



Republic of the Philippines  
Province of Bataan  
Municipality of Dinalupihan

**OFFICE OF THE SANGGUNIANG BAYAN**

**EXCERPTS FROM THE MINUTES OF THE 23<sup>rd</sup> SPECIAL SESSION OF THE  
10<sup>th</sup> SANGGUNIANG BAYAN OF DINALUPIHAN, BATAAN HELD VIA  
ZOOM ON THE 7<sup>th</sup> DAY OF JANUARY 2022**

**PRESENT:**

Hon. Renato M. Matawaran, MD.	Municipal Vice Mayor & Presiding Officer
Hon. Sherry U. De Ausen	SB Member
Hon. German M. Santos, Jr.	do
Hon. Emmanuel T. Bajada	do
Hon. Joseph P. Catli	do
Hon. Danilo P. Dela Cruz	do
Hon. Carmen M. Sandoval	do
Hon. Elizalde M. Torno	do
Hon. Ramer S. Fernando	do – ABC
Hon. Joel F. Abraham	do – IPMR
Hon. Kathrin R. David	do – MFSK

**ABSENT:**

Hon. Armando M. Buniag	SB Member
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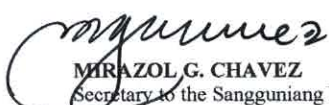
**MUNICIPAL ORDINANCE NO. 16 – 2022**

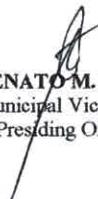
**AN ORDINANCE PROVIDING FOR THE ENHANCED VACCINATION  
MANDATE TO REGULATE THE MOBILITY OF UNVACCINATED  
INDIVIDUALS WITHIN THE TERRITORIAL JURISDICTION OF THE  
MUNICIPALITY OF DINALUPIHAN, BATAAN AND PROVIDING  
PENALTIES FOR VIOLATION THEREOF**

**Unanimously Authored**

**WHEREAS**, Section 15 Article II of the 1987 Philippine Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them;

**WHEREAS**, Section 16 of Republic Act 7160, otherwise known as the Local Government Code of 1991, provides that “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”;

  
MIRAZOL G. CHAVEZ  
Secretary to the Sangguniang Bayan

  
RENATO M. MATAWARAN, MD.  
Municipal Vice Mayor  
& Presiding Officer

  
MARIA ANGELA S. GARCIA  
Municipal Mayor



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**WHEREAS**, pursuant to Section 16 of Republic Act 7160, Section 447 of the same Act provides that "The Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants";

**WHEREAS**, the Province of Bataan has been placed under Alert Level 2 from 01 January to 15 January 2022, thus thru the Provincial IATF Resolution No. 49 approved on 05 January 2022, heightened restrictions were provided for strict implementation;

**WHEREAS**, National IATF Resolution No. 156-A, series of 2022, dated 06 January 2022, was approved escalating previously declared Alert Level Systems where the Province of Bataan has been placed under Alert Level 3 from 09 January to 15 January 2022;

**WHEREAS**, the advance in public health and the economic gains that have been achieved in the recent months under Alert Level 2 must be sustained and pre-emptive measures must be adopted in order to forestall and immediately address the perceived adverse impact of COVID – 19, particularly the highly – transmissible Omicron variant;

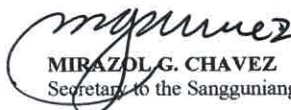
**WHEREAS**, there is an array of available COVID – 19 vaccines in Central Luzon and more than sixty-nine percent (69%) of the Region's target eligible population are now fully vaccinated;


**WHEREAS**, the global experience evidences that the COVID – 19 vaccines are and continue to be effective against the virus, including the Omicron variant, and prevent severe infection cases and avert the need for hospital care;

**WHEREAS**, despite the availability of vaccines, there is a number of individuals who adamantly opt not to be vaccinated and thus, become more susceptible to severe cases of COVID – 19 infection which will in turn require hospital care thereby unduly burdening the health care system to the detriment of public health;

**WHEREAS**, Republic Act No. 11332 or the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act declares that it is the policy of the State "to protect and promote the right to health of the people and instill health consciousness among them" and that the State "recognizes epidemics and other public health emergencies as threats to public health and national security, which can undermine the social, economic, and political functions of the State";

**WHEREAS**, the Guidelines on the Nationwide Implementation of Alert Level System for COVID – 19 Response as of December 14, 2021 prescribes that under Alert Level 2 to 4, Intrazonal and Interzonal movement of all persons shall be allowed and that reasonable restrictions may be imposed by Local Government Units;

  
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**WHEREAS**, Resolution No. 01, series of 2022, dated 05 January 2022, of the Regional IATF on COVID – 19 of Central Luzon, encourages Central Luzon Local Government Units to enact their respective Ordinances on the enhanced vaccination mandate to regulate the mobility of unvaccinated individuals for the protection of public health, promotion of general welfare, and sustainability of an improving community;

**WHEREAS**, in a Joint Municipal & Barangay IATF and Municipal DRRM – H Meeting attended by municipal and barangays officials, representatives from attached national government agencies and partner CSOs, Resolution No. 01, series of 2022, dated 05 January 2022, of the Regional IATF on COVID – 19 of Central Luzon was presented and discussed and all agreed that the same will be endorsed and forwarded to the Sangguniang Bayan for the enactment and/or adoption of an appropriate ordinance.

**NOW THEREFORE**, on a unanimous motion thru the Hon. Elizalde M. Torno, be it:

**RESOLVED**, as it is hereby resolved, to approve the hereunder municipal ordinance:

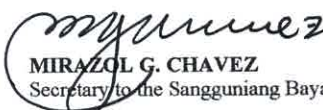
Be it enacted by this 10<sup>th</sup> Sangguniang Bayan in session duly assembled, that:

**Section 1. Title.** This ordinance shall be known as “**AN ORDINANCE PROVIDING FOR THE ENHANCED VACCINATION MANDATE TO REGULATE THE MOBILITY OF UNVACCINATED INDIVIDUALS WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF DINALUPIHAN, BATAAN AND PROVIDING PENALTIES FOR VIOLATION THEREOF**”.

**Section 2. Coverage.** This Ordinance covers all residents of the Municipality of Dinalupihan, Bataan including individuals who reside outside of Dinalupihan but who work and/or travel here.

**Section 3. Provisions.** Unvaccinated individuals belonging to the eligible age population in the Municipality of Dinalupihan, Bataan shall:

- a. Remain in their residences at all times except for the procurement of essential goods and services such as, but not limited to, food, water, medicine, medical devices, public utilities, and energy, work, and medical and dental necessities subject to the production of proof to support and justify such travel; Provided, however, that individual outdoor exercise shall be allowed within the general area of their residence, e. g., within the barangay, purok, subdivision, or village subject to the guidelines that may be issued by the Local Chief Executive or by the Municipal IATF;

  
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- b. Be prohibited in indoor and outdoor/al fresco dining in restaurants and other food establishments and shall likewise be prohibited from leisure or social trips to malls, hotels, event venues, sports and country clubs, and similar facilities (3Cs – closed spaces, crowded places, and close contact settings);
- c. Be prohibited in public transportation except for the procurement of essential goods and services such as, but not limited to, food, water, medicine, medical devices, public utilities, and energy, work, and medical and dental necessities subject to the production of proof to support and justify such travel; and
- d. Be required to undergo a Reverse Transcription Polymerase Chain Reaction (RT PCR) test every two (2) weeks at their personal expense and present a COVID – 19 negative result prior to being admitted for work onsite consistent with the guidelines, rules, and regulations issued by the IATF and the Department of Labor and Employment; Provided, however, that in the event that the RT PCR test and/or result is/are not immediately available, a Rapid Antigen Test may be utilized in lieu thereof.
- e. Public and private establishments shall validly refuse entry and/or deny service to individuals who remain to be unvaccinated, despite being eligible for vaccination. For this purpose, they shall require the presentation of vaccination cards as a condition for entry and accommodation.

**Section 4. Penalties.** Any individual and/or establishment found to be in violation of the provisions of this Ordinance shall be penalized as follows:

First Offense	:	A fine of One Thousand Five Hundred Pesos (Php 1,500.00)
Second Offense	:	A fine of Two Thousand Pesos (Php 2,000.00) and an additional penalty of suspension of business permit for establishments
Third / Succeeding Offense	:	A fine of Two Thousand Five Hundred Pesos (Php 2,500.00) and an additional penalty of cancellation of business permit for establishments

The penalties herein imposed are without prejudice to further prosecution under the provisions of Republic Act No. 11332, particularly Section 9 (d) and (e) on Prohibited Acts in relation to Section 10 on Penalties, i. e., a fine of not less than Twenty Thousand Pesos (P 20,000.00) but not more than Fifty Thousand Pesos (P 50,000.00) or imprisonment of not less than one (1) month but not more than six (6) months, or both such fine and imprisonment, at the discretion of the proper court.

  
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Furthermore, any individual or establishment who or which will falsify the COVID – 19 vaccine card shall be penalized under Provincial Ordinance No. 14, series of 2021 and without prejudice to further prosecution under the provisions of Act No. 3815 or the Revised Penal Code, as amended, and pursuant to Section 12 of republic Act No. 11525 or the COVID – 19 Vaccination Program Act of 2021.

**Section 5. Implementing Rules and Regulations (IRR).** The Local Chief Executive may issue necessary Implementing Rules and Regulations (IRR) in the implementation of this ordinance which will include the providing of sufficient information to the public for their compliance.

**Section 6. Repealing Clause.** All ordinances or any section or provision or a part thereof which are contrary to the provisions of this Ordinance are hereby repealed or amended accordingly.

**Section 7. Separability Clause.** If any part or provision of this Ordinance is declared unconstitutional or invalid, the same shall not affect the validity and effectivity of the other parts or provisions hereof.

**Section 8. Effectivity.** This ordinance shall take effect upon approval. Let copies of this ordinance be posted in conspicuous places in the Municipality.

**RESOLVED FURTHER**, that copies of this Ordinance be forwarded to the Sangguniang Panlalawigan for their review and favorable approval, the Hon. Mayor Maria Angela S. Garcia, the Dinalupihan PNP, the MPSO, all Punong Barangays, the MLGOO and all other concern for their information, guidance and reference.

**UNANIMOUSLY ENACTED AND ADOPTED** this 7<sup>th</sup> day of January 2022 in the 23<sup>rd</sup> Special Session of the 10<sup>th</sup> Sangguniang Bayan of Dinalupihan, Bataan.

**CERTIFIED TRUE AND CORRECT:**

  
**MIRAZOL G. CHAVEZ**

Secretary to the Sangguniang Bayan

**ATTESTED:**

  
**RENATO M. MATAWARAN, MD.**

Municipal Vice Mayor and Presiding Officer

**APPROVED:**

  
**MARIA ANGELA S. GARCIA**

Municipal Mayor

Mgc/neth.