



REPUBLIKA NG PILIPINAS  
PAMAHALAANG LUNGSOD NG MUNTINLUPA  
KALAKHANG MAYNILA

Telephone no. 861-0181/Fax: 862-6473  
Email address: sangguniangpanlungsod2k19@gmail.com



ORDINANCE NO. 2020-127

AN ORDINANCE MANDATING ALL HOSPITALS, HEALTHCARE FACILITIES, AND SIMILAR ESTABLISHMENTS PROVIDING LABORATORY AND DIAGNOSTIC SERVICES LOCATED AND/OR OPERATING IN MUNTINLUPA CITY, TO SUBMIT A DAILY COVID-19-RELATED DATA TO THE LOCAL PUBLIC HEALTH AUTHORITY

Sponsored by: Hon. Coun. Allan Rey A. Camilon  
Hon. Coun. Atty. Raul R. Corro  
Hon. Coun. Alexson B. Diaz  
Hon. Coun. Paty Katy C. Boncayao  
Hon. Coun. Louisito A. Arciaga  
Hon. Coun. Ting Niefes  
Hon. Coun. Stephanie G. Teves – VIA ZOOM  
Hon. Coun. Ivey Rhia A. Tadeza – VIA ZOOM  
Hon. Coun. Francis Ian T. Bagatsing  
Hon. Coun. Mark Lester M. Baes  
Hon. Coun. Engr. Mamerto T. Sevilla, Jr. – VIA ZOOM  
Hon. Coun. Engr. Arlene D. Hilapo – VIA ZOOM  
Hon. Coun. Cornelio M. Martinez  
Hon. Coun. Walter A. Arcilla – VIA ZOOM  
Hon. Coun. Kenichi D. Takagi, Jr. – VIA ZOOM

WHEREAS, Section 15, Article II of the 1987 Philippine Constitution mandates that, “the State shall protect and promote the right to health of the people and instill health consciousness among them”;

WHEREAS, Section 16 of the Local Government Code of 1991 (R.A. No. 7160) further provides that, “every local government unit (LGU) shall exercise powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental to its efficient and effective governance, and those which are essential to the promotion of general welfare”;

WHEREAS, Section 11 (a) (4), Article V of R.A. No. 7926, otherwise known as the “Charter of the City of Muntinlupa,” provides that, “the Sangguniang Panlungsod shall approve ordinances and pass resolutions necessary for an efficient and effective city government, and in this connection shall adopt measures to protect the inhabitants of the City from the harmful effects of man-made or natural disasters and calamities, and to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and in their return to productive livelihood following said events”;

WHEREAS, Section 6(c) of the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act (R.A. No. 11332) states that, “all public and private physicians, allied medical personnel, professional societies, hospitals, clinics, health facilities, laboratories, institutions, workplaces, schools, prisons, ports, airports, establishments, communities, and other government agencies, and national government offices, are required to accurately and immediately report notifiable diseases and health events of public concern as issued by the Department of Health (DOH);”





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**WHEREAS, Section 6(d) of R.A. No. 11332**, reads that *"data collection, analysis, and the dissemination of information from official disease surveillance and response systems can only be done by authorized personnel from the DOH and its local counterparts and may only be used for public health concern purposes; thus, should be exempted in the provisions of Data Privacy Act on accessibility of data."*;

**WHEREAS, Section 6(e) of R.A. No. 11332**, empowers the DOH and its local counterparts to enforce the mandatory reporting of notifiable diseases and health events of public health concern;

**WHEREAS**, on 16 March 2020, the **Office of the President** through a **Memorandum of the Executive Secretary** and pursuant to the declaration of *State of Public Health Emergency* and *State of Calamity*, placed the entire Luzon under Community Quarantine (ECQ) beginning 17 March 2020 and imposed strict public health protocols;

**WHEREAS**, on **24 March 2020**, the Congress of the Philippines, through the **Bayanihan to Heal as One Act** (R.A. 11469) declared a State of National Emergency over the entire country to respond efficiently to the crisis brought about by the COVID-19 situation;

**WHEREAS**, the City Government of Muntinlupa recognizes the need to adopt concrete measures to prevent, contain, and restrict the spread of COVID-19 to protect its constituents and all individuals within its territorial jurisdiction against the harmful effects of the pandemic.

**NOW THEREFORE, BE IT ENACTED**, by the **9<sup>th</sup> Sangguniang Panglungsod** in session assembled that:

**SECTION 1. Short Title.** This Ordinance shall be known as **"Mandatory Daily Reporting of COVID-19-Related Data by Hospitals, Healthcare Facilities, and Similar Establishments Providing Laboratory and Diagnostic Services;"**

**SECTION 2. Coverage.** This Ordinance shall be in effect during COVID-19 pandemic and any extension thereof as may be determined by the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) and/or other authorities, and shall cover all hospitals, healthcare facilities, and similar establishments providing laboratory and diagnostic services located and/or operating in Muntinlupa City.

**SECTION 3. Definition of Terms.**

- (a) **COVID-19-related data** – refers to all types of information related to COVID-19 disease surveillance and response, including personal health information of COVID-19 cases and identified close contacts. (Department of Health [DOH] and National Privacy Commission [NPC] Joint Memorandum Circular [JMC] No. 2020-0002).





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- (b) **Data Sharing Agreement** – refers to a contract, joint issuance, or any similar document that contains the terms and conditions of a data sharing arrangement between two or more parties: *Provided*, that only personal information controllers shall be made parties to a data sharing agreement. (NPC Circular No. 16-02)
- (c) **Healthcare facility** – refers to a public or private facility or institution devoted primarily to the provision of services for health promotion, prevention, diagnosis, treatment, rehabilitation, and palliation of individuals suffering from illness, disease, injury, disability or deformity, or in need of medical and nursing care. (DOH-NPC JMC No. 2020-0002 dated 24 April 2020)
- (d) **Personal information controller** – refers to a natural or juridical person, or any other body who controls the processing of personal data, or instructs another to process personal data on its behalf. (Data Privacy Act of 2012)
- (e) **Personal health information**—refers to the individual's past, present, or future physical health or condition, including demographic data, diagnosis and management, medication history, health financing record, cost of services, and any other information related to the individual's total well-being. (DOH-DOST-PhilHealth Joint Administrative Order No. 2016-0002)
- (f) **Public health authority** – refers to the DOH, specifically the Epidemiology Bureau, Disease Prevention and Control Bureau, Bureau of Quarantine, Food and Drug Administration, Regional Offices of DOH, Regional Epidemiology and Surveillance Unit (RESU), local health offices (provincial, city, or municipality); or any person directly authorized to act on behalf of the DOH or the local health office. (DOH Administrative Order No. 2020-0013)

**SECTION 4. Purposes of the Reportorial Requirement.** The collection and processing of the health information of COVID-19 cases and identified close contacts for disease surveillance and response shall be to the extent necessary for the following purpose:

- (a) To outline the true COVID-19 health situation in terms of status and extent of local and community transmission;
- (b) To build a repository of real-time COVID-19-related data as basis of evidence-informed health policy and intervention measure;
- (c) To support case investigation and management, contract tracing and monitoring, quarantine and isolation, mandatory reporting to national and local public health authorities, and other disease surveillance activities.





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- (d) To improve response activities, including the quality and accessibility of health services and other related interventions for COVID-19;
- (e) To allow information sharing and exchange between and among healthcare providers, public health authorities, and other government authorities for treatment and care coordination, and/or surveillance and response purposes.

**SECTION 5. Mandatory Reporting of COVID-19-Related Data.** All hospitals, healthcare facilities, and similar establishments providing laboratory and diagnostic services are required to submit to the City Health Office (CHO) and/or other local public health authority, as may be determined by the DOH, a daily report of COVID-19-related data and other pertinent health information subject to the limitations of Data Privacy Act (R.A. No. 10173), its Implementing Rules and Regulations, and other relevant and governing national issuances.

*The City Health Office shall prepare a template for the data to be filled-up by the hospitals, health care facilities and similar establishments providing laboratory and diagnostic services.*

**SECTION 6. Security Measures in the Collection and Processing of COVID-19-Related Data.** Local public health authorities and other partner agencies involved in the collection and processing of COVID-19-related data shall put in place the minimum organizational, physical, and technical security measures and standards for data protection as set by the NPC and the Department of Information and Communications Technology (DICT), and shall uphold and protect the data privacy rights of every individual at all times.

**SECTION 7. Limitations in the Processing of COVID-19-Related Data.** The following, among others, are the limitations in the processing of health information and COVID-19-related data pursuant to R.A. 11332, R.A. 10173, and other applicable laws, rules, and regulations:

- (a) The **manner of processing of personal health information** shall be in accordance with the guidelines set forth under DOH Administrative Order No. 2020-0013 (Guidelines for the Inclusion of COVID-19 in the List of Notifiable Diseases for Mandatory Reporting to the DOH) and DOH Department Memorandum No. 2020-0189 (Updated Guidelines on Contact Tracing of Close Contacts of Confirmed COVID-19 Cases).
- (b) Processing of health information shall **involve only the minimum extent of personal data** necessary to the declared and specific purpose at the time of the collection, which includes, among others, case investigation and management, contract tracing and monitoring, quarantine and isolation, mandatory reporting to public health authorities, or treatment and coordination purposes.





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- (c) Processing of health information by the public health authorities and other authorized personnel shall be allowed pursuant to a **Data Sharing Agreement (DSA)** as provided under the NPC Circular No. 16-02 (Data Sharing Agreements Involving Government Agencies).
- (d) All personnel involved in the collection and processing of COVID-19-related data or data-sharing shall sign a **Non-Disclosure Agreement (NDA)** beforehand to prevent any unauthorized processing or disclosure.

**SECTION 8. Use and Disclosure of COVID-19-Related Data.**

- (a) The use of personal health information and COVID-19-related data by the local government shall be limited to the purpose specified in this Ordinance and other legitimate purposes allowed by existing and applicable laws, rules, and regulations.
- (b) Disclosure of personal health information shall be limited to authorized entities, officers, personnel, and concerned individuals only.
- (c) Disclosure to the public, the media, or any other public-facing platforms without the written consent of the patient or his/her authorized representative or next of kin, shall be prohibited, **except** when there is an urgent need to disclose information as it poses a legitimate clear and present danger to the general public.

**SECTION 9. Roles of the Local Offices.** The following are the duties and responsibilities of the local offices in the implementation of this Ordinance subject to the limitations of existing and applicable laws, rules, and regulations:

- (a) The **City Health Office** shall be the sole local public health authority and personal information controller and processor, without prejudice to those determined by the DOH after the enactment of this Ordinance, which shall:
- Coordinate with the Department of Health and other national public health authorities;
  - Collect/receive and process COVID-19-related data from the hospitals, healthcare facilities, and other establishments providing laboratory and diagnostic services; and
  - Perform other legitimate actions allowed by existing and applicable laws, rules, and regulations.
- (b) The **City Legal Office** shall help in the preparation of legal documents including, but not limited to, Data-Sharing Agreement and Non-Disclosure Agreement in relation to Section 7(c) and (d) of this Ordinance.





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**SECTION 10. Penalties.** After due notice, any person or establishments/entities violating any provision of this Ordinance shall be meted with penalties imposed under the Data Privacy Act (R.A. No. 101703), Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act (R.A. No. 11332), and other existing and applicable laws, rules, and regulations.

Establishments/entities, in addition to the abovementioned charges, shall be penalized with closure, suspension, or revocation of its business permit or license.

**SECTION 11. Separability Clause.** If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provisions or parts not affected thereby shall continue to be in full force and effect.

**SECTION 12. Repealing Clause.** All other ordinances, resolutions, and executive orders, which are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

**SECTION 13. Publication.** This Ordinance shall be published pursuant to the requirements of the Local Government Code and shall be posted by the Public Information Office (PIO) in the Official Website of the City Government of Muntinlupa and in all available social media platforms.

**SECTION 14. Effectivity.** This ordinance shall take effect immediately upon its approval.

Let copies of this Ordinance be furnished to the Office of the Mayor, Office of the City Administrator, City Health Office (CHO), City Legal Office (CLO), Business Permit and Licensing Office (BPLO), Public Information Office (PIO), and other concerned offices for their information, guidance, and reference.

**ENACTED**, by the 9<sup>th</sup> Sangguniang Panlungsod of Muntinlupa this 1<sup>ST</sup> day of September 2020, on its 60 Regular Session.

**CONCURRED:**

**DISTRICT 1:**

**COUN. ATTY. RAUL R. CORRO**  
Member

**COUN. ALEXSON V. DIAZ**  
Member

**COUN. PATY KATY C. BONCAYAO**  
Member

**COUN. LOUISITO A. ARCIAGA**  
Member





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COUN. ALLAN REY A. CAMILON  
Member

COUN. TING NIEFES  
Member

COUN. STEPHANIE G. TEVES  
Member

COUN. IVEE RHIA A. TADEFA  
Member

DISTRICT 2

COUN. ENGR. MARISSA C. RONGAVILLA  
Member

COUN. FRANCIS IAN T. BAGATSING  
Member

COUN. MARK LESTER M. BAES  
Member

(ABSENT)  
COUN. MA. DHESIREE G. AREVALO  
Member

COUN. ENGR. MAMERTO T. SEVILLA, JR.  
Member

COUN. ENGR. ARLENE D. HILAPO  
Member

COUN. CORNELIO M. MARTINEZ  
Member

COUN. WALTER A. ARCILLA  
President  
Sectoral Representative  
Association of Barangay Chairman

COUN. KENICHI D. TAKAGI, JR.  
President  
Sectoral Representative  
Federation of Sangguniang Kabataan

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CECILIA C. LAZARTE  
Secretary to the Sanggunian





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ATTESTED:

ARTEMIO A. SIMUNDAC  
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDI  
City Mayor

Date: 07 SEP 2020

Norie/9<sup>th</sup> SP