



Republic of the Philippines
CITY OF VALENZUELA
Metropolitan Manila

SANGGUNIANG PANLUNGSOD

*** Excerpts from the minutes of the 93rd Regular Session of the 8th City Council of Valenzuela held on July 26, 2021 at 3:05 P.M. at the City Council's Session Hall, 3rd Floor, Legislative Building, Valenzuela City Hall, Karuhatan, Valenzuela City, Metropolitan Manila.

ORDINANCE NO. 914
Series of 2021

AN ORDINANCE MANDATING THE ESTABLISHMENT AND UPKEEP OF CLEAN AND SAFE SPACES FOR DELIVERY RIDERS IN COMMERCIAL ESTABLISHMENTS WITHIN THE CITY OF VALENZUELA, IMPOSING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES.

Authored by: Coun. WALTER MAGNUM D. DELA CRUZ

Co-Authored by: Vice Mayor LORENA NATIVIDAD-BORJA, Coun. ROVIN ANDREW M. FELICIANO, Coun. RICARDO RICARR C ENRIQUEZ, Coun. RAMON L. ENCARNACION, Coun. JENNIFER PEREZ PINGREE, Coun. JOSEPH WILLIAM D. LEE, Coun. CRISSHA M. PINEDA, Coun. KIMBERLY ANN GALANG-TIANGCO, Coun. KRISTIAN ROME T. SY, Coun. NIÑA SHIELA B. LOPEZ, Coun. LOUIE P. NOLASCO, Coun. CHIQUI MARIE N. CARREON, Coun. BIENVENIDO S. BARTOLOME, JR. and Coun. EXEQUIEL D. SERRANO.

WHEREAS, the City Government of Valenzuela is mandated under the 1987 Constitution and the Local Government Code to protect and advance, among other things, the right to health and safety of the people, and to endeavor to preserve the comfort and convenience of their inhabitants;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the *Local Government Code of 1991* (hereafter, the "Local Government Code") mandates that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, the World Health Organization declared the Coronavirus Disease (COVID-19) officially a pandemic;

WHEREAS, on 30 April 2020 the Department of Trade and Industry (DTI) and the Department of Labor and Employment (DOLE) jointly issued the Interim Guidelines Prevention and Control of COVID-19 (hereafter, the "DTI-DOLE Interim Guidelines") to outline the safety and health standards that workplaces, employees and workers in the private sector should adopt for the duration of the state of public health emergency;

WHEREAS, for more than one year of restricted movement, Valenzuelanos and the rest of the World have steadily coped up with the troubles and hardships brought by the COVID-19 Pandemic. Undeniably, one major factors that made life easier and



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bearable amidst the quarantine restrictions are our modern day heroes – Delivery Riders;

WHEREAS, Delivery Riders constantly brave the dangers of COVID-19 infection just so they can bring food to their families' table, transport essentials, and have our cravings delivered in the safety and comfort of our homes;

WHEREAS, business establishments survived the economic turmoil, some even thrived in fact, because of the convenient delivery network manned by Delivery Riders;

WHEREAS, despite, however, of their valuable contributions to our communities and businesses, Delivery Riders unfortunately experience dreadful work environments. Some even encounter discrimination in commercial establishments denying them shade during hot or rainy days, or refusing them a cup of water, fearing that they might be carriers of the COVID-19 Virus;

WHEREAS, the establishment of clean and safe spaces within the premises of business establishments shall contribute to ensuring the health, safety and comfort of Delivery Riders while they undertake their day-to-day activities;

WHEREAS, the humane segregation of guests, employees of establishments, and Delivery Riders shall ensure that physical distancing and safety protocols are observed in commercial establishments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF VALENZUELA CITY IN SESSION ASSEMBLED:

ARTICLE I
GENERAL PROVISIONS

Section 1. Purpose and Coverage - This Ordinance, which shall be known as the "Bayaning Delivery Rider Welfare Ordinance", is hereby promulgated for purposes of mandating the establishment of clean and safe spaces to be utilized by Delivery Riders within the premises of Covered Establishments and imposing penalties for violations thereof.

Section 2. Definition of Terms - For purposes of this Ordinance, the following terms, words, and phrases shall mean or be interpreted as follows:

- (a) **Covered Establishments** - refers to natural or juridical entities engaged in service and product oriented activities, including, but not limited to, trade and retail of goods, manufacturing, processing plants and retail stores of food products, restaurants, cafes, pastry shops, and pharmaceutical and drug stores, that employ the services of professional or freelance Delivery Riders in the ordinary course of business;



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- (b) **Delivery Riders** - refer to natural persons engaged in transportation, courier and delivery service activities regardless of means of transportation, whether as a profession or part-time basis, or whether as a freelancer or engaged for regular employment, agency or piece-rate basis by a juridical entity engaged in the transportation and delivery business;
- (c) **Universal and Mandatory Safety Measures** - subject to prevailing guidelines of the World Health Organization ("WHO"), the Inter-Agency Task Force on Emerging Infectious Diseases (the "IATF"), and Department of Health ("DOH"), shall refer to practices for the avoidance of personal contact and infection control techniques as defined and mandated under City Ordinance No. 143, Series of 2020, entitled *An Ordinance Establishing Health and Safety Measures, Standards and Protocols for the New Normal in Workplaces and Public Spaces Within Valenzuela City*.
- (d) **CBAT** shall mean the Valenzuela City Business Inspection and Audit Team.

ARTICLE II
MANDATORY ESTABLISHMENT OF CLEAN AND SAFE SPACE FOR DELIVERY RIDERS

Section 3. CLEAN AND SAFE SPACE - Covered Establishments are hereby mandated to establish and maintain within their premises clean and safe areas to be utilized by Delivery Riders while in the performance of their duties (hereafter referred to as the "Delivery Rider Space") in accordance with the following guidelines:

- a. Implementation of Universal and Mandatory Safety Measures in the Delivery Rider Space ;
- b. Regular disinfection of the Delivery Rider Space;
- c. Provision of chairs placed or installed with appropriate Social Distancing between Delivery Riders which must accommodate at least ten (10) Delivery Riders at any given time;
- d. Access to handwashing stations and provision of hygiene materials like tissue, hand soap, alcohol-based hand rubs, disinfectants, and disposable towels;
- e. Provision of safe and purified drinking water and disposable biodegradable cups;
- f. Access to electric sockets or cellular phone charging stations;
- g. Provision of or access to safe parking spaces;
- h. Provision of ample or sufficient natural or electric lighting; and
- i. Such other protocols, regulations, guidelines, and policies as may be deemed necessary by CBAT under prevailing circumstances.

Nothing in this Section shall prohibit Covered Establishments that are adjacent to each other or that share common areas in jointly complying with the provisions of this Ordinance.



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In addition to the above guidelines, the following regulations shall likewise be observed by Covered Establishments:

1. For indoor Delivery Rider Spaces -

- Installation of high-efficiency air filters;
- Increasing ventilation rates in the Delivery Rider Space;
- Installing physical barriers, such as clear plastic sneeze guards; and
- Footbaths shall be provided in all ingress and egress points.

2. For outdoor Delivery Rider Spaces -

- Provision of a roofed or shaded area adjacent to or within ten (10) meters away from the Covered Establishment;
- Ensure that the outdoor Delivery Rider Space shall at all times be flood-free.

Section 4. EXCEPTIONS TO THE MANDATORY ESTABLISHMENT OF DELIVERY DRIVER SPACES - Commercial establishments or enterprises included in the definition of Covered Establishments but whose total assets, inclusive of those arising from loans, but exclusive of the land or improvement on which the business is situated, falling under the following categories shall be exempt from the requirement of establishing and maintaining Delivery Driver Spaces:

- Home Based Business - Ten Thousand Pesos (PhP10,000.00) or less; and
- Micro Enterprises - Not more than Three Million Pesos (PhP3,000,000.00)

(hereafter collectively referred to as "Exempted Establishments")

Provided, however, that nothing in this Section 3 shall prohibit Exempted Establishments from voluntarily establishing and maintaining Delivery Driver Spaces in their premises.

ARTICLE III
ADMINISTRATIVE PENALTIES

Section 5. ADMINISTRATIVE PENALTIES- Any natural person or juridical entity who shall violate this Ordinance shall be meted with the following administrative penalties:

<u>Nature of Offense</u>	<u>Administrative Penalty</u>
1 st Offense	Five Thousand Pesos (PhP5,000.00) and suspension of business operations until rectification of the violation.
2 nd Offense	Ten Thousand Pesos (PhP10,000.00), suspension of business operations until rectification of the violation



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	and twenty four (24) hour community service to be completed by the owners, board of directors and responsible officers of the violating entity.
3rd Offense	Fifteen Thousand Pesos (PhP15,000.00), revocation of Business Permit and twenty four (24) hour community service to be completed by the owners, board of directors and responsible officers of the violating entity.

For purposes of implementation of this Ordinance, the Office of the City Treasurer shall designate and assign an Accountable Officer to receive and collect payments of administrative penalties during weekends and holidays.

SECTION 6. PENAL PROVISION. In addition to the Administrative Penalties in Section 5 hereof, a criminal case may be filed against any person who shall violate this Ordinance. Upon conviction, the offender shall be meted with a penalty of a fine of not more than Five Thousand Pesos (PhP5,000.00) or imprisonment of not more than thirty (30) days, or both, upon the discretion of the court, in addition to the administrative penalty as herein provided.

ARTICLE IV
MISCELLANEOUS PROVISIONS

Section 7. IMPLEMENTING AUTHORITY - The Office of the City Mayor through the CBAT, Task Force Disiplina, and such other implementing officers as may hereafter be authorized by the City Mayor shall implement this Ordinance.

The CBAT and Task Force Disiplina shall be authorized to inspect the premises of Covered Establishments *motu proprio* or upon receipt of a verified complaint to ensure compliance with this Ordinance and may issue Ordinance Violation Receipts (OVR) for any and all violations of this Ordinance.

Section 8. SUPPLEMENTARY APPLICATION - The provisions of City Ordinance Nos. 704 and 715, Series of 2020, and its Implementing Rules and Regulations, shall be supplementary to this Ordinance.

Furthermore, policies, rules and regulations to be issued by the IATF, DOH, DOLE and/or DTI in relation and applicable to Covered Establishments shall be supplementary to this Ordinance.

Section 8A. IMPLEMENTING RULES AND REGULATIONS - While provisions of this Ordinance may be validly implemented immediately, the local chief executive may issue Implementing Rules and Regulations for its effective implementation, if necessary

Section 9. SEPARABILITY CLAUSE - Should any provision in this Ordinance, or application of such provision to any circumstance, is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.



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SECTION 10. EFFECTIVITY - This Ordinance shall take effect thirty (30) days following its publication as required under the Local Government Code.

ENACTED.

JULY 26, 2021.

VALENZUELA CITY, METROPOLITAN MANILA.


HON. ROYIN ANDREW M. FELICIANO

Councilor
Majority Floor Leader

HON. CRISSHA M. PINEDA

Councilor
Minority Floor Leader

HON. KIMBERLY ANN GALANG-TIANGCO

Councilor
Asst. Majority Floor Leader

HON. RICARDO RICARR C. ENRIQUEZ

Councilor
Asst. Minority Floor Leader


HON. RAMON L. ENCARNACION

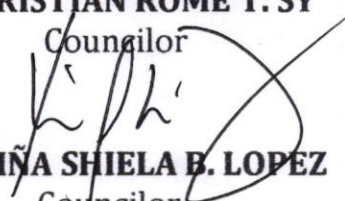
Councilor

HON. KRISTIAN ROME T. SY

Councilor


HON. JENNIFER PEREZ PINGREE

Councilor


HON. NIÑA SHIELA B. LOPEZ

Councilor


HON. JOSEPH WILLIAM D. LEE

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HON. LOUIE P. NOLASCO

Councilor


HON. WALTER MAGNUM D. DELA CRUZ

Councilor


HON. CHIQUI MARIE N. CARREON

Councilor


HON. BIENVENIDO S. BARTOLOME, JR.

Councilor

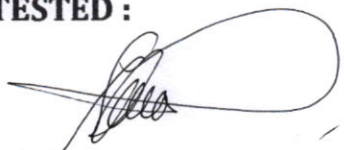

HON. EXEQUIEL D. SERRANO

Councilor

(President, League of Barangays)

(President, Sangguniang Kabataan Federation)

ATTESTED :


ANTONIO R. ESPIRITU
Secretary to the Sanggunian



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CERTIFIED CORRECT:

HON. LORENA NATIVIDAD-BORJA
City Vice Mayor
Presiding Officer

APPROVED:

HON. REXLON T. GATCHALIAN

for RR:RR City Mayor
Date Signed: _____