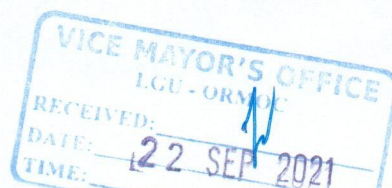
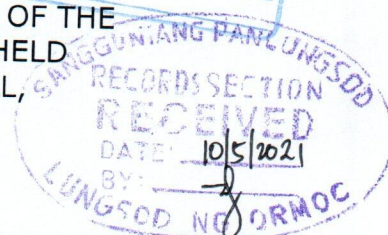


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 SEPTEMBER 21, 2021



PRESENT:

Leo Carmelo L. Locsin, Jr.
Benjamin S. Pongos, Jr.,
Roiland H. Villasencio,
Tomas R. Serafica,
Nolito M. Quilang,
Eusebio Gerardo S. Penserga,
Peter M. Rodriguez,
Vincent L. Rama,
Gregorio G. Yrastorza III,
Lalaine A. Marcos,
Esteban V. Laurente,

City Vice Mayor & Presiding Officer
SP Member, Majority Floor Leader
SP Member, 1st Asst. Majority Floor Leader
SP Member, Presiding Officer "Pro-Tempore"
SP Member, 2nd Asst. Majority Floor Leader
SP Member
SP Member
SP Member
SP Member
SP Member
Ex-Officio SP Member, Chapter President,
Liga ng mga Barangay ng Ormoc
Ex-Officio SP Member, Chapter President,
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

Joan Marbie C. Simbajon,
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

ON LEAVE:

Jasper M. Lucero,

SP Member

PREPARATORY STATEMENT

WHEREAS, the Sangguniang Panlungsod received an endorsement letter from the City Mayor's Office dated August 3, 2021, requesting for enactment of an Ordinance providing penalties for those who with or without authority, sell vaccines owned or donated to the government and on those who promise to provide vaccination slots or schedules in exchange for valuable consideration, all as directed by DILG Advisory dated July 26, 2021;

WHEREAS, Under Sec. 5 of Republic Act No. 11525, 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 vaccines;

WHEREAS, Under Sec. 11 of R.A No. 11525. "Beginning January 1, 2021, the procurement, importation, donation, storage, transport, deployment, and administration of COVID-19 vaccines x x x by private entities shall be exempted 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, 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. 9711, otherwise known as the "Food and Drug Administration Act of 1991", and other relevant, existing rules, regulations and issuance;

WHEREAS, Section 16 of R.A. 7160 states that:

"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 the 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 balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants."

WHEREAS, in conjunction with Sec. 11 of R.A. 11525 and in the exercise of the police power of the City of Ormoc, in order to discourage the manufacture, sale and proliferation of fake COVID-19 vaccines for profit to the detriment of its citizenry, an ordinance penalizing these private entities from commission of said acts is necessary;

NOW, THEREFORE, on motion of SP Member Eusebio Gerardo S. Penserga, Chairman, Committee on Health and Sanitation, severally seconded by SP Members Tomas R. Serafica, Gregorio G. Yrastorza III, Esteban V. Laurente, Joan Marbie C. Simbajon and Lalaine A. Marcos, be it

RESOLVED, to enact:

ORDINANCE NO. 071
(Series of 2021)

AN ORDINANCE PROHIBITING ANY PERSON, INSTITUTION, CORPORATION GROUP OR ORGANIZATION TO UNAUTHORIZED OR FRAUDULENT SALE, DISTRIBUTION OR ADMINISTRATION OF COVID-19 VACCINE OWNED OR DONATED TO THE GOVERNMENT FOR GAIN, INCOME OR PROFIT WITHOUT FULL MARKET AUTHORIZATION OR FALSIFICATION ON COVID-19 VACCINATION CARDS, AND ON THOSE PROMISE TO PROVIDE VACCINATION SLOTS OR SCHEDULES IN EXCHANGE FOR VALUABLE CONSIDERATION AND PROVIDING PENALTIES THEREFOR.

BE IT ORDAINED by the 15th Sangguniang Panlungsod ng Ormoc, That:

SECTION 1. TITLE – This ordinance shall be known as "**AN ORDINANCE PROHIBITING COVID-19 VACCINE DECEIT**".

SECTION 2. DECLARATION OF POLICY – The City of Ormoc shall pursue a policy of ensuring the health and welfare of its constituents within its territorial jurisdiction as well as those sojourn in its territorial jurisdiction. The Local Government Unit of Ormoc (LGU-ORMOC) shall oversee the monitoring and implementation of this Ordinance.

SECTION 3. COVERAGE - This Ordinance shall cover the entire territorial jurisdiction of the City of Ormoc.

SECTION 4. PROHIBITED ACTS – The following shall be prohibited under this ordinance:

- a) Providing or promising to provide vaccination slots or schedules in exchange for valuable consideration;
- b) Purchasing COVID-19 vaccine slot/s, whether from a private individual or a government or public official/employee;
- c) Sale and distribution of COVID-19 vaccine slot/s, whether by a private individual or a government or public official/employee;
- d) Counterfeiting, forging, altering or imitating a vaccine card, or any information, signature, seal or feature on the same;
- e) 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;
- f) 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;
- g) Sale, distribution or administration of fake or adulterated COVID-19 vaccines;
- h) 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
- i) Commission of any other deceit or fraud analogous to any of foregoing violations of the provisions of R.A. 11525 and the government's COVID-19 vaccination program.

SECTION 5. EDUCATION AND INFORMATION CAMPAIGN – The City Health Department and the Local Government Unit of Ormoc (LGU-Ormoc) shall educate/remind the general public that:

- 5.1 COVID-19 Vaccines are distributed by the government **FOR FREE**;
- 5.2 Slots or schedules for vaccination are accessible to all those who belong to the eligible population **WITHOUT COST**, and they must secure their slot or schedule through the means provided by the local government; and
- 5.3 Acquire doses of vaccines from legitimate sources;
- 5.4 Coordinate with the Ormoc City Police to enforce this ordinance and apprehend violators.

SECTION 6. PENALTIES - Any person or entity found to have violated the provisions of Section 4 of this ordinance shall be penalized with a fine of Five Thousand Pesos (P 5,000.00) and/or imprisonment of not less than Six (6) months but not more than One (1) year, or both such fine and imprisonment, at the discretion of the proper court.

If the violation is committed by a firm, partnership, corporation or other juridical entity duly organized in accordance with law, the directors, officers, employees or other officers thereof responsible for the violation shall be charged and penalized.

In addition thereto, the business license issued to the said persons, corporations, group or organizations shall be immediately revoked and shall be banned from doing business in the City of Ormoc.

SECTION 7. IMPLEMENTING OFFICES - The City Health Department (CHD), City Legal Office (CLO), Local Government Unit of Ormoc (LGU-Ormoc), Ormoc City Police Office of the Philippine National Police (OCPO, PNP), and the Business Permits and Licensing Office (BPLO) and other concerned government office/agencies shall ensure the strict and efficient implementation of this Ordinance.

SECTION 8. SEPARABILITY CLAUSE - If, for any reason or reasons, any part of provision of this Ordinance shall be held unconstitutional or invalid, other parts of provisions hereof, which are not affected thereby, shall continue to be in full force and effect.

SECTION 9. REPEALING CLAUSE - 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.

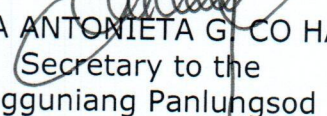
SECTION 10. EFFECTIVITY CLAUSE- This Ordinance shall take effect immediately upon approval and completion of posting and publication requirements.

ENACTED, September 21, 2021.


RESOLVED, FURTHER, to furnish copies of this Ordinance, one each to, the City Mayor; the City Administrator; the City Legal Officer; the City Health Department; the Business Permits & Licensing Office; the City Treasurer's Office; the Ormoc City Police Office; the City Treasurer's Office; the Municipal Trial Court in Cities; the President, Liga ng mga Barangay ng Ormoc; PAIAO; the City Local Government Operations Officer-DILG; and others concerned.

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
Secretary to the
Sangguniang Panlungsod

ATTESTED:


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

APPROVED:


RICHARD I. GOMEZ
City Mayor

05 OCT 2021
(Date)