



EXECUTIVE ORDER NO. 26
Series of 2020

PROHIBITING DISCRIMINATION DUE TO COVID-19

WHEREAS, the Department of Health (DOH) has condemned discrimination against persons suspected of COVID-19 exposure or infection, including PUIs, PUMs, health workers, emergency workers, and members of their households;

WHEREAS, there have been several reported incidents of people evicted from their residences, harassed, maltreated, and injured, and refused services by local stores, transportation, boarding houses, and other establishments over fears of infection;

WHEREAS, Article II, Section 11 of the 1987 Philippine Constitution mandates the State to value the dignity of every person and guarantee full respect for human rights;

WHEREAS, the reported acts of discrimination violate applicable provisions of Republic Act No. 11332, "The Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act," the Revised Penal Code, the Data Privacy Act, and the Cybercrime Prevention Act;

WHEREAS, based on Sec. 16 of the Local Government Code, the City 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.

WHEREAS, under Sec. 455(b)(1)(vii) of the Local Government Code, the Mayor may carry out such emergency measures as may be necessary during times of calamity;

NOW, THEREFORE, I, MA. JOSEFINA G. BELMONTE, Mayor of Quezon City, by virtue of the powers vested in me by law, do order:

1. Definitions.

Health Workers – persons that provide health-related services or care, including without limitation physicians, nurses, hospital and clinic aides, laboratory workers, barangay health workers, paramedics, emergency medical technicians, ambulance drivers and staff, and those providing related or support services in hospitals, clinics, quarantine centers, and other health facilities;

Infected Person – a person with COVID-19.

PUI - a Person Under Investigation for COVID-19 (i.e., a suspected case) due to the person's symptoms and/or other factors as may be determined by a physician.

PUM - a Person Under Monitoring due to his or her exposure or close contact to a suspected or confirmed COVID-19 case, and/or due to other factors as may be determined

by a physician.

Responders - officers and members of the police, armed forces, city and barangay employees including members of the Department of Public Order and Safety, Disaster Risk Reduction and Management Office, Barangay Health Emergency Response Team, and other government employees deployed directly or indirectly in the COVID-19 response, or who perform functions that may cause potential exposure to COVID-19;

Service Workers - persons that work in public or private establishments providing essential services, including but not limited to food, water, financial services, utilities, medicine, security, maintenance and sanitation; as well as any person providing services under circumstances that increase risk of exposure to COVID-19, including administrative, security, maintenance and support staff of health and quarantine facilities.

2. Prohibited Acts of Discrimination.

a. **Denial of Access.** No person may deny the following persons access to any place or service, including housing, food, and transportation, merely due to suspected infection or exposure to COVID-19:

- i. Health Workers, Responders and Service Workers;
- ii. PUIs, PUMS and Infected Persons, provided that the concerned person complies with the quarantine regulations or instructions determined by the City Health Department or other public health authority; or
- iii. Any person whose circumstances or employment gives rise to suspected or perceived exposure to COVID-19, or any of their households or close contacts.

The act of giving inferior accommodations, goods, or services shall be considered a denial of access or use of such facility or service.

The foregoing prohibitions shall not prejudice or impair the City's power to protect public health, including the City's power 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 under Republic Act No. 11332.

b. **Stigmatization.** No person shall disclose, offline or online, the identity or personal data of a PUI, PUM or Infected Person, or any person suspected of exposure to COVID-19, under circumstances that would reasonably result in shame or stigma to the concerned person. As an exception, the identity and personal data of such persons may be disclosed to the City Health Department or other concerned government offices for purposes of disease surveillance, contact tracing, epidemiologic investigations, quarantine, containment and other public health measures.

Also, concerned government offices may judiciously disclose such data as may be necessary to protect public health, provided that (i) the concerned data shall be disclosed only to those that need to know the data to maintain quarantine or enforce public health measures; and (ii) the data shall be anonymized to the greatest extent possible.

c. **Harassment or Assault.** No person may verbally, physically, or psychologically harass, threaten or assault a PUI, PUM or Infected Person, or any person suspected


Responders or Service Workers or any of their households or close contacts.

- d. **Failure to Give Assistance.** No public officer shall refuse, fail, or neglect to give assistance to PUI, PUM or Infected Person, or any person suspected of exposure to COVID-19, including but not limited to any Health Workers, Responders or Service Workers or any of their households or close contacts.
3. **Penalties.** Any person that violates this Executive Order may be penalized as appropriate under any of the foregoing laws:
 - a. **RA 11332**, in particular Sec. 9 (a), Unauthorized disclosure of private and confidential information pertaining to a patient's medical condition or treatment; Sec. 9(d), Non-cooperation of persons and entities that should report and/or respond to notifiable diseases or health events of public concern; and Sec. 9 (e), Non-cooperation of the person or entities identified as having the notifiable disease, or affected by the health event of public concern;
 - b. **Data Privacy Act**; in particular Sec. 32, unauthorized disclosure of personal information.
 - c. **Cybercrime Prevention Act**, in particular cyber-libel under Sec. 4 (c) (4) of the Act;
 - d. **Revised Penal Code**, in particular grave coercion under Article 286; grave threats under Article 282; light threats under Articles 283 and 285; slander under Articles 358 and 359; and unjust vexation under Article 287.

The foregoing is without prejudice to the filing of any other appropriate administrative, civil or criminal cases under applicable law.

4. **Duration.** This Executive Order shall remain effective until such time that the President or other appropriate authority lifts the state of public health emergency. If any subsequent law, regulation, guideline or issuance affects any portion of this Order, such portion shall be deemed amended accordingly.
5. **Funding.** Funding requirements shall be drawn from the emergency funds of the City, and other funds available as may be later identified.
6. **Dissemination.** A copy of this Executive Order shall be furnished to the Office of the President and the Metropolitan Manila Development Authority (MMDA) for information and guidance pursuant to Section 455(1)(xii) of RA 7160, as amended, and shall be posted at the official website of the Quezon City Government.
7. **Effectivity.** This Order shall take effect immediately.

DONE, 6 April 2020, Quezon City.


MA. JOSEFINA G. BELMONTE
City Mayor