



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD NG MARIKINA

ORDINANCE NO. 016
Series of 2021

ORDINANCE ADOPTING THE STAYSAFE.PH APPLICATION AS THE CONTACT TRACING SYSTEM OF THE CITY OF MARIKINA MANDATING THE USE THEREOF BY ALL RESIDENTS, NON-RESIDENTS AND ESTABLISHMENTS WHETHER PUBLIC OR PRIVATE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

Introduced by:

Councilor MANUEL E. SARMIENTO
Councilor DONN CARLO B. FAVIS

Co-sponsored by:

Councilor ROMMEL S. ACUÑA
Councilor CARL ELI F. AFRICA
Councilor SERAFIN Y. BERNARDINO
Councilor CLOYD S. CASIMIRO
Councilor PAUL B. DAYAO
Councilor LEVY DL. DE GUZMAN
Councilor ROMINA KATE DE GUZMAN DAVID
Councilor SAMUEL S. FERRIOL
Councilor RENATO B. MAGTUBO
Councilor ANGELITO R. NUÑEZ
Councilor JOEL V. RELLEVE, M.D.
Councilor RUBEN R. REYES
Councilor THADDEUS ANTONIO M. SANTOS, JR.
Councilor LORETO F. TOLENTINO, JR.
Councilor ZIFFRED A. ANCHETA
Councilor JONAS MERVIN D. REYES
and Vice Mayor MARION S. ANDRES, M.D.

WHEREAS, Section 15, Article II of 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 the Local Government Code of 1991, provides that, “*every local government unit shall exercise the powers expressly granted, those necessarily implied there from, 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, xxx promote health and safety, xxx support the development of appropriate and self-reliant scientific and technological capabilities, xxx among their residents... xxx*”;

WHEREAS, on 08 March 2020, President Rodrigo R. Duterte issued Proclamation No. 922, series of 2020 declaring the State of Public Health Emergency throughout the

Philippines due to the Coronavirus Disease 2019 (COVID-19) enjoining all local government agencies and local government units (LGUs) to render full cooperation and assistance and to mobilize the necessary resources to undertake critical, urgent and appropriate response and measure in a timely manner to curtail and eliminate the threat of COVID-19;

WHEREAS, the Department of the Interior and Local Government (DILG), issued a Memorandum dated 24 April 2020, directing the local government units to establish their own task forces against COVID-19 which includes contact tracing teams;

WHEREAS, the DILG, in a subsequent Memorandum dated 10 June 2020, encourages the use of technology in contact tracing efforts to ensure more comprehensive COVID-19 information management;

WHEREAS, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases issued Resolution No. 70 series of 2020, dated 10 September 2020, reaffirming the recommendations of the Department of Information and Communications Technology on maximizing the use of StaySafe.PH as the official social distancing, health-condition reporting, and contact-tracing system, that will assist in the government's response to COVID-19;

WHEREAS, the DILG issued Memorandum Circular No. 2020-129 dated 05 October 2020, reiterating and supplementing DILG Memorandum Circular No. 2020-081 dated 08 May 2020 enjoining the use of StaySafe.PH v.2 application system for the management of the global pandemic;

WHEREAS, the City deemed it necessary to establish an automated contact tracing system through the use of QR codes to provide safe, timely, and more complete contact identification, as compared to filling up of traditional contact tracing forms by customers, visitors, and employees before entering the establishments;

WHEREAS, the City will do away with the traditional practice of establishments with the manual logging by customers, visitors, and employees of the contact tracing forms prior to entering the establishments;

WHEREAS, the adoption of StaySafe.PH would help in the uniform efforts of the government in contact tracing and in the prevention of transmission of COVID-19;

NOW, THEREFORE BE IT ORDAINED, AS IT IS HEREBY ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF MARIKINA, in session duly assembled that:

SECTION 1. *Short Title* – This Ordinance shall be known as the “Adopting the StaySafe.PH Application and mandating the use thereof in the City of Marikina”;

SECTION 2. *Coverage* – This Ordinance shall apply to all residents and non-residents who will enter, work, or do business in all indoor or enclosed public and private establishments within the territorial jurisdiction of the City of Marikina (covered individuals), including but not limited to government and private offices or workplaces,

commercial, industrial and indoor establishments, churches, malls, including the stalls therein, hotels, motels, inns, supermarkets, and markets (covered establishments);

SECTION 3. *Definition of Terms* – For purposes of this Ordinance, these terms are defined as follows:

1. Consent of the Data Subject – refers to any free given, specific, informed indication of will, whereby the data subject agrees to the collection and processing of personal information about and/or relation to him/her. Consent shall be evidenced by written, electronic or recorded means.
2. Data Subject – refers to an individual whose personal information is processed.
3. Public Establishment – refers to a building or enclosed place which is owned, leased, or controlled by a government entity for governmental purpose;
4. Private Establishment – refers to a building or enclosed place which is owned, leased, or controlled by a non-governmental entity for non-governmental purpose, which includes but not limited to, commercial, industrial, and indoor establishments, churches, hotels, motels, inns, supermarkets and markets.
5. Registrant – refers to all customers, visitors and employees of public and private establishments, who are eighteen (18) years old and above, whether resident or non-resident of the City of Marikina.
6. QR (Quick Response) Code – refers to the machine-readable code containing a matrix of dots which typically stores information, and which can be scanned using a QR scanner or a smartphone with built-in camera.
7. Scanner – refers to a device with functional camera, supports wireless internet access, and has the ability to run software applications that will be used for scanning QR codes.
8. Staysafe.PH System – An application software that enables people to report their health condition and facilitate the Government's process of contact tracing by allowing individuals to log their basic personal information upon registration, interactions, locations, and health declaration.

SECTION 4. *Mandatory Installation and Use of Staysafe.PH System* –

- a. All covered individuals shall be required to download the StaySafe.PH application in their smartphones and register their account therein. Upon registration, the individuals shall be provided with a non-transferable unique generated QR Code which they can be stored on their phone or print for physical copy which is required before entering, working and doing business in covered establishments in the territorial jurisdiction of Marikina.
- b. In the same way, all covered establishments shall be required to register as an Administrator in the StaySafe.PH application and shall be provided with a unique generated QR Code upon registering.
- c. For non-smartphone user registrants, QR Codes shall be generated with the assistance of their respective barangays and shall be distributed to where the registrant resides.

SECTION 5. *Basic Information Required Upon Registration/Creating an Account* – Registrant’s Personal Information collected under this Ordinance shall be limited to name, age, sex, address, contact number, e-mail address (if available); whereas covered establishments’ information shall be limited to name of establishment, business address, contact person, contact number and e-mail address (if available).

SECTION 6. *Health Declaration* – The registrant upon signing-in shall declare his/her status. The registrant may update his/her health condition every day and may also notify the StaySafe.PH if he/she is having COVID-19 like symptoms.

SECTION 7. *Mandatory Use of QR Code or the ‘No QR Code, No Entry Policy’* – All covered establishments are mandated to designate personnel on every entrance of the establishment who shall make sure that each individual who enter the establishment possesses a StaySafe.PH unique personal QR Code. The establishment shall provide scanner and personnel who shall scan and monitor the authenticity of the QR code of the registrants prior to entry.

All customers, visitors, and employees of the public and private establishments shall not be allowed entry unless they present their own QR code.

The QR Code is the digital footprint of the registrant by recording whom he/she has had contact with in the covered establishment at a particular day and time. Scanning the QR Code of every customer, client, patron, or personnel inside the establishment shall produce the digital logbook required to be maintained by the covered establishments. To ensure compliance with the maintenance of the digital logbook requirement, the electronic logs shall be submitted daily by covered establishments to the City’s Contact Tracing Team via email at staysafe.mis@marikina.gov.ph.

SECTION 8. *Submission of Electronic Logbook to Marikina City Contact Tracing Team* - The QR Code is the digital footprint of the registrant by recording whom he/she has had contact within the covered establishment at a particular day and time. Scanning the QR Code of every customer, client, patron, or personnel inside the establishment shall produce the digital logbook required to be maintained by the covered establishments.

To ensure compliance with the maintenance of the digital logbook requirement, the electronic logs shall be submitted daily by covered establishments to the City’s Contact Tracing Team via email at staysafe.mis@marikina.gov.ph.

SECTION 9. *Processing and Storing of Gathered Information* - Upon scanning of the QR Code, the personal information of the registrant shall automatically be transmitted and integrated real-time to the Department of Health’s (DOH) Database, which could be accessed by the City’s Contact Tracing Team.

SECTION 10. *Privacy Policy* – All information collected, processed, and shared shall be pursuant to Republic Act No. 11332 (the “Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern) and in accordance with Republic Act No. 10173 (the “Data Privacy Act”), and their respective Implementing Rules and Regulations.

SECTION 11. Confidentiality – All information collected, processed, shared and gathered from the data subject, shall be treated by the City Government of Marikina with utmost confidentiality, and shall securely dispose of them thirty (30) days from the time it was collected.

SECTION 12. Prohibited Acts – The following acts are hereby declared unlawful under this Ordinance:

- a. For Covered Individuals:
 - i. Has gained entry in covered establishments in the City of Marikina without registering in the Staysafe.Ph Application and without a generated QR Code by the aforesaid application, in violation of the provisions in Section 4 (a) of this Ordinance;
 - ii. Providing false information upon registration/creation of account with StaySafe.PH application;
 - iii. Allowing other person to make use his/her unique QR code to gain entry into the premises of the covered establishment;
 - iv. Intentionally registering more than once for the purpose of possessing more than one (1) unique personal QR code;

- b. For Covered Establishments:
 - i. Non-registration with the StaySafe.PH system;
 - ii. Failure to designate some personnel tasked to make sure that all customers, visitors, and employees of the establishment possess QR Code prior to their entry;
 - iii. Failure to provide scanner, and scan registrants' QR Code prior to entry;
 - iv. Deliberate non-scanning of the registrants' QR Code;
 - v. Allowing entry of customers, visitors, and employees to enter the establishment without QR Code;
 - vi. Deliberate non-transmittal of the personal information of the registrants within twenty-four (24) hours from being offline;
 - vii. Unauthorized access and disclosure of personal information of the registrants;
 - viii. Failure to submit daily electronic logs

- c. Failure to pay the fine, render alternative penalty, and/or submit compliance within 24 hours from receipt of Notice of Violation.

SECTION 13. Penalty – In addition to the liability attaching to the offender prescribed by existing laws, any person or entity found to be violating any of the provisions of this Ordinance shall be meted out the following penalties:

- a. For covered individuals:
 1. Violation of Section 12(i). shall be meted with a warning for the first offense and four (4) hours community service for subsequent offenses.

2. Violation of Section 12 (ii) to (iv). shall be meted with a penalty of eight (8) hours community service.
- b. In case the offender is a government official or employee, the maximum penalty as provided above shall be imposed without prejudice to the filing of administrative, civil, and/or criminal action(s).
- c. Any covered establishment found violating Section 12b of this Ordinance shall be charged with and administrative penalty of:
 - i. First Offense: Issuance of warning with notice to comply within twenty four (24) hours;
 - ii. Second Offense: Two Thousand Pesos (Php 2,000.00) and suspension of business operation until violation has been rectified or until compliance has been made;
 - iii. Third Offense: Fine of Five Thousand Pesos (Php 5,000.00) and suspension of business operation until violation has been rectified or until compliance has been made.
- d. Failure to pay the fine/render alternative penalty or compliance within 24 hours from Notice of Violation shall cause the filing of a case in court and imposition of fine of Php5,000.00 and/or imprisonment for one month, upon the discretion of the Court.

SECTION 14. *Implementing Rules and Authority* – This Ordinance shall be implemented by the Marikina IATF against COVID-19 – Contact Tracing Team (Marikina Contact Tracing Team), Management Information Systems and Call Center (MISCC), Marikina City Health Office (CHO), Business Permits and Licensing Office (BPLO), Barangays, Marikina City Philippine National Police (PNP), and other personnel from the Marikina IATF against Covid-19 as may be deputized by the Local Chief Executive.

The Office of the Local Chief Executive is hereby authorized to issue implementing rules and regulations when necessary.

SECTION 15. *Implementation and Transitory Provision* – The Public Information Office (PIO), in coordination with the Barangays, shall conduct information dissemination through the different social media platforms, Information and Education Materials, tarpaulin display, among others. The CHO and Community Relations Office (CRO) and Marikina Settlement Office (MSO), together with BPLO, shall also conduct information dissemination campaign to ensure that the community and business stakeholders are made aware of the provisions of this Ordinance. Every Barangay shall be tasked to provide assistance to individuals within their jurisdiction in their registration with the stay safe application.

SECTION 16. *Grace Period* – To provide covered individuals and establishments ample time to prepare the necessary provision for full compliance, a fifteen (15) day grace period reckoned from effectivity of this Ordinance is hereby granted. Thereafter, the penalties as provided in section 12 shall be enforced and imposed.

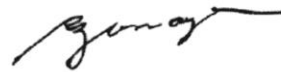
SECTION 17. *Separability Clause* – If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provision not affected thereby shall continue in full force and effect.

SECTION 18. *Repealing Clause* – All ordinances, rules, regulations and other local issuances inconsistent with this Ordinance, or any provision hereof, are hereby repealed or modified accordingly.

SECTION 19. *Effectivity Clause* – This Ordinance shall take effect immediately upon approval.

UNANIMOUSLY ORDAINED by the **SANGGUNIANG PANLUNGSOD NG MARIKINA** this 17th day of March, 2021.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance which was duly enacted by the *Sangguniang Panlungsod* during its 10th Regular Session held via video conferencing on March 17, 2021.



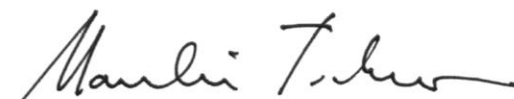
REGINALD B. TAMAYO
Acting City Council Secretary

ATTESTED:



MARION S. ANDRES, M.D.
City Vice Mayor/Presiding Officer

APPROVED by the **CITY MAYOR** on **MAR 24 2021**



MARCELINO R. TEODORO
City Mayor