,500.00), in lieu of the institution of criminal charges. For such purpose, a citation ticket shall be issued to him/ her by the PNP or other persons or agents in authority.

Violators who opt to pay an administrative fine shall directly pay to the Office of the City Treasurer by presenting the citation ticket within twelve (12) hours from the start of the business day immediately following the apprehension. After the lapse of twelve (12) hours from the time of apprehension without payment of the administrative fine to the Office of the City Treasurer, a case shall be filed against the violator in court.

Failure to submit or disclose truthful information and non-compliance to the disclosure requirement or any falsification shall be a ground for the filing of appropriate civil and criminal complaints as provided for by Republic Act No. 11332, also known as the Law on Reporting of Communicable Diseases, and other pertinent laws as applicable, or pursuant to applicable provisions of the Revised Penal Code.

SECTION 13. PENALTIES FOR FRONTLINERS. Any frontliner who is an employee of the Local Government Unit of Ormoc, found guilty for violation of this Ordinance, as determined by the Hearing Officers based on evidence, shall be penalized as follows:

- 1st Offense - Warning
- 2nd Offense - Suspension for five (5) days
- 3rd Offense - Termination from Employment

Ord. No. 050, S. 2021

Any formal administrative complaint against any such frontliner shall be endorsed to the Human Resource & Personnel Management for appropriate action. The Civil Service Rules shall be applied in a suppletory character.

All other frontliners who violate any provision of this Ordinances shall be prosecuted against in accordance with applicable labor laws and/ or company regulations.

SECTION 14. ACCRUED FEES – Fines paid for violations of this Ordinance shall accrue to a special account to be established for purposes of public health emergencies and shall be appropriated only for said purpose.

SECTION 15. IMPLEMENTING OFFICES– The Information and Technology Office (ITO) of Ormoc City, City Health Department of Ormoc City, and the Ormoc City Police Office of the Philippine National Police (OCPO, PNP) and other concerned government office/agencies shall ensure the strict implementation of this Ordinance.

SECTION 16. SEPARABILITY CLAUSE. If for any reason, any provision, portion or part of this Ordinance is found to be inconsistent with any law, other provisions or part or parts thereof not so affected thereby shall remain in full force and effect.

SECTION 17. REPEALING CLAUSE. Any ordinance, rules and regulations, resolutions or part thereof inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 18. EFFECTIVITY. This Ordinance shall take immediately following compliance with the requirements of the Local Government Code of 1991.

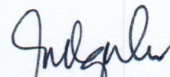
ENACTED, January 8, 2021.

RESOLVED, FURTHER, to furnish copies of this ordinance one each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; ORCHAM; Business Permits and Licensing Office; City Health Department; Liga ng mga Barangay; the City Local Government Operations Officer-DILG; and others concerned in Ormoc City;

CARRIED UNANIMOUSLY.

Ord. No. 050, S. 2021

I HEREBY CERTIFY to the correctness of the above ordinance.




NONILYN D. GALANO
OIC - SP Secretary
(Supervising Administrative Officer)

ATTESTED:



LEO CARMELO L. LOCSIN, JR.
City Vice Mayor & Presiding Officer

APPROVED:



RICHARD I. GOMEZ
City Mayor

19 JAN 2021

(Date)