

EXCERPT TAKEN FROM THE JOURNAL OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON JUNE 27, 2022

PRESENT:

Vice Mayor Jose Antonio Miguel Y. Perez	- Presiding Officer
Councilor Apolonia G. Bacay	- Presiding Officer Pro-Tempore
Councilor Carolyn D. Sison	- Majority Floor Leader
Councilor Verna S. D. Rabago	- Assistant Majority Floor Leader
Councilor Michelle S. Segundera	- Member
Councilor Joselito O. Fontelera	- Member
Councilor Oscar A. Boling, Sr.	- Member
Councilor Froebel A. Ranoy	- Member
Councilor Dahlia M. de Leon	- Member
Councilor Arvin P. Braganza	- Member
LBP Raul B. Bacay	- Ex-Officio Member
PPSKP Lovely V. Bernabe	- Ex-Officio Member

ABSENT:

Councilor Cirilo B. Radoc	- On official business
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ORDINANCE NO. 2022-08

AN ORDINANCE REQUIRING COVID-19 VACCINATION FOR ELIGIBLE POPULATION AND OTHER HIGH RISKS GROUPS

Sponsor:

Councilor Apolonia G. Bacay

WHEREAS, the Coronavirus Disease 2019 (COVID-19) pandemic remains a significant challenge in the City of Alaminos, particularly in light of the highly contagious COVID-19 omicron variant. Daily cases and community transmission remain high because respiratory viruses are spread more easily. The Department of Health (DOH) uniformly recommends widespread vaccination in order to combat the spread of COVID-19, protect those who cannot be vaccinated by reason of age, safeguard the capacity of the local health care system, and prevent unnecessary and premature deaths;

WHEREAS, with the Omicron variant designated as a new variant of concern (VOC), the DOH has further emphasized the need for vaccination to eliminate or, at the very least, reduce the critical risks posed by infection from the virus. The Inter-Agency Task Force (IATF) has also approved the recommendations to strengthen local COVID-19 response. In relation, to this Local Government Units (LGUs) were reminded to: (1) Heighten their alert for increasing and clustering of cases and emphasizing the need for active case finding; (2) immediately conduct contact tracing and isolation of cases detected from case surveillance among the community, including domestic and international travelers; and (3) use RT-PCR testing to allow for whole-genome sequencing of collected samples, including the stricter implementation and adherence to the PDITR (Prevent-Detect-Isolate-Treat-Reintegrate) strategy adherence and compliance to minimum public health standards (MPHS) with the directive given to the Philippine National Police (PNP) to enforce MPHS compliance;

WHEREAS, despite the increasing number of vaccines administered in the country, the COVID-19 virus remains to be a threat to the unvaccinated population, and the continuous and prevalent threat of the COVID-19 virus causes prolonged economic stagnation and inconvenience to the normal daily living of Filipinos. The best way to reduce the current level of community transmission and to prevent future surges is for everyone who is eligible, including those who have recovered from a COVID-19 infection, to get fully vaccinated as soon as possible. Given the foregoing, there is a need to expedite the vaccine rollout of the local government units in their respective jurisdictions;

WHEREAS, although vaccines are widely available in the City, many eligible residents are not yet vaccinated. If there is not a significant increase in vaccination coverage, local health experts warn that there will be a cycle of repeated surges every few months. The city has an interest in increasing vaccination rates which, in turn, will help stem the spread of COVID-19 and protect its residents against a disease that threatens the health, safety, and wellbeing of everyone;

NOW, THEREFORE, on motion of Apolonia G. Bacay, duly seconded by LBP Raul B. Bacay and Councilor Carolyn D. Sison,

BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE. — This Ordinance shall be known as “An Ordinance Requiring COVID-19 Vaccination for Eligible Population and Other High Risks Groups.”

SECTION 2. PURPOSE. — The City of Alaminos, Pangasinan seeks to promote the health, safety and well-being of its residents, to protect its workers and to encourage vaccination, by requiring proof of full vaccination with a COVID-19 vaccine when entering recreational locations and going to events within the city that routinely allow for higher-risk interaction and when entering city buildings where city workers put themselves at risk to provide services to the general public. On the premises of these establishments, implementation of a vaccination requirement is critical in order to protect the city’s employees, residents, visitors and businesses, while also attempting to avoid future shutdowns and maintain the City’s economic recovery.

Specifically, this Ordinance mandates proof of vaccination or a negative COVID-19 test for Mega Events defined as event with large crowds, including indoor events with greater than 500 attendees and outdoor event with greater than 3,000 attendees. It also requires proof of vaccination for all indoor spaces at bars, nightclubs and lounges. The locations covered are required to follow the mandates of the Ordinance It recommends that operators of all restaurants verify the COVID-19 vaccination of their patrons for indoor service. It does not supersede any stricter limitation imposed by a local public entity. It applauded cities across the country for creating additional safeguards in spaces where people are intermingling with the use of targeted vaccination mandates.

Requiring vaccination of all eligible individuals who frequent recreational indoor businesses that allow groups of unassociated individuals to interact for long periods of time where patrons remove their mask to eat or drink, engage in heavy physical exertion, or do not adequately physically distance, will provide the strongest protection to the health and safety of the City’s residents, including those who for reasons of age cannot be vaccinated.

Requiring vaccination or proof of a negative COVID-19 test for large outdoor events between 3,000 and 4,999 attendees also will address several factors that increase the risk of transmission at those events, including crowding, prolonged duration, removal of masks for eating and drinking, and the increased likelihood contagious persons are present when a larger number of people are gathered. Additionally, requiring vaccination for individuals who enter City buildings will protect the health and safety of the City's workforce who themselves must be vaccinated and will protect the public health at large. The requirements also offer an alternative approach to stringent public health measures such as complete business closures that have been implemented previously.

SECTION 3. DEFINITIONS. — For purposes of this ordinance, the following terms or phrases shall be construed to mean:

1. **City** means the City of Alaminos, Pangasinan.
2. **City Building** means the indoor portion of any building, structure, or premises belonging to or under the control of the city
3. **Covered Location** means any of the following locations in the city
 - 3.1 Establishments where food or beverages are served, including, but not limited to, restaurants, bars, fast food establishments, coffee shops, cafeterias, food courts, banquet halls, and hotel ballrooms;
 - 3.2 Gyms and fitness venues including, but not limited to: gyms, recreation facilities, fitness centers, yoga, pilates, cycling, barre and dance studios, hotel gyms, boxing and kickboxing gyms, fitness boot camps, and other facilities used for conducting indoor group fitness classes;
 - 3.3 Entertainment and recreation venues, including, but not limited to, movie theaters, music and concert venues, live performance venues, adult entertainment venues, commercial event and party venues, sports arenas, convention centers, exhibition halls, museum, malls, shopping centers, performing arts theaters, videoke rooms, pool, play areas and billiard halls and other recreational game centers; and
 - 3.4 Personal care establishments including spas, nail salons hair salons, barbershops, estheticians, skin care and cosmetology services, body art professionals, piercing shops, and massage therapy, except as medically required.

A Covered Location does not include any location that does not have an indoor portion.

Nothing in this ordinance shall be interpreted to preclude locations in the city that are not included in the above list from issuing vaccination requirements. Nothing in this ordinance shall be interpreted to preclude Covered Locations from issuing more stringent requirements than required by this ordinance.

4. **COVID-19** means Coronavirus Disease 2019, the infectious disease caused by the SARS-Cov-2 virus that resulted in a global pandemic, including variants thereof.
5. **COVID-19 Vaccine** means a vaccine authorized to prevent COVID-19 by the United States Food and Drug Administration (FDA), including by way of an emergency use authorization, or by the World Health Organization (WHO).
6. **Full Vaccination/Fully Vaccinated** means 14 or more days after completing the entire recommended series of vaccination with a COVID-19 Vaccine. Currently, an individual is considered Fully Vaccinated at least two weeks after receiving a second dose of any brand of COVID-19 Vaccine or two weeks after receiving the single dose of the Johnson & Johnson Janssen COVID-19 Vaccine.

7. **Individual Eligible for a COVID-19 Vaccine** means a person for whom a COVID-19 Vaccine is authorized for use by the FDA, including by way of an emergency use authorization or, in the case of a foreign visitor or traveler, a person for whom a COVID-19 Vaccine is authorized by the WHO.
8. **Indoor Portion** means any part of a Covered Location or City Facility with a roof or overhang that is enclosed by at least three walls, except that the following will not be considered an Indoor Portion: (1) a structure on the sidewalk or roadway if it is entirely open on the side facing the sidewalk; and (2) an outdoor dining structure for individual parties, such as a plastic dome, if it has adequate ventilation to allow for air circulation.
9. **Non-resident Performer** means a non-resident performing artist, non-resident professional athlete or sports team, or non-resident individual accompanying a performing artist or sports team as part of their regular employment.
10. **Outdoor Large Event** means an outdoor event with between 3,000 and 4,999 attendees. An Outdoor Large Event includes conventions, conferences, expos, concerts, shows, nightclubs, sporting events, live events and entertainment fairs, festivals, parades, theme parks, amusement parks, water parks, large private events or gatherings, marathons or unassigned seating, and may be either general admission or gated, ticketed, and permitted events.
11. **Patron** means an individual Eligible to Receive a COVID-19 Vaccine who enters, patronizes, attends an event, or purchases goods or services at a Covered Location or Outdoor Large Event.
12. **Photo Identification** means an original or copy on an identification (ID) card that has a photo of the owner, including:
 1. Driver's License;
 2. Government issued identification card;
 3. School or work identification card; or
 4. Passport.
13. **Proof of Negative COVID-19 Test** means a printed document, email or text message displayed on a phone, from a test provider or laboratory that shows results of a polymerase chain reaction (PCR) or antigen COVID-19 test that was conducted within 72 hours before entry into a Covered Location, City facility, or Outdoor Large Event. The printed document, email, or text message must include the person's name, type of test performed, date of the test, and negative test result.
14. **Proof of Vaccination** means one of the following demonstrating proofs of Full Vaccination:
 1. A COVID-19 vaccination card issued by the CHO, which includes the name of the person vaccinated, type of vaccine provided, and date of last dose administered, or similar documentation issued by another foreign governmental agency;
 2. A photo of a vaccination card (both sides), compliant with Subsection 14, above, as a separate physical photograph or stored on a phone or electronic device;
 3. Documentation of vaccination from a licensed healthcare provider; or

SECTION 4. — PROOF OF VACCINATION REQUIRED FOR A PATRON TO ENTER INDOOR PORTION OF A COVERED LOCATION.

- A. A covered Location shall display prominently on its premises, visible to Patrons prior to entrance, an advisory notice informing Patrons Proof of Vaccination is required to enter any Indoor Portion of a Covered Location.

- B. A Covered Location shall require each Patron to provide Proof of Vaccination upon entering an Indoor Portion of a Covered Location. A Covered Location shall require Proof of Vaccination upon the Patron's first in-person interaction with staff. A Covered Location is required to cross-check Proof of Vaccination for each Patron who appears to be 18 years of age or older against Photo Identification. Subject to the exemptions below, a patron shall not be permitted to enter an Indoor portion of a Covered Location without Proof of Vaccination.
1. A Patron may be exempt from the requirements of this section if they are entitled under any applicable law to a reasonable accommodation for a medical condition or restriction or a sincerely held religious belief, as follows.
 - a. To be eligible for an exemption due to a medical condition or restriction, the Patron must provide the Covered Location with a self-attestation that the Patron has a medical condition or restriction that qualifies the Patron for the exemption.
 - b. To be eligible for an exemption due to a sincerely held religious belief, the Patron must provide the Covered Location with a self-attestation that the Patron has a sincerely held religious belief that qualifies the Patron for the exemption.
 2. If a Covered Location determines a Patron has met the requirements of an exemption pursuant to this section because of a medical condition or restriction or sincerely held religious belief, the Covered Location shall require the Patron to use the portion of a Covered Location that is not an Indoor Portion. If such use is not available, the Patron may be permitted to enter an Indoor Portion of a Covered location by providing Proof of Negative COVID-19 Test and Photo Identification.
 3. A Patron who does not provide Proof of Vaccination and who does not qualify for an exemption may use the portion of Covered Location that is not an Indoor Portion. A Patron who does not provide Proof of Vaccination may be allowed to enter an Indoor Portion of a Covered Location for brief and limited periods of time to use the restroom, order, pick-up, or pay for food or drink "to go," or perform necessary repairs, provided that the Patron wears a well-fitting mask at all times while in the Indoor portion of the Covered Location. To the extent feasible, a Covered Location may offer service outside for a Patron who does not provide Proof of Vaccination, including curbside pickup, drive thru, delivery, and outdoor seating and dining.
 4. This section does not apply to a Non-resident Performer, who enters a Covered Location for purposes of performing or competing.
- C. A Covered Location must develop and keep a written record describing the protocol for implementing and enforcing the requirements of this article.

SECTION 5. — PROOF OF VACCINATION REQUIRED TO ENTER AN INDOOR PORTION OF A CITY FACILITY.

- A. A City facility shall display prominently on its premises, visible to any persons upon entrance, an advisory notice that Proof of Vaccination is required to enter any Indoor Portion of a City Facility.
- B. An Individual Eligible for a COVID-19 Vaccine shall provide Proof of Vaccination upon entering an Indoor Portion of a City Facility. A City employee at a City Facility is required to cross-check Proof of a City Vaccination for each individual who appears to be 18 years of age or older against Photo Identification.

- C. An Individual Eligible for a COVID-19 Vaccine who does not provide Proof of Vaccination will be provided alternative arrangements for access to government services, to be determined on a case-by-case basis by each department including but not limited to, online or remote service, service outdoors, or providing Proof of Negative COVID-19 Test prior to entering any Indoor Portion of a City Facility.
- D. This section does not apply to any individual City employee or contractor covered by the COVID-19 Vaccination Requirement for all employees This section does not apply to a Non-resident Performer who enters a City Facility for purposes of performing or competing.

SECTION 6. — PROOF OF VACCINATION OR PROOF OF NEGATIVE COVID-19 TEST REQUIRED TO ATTEND OUTDOOR LARGE EVENT.

An operator of an Outdoor Large Event that is ticketed or held in a defined space with controlled points of entry must verify Proof of Vaccination or Proof of negative COVID-19 Test for each Patron, prior to entry to the event. An Outdoor Large Event is required to cross-check Proof of vaccination or Proof of Negative COVID-19 Test for each Patron who appears to be 18 years of age or older against Photo Identification. This section does not apply to a Non-resident Performer, who enters an Outdoor Large Event for purposes of performing or competing.

SECTION 7. — FINES:

An operator of a covered location or the organizer of outdoor large event may be issued a Citation for violation of this article and shall be subject to the following fines if found guilty by competent court of jurisdiction:

First Offense: Php 1,000.00

Second offense: Php 2,000.00

Third Offense: Php 3,000.00

SECTION 8. — IMPLEMENTING RULES AND REGULATIONS.

The City Health Office with the assistance of the City Legal Office shall promulgate and update as necessary the Rules and Regulations consistent with this Ordinance for further clarification of its provisions.

SECTION 9. SEPARABILITY. — If any subsection, sentence, clause or phrase of the ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance, including its application to other persons or circumstances. The City Council hereby declares that it would have adopted this ordinance and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 10. NO CONFLICT WITH STATE LAW. — Nothing in this ordinance shall be interpreted so as to create any power or duty in conflict with any state law.

SECTION 11. REPEALING CLAUSE. — All ordinances, resolutions, executive orders, memorandum circulars and all other issuances or parts thereof which are inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

SECTION 12. EFFECTIVITY. — This Ordinance shall take effect upon its approval and compliance to publication requirements.

APPROVED.....

(Cont. Ord. No. 2022-08, enacted on 27th day of June, 2022)

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I **HEREBY CERTIFY** to the correctness of the foregoing ordinance consisting of seven (7) pages including this page.

LUZ B. VALE
Secretary

ATTESTED:

JOSE ANTONIO MIGUEL Y. PEREZ
City Vice Mayor/Presiding Officer

APOLONIA G. BACAY
Presiding Officer Pro-Tempore

CAROLYN D. SISON
Majority Floor Leader

VERNA S. D. RABAGO
Assistant Majority Floor Leader

MICHELLE S. SEGUNDERA
Member

JOSELITO O. FONTELERA
Member

OSCAR A. BOLING, SR.
Member

FROEBEL A. RANOY
Member

DAHLIA M. DE LEON
Member

ARVIN P. BRAGANZA
Member

RAUL B. BACAY, LBP
Ex-Officio Member

LOVERLY V. BERNABE, PPSKP
Ex-Officio Member

APPROVED BY:

ARTH BRYAN C. CELESTE
City Mayor

Date