



Republic of the Philippines
Department of Education
Region XI
SCHOOLS DIVISION OF DIGOS CITY

OFFICE OF THE SCHOOLS DIVISION SUPERINTENDENT

DIVISION MEMORANDUM
No. 420, s. 2020

September 16, 2020

DISSEMINATING PROVINCIAL ORDINANCE NO. 20-53, SERIES OF 2020 ENTITLED "AN ACT PENALIZING VIOLATIONS OF THE MINIMUM PUBLIC HEALTH PROTOCOLS IN THE PROVINCE OF DAVAO DEL SUR"

To: Chief Education Supervisors – (CID&SGOD)
All Schools Division Office Personnel
All School Heads
All Teaching and Non-Teaching Personnel
All Others Concerned

1. In reference to Provincial Ordinance No. 20-53, series of 2020 issued by the 16th Sangguniang Panlalawigan of Davao del Sur entitled "An Act Penalizing Violations of the Minimum Public Health Protocols in the Province of Davao del Sur", the Office informs the field the latest issuance from the Provincial Government of Davao del Sur relative to the threat of COVID-19.
2. The following are some salient points in the said issuance:
 - **Section 3. Mandatory Use of Face Mask.** All persons are required to properly wear and use of face mask at all times in public places or public transport within the territorial jurisdiction of the Province of Davao del Sur
 - **3.b Mandatory Use of Face Shield.** All persons are required to properly wear and use face shield at all times in public places or public transport within the territorial jurisdiction of the Province of Davao del Sur.
 - **Section 4. Mandatory Application of Social or Physical Distancing.** All persons must practice social or physical distancing to stay at least one (1) meter from other people who are not from your household in both indoor and outdoor within the territorial jurisdiction of the Province of Davao del Sur.



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- **Section 6. Penalty.** Any person caught in violation of this Ordinance shall be penalized as follows:

1. For Not Wearing of Face Mask and Face Shield in Public Places or Public Transport.

a. **First Offense** – an administrative fine of Php 1,000.00 and to attend mandatory public health protocol orientation.

b. **Second Offense** – an administrative fine of Php 3,000.00 and community Service.

c. **Third Offense or more** – an administrative fine of Php 5,000.00 or imprisonment of one (1) month, or both such fine and imprisonment, at the discretion of the Court.

2. For Non-Observance of Physical Distancing in Public Places or Public Transport.

a. **First Offense** – an administrative fine of Php 1,000.00 and to attend mandatory public health protocol orientation.

b. **Second Offense** – an administrative fine of Php 3,000.00 and community Service.

c. **Third Offense or more** – an administrative fine of Php 5,000.00 or imprisonment of one (1) month, or both such fine and imprisonment, at the discretion of the Court.

3. Attached is the copy of the Provincial Ordinance No. 20-53, s. 2020 signed by Provincial Governor, Douglas Ra Cagas, LLB, MBE, MNSA.
4. Immediate and wide dissemination of this Memorandum is enjoined.



CRISTY C. EPE

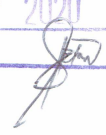
Schools Division Superintendent



DepEd Schools Division of Digos City
RECORDS SECTION

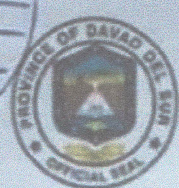
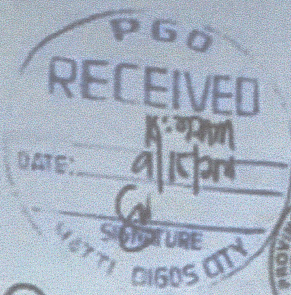
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Republika ng Pilipinas
LALAWIGAN NG TIMOG DABAW
Digos City



16th SANGGUNIANG PANLALAWIGAN

56TH REGULAR SESSION
September 10, 2020

ORDINANCE NO. 20-53

Sponsored by: Honorable Arvin B. Malaza
Co-Sponsored by: All SP Members Present

PRESENT:

Hon. Marc Douglas IV C. Cagas	Vice Governor/Presiding Officer
Hon. Simplicio A. Lafara	Hon. Lani M. Gabutero, LLB
Hon. Erwin S. Uanos	Hon. Martin B. Belle, LLB
Hon. Arvin B. Malaza	Hon. Carmelo E. de los Cientos III, LLB
Hon. Victoriano P. Cadungog, LLB	Hon. Lanier E. Cadungog, EN, ETRP
Hon. Mark Joel A. Gallardo	Hon. Boe Norma O. Rivera

ON LEAVE:

Hon. John Tracy F. Cagas, LLB	Hon. Jose Nelson I. Sala Sr.
Hon. Anna Margarita A. Bazonable, LLB	Hon. Oscar Jr. H. Bucal

ALL SP MEMBERS

AN ACT

PENALIZING VIOLATIONS OF THE
MINIMUM PUBLIC HEALTH
PROTOCOLS IN THE PROVINCE OF
DAVAO DEL SUR."

Be it enacted by the 16th Sangguniang Panlalawigan of Davao del Sur in session assembled:

WHEREAS, on March 8, 2020, President Rodrigo Roa Duterte, recognizes that the COVID-19 health event constitutes a threat to the national security, and to prompt a whole - of - government approach in addressing the COVID-19 outbreak, declared a State of Public Health Emergency throughout the entire Philippine through Presidential Proclamation No. 922 series of 2020

WHEREAS, Section 6(e) of Republic Act No. 11332, "The Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act," provides that local governments have the authority to conduct and enforce disease surveillance and response systems, epidemic/outbreak and epidemiologic investigations, and rapid containment, quarantine and isolation, disease prevention and control measures;

WHEREAS, in fighting this invisible enemy, the mandatory use of face masks can significantly reduce the possibility of local or community transmission and can effectively reduce the contagion in the communities especially by persons who are asymptomatic but may already be carriers of COVID-19;

[Signature]
DOUGLAS IV C. CAGAS, LLB, MBE, MNSA
Governor

[Signature]
MARC DOUGLAS IV C. CAGAS
Vice Governor / Presiding Officer

[Signature]
MARIA LUISA C. VILLAHERMOSA
Secretary to the Sanggunian

WHEREAS, another health advisory of the Department of Health requires persons to strictly observe stringent physical distancing to ensure that the virus is not passed on to other persons through the release of respiratory droplets and other contact from an infected person;

WHEREAS, based on Section 16 of the Local Government Code "Every local government unit has the implied power to do all things necessary, appropriate, or incidental to govern efficiently and effectively, promote general welfare, promote health and safety, maintain peace and order, and preserve the comfort and convenience of their inhabitants".

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panlalawigan of Davao del Sur, in regular session duly assembled:

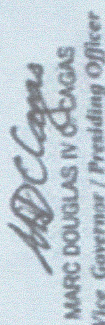
SECTION 1. DEFINITION OF TERMS. for purposes of this ORDINANCE, the following terms are hereby defined:

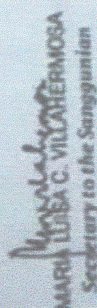
- a. **FACE MASK** - any reusable or disposable item made of cloth or any breathable materials worn over the nose and mouth which can serve as protection or barrier against possible infection from a disease such as the COVID-19. These shall include surgical masks, cloth mask, washable mask, N-95 masks.
- b. **FACE SHIELD**- is a personal protective equipment device that is used to protect the facial area like nose, eyes and mouth from splashes, sprays and spatter of body fluids. Face shields are generally not used alone, but in conjunction with other protective equipment and are therefore classified as adjunctive personal protective equipment.

It is made of a transparent plastic that covers the entire face.

- c. **PHYSICAL DISTANCING**- also called social distancing, means keeping a safe space between one (1) METER yourself and other people who are from your household and other people in public places. Social distancing should be practiced in combination with other everyday preventive actions to reduce the spread of COVID-19.
- d. **PUBLIC PLACES** - all places, fixed or mobile, that are accessible or open to the public; or places for collective use, regardless of ownership or right to access, including but not limited to, schools, work places, government offices and facilities, establishments that provide food and drinks, accommodation, merchandise, professional services, entertainment, and other services. It also includes outdoor spaces where facilities are available for the public or where a crowd of people may gather such as, but not limited to, parks, playgrounds, sports grounds, centers, church grounds, health/hospital compounds, markets, walkways, and waiting areas.


DOUGLAS R. DAGAS, LL.B., MBE, MNSA
Governor


MARC DOUGLAS IV DAGAS
Vice Governor / Presiding Officer


MARIA LUISA C. VILLAHERMOSA
Secretary to the Sanggunian

Further, it shall also include public utility vehicles such as buses and minibuses offering free rides, shuttles and vans that ferry individuals and employees to and from their homes and places of work.

e. **PERSONS LIABLE.** - All persons in public places within the territorial jurisdiction of the Province of Davao del Sur without a face mask or face shield and non observance of physical distancing shall be liable under this ordinance

f. **PRIVATE COMMERCIAL ESTABLISHMENT-** means a building, structure, company, firm, cooperative or other society, associations, trust, agency, institution, organization, union, factory that is owned, controlled or operated by non governmental entity for a nongovernmental purpose.

Examples: hotels, malls, supermarkets, cold storage facilities and private client markets with supply requirement of 10 or more in case of hogs and 2 heads or more in cattle's, fast food restaurant, restaurants and carenderias, drug store, night clubs and bars, and other qualified as establishment under its definition.

g. **PUBLIC TRANSPORT-** any forms of transportation that charge set fares, run on fixed routes and are available to the public.

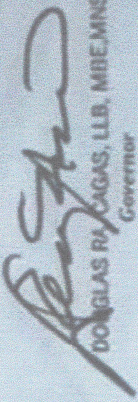
Examples: Public utility buses (PUB), Public utility jeepneys (PUJ), Public utility van (PUV), grab vehicles, Pedicabs, Tricycles and many like.

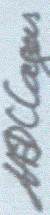
SECTION 2. COVERAGE. All persons who are found within the territorial jurisdiction of the Province of Davao del Sur are covered by this Ordinance. Therefore, tourists and visitors who are found within the territorial jurisdiction of the Province are covered the same.

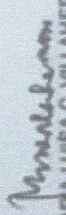
SECTION 3. MANDATORY USE OF FACE MASK. All persons are required to properly wear and use face mask at all times in public places or public transport within the territorial jurisdiction of the Province of Davao del Sur.

3.b MANDATORY USE OF FACE SHIELD. All persons are required to properly wear and use face shield at all times in public places or public transport within the territorial jurisdiction of the Province of Davao del Sur.

SECTION 4. MANDATORY APPLICATION OF SOCIAL OR PHYSICAL DISTANCING. All persons must practice social or physical distancing to stay at least one (1) METER from other people who are not from your household in both indoor and outdoor within the territorial jurisdiction of the Province of Davao del Sur.


DOUGLAS R. CAGAS, LL.B. MBE, MNSA
Governor


MARC DOUGLAS R. CAGAS
Vice Governor / Presiding Officer


MARIA LUISA C. VILLAHERMOSA
Secretary to the Sanggunian

SECTION 5. COMPLIANCE IN PRIVATE COMMERCIAL ESTABLISHMENTS. To effectively promote and encourage compliance to this Ordinance, all private commercial establishments operating in the Province of Davao del Sur shall:

(a) conspicuously display at or near the entrance of the establishment a full copy of this Ordinance, and strictly prohibit entry of any person who is not wearing a face mask and face shield in the establishment.

(b.) All private establishments must provide alcohol or hand washing facilities in the entrance.

(c.) A thermal gun shall be required to all establishments. Physical and social distancing must be observed at all times. Wearing of face mask and face shield is a must within the private and commercial establishments.

SECTION 6. PENALTY - Any person caught in violation of this Ordinance shall be penalized as follows:

1. FOR NOT WEARING OF FACE MASK AND/ OR FACE SHIELD IN PUBLIC PLACES OR PUBLIC TRANSPORT.

a. First Offense - an administrative fine of PHP 1,000.00 and to attend mandatory public health protocol orientation.

b. Second Offense- an administrative fine of PHP 3,000.00 and community Service.

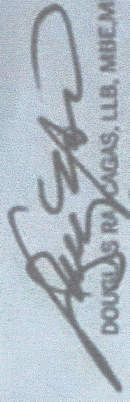
c. Third Offense or more - an administrative fine of PHP 5,000.00 or imprisonment of one (1) month, or both such fine and imprisonment, at the discretion of the Court.

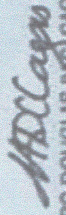
2. FOR NON-OBSERVANCE OF PHYSICAL DISTANCING IN PUBLIC PLACES OR PUBLIC TRANSPORT.

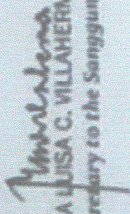
a. First Offense - an administrative fine of PHP 1,000.00 and to attend mandatory Public health protocol orientation.

b. Second Offense- an administrative fine of PHP 3,000.00 and Community Service.

c. Third Offense or more - an administrative fine of PHP 5,000.00 or imprisonment of one (1) month, or both such fine and imprisonment, at the discretion of the Court.


DOUGLAS R. CAGAS, LL.B., MBE, MNSA
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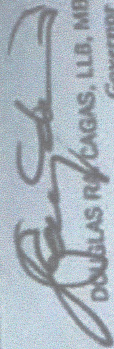
3. FOR NON COMPLIANCE OF PRIVATE COMMERCIAL ESTABLISHMENTS:

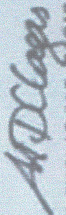
- a. **FAILURE** to conspicuously display this ordinance in their establishment shall be administratively fine of PHP 5,000.00
- b. **ABSENCE** of hand washing facilities or dis-infecting solution in the entrance of their establishment shall be administratively fine of PHP 5,000.00
- c. **NON WEARING** of Face Mask and/ or Face Shield within the vicinity of the private commercial institution shall be administratively fine of PHP 5,000.00
- d. **NON OBSERVANCE** of Social or Physical Distancing within the vicinity of the private commercial institution shall be administratively fine of PHP 5,000.00
- e. **PRIVATE COMMERCIAL ESTABLISHMENT** which shall be in violation of Paragraph (a), (b), (c) and (d) concurrently, shall be administratively fine of Twenty Thousand Pesos (P20,000.00) of all the sections being violated. Continues violation of any establishment to the above provisions shall be penalized by the Local Chief Executive of the municipality or city through revocation of Business Permit upon recommendation of the implementing offices.

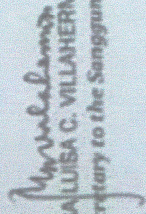
SECTION 7. IMPLEMENTING OFFICES- The Members of the Philippine National Police, Land Transportation Office (LTO), the Punong Barangay, City/Municipal Officials and Municipal Health Department, the Provincial Officials and Provincial Health Office and other law enforcers to be determined by the Provincial Governor, shall implement and enforce this Ordinance.

SECTION 8. IMPLEMENTING RULES AND REGULATION. The Provincial Government, upon the recommendation of the Provincial Health Department and the Municipal Health Officer shall issue implementing rules and regulations as may be necessary.

SECTION 9. SEPARABILITY CLAUSE- If any section or provision of this Ordinance is declared unconstitutional or invalid by a competent court, the remaining sections or provisions not affected thereby shall continue to be in full force and effect.


DOUGLAS R. MAGAS, LL.B., MBE, MNSA
Governor

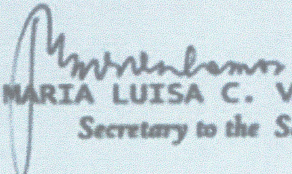

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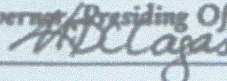
SECTION 10. REPEALING CLAUSE- All ordinances, resolutions, rules and regulations which are inconsistent with or contrary to the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 11. EFFECTIVITY- This Ordinance shall take effect immediately.

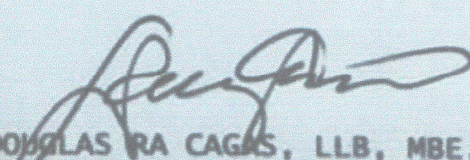
CERTIFIED TRUE AND CORRECT:


MARIA LUISA C. VILLAHERMOSA
Secretary to the Sanggunian

ATTESTED AND CERTIFIED
TO BE DULY ORDAINED:

MARC DOUGLAS IV C. CAGAS
Vice Governor / Presiding Officer
APPROVED: 




DOUGLAS RA CAGAS, LLB, MBE, MNSA
Governor

September 15, 2020