



ORDINANCE NO. 13946-2020

AN ORDINANCE FURTHER AMENDING ARTICLE XV, SECTION 31 OF ORDINANCE NO. 13855-2020, ENTITLED: "AN ORDINANCE PROVIDING FOR THE GENERAL GUIDELINES, RULES AND REGULATIONS DURING THE PERIOD OF COMMUNITY QUARANTINE IN CAGAYAN DE ORO CITY AS DECLARED BY THE CITY MAYOR OR THE NATIONAL GOVERNMENT IN RELATION TO A PROCLAMATION OF STATE OF PUBLIC HEALTH EMERGENCY, EPIDEMIC OR PANDEMIC, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES" AS AMENDED, SO AS TO PROVIDE SEPARATE ADMINISTRATIVE AND/OR JUDICIAL PENALTY FOR VIOLATION OF THE MANDATORY WEARING OF FACE MASKS AND SOCIAL DISTANCING PROTOCOLS IN PUBLIC SPACES IN THE MANNER PROVIDED FOR HEREIN; AND FOR OTHER PURPOSES

WHEREAS, Ordinance No. 13855-2020, otherwise known as the Community Quarantine Guidelines, Rules and Regulations of 2020, particularly Article V, declares it unlawful not to wear face masks in public places and spaces in the City, while Article VII requires the observance of social distancing thereat, and Section 31 of the same Ordinance provides the penalty of community service for violation thereof;

WHEREAS, the Secretary of Interior and Local Government issued a Memorandum dated 23 July 2020, entitled "Enactment and/or Amendment of Existing Local Ordinances to Include Penal Provisions to Strengthen Implementation of Quarantine and Health Safety Standard Protocols to contain COVID-19, which emphasizes in the imposition of stiffer penalty for violation of the mandatory wearing of face masks and social distancing in public places;

WHEREAS, it is cogent to amend pertinent provisions of Ordinance No. 13855-2020.

NOW, THEREFORE:

BE IT ORDAINED by the 19th City Council (Sangguniang Panlungsod) of Cagayan de Oro in session duly assembled that:

SECTION 1. Section 31 (Penalty) under Article XV of Ordinance No. 13855-2020, entitled "An Ordinance Providing for the General Guidelines, Rules and Regulations During the Period of Community Quarantine in Cagayan De Oro City as Declared by the City Mayor or the National Government in Relation to a Proclamation of State of Public Health Emergency, Epidemic or Pandemic, Providing Penalties for Violations Thereof and for Other Purposes", as amended, is hereby further amended by adding therein Paragraph (E), to read in full as follows

*X-X-X

***ARTICLE XV**
***PENALTIES**

***SECTION 31. PENALTY** - Any person found violating any provision of this Ordinance shall be subjected to the following penalties:

(A) For violations of Articles III, IV, IX and IX-A, the offender shall render community service to be administered by the City Public Services Office (CPSO) or the Punong Barangay of the barangay where the violation was committed, in accordance hereof, to wit:

'a) 1st Offense two (2) hours of community service.

'b) 2nd Offense four (4) hours of community service.

'c) 3rd and Subsequent Offenses: eight (8) hours of community service. ✓



'In case the offender is a minor, the pertinent penal and related provisions of Ordinance No. 13195-2017, otherwise known as the Parental Responsibility Code of Cagayan de Oro City; Ordinance No. 13394-2018, otherwise known as the Cagayan de Oro City Comprehensive Children's Welfare Code of 2018; and other laws and legal issuances affecting minors, shall apply.

'In case the violator is a juridical person, the penalty of suspension of the business permit or closure of the establishment for not less than six (6) months but not more than one (1) year shall be imposed.

- '(B) Any violation of the provisions under Articles VIII, X, XI, XII and XIV of this Ordinance shall be penalized by a fine of Five Thousand Pesos (P5,000.00) or imprisonment of one (1) year, or both at the discretion of the court.
- '(C) For violation of Article VI, the penalty shall be imprisonment of not less than one (1) month and ten (10) days but not more than four (4) months or a fine of not less than Five Hundred Pesos (P500.00) but not more than One Thousand Five Hundred Pesos (P1,500.00), or both fine and imprisonment at the discretion of the court
- '(D) If the offender is a corporation, association, partnership or any other juridical person, the penalty shall be imposed upon the president, directors, managers, managing partners, as the case may be, who participated in the commission of the offense or who shall have knowingly permitted or failed to prevent the commission of the same. If the offender is an alien, he shall, in addition to the penalties herein prescribed, be deported without further proceedings: *Provided further*, That if the offender is a public official or employee, he shall be penalized in accordance with the provisions of RA 11469.
- '(E) For violation of Article V (Face Mask Wearing) and Article VII (Social Distancing), the following penalty shall be imposed:

(a) Administrative Fine	P2,000.00
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'In case the offender could not pay the administrative fine imposed under this Paragraph, he/she may opt to render community service in lieu of paying the administrative fine at the rate equivalent to eight hours per Five Hundred Pesos (P500.00) worth of administrative fine, and in the manner as provided for under Ordinance No. 12139-2011 (Ordinance Violation Receipt Ordinance) and its Implementing Rules and Regulations (IRR).

'In the event the offender fails to pay the administrative fine, or to not render community service in lieu of payment of administrative fine as provided under this Ordinance, within seventy-two (72) hours from time of apprehension, the OVR Grievance Board shall immediately file a complaint against such person before the courts, and if found guilty of the offense/s shall be penalized with a fine of not less than P2,000.00 or imprisonment of not less than fifteen (15) days, or both such fine and imprisonment at the discretion of the court.

'X-X-X'

SECTION 2. This Ordinance shall take effect upon its approval

UNANIMOUSLY APPROVED.



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AUTHORS:
COUNCILOR ROMEO V. CALIZO
COUNCILOR MARIA LOURDES S. GAANE

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|----------------|--------------------------|---|---|
| <u>Present</u> | 1 st District | - Councilor Jay R. Pascual
- Councilor Ruben R. Daba
- Councilor Roger G. Abaday | - Councilor Lordan G. Suan
- Councilor Romeo V. Calizo
- Councilor George S. Goking |
| | 2 nd District | - Councilor Joyleen Mercedes L. Balaba
- Councilor Ian Mark O. Macaya
- Councilor Suzette G. Magtajas-Daba
- Councilor Enrico D. Salcedo | - Councilor Maria Lourdes S. Gaane
- Councilor Jocelyn B. Rodriguez
- Councilor Edgar S. Cabanlas |
| <u>Absent</u> | Ex-Officio | - Councilor Yan Lam S. Lim
- Councilor Edna M. Dahino (Indisposed)
- Councilor Zaldy O. Ocon | - Councilor John Michael L. Seno
- Councilor Teodulfo E. Lao, Jr. (Indisposed) |

ENACTED this 24th day of August 2020 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

ARTURO S. DE SAN MIGUEL
CITY COUNCIL SECRETARY

Attested as duly enacted:

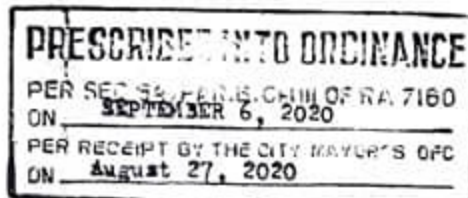
RAINEIR JOAQUIN V. UY
CITY VICE-MAYOR
PRESIDING OFFICER

Approved:

OSCAR S. MORENO
CITY MAYOR

Attested:

TEODORO A. SABUGA-A, JR.
ACTING CITY ADMINISTRATOR



RAUL G. MOLDEZ
Asst. City Council Secretary