

EXCERPT FROM THE MINUTES OF THE 35TH REGULAR SESSION OF THE 14TH SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF AURORA HELD AT THE SP SESSION HALL, PROVINCIAL CAPITOL, BALER, AURORA ON MAY 19, 2020

PRESENT:

HON. CHRISTIAN M. NOVERAS,	Vice-Governor
HON. MARIANO C. TANGSON,	Regular Member, First District
HON. ISIDRO P. GALBAN,	Regular Member, First District
HON. JESUS V. PALMERO,	Regular Member, First District
HON. PHILIP BUTCH M. BAUTISTA,	Regular Member, First District
HON. JENNIFER A. ARAÑA,	Regular Member, Second District
HON. LORDAN B. ROXAS,	Regular Member, Second District
HON. NICASIO M. SALAMERA,	Regular Member, Second District
HON. RAFAEL M. DE MAYO,	Ex-Officio Member, LnB President
HON. JOVENE MIKE B. ALPUERTO,	Ex-Officio Member, SKF President
HON. ONASIS Q. RONQUILLO,	Ex-Officio Member, PCL President

ABSENT:

HON. EUGENE B. CALUGTONG,	Regular Member, Second District (On O. B.)
HON. MARY JANE B. DONATO,	Ex-Officio Member, IPM Rep. (On O. B.)

**ORDINANCE NO. 325
SERIES OF 2020**

**AN ORDINANCE PENALIZING PERSON/S SURREPTITIOUSLY ENTERING
AND ATTEMPTING TO CLANDESTINELY ENTER AURORA PROVINCE
DURING THE STATE OF CALAMITY, DISASTER AND EPIDEMIC
(Authored by: All Sangguniang Panlalawigan Members)**

WHEREAS, Proclamation No. 929 issued on March 16, 2020 declared a State of Calamity throughout the Philippines as recommended by the Inter-Agency Task Force imposing an Enhanced Community Quarantine throughout Luzon from 17 March to 12 April 2020 due to the outbreak of Coronavirus Disease 2019 (COVID 19) in the country;

WHEREAS, Executive Order No. 112 issued on April 30, 2020 by President Rodrigo Roa Duterte imposes general community quarantine in Aurora province and other provinces with low-risk and moderate-risk areas;

WHEREAS, Section 468 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, grants powers to the Sangguniang Panlalawigan to adopt measures to protect the inhabitants of the province from the harmful effects of man-made or natural disasters and calamities, and to approve measures and adopt quarantine regulation to prevent the introduction and spread of diseases within its territorial jurisdiction;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides and grants powers necessary and appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Section 17 thereof, likewise grants Local government units to exercise such other powers and

discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities.

WHEREAS, Honorable Governor issued Executive Order No. 2020-0026, Series of 2020 providing for guidelines in the implementation of general community quarantine (GCQ) in the province of Aurora and for other purposes.

WHEREAS, cases of surreptitious entry into the province by persons coming from provinces with COVID-19 confirmed cases by land and by sea have been reported. Also, reports of clandestine attempt to enter Aurora by several persons in violation of the travel ban have been registered during the declaration of the state of calamity, disaster and pandemic;

NOW THEREFORE, on motion of Hon. Nicasio M. Salamera duly seconded by Hon. Isidro P. Galban, Hon. Philip Butch M. Bautista, Hon. Lordan B. Roxas, Hon. Jennifer A. Araña, Hon. Onasis Q. Ronquillo and Hon. Rafael M. de Mayo;

BE IT ORDAINED, by the Sangguniang Panlalawigan in session, duly assembled that:

SECTION 1. Title. This Ordinance shall be known as "**An Ordinance Penalizing Person/s Surreptitiously Entering and Attempting to Clandestinely Enter Aurora Province during the State of Calamity, Disaster and Epidemic.**"

SECTION 2. Definition of Terms. – For purposes of this ordinance, the following terms shall be understood as:

- a. **Quarantine Clearance.** – is a document issued to person who has undergone 14-day quarantine in the designated quarantine government facility. In case of repatriated OFWs, the quarantine clearance shall be issued by the OWWA; while in case of Aurora residents stranded in other provinces, the quarantine clearance shall be issued by the competent health authority in the said province.
- b. **Health Clearance/Certification.** – is a document issued to a person who has undergone 14-day quarantine period and was cleared of COVID-19 infection or any medical problem/issue. In case of repatriated OFWs, Health Certification is issued by the DOH-Bureau of Quarantine; while in the case of stranded Aurora residents, Health Clearance is issued by a competent health authority in the province where they are stranded.
- c. **Travel Clearance**– is a document issued by the Punong Barangay to resident traders and their cargo handlers who shall again deliver goods and agricultural products outside of Aurora.
- d. **Food Pass** – is a document issued by the DARFO 3 - Aurora to resident traders and their cargo handlers prior to their delivery of goods and agricultural products outside of Aurora.

- e. **Travel Manifest/ Pass** – is a document issued by the Head of the LGUs Task Force to residents who travel within and around Aurora province as well as outside of Aurora on emergency cases.
- f. **Government Agency's Permit.** – is a document issued by the Head of the concerned Government Agency that regulates the travel of goods, articles, workers and services, such as but not limited to the Department of Agriculture, Department of Trade and Industry and Department of Labor and Employment.
- g. **Surreptitious/Clandestine Entry.** – is an entry made by person who presented falsified documents required for entry to the province or who failed to present himself to the IATF Provincial Task Force in the checkpoints and who:
 - 1. enters by concealing himself in a road vehicle, including but not limited to lorries, vans, caravans, motor homes or any other road vehicle;
 - 2. comes ashore at an uncontrolled point on the coast in a boat; and
 - 3. lands in a light aircraft on uncontrolled land.
- h. **Clandestine Attempt to Enter.** – is an attempt by any person to enter Aurora Province by means of concealing himself in a road vehicle, coming ashore at uncontrolled point on the coast in a boat, and landing in a light aircraft on uncontrolled land.
- i. **Motor Vehicle.** – are all vehicles using the public highways, if propelled by any power other than muscular power using the public highways, except road rollers, trolley cars, street sweepers, sprinklers, lawn mowers, bulldozers, graders, forklifts, amphibian trucks, and cranes if not used on public highways; vehicles which run only on rails or tracks; and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes. Trailers having any number of wheels, when propelled or intended to be propelled by attachment to a motor vehicle, shall be classified as a separate motor vehicle with no power rating.
- j. **"Ship" or "Vessel"** – may be used interchangeably and shall mean any kind, class or type of craft or artificial contrivance capable of floating in water, designed to be used, or capable of being used as a means of water transport in the domestic trade for the carriage of passengers or cargo, or both, utilizing its own motive power or that of another
- k. **Fishing vessel.** – any boat, ship or other watercraft equipped to be used for taking of fishery species or aiding or assisting one (1) or more vessels in the performance of any activity relating to fishing, including, but not limited to, preservation, supply, storage, refrigeration, transportation and/or processing.

SECTION 3. Travel Pass and Manifest. – The driver and operator of vehicle, public or private, desiring to travel within, around and outside Aurora province

shall prepare and present a Travel Manifest, which shall contain its brand, make, model and plate number; and the names of driver and passengers specifying their origin and destination. The number of persons allowed to travel shall be limited to the following:

- a. No back rider is allowed in a motorcycle;
- b. Private vehicles (cars, SUVs, AUVs) shall have a maximum of 4 passengers, including the driver;
- c. Private trucks shall have a maximum of two passengers in the cabin and six passengers in the bed.
- d. Private vans and public utility van express shall strictly carry 50% only of their regular capacity, including the driver. They shall likewise keep a passenger manifest for every travel.
- e. Private and public utility tricycles shall have a maximum of two passengers, including the driver.

The travel manifest shall be examined and countersigned by the Head of the LGUs Task Force for COVID-19. It shall also indicate the date and period of travel of the vehicle, which shall be required to return on the scheduled time otherwise all the returning passengers including the driver shall be required to undergo 14-day quarantine in the designated quarantine facility of the LGU.

SECTION 4. Documents to be presented in the tri-boundary.

- a. Repatriated OFWs who are residents of Aurora shall be required to present *Quarantine Clearance* issued by the OWWA and *Health Certification* issued by the DOH – Bureau of Quarantine.
- b. Aurora residents who are stranded in other provinces/cities/municipalities shall be required to present *Quarantine Clearance/Certification* at the Provincial Control Points of their completion of the 14-day quarantine issued by the competent health authority in the province/city/municipality where they are stranded. Without such clearance/certification, they shall be required to undergo the 14-day quarantine at the Control Point and/ or the municipal Quarantine Facility.
- c. Drivers and Operators of Private and Public Transport shall be required to present Travel Pass/Manifest, which was duly examined and countersigned by the LGUs Head of Task Force COVID-19.
- d. Traders, farmers and owners of business offering goods and services shall be required to present the concerned government agency's permit/clearance as required by the said agency.

SECTION 5. Prohibited Acts. – The following acts shall constitute surreptitious entry and are hereby declared to be unlawful:

- a. entering Aurora province by concealing himself in a motor vehicle;
- b. coming ashore at an uncontrolled point on the coast in a boat;
- c. landing in a light aircraft on uncontrolled land;
- d. enlisting, allowing, permitting, consenting or tolerating someone to enter the province surreptitiously and clandestinely;
- e. possessing, presenting or using falsified quarantine clearance, travel pass, and other COVID-19 passes;
- f. issuing, dispensing or distributing falsified quarantine clearance, travel pass, and other COVID-19 passes;
- g. assisting, facilitating and helping someone in surreptitiously and clandestinely entering Aurora province; and
- h. receiving money, gift or reward for the acts mentioned in letter d to g.

SECTION 6. Failure to Disclose. – Official or member of the Task Force as well as frontliner who shall fail to disclose knowledge of surreptitious and clandestine entry to Aurora province regardless of whether he/she received, or due to the promise of money, gift or reward, shall be subject to administrative charge for serious negligence and dishonesty aside from being included as a conspirator thereof as provided for in Section 8 hereof.

SECTION 7. Penalties – Any person committing any of the acts constituting surreptitious and clandestine entry shall be punished with:

- a. A fine of Php1,500.00 or imprisonment of not more than ten (10) days in the case of an offense under Section 5 (d), (e) & (f) or both in the discretion of the court;
- b. A fine of Php2,500.00 or imprisonment of not more than twenty (20) days in the case of an offense under Section 5 (a), (b) & (c) or both in the discretion of the court; and
- c. A fine of Php5,000.00 or imprisonment of not more than thirty (30) days in the case of an offense under Section 5 (g) & (h) or both in the discretion of the court;

SECTION 8. Conspiracy to surreptitious and clandestine entry. – If two (2) or more persons conspire to commit any of the offenses listed in Section 5 and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in the case of the doing of the act, the accomplishment of which is the object of such conspiracy.

SECTION 9. Frustrated and attempted to surreptitious and clandestine entry. – Any person who performs all the acts of execution which would produce any of the unlawful acts enumerated in Section 5 of this Act, but which nevertheless does not produce it by reason of causes independent of the will of

said person, shall be punished with a fine of not more than Php1,500.00 or imprisonment of not more than ten (10) days or both in the discretion of the court. Any person who commences the commission of any of the unlawful acts enumerated in Section 5 of this Act directly by overt acts and does not perform all the acts of execution which would produce the said acts by reason of some cause or accident other than said person's own spontaneous desistance, shall be punished with a fine of not more than Php1,000.00 or not more than five (5) days of imprisonment and or both in the discretion of the court.

SECTION 10. Liability under the Revised Penal Code and other laws. – Prosecution under this Ordinance shall be without prejudice to any liability for violation of any provision of the Revised Penal Code or any national law.


SECTION 11. Repealing Clause – All Ordinances, rules and resolutions inconsistent with the provision of this Ordinance are hereby repealed or modified accordingly;

SECTION 12. Effectivity Clause – This Ordinance shall take effect immediately subject to the publication and posting requirements in Section 511 of the Local Government Code and shall remain in full force during the existence of the state of calamity, disaster and epidemic.

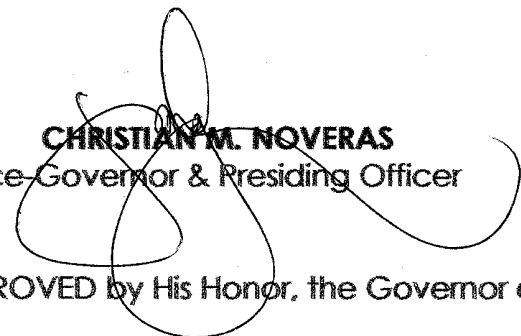
ENACTED: May 19, 2020, 35th SP Regular Session.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

FOR THE SP SECRETARY:


REUEL P. BITONG
Board Secretary V

ATTESTED:


CHRISTIAN M. NOVERAS
Vice-Governor & Presiding Officer

APPROVED by His Honor, the Governor on _____

GERARDO A. NOVERAS
Governor