



Republic of the Philippines
Province of Guimaras
Municipality of Nueva Valencia
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF NUEVA VALENCIA, GUIMARAS, HELD AT THE SB SESSION HALL ON JULY 22, 2020:

PRESENT: Vice-Mayor Paul Vincent G. de la Cruz, Presiding Officer
Councilor Antonio D. Delumpa
Councilor Marilyn G. Edang
Councilor Willo M. Gabaton
Councilor Jason E. Javier
Councilor Susana G. Gallentes
Councilor Felix G. Nava,
Councilor Felix G. Servando
Councilor Cecilia E. Ortiz
Councilor Jun Cesar E. Galila, Liga Vice Pres./Ex-Officio Member
Councilor Jam G. Parcon, SK Fed. Pres// Ex-Officio Member

ABSENT: NONE

MUNICIPAL ORDINANCE NO. 05
Series of 2020

Sponsor: Councilor Jason E. Javier
Co-Sponsor: Councilor Cecilia E. Ortiz

AN ORDINANCE ESTABLISHING THE POLICIES AND REGULATIONS ON THE OPERATION OF BUSINESS ESTABLISHMENTS AND PUBLIC TRANSPORTATION IN THE MUNICIPALITY OF NUEVA VALENCIA, GUIMARAS TO PREVENT EMERGING AND RE-EMERGING INFECTIOUS DISEASES, EPIDEMICS AND OTHER SIMILAR PUBLIC HEALTH EMERGENCIES

SECTION 1. Title. This ordinance shall be known as “**AN ORDINANCE ESTABLISHING THE POLICIES AND REGULATIONS ON THE OPERATION OF BUSINESS ESTABLISHMENTS AND PUBLIC TRANSPORTATION IN THE MUNICIPALITY OF NUEVA VALENCIA, GUIMARAS TO PREVENT EMERGING AND RE-EMERGING INFECTIOUS DISEASES, EPIDEMICS AND OTHER SIMILAR PUBLIC HEALTH EMERGENCIES.**”

SECTION 2. Coverage. All business establishments, passenger vessels and tricycle-for-hire operating within the territorial jurisdiction of the Municipality of Nueva Valencia, Guimaras are covered by this Ordinance.

SECTION 3. Definition of Terms As used in this ordinance, the following terms shall mean:

Business Establishment – any person, natural or juridical, whether single proprietorship, partnership or corporation, including a government-owned and -controlled corporation or a government entity exercising its proprietary functions, engaged in, or doing business in the Municipality of Nueva Valencia, either in selling goods or providing services.

Epidemic – refers to an occurrence of more cases of infectious disease than normally expected within a specific place or group of people over a given period of time.

Face Mask – a protective mask covering the nose and mouth. It may either be a surgical, N95 or Do-it-Yourself (DIY) face mask. This, however exclude the use of handkerchief, towel and shirt as face mask.

Emerging and Re-emerging Infectious Disease - refers to an infectious illness that has never been recognized before or those that have been around for decades or centuries, but have come back in a different form or location.

Physical Distancing – a non-pharmaceutical intervention or measure taken to prevent the spread of a contagious disease by maintaining a physical distance of at least one (1) but preferably two (2) meters between people and avoiding gathering together in large groups.

Public Health Emergency – refers to an occurrence or imminent threat of an infectious illness or health condition that is caused by the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin, a natural disaster, a chemical attack or accidental chemical release and which poses a high probability of large number of deaths, injuries or infection in the municipality.

Passenger Vessel – refers to any boat or other floating craft of any kind carrying passengers for compensation. It shall include vessels engaged in island hopping and other tourism related activities.

Tricycle-for-Hire – refers to any motorcycle fitted or attached with a single-wheeled side-car or any three-wheeled motorized vehicle used to convey or transport passengers at a fixed rate or fare to their places of destination.

SECTION 4. Regulatory Provisions. In addition to the pertinent guidelines, rules and regulations as may be issued by the World Health Organization (WHO), the Department of Health (DOH) and other concerned agencies of the national government, the following policies and regulations shall be institutionalized on the operation of business establishments and public transportation during periods of emerging and re-emerging infectious diseases, epidemics, and health events of public health concern in the Municipality of Nueva Valencia, Guimaras:

4.A. On Business Establishments

4.a.1 Mandatory Use of Face Mask

Business establishments must ensure that every person is required to properly wear face mask while transacting business inside their business premises. For this purpose, they shall strictly prohibit entry of any person who is not properly wearing a face mask or its equivalent.

Business establishments must likewise ensure that their employees shall strictly comply with the proper wearing of face mask within their business premises.

4.a.2 Strict Physical Distancing

4.a.2.1. Business establishments must ensure that all persons are required to observe strict physical distancing of at least one (1) but preferably two (2) meters from other persons while inside their business premises.

4.a.2.2. Business establishments must conspicuously display at or near the entrance of the establishment a full copy of this Ordinance and a notice to the public on the mandatory wearing of face mask and strict observance of physical distancing.

4.a.2.3. Business establishments shall designate floor, pavement or other appropriate markings within their business premises to ensure that the required physical/social distancing is maintained at all times.

4.a.2.4. The owner, president, general manager, or such other officer in-charge of business establishment shall designate adequate personnel and adopt appropriate measures whenever necessary to ensure the proper observance of social distancing of people within their premises.

4.a.3. Provisions of Foot Bath, Handwashing and Sanitation Area

Business establishments must ensure the availability of footbaths, hand washing or sanitation stations within the business premises frequented by the public or those in high-touch areas. Provisions of soap, water, and alcohol or sanitizer must be made readily available for use by the customers. Whenever practicable, business establishments shall likewise procure thermal scanners in order to check the body temperature of their customers.



4.B. On Tricycle-for-Hire

4.b.1. Mandatory Use of Face Mask

Operators and/or drivers of tricycle-for-hire must ensure that every person is required to properly wear face mask while on board a tricycle-for-hire. For this purpose, they shall refuse to convey a passenger who is not properly wearing a face mask or its equivalent.

4.b.2. Posting of Notice

Tricycle operators must conspicuously display at the tricycle unit a notice to the public on the proper wearing of face mask while on board a tricycle-for-hire.

4.b.3. Installation of Barrier or Partition

Tricycles-for-hire shall be allowed to cater a maximum of three (3) passengers at a time. Provided, that the tricycle unit is equipped with an impermeable barrier, division or partition in such a manner that the passenger at the front seat is not in direct contact with the passenger at the back seat and the driver is not in direct contact with the back rider. In any case, only one passenger shall be allowed to sit at the front seat, back seat and as back rider.

4.C. On Passenger Vessels

4.c.1. Mandatory Use of Face Mask

Operators/Boat associations and crews of passenger vessels must ensure that every person is required to properly wear face mask while on board a passenger vessel. For this purpose, they shall refuse to convey a passenger who is not properly wearing a face mask or its equivalent.

4.c.2. Strict Physical Distancing

4.c.2.1. Operators/Boat associations and crews of passenger vessels must ensure that all passengers maintain strict physical distancing of at least one (1) but preferably two (2) meters from other persons while on board a passenger vessel.

4.c.2.2. Operators/Boat associations of passenger vessels must conspicuously display a notice to the public on the mandatory wearing of face mask and strict observance of physical distancing;

4.c.2.3. Operators/Boat associations of passenger vessels shall designate appropriate markings on the vessel to ensure that the required physical/social distancing is maintained at all times.

4.c.3. Provisions of Water, Alcohol or Sanitizer

4.c.3.1. Provisions of water, alcohol or sanitizer must be made readily available for use by the passengers and crews. Whenever practicable, the association or operator of a passenger vessel shall likewise procure thermal scanners in order to check the body temperature of their passengers.

SECTION 5. Penalty Clause. Any business establishment or public transportation who shall violate Section 4 of this ordinance shall be penalized as follows:

1. On Business Establishments. Any business establishment who shall violate Section 4.A hereof shall be penalized as follows:

First Offense-	Reprimand and a fine not exceeding Five Hundred (500.00) Pesos.
Second Offense-	Suspension of permit or franchise for a period not exceeding thirty (30) days and a fine not exceeding One Thousand (1,000.00) Pesos.
Third Offense-	Revocation of business permit.



2. On Tricycles-for-Hire. Operators of tricycle-for-hire who shall violate Section 4.B hereof shall be penalized as follows:

First Offense-	Reprimand and a fine not exceeding Three Hundred (300.00) Pesos
Second Offense -	Suspension of MTOP or franchise for a period not exceeding ten (10) days and a fine not exceeding Five Hundred (500.00) Pesos.
Third Offense-	Revocation of MTOP or franchise.

3. On Passenger Vessels. Any passenger vessel who shall violate Section 4.C hereof shall be penalized as follows:

First Offense-	Reprimand and a fine not exceeding Five Hundred (500.00) Pesos
Second Offense -	Suspension of permit or franchise for a period not exceeding thirty (30) days and a fine not exceeding One Thousand (1,000.00) Pesos.
Third Offense-	Revocation of business permit.

SECTION 6. Municipal Public Health Emergency Task Force. There shall be established a Municipal Public Health Emergency Task Force in the Municipality of Nueva Valencia, Guimaras, the composition of which shall be as follows:

Chairperson-	Municipal Mayor
Vice-Chairperson-	SB Member, Chairperson Committee on Health
Members-	Municipal Health Officer SB Member, Chairperson Committee on Transportation President, Liga ng mga Barangay Chief of Police, Nueva Valencia Police Station Local Disaster Risk Reduction and Management Officer Municipal Social Welfare and Development Officer Representative from the Business Sector Representative from the Tricycle-for-Hire Operators/Drivers Representative from the Passenger Vessels

The Municipal Mayor may designate such other additional members as he may deem necessary.

SECTION 7. Powers, Duties and Functions of the Municipal Public Health Emergency Task Force. The Municipal Public Health Emergency Task Force shall have the following powers, duties and functions:

1. To recommend, oversee and enforce programs and measure for the effective implementation of this ordinance;
2. To convene/conduct meeting as often as may be necessary or upon the request of the Municipal Mayor;
3. To monitor proper implementation of public health emergency protocols and guidelines affecting business establishments and public transportation issued by the local government unit and other concerned agencies of the national government;
4. To organize a monitoring team that will conduct regular inspection on business establishments and public transportation to ensure compliance with the provisions of this ordinance and other pertinent issuances of the national government; and
5. To exercise such other related functions as it may deem necessary.



SECTION 8. Separability Clause. If for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid by competent authority, such judgment or action shall not affect or impair the other sections or provisions thereof.

SECTION 9. Applicability Clause. All other matters relating to the impositions in this Ordinance shall be governed by pertinent provisions of existing laws and other ordinances.


SECTION 10. Repealing Clause. All ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 11. Effectivity. This ordinance shall take effect five (5) days after posting and publication as provided in Section 59 of Republic Act No. 7160 otherwise known as the Local Government Code of 1991.

SO ORDAINED.

CARRIED, PASSED AND APPROVED BY UNANIMOUS VOTES OF ALL THE MEMBERS PRESENT ON JULY 22, 2020.


I hereby certify to the correctness of the afore–quoted Ordinance.


IVY G. GEMARINO
Secretary to the SB


ATTESTED:


PAUL VINCENT G. DE LA CRUZ
Municipal Vice-Mayor /Presiding Officer

Approved:


EMMANUEL C. GALILA
Municipal Mayor

AFFIRMATIVE VOTES:


ANTONIO D. DELUMPA
Councilor


MARILYN G. EDANG
Councilor


WILLO M. GABATON
Councilor


SUSANA G. GALLENTES
Councilor

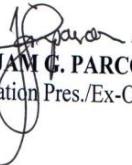

JASON E. JAVIER
Councilor


FELIX G. NAVA
Councilor


FELIX G. SERVANDO
Councilor


CECILIA E. ORTIZ
Councilor


JUNCESAR GALILA
LnB Vice Pres./Ex-Officio Member


JAM C. PARCON
SK Federation Pres./Ex-Officio Member

NEGATIVE VOTE: NONE