



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD NG MARIKINA

ORDINANCE NO. 099
Series of 2020

ORDINANCE PROVIDING ALTERNATIVE PENALTIES IN THE FORM OF COMMUNITY SERVICE, BLOOD DONATION AND MORAL AND SPIRITUAL COUNSELING IN CASES OF VIOLATIONS OF COVID-19 ORDINANCES BEING IMPOSED DURING THE QUARANTINE PERIOD

Introduced by:

Councilor SERAFIN Y. BERNARDINO
Councilor ROMMEL S. ACUÑA
Vice Mayor MARION S. ANDRES, M.D.

Co-sponsored by:

Councilor CARL ELI F. AFRICA
Councilor CLOYD S. CASIMIRO
Councilor PAUL B. DAYAO
Councilor LEVY DL. DE GUZMAN
Councilor ROMINA KATE N. DE GUZMAN
Councilor DONN CARLO B. FAVIS
Councilor SAMUEL S. FERRIOL
Councilor RENATO B. MAGTUBO
Councilor ANGELITO R. NUÑEZ
Councilor JOEL V. RELLEVE
Councilor RUBEN R. REYES
Councilor THADDEUS ANTONIO M. SANTOS, JR.
Councilor MANUEL E. SARMIENTO
Councilor LORETO F. TOLENTINO, JR.
Councilor ZIFFRED C. ANCHETA
Councilor JONAS MERVIN D. REYES

WHEREAS, pursuant to the General Welfare Clause as provided for in Section 16 of Republic Act No. 7160 otherwise known as the Local Government Code of 1991, the City Government of Marikina, among others, enacts ordinances to promote the general welfare of the people, to protect the environment, and to preserve peace and order;

WHEREAS, most of these city ordinances contain penalty clauses which ranges from payment of fines to incarceration of offenders depending upon the discretion of the courts;

WHEREAS, on November 17, the City Council enacted Ordinance No. 226 Series of 1999 entitled "Ordinance Prescribing Voluntary Blood Donation as Alternative Fine for Violation of Tricycle Rules and Regulations" authored by then Councilor Marion S. Andres, M.D., now the current City Vice-Mayor and Presiding Officer of the 9th City Council;

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WHEREAS, on September 13, 2000 the City Council also enacted Ordinance No. 178, Series of 2000 and on March 7, 2001 passed Ordinance No. 076 Series of 2001 thru the sponsorship of Councilor Serafin Y. Bernardino and both measures provide, among others, that counseling can be an efficient alternative for violators of all existing city ordinances;

WHEREAS, during these trying times of COVID-19 pandemic, the City Government of Marikina thought it wise to consolidate all these alternative penalties into one city ordinance so that in lieu of the main penalties of the ordinances like payment of fines and imprisonment, offenders, if qualified, may settle their penalties by voluntary donation of blood or undergo spiritual counseling including the rendering of community service;

WHEREAS, the Liga ng mga Barangay, several religious groups in the City and Philippine Red Cross- Marikina Chapter, upon authority given them by this Ordinance, have signified their intention to help execute these penalties, like the implementation of cleanliness thru community service, collection of blood donation and disciplinary counseling, to individuals apprehended for violating city ordinances;

WHEREAS, their expressions of support can further improve the cleanliness and orderliness of the City, the health and well-being of the populace and public morals and in transforming the people into responsible citizens - to be more aware of their duties and responsibilities;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the CITY COUNCIL OF MARIKINA, in session duly assembled:

SECTION 1. Declaration of Policy.- The City Government declares as a policy to lessen the negative impact of imposing the principal and weighty penalties of ordinances in Marikina City during the quarantine period considering that practically all are experiencing economic and emotional hardships as a result of COVID-19 pandemic.

While lessening the unwelcome effects of the main penalties of these ordinances, the city government maintains to further instill upon the violators of city ordinances the value of civic duty, deter aberrant behavior by providing them reasonable alternative penalties especially suited to persons, upon assessment and evaluation, who are not financially capable to pay the penalty of fines and/or are physically or medically unfit to be placed behind bars.

SECTION 2. Alternative Penalties.- During this COVID-19 pandemic, violators of any city ordinances relative to the COVID-19 pandemic are hereby given the following alternative penalties in lieu of the main penalties of city ordinances:

- a. Community Service
- b. Blood Donation
- c. Moral or Spiritual Counseling

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SECTION 3. *Miscellaneous Provisions.*- In determining whether an offender maybe allowed to render community service, donate blood or undergo moral or spiritual counseling in lieu of paying fine or serving a term of imprisonment, the following shall be considered:

- a. **Community Service.**- Community service as an alternative penalty shall be imposed to any person for violation of any city ordinance, equivalent to eight (8) hours, and if the offenders are considered minors, they shall be substituted by their respective parent/s or legal guardian/s.
- b. **Blood Donation.**- If a violator who elects to donate blood shall proceed to the City Health Office for purposes of determining whether he or she is medically qualified or physically fit to donate blood. A certificate shall be issued by the CHO for such purpose. The blood donation shall not be less than 400 cc but not exceeding 500 cc per person and the violator has 7 days to do so, otherwise, he or she will be compelled to pay his or her corresponding fine.
- c. **Moral and Spiritual Counseling.**- A violator of any city ordinance is also given an alternative penalty of spiritual counseling by any religious sect of his or her preference. After completing four (4) phases of moral and spiritual programs, a certificate shall be issued by the concerned religious group to the violator certifying that the latter has completed the moral or spiritual counseling.

SECTION 4. *Alternative Penalties are applicable to COVID-19 Ordinances.*- The alterative penalties are prescribed COVID-19 ordinances enacted by the City Council especially those that restrict the movement of people and limit the risk of spreading the corona virus disease. Stringent measures that are COVID-19 related ordinances include the mandatory wearing of masks, maintenance of social distancing, and imposition of curfew hours without prejudice to include other ordinances, subject to the implementing guidelines, rules and regulations, which are necessary for the city government's efficient and effective governance and those which are essential to the promotion of general welfare as provided for in Section 16 of RA 7160 otherwise known as the Local Government Code of 1991.

SECTION 5. *Formulation of Implementing Guidelines, Rules and Regulations.*- The Liga ng mga Barangay, the Philippine Red Cross- Marikina Chapter, religious sects in the City and other concerned departments and offices, upon the order or directive of the Office of the City Mayor, shall formulate the guidelines, rules and regulations of this Ordinance to ensure its effective implementation.

SECTION 6. *Administration and Enforcement.*- The City Health Office, the Liga ng mga Barangay, and the Office of Public Safety and Security, in coordination with the Philippine Red Cross-Marikina Chapter and the religious sects in the City, are hereby tasked to implement the provisions of this Ordinance.

SECTION 7. *Separability Clause.*- If any provision of this Ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, those parts which are not affected thereby shall continue to be in full force and effect.

SECTION 8. *Repealing Clause.*- Any ordinance, resolution, order, or issuance of local application which is not in conformity with this Ordinance is hereby amended, suspended, modified, or repealed accordingly..

