



Republic of the Philippines
CITY COUNCIL
City of Manila

REGULAR SESSION NO. 134

11TH CITY COUNCIL

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

ORDINANCE NO. 8740

AN ORDINANCE PROHIBITING ANY PERSON, INSTITUTION, CORPORATION, GROUP OR ORGANIZATION WHO SHALL ENGAGE IN THE SALE, DISTRIBUTION OR ADMINISTRATION OF COVID-19 VACCINES FOR GAIN, INCOME OR PROFIT, WHILE THE COUNTRY IS IN A STATE OF PUBLIC HEALTH EMERGENCY AND WITHOUT FULL MARKET AUTHORIZATION ISSUED BY THE FOOD AND DRUG ADMINISTRATION, AND PROVIDING PENALTIES THEREFOR

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



PREAMBLE

WHEREAS, on March 9, 2020, President Rodrigo Roa Duterte issued Proclamation No. 922, declaring the country under a State of Public Health Emergency;

WHEREAS, a year later, or as of March 27, 2021, it was announced by the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) that the Greater Manila Area including Bulacan, Cavite, Laguna and Rizal would be placed under Enhanced Community Quarantine due to the continuous increase in reported COVID-19 cases starting from March 20 to April 04, 2021 and then again extended until April 11, 2021;

WHEREAS, as of April 5, 2021, the Philippines has 803,398 reported COVID-19 cases, 45,054 confirmed cases of which are from the City of Manila as reported by the Department of Health;

WHEREAS, as of April 04, 2021, 43,603 total individuals have been vaccinated in the City of Manila out of a total population of 1.9 million residents;

WHEREAS, according to vaccine czar, Carlito Galvez, Jr., the delivery of vaccine doses from the World Health Organization would be slightly delayed due to "global logistics constraint" and that most manufacturing countries are restricting exports of the vaccines;

WHEREAS, under Sec. 5 of Republic Act No. 115251, 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 vaccine;

WHEREAS, under Sec. 11 of R.A. No. 115251, "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 exempt 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, at present, the sale and/or purchase of vaccines from private persons or entities are prohibited under the law until a full market authorization is issued by the Philippine FDA; COVID-19 vaccine suppliers have only been given an Emergency Use Authorization (EUA) by the Philippine Government since the vaccines are unregistered (under development) during public health emergencies of international concern. It aims to expedite availability of the drug to people affected by the public health emergency based on essential set of available quality, safety and efficacy performance data;

WHEREAS, Section 16 of R.A. 7160, otherwise known as the Local Government Code of 1991, provides the police power of the City to implement measures necessary for the protection of its citizens, which particularly states:

"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. 115251 and in the exercise of the police power of the City of Manila, 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,

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

SECTION 1. It shall be unlawful for any person, institution, corporation, group or organization to engage in the sale, distribution or administration of covid-19 vaccines for gain, income or profit, while the country is in a state of public health emergency and without full market authorization issued by the food and drug administration.

SEC. 2. Any persons caught in violation of Section 1 hereof shall be fined with Five Thousand Pesos (PhP. 5,000.00) and imprisonment not exceeding six (6) months.

If the violation is committed by a corporation or other juridical entity, 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 Manila.

SEC. 3. 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. 4. 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.

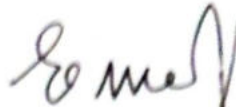
SEC. 5. Effectivity Clause. – This Ordinance shall take effect immediately upon its approval and shall automatically be of no force and effect when the State of Public Health Emergency in the country is lifted.

This Ordinance was finally enacted by the City Council of Manila on May 24, 2021.

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PRESIDED BY



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

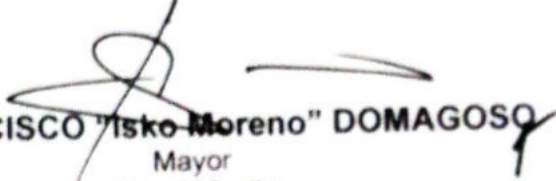
ATTESTED



LUCH R. GEMPIS, JR.

City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON MAY 24 2021



FRANCISCO "Isko Moreno" DOMAGOSA
Mayor
City of Manila

ATTESTED:



BERNARDITO C. ANG

City Government Department Head III
(Secretary to the Mayor)

RNF rrb/acj/ml/pp