



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
21st City Council

PO21CC-279

27th Regular Session

ORDINANCE NO. SP-2935, S-2020

AN ORDINANCE REQUIRING THE MANDATORY COVID-19 TESTING FOR ALL PERSONS DEPRIVED OF LIBERTY (PDL) BEFORE ADMISSION TO THE QUEZON CITY JAIL AND OTHER SIMILAR CIRCUMSTANCES.

Introduced by Councilor PEACHY V. DE LEON.

Co-Introduced by Councilors Bernard R. Herrera, Lena Marie P. Juico, Dorothy A. Delarmente, M.D., Tany Joe "TJ" L. Calalay, Nicole Ella V. Crisologo, Victor V. Ferrer, Jr., Winston "Winnie" T. Castelo, Atty. Bong Liban, Eden Delilah "Candy" A. Medina, Estrella C. Valmocina, Franz S. Pumaren, Kate Galang-Coseteng, Matias John T. Defensor, Benedict C. Lagumbay, Jorge L. Banal, Sr., Imee A. Rillo, Marra C. Suntay, Irene R. Belmonte, Resty B. Malañgen, Ivy L. Lagman, Hero Bautista, Karl Castelo, Patrick Michael Vargas, Shaira L. Liban, Ram V. Medalla, Allan Butch T. Francisco, Rogelio "Roger" P. Juan, Diorella Maria G. Sotto-Antonio, Donato "Donny" C. Matias, Eric Z. Medina, Freddy S. Roxas and Noe Dela Fuente.

WHEREAS, on March 8, 2020, President Rodrigo R. Duterte issued Proclamation No. 922 declaring a State of Public Health Emergency all throughout the entire country;

WHEREAS, on March 16, 2020, Presidential Proclamation No. 929 was also issued, wherein the Philippines was placed under a State of Calamity for six (6) months, and the entire Luzon was placed under Enhanced Community Quarantine (ECQ) to prevent the spread of COVID-19 cases;

WHEREAS, on March 13, 2020, the 21st City Council, in a special session held, unanimously approved and adopted Resolution No. SP-8141, S-2020, declaring Quezon City under a State of Calamity due to the COVID-19 pandemic;

WHEREAS, there is a continued rise of COVID-19 cases in this City, including cases within the Quezon City Jail;

WHEREAS, Section 6(e) of Republic Act No. 11332, known as "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, there is an imperative need to implement stricter measures to mitigate the effects of COVID-19 pandemic.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. DECLARATION OF POLICY. - All Persons Deprived of Liberty (PDL) are hereby required to undergo COVID-19 testing before being committed into the Quezon City Jail (QCJ), under certain conditions prior to being released into the community, and upon admission into detention facilities of police stations or police precincts.

SECTION 2. PERSONS DEPRIVED OF LIBERTY (PDL). - For the purposes of this Ordinance, PDLs shall mean any person who has been arrested with detention order or commitment order, or imprisoned in the execution of a lawful sentence.

SECTION 3. PRIOR TO THE COMMITMENT OF THE PDL INTO THE QCJ. - The following guidelines should be observed:

- a. After the court orders the commitment of a PDL into the QCJ, the Bureau of Jail Management and Penology (BJMP) shall coordinate with the Quezon City Health Department (City Health) to arrange for COVID-19 testing of the PDL, in a separate quarantine facility;
 - b. While waiting for the results of the COVID-19 testing, the PDL shall remain in the quarantine facility;
 - c. Should the PDL be found negative for COVID-19, the BJMP will immediately transfer the PDL to the QCJ;
 - d. Should the PDL be found positive for COVID-19, the PDL shall remain isolated in the quarantine facility for treatment, or transferred to a hospital or other facility, as may be advised by the City Health. The BJMP shall cause the transfer of the PDL to the QCJ only when the PDL is cleared of infection by the City Health.
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SECTION 4. CONDITIONAL TESTING WHEN THE PDL IS DUE FOR RELEASE FROM THE QCJ. - The following guidelines shall be observed:

- a. After the court order is issued for the release of a PDL from the QCJ, the PDL must undergo a medical exam to be conducted by, or in coordination with the City Health Department, in order to determine whether or not COVID-19 testing is appropriate;
- b. Should the medical exam show that a COVID-19 test is not appropriate under the circumstances, the BJMP may release the PDL into the community. The BJMP shall notify the City Health Department of the PDL's home address and other contact information, in case of any follow up investigation or contact tracing;
- c. Should the medical exam warrants the necessity of a COVID-19 testing, the PDL's release shall still be processed, but instead of being released into the community, the BJMP shall turn over the PDL to the custody of the City Health Department. The requisite COVID-19 testing shall be conducted. Pending the test results, the City Health Department shall determine whether to place the PDL in a quarantine facility or under strict home quarantine. In case of a positive test result, the City Health Department shall arrange for the quarantine and treatment of the concerned individual. If the test results are negative, the PDL shall be allowed immediately to return to the community;
- d. If the medical exam warrants the necessity of a COVID-19 testing and the PDL is a non-resident of Quezon City, the release shall be processed, provided that the BJMP and the City Health Department shall coordinate with the LGU where the PDL resides, and that the said LGU shall be the one to quarantine and test the said individual.

SECTION 5. CONDITIONAL TESTING OF PDLs IN DETENTION FACILITIES. - The following guidelines shall be observed when a person is detained in a police precinct or police station:

- a. As soon as feasible after arrest, the PDL shall undergo a medical exam. If the said medical exam warrants that the PDL shall undergo COVID-19 testing, the Quezon City Police District (QCPD) shall notify the City Health Department to conduct the testing. While waiting for the results, said PDL shall be isolated from other PDLs;

- b. If the PDL is found positive for COVID-19, he/she shall be placed in a quarantine facility designated by the QCPD and the City Health Department for isolation and treatment, or as may otherwise be advised by the latter. The QCPD shall transfer the PDL to a regular detention facility once he is cleared of infection by the City Health Department;
- c. If during quarantine of a COVID-19 positive PDL he/she is ordered released due to the dismissal of the case or any other lawful reason, the release shall be processed and the said PDL will be turned over to the custody of the City Health Department. The City Health Department may continue the quarantine in a quarantine facility, or transfer the person to strict home quarantine, or conduct appropriate health measure;
- d. Prior to the release from a detention facility, the PDL shall likewise be subjected to a precautionary medical exam. If the said medical exam warrants that the PDL be tested for COVID-19, the PDL's release shall nonetheless be processed, provided that the QCPD shall turn over the custody of the said individual to the City Health Department. The City Health Department is tasked to conduct the test, and may place the concerned person in a quarantine facility or under strict home quarantine, or conduct any other appropriate health measures;
- e. If the PDL to be released is a non-resident of Quezon City, but the medical exam indicates that such person be tested for COVID-19, the same rule in Section 3 paragraph D shall apply.

SECTION 6. REGULAR HEALTH MONITORING OF PDLs. - The BJMP and QCPD are enjoined to conduct regular health monitoring of PDLs under their custody. If any PDL exhibits established COVID-19 like symptoms, the BJMP or the QCPD, as the case may be, shall notify and coordinate with the City Health Department for the proper testing, isolation and treatment of any suspected cases, at the earliest possible stage.

SECTION 7. REPEALING CLAUSE. - All ordinances, resolutions, local executive orders, rules and regulations, or any part thereof inconsistent herewith are deemed repealed, modified or amended accordingly.


SECTION 8. SEPARABILITY CLAUSE. - In case any provision of this Ordinance is declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall remain in full force and effect.

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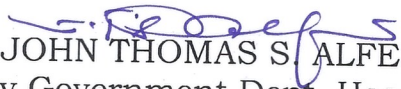
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SECTION 9. EFFECTIVITY CLAUSE. - This Ordinance shall take effect immediately until such time that the State of Public Health Emergency is lifted.


ENACTED: May 26, 2020.


GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:

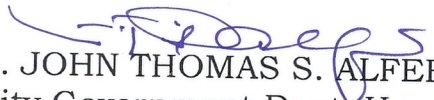

Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III

APPROVED: _____


MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on May 26, 2020 and was PASSED on Third/Final Reading under Suspended Rules on the same date.


Atty. JOHN THOMAS S. ALFEROS III
City Government Dept. Head III



