



Republic of the Philippines
CITY COUNCIL
City of Manila

REGULAR SESSION NO. 58

11TH CITY COUNCIL

Begun and held in the City Council on Thursday,
the second day of April, Two Thousand Twenty

ORDINANCE NO. 8624

AN ORDINANCE PROHIBITING ANY PERSON FROM COMMITTING ANY ACT WHICH CAUSES STIGMA, DISGRACE, SHAME, HUMILIATION, HARASSMENT OR OTHERWISE DISCRIMINATING AGAINST A PERSON INFECTED, UNDER MONITORING OR INVESTIGATION DUE TO THE COVID-19 VIRUS INCLUDING PUBLIC AND PRIVATE DOCTORS, NURSES, HEALTH WORKERS, EMERGENCY PERSONNEL AND VOLUNTEERS, SERVICE WORKERS WHO ARE ASSIGNED TO HOSPITALS OR OTHER CENTERS WHERE THESE PERSONS ARE BEING TREATED, AND IMPOSING THE APPROPRIATE PENALTIES THEREIN, HEREIN OTHERWISE KNOWN AS THE "ANTI COVID-19 DISCRIMINATION ORDINANCE OF 2020"

PRINCIPAL AUTHORS: HON. JOEL R. CHUA, Majority Floor Leader, HON. ERNESTO C. ISIP, JR., President Pro-Tempore and Acting Presiding Officer, HON. PRISCILLA MARIE T. ABANTE-BARQUIA, HON. IRMA C. ALFONSO-JUSON, HON. TERRENCE F. ALIBARBAR, HON. DON JUAN "DJ" BAGATSING, HON. LARIS T. BORROMEO, HON. MA. THERESA F. BUENAVENTURA-QUIMPO, HON. CARLOS C. CASTAÑEDA, HON. LOUISITO N. CHUA, HON. ERNESTO G. DIONISIO, HON. JESUS M. FAJARDO, HON. PAMELA "FA" G. FUGOSO-PASCUAL, HON. JOEY S. HIZON III, HON. RICARDO "BOY" A. ISIP, JR., HON. SALVADOR PHILIP H. LACUNA, HON. NUMERO G. LIM, HON. JOHANNA MAUREEN C. NIETO-RODRIGUEZ, HON. ERICK IAN O. NIEVA, HON. CHARRY R. ORTEGA, HON. JOEL M. PAR, HON. WARDEE P. QUINTOS XIV, HON. SCIENCE A. REYES, HON. ROMA PAULA S. ROBLES-DALUZ, HON. EDWARD M. TAN, HON. CHRISTIAN PAUL L. UY, HON. LUCIANO M. VELOSO, HON. JOEL "JTV" VILLANUEVA, HON. RAYMUNDO R. YUPANGCO and HON. DANIEL DAVE A. TAN



PREAMBLE

WHEREAS, on March 9, 2020, President Rodrigo Duterte issued Proclamation No. 922, declaring a State of Public Health Emergency throughout the Philippines due to the Corona Virus Disease 2019 (Covid-19) and the Code Alert System for COVID-19 was raised to Code Red Sub-Level Two (2) in accordance with the recommendation of the Department of Health (DOH) and the Inter-Agency Task Force for Emerging Infectious Diseases (IATF). Further, Presidential Proclamation No. 929, Series of 2020 was issued declaring a State of Calamity throughout the Philippines due to Covid-19;

WHEREAS, as of April 1, 2020, there have been two thousand three hundred eleven (2,311) *confirmed* cases of the COVID-19 in the Philippines, nine hundred twenty (920) cases of *Patients under Investigation (PUIs)* and six thousand three hundred twenty-one (6,321) *Persons under Monitoring (PUMs)*; Out of the two thousand three hundred eleven (2,311) confirmed cases, ninety-six (96) deaths were recorded;

WHEREAS, since the emergence of COVID-19 we have seen instances of public stigmatization among persons who have contracted the disease including PUIs and PUMs, and the rise of harmful stereotypes. This means that people are being labelled, stereotyped, separated and/or experience loss of status and discrimination because of a potential negative affiliation with the disease. Stigmatization could drive people to hide the illness to avoid discrimination or prevent people from seeking health care immediately and discourage them from adopting healthy behaviors;

WHEREAS, the Department of Health (DOH) recently warned the public against discrimination against persons reported to have contracted COVID-19 as well as PUIs, PUMs including health workers and emergency workers who are among those in the front lines of the battle against the rapidly spreading COVID-19; The DOH stated "that with the world confronted with a virus with little information known, it is human to be afraid. But we must not allow hysteria and paranoia to result in irrational treatment of people";

WHEREAS, there have been several reported incidents of people being evicted out of their residences or after having recovered from the illness were prevented from returning back to their residences, while some were even doused with water and were refused services in eateries or transportations over fears of infection; Some were shunned by local stores, boarding houses, and even their own barangays and homes. Several false and inaccurate social media posts even circulated online spreading names of people alleged to have been infected with COVID-19 and urging the recipients to check if they had contact with those listed;

WHEREAS, considering the gravity of the situation, there is an urgent need to combat this pervasive stigmatization on the basis of one's medical condition; There is a need for the City to bring normalcy and order amidst the crisis, and protect its constituency from unjust discrimination brought on by fear and panic by public;

WHEREAS, it is at this trying times, families who are affected by this pandemic suffer severe anxiety and social humiliation. Hence, it is the policy of the City Government of Manila to act as *parens patriae* during this trying times by showing compassion, empathy and tolerance towards its affected constituents as this virus can inflict any person regardless of race, age, sex or social standing; Only through a united front, strengthened by our religious conviction can we fight and end this pandemic;

WHEREAS, the 1987 Philippine Constitution under Article III, Section 1 provides that every person has the right to life, liberty, security of person and privacy and the right to be free from discrimination. Furthermore, under Section 11 thereof, the State values the dignity of every person and guarantees full respect for human rights: NOW, THEREFORE,

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

SECTION 1. SHORT TITLE – This Ordinance shall be known as “**Anti Covid-19 Discrimination Ordinance of 2020**”.

SEC. 2. DEFINITIONS. – Persons infected, Patients Under Investigation (PUIs) and Persons Under Monitoring (PUMs) are those defined by the protocols and guidelines of the Department of Health.

Health workers are those who deliver care and services to the sick and ailing, either directly or indirectly. Health workers include, among others, doctors, nurses, hospital and clinic aides, and laboratory technicians.

Frontliners include officers and members of the PNP, AFP, PCG and instrumentalities of the government rendering emergency frontline services, border control and other critical services. Frontliners also include service workers who are working in private establishments providing basic necessities and such activities related to food and medicine production, i.e. public markets, supermarkets, groceries, convenience stores, hospitals, medical clinics, pharmacies and drug stores, food preparation and delivery services, water-refilling stations, manufacturing and processing plants of basic food products and medicines, banks, money transfer services, power, energy, telecommunications and water supplies and other related facilities.

SEC. 3. UNLAWFUL ACTS. – It shall be unlawful for any person, whether natural or juridical, to commit any act or make utterances which cause or tend to cause stigma, disgrace, shame, humiliation, harassment or otherwise discriminating against a person infected, under investigation or monitoring due to Covid-19, health worker or frontliner as defined under this Ordinance.

If any public officer refuses or fails to give assistance to a person infected, under investigation or monitoring due to Covid-19, health worker or frontliner who intends to return to his place of residence or domicile, after obtaining clearance of the Covid-19 infection from the proper health officials, he/she shall be equally liable under this section.

Any person who shall publicly claim, post on social media, spread or announce that a person is infected, is under investigation or monitoring due to Covid-19 whether or not the same has been confirmed or validated from the list given by authorized proper health officials, agency or department, shall also be liable under this section. If the person violating is a public officer, the penalty imposed shall be in its maximum and can also be a ground for filing of an administrative case against said official. EXCEPT when the patient concerned waived his/her right to privacy and for purposes of contact tracing and other medical purposes.

SEC. 4. PENALTIES. – Any person caught in violation of Section 3 hereof shall be fined with Five Thousand Pesos (PhP. 5,000.00) or imprisonment not exceeding six (6) months or both at the discretion of the court. If the offender is a public officer, the maximum penalty herein shall be imposed.

Juridical Person – If committed by a juridical person, the President, General Manager, Corporate Secretary or person with related interest in the Corporation or Partnership or Association shall be held liable or penalized accordingly.

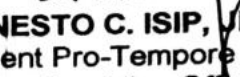
SEC. 5. SEPARABILITY CLAUSE. – If, for any reason or reasons, any part or provision of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof, which are not affected thereby, shall continue to be in full force and effect.

SEC. 6. REPEALING CLAUSE. – All ordinances, rules or regulations in conflict with the provisions of this Ordinance are hereby repealed; *PROVIDED*, That the rights already vested under those Ordinances, rules or regulations shall not be impaired.

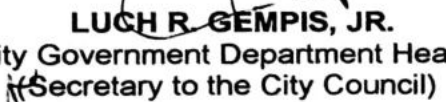
SEC. 7. EFFECTIVITY CLAUSE. – This Ordinance shall take effect upon its approval.

This Ordinance was finally enacted by the City Council of Manila on April 2, 2020.

PRESIDED BY:


ERNESTO C. ISIP, JR.
President Pro-Tempore and
Acting Presiding Officer
City Council, Manila

ATTESTED:

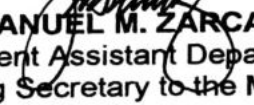

LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON

APR 02 2020


FRANCISCO "Isko Moreno" DOMAGOSO
Mayor
City of Manila

ATTESTED:


MANUEL M. ZARCAL
City Government Assistant Department Head III
(Acting Secretary to the Mayor)

RNF: rrb/acl/jok/cpf/jrp