



PRRD to defy court order vs IATF arrival protocol in Cebu

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Given the country's health emergency, President Duterte has vowed to defy any court order that will stop the national government's implementation of health regulations in the province of Cebu.

Addressing the nation Monday, June 21, the President warned of a possible "impasse" and "ruckus" since he will not obey any court order derailing the pandemic response.

In asserting the national government's enforcement of testing and quarantine protocols for incoming travelers, Duterte asserted that he has a duty to protect public health as the country continued to battle ►8



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the pandemic.

He said the matter was about the country's survival, not about justice.

The latest comments from the President came after two lawyers filed a petition before a Cebu court seeking to stop the implementation of the national government's arrival protocols, including a 10-day quarantine for Filipinos returning to the province. Despite appeals from the President and the pandemic task force, Cebu reportedly continued to implement a provincial ordinance requiring a swab-upon-arrival for returning international passengers, contradicting the guidelines of the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF).

"There is always a time that the courts can function normally and maybe grant injunctions and all. But this time, I said, they are put on notice that hindi ako magpipigil. I will not obey the courts in a matter now of management the pandemic. I don't want anybody from any government agency or department messing up with a situation which I said is being managed because it is very dangerous to the country," the President said.

"I am here to protect the people. And for as long as I'm guided by reason, that's factual, backed up by studies, then I will follow what the medical science would tell me. That is my answer," he added.

Duterte said he does not want to "lock horns" with the judiciary, affirming that he respects the courts. But during a national health emergency, he advised the court against releasing any injunction against the government's protocols on international arrivals in Cebu.

"At this time of a national emergency, I would just like to inform the courts that I will not follow them. I will insist on what is necessary to protect the people. It is not what the legal book says about, well, in the matter of stopping the protocols, the requirements by law," he said.

"This is not a question of justice and equity. This is a question of survival of the nation. I will not allow any court for that matter, I'm putting notice: Hindi ako susunod (I will not follow)," he said.

Duterte also insisted that a local ordinance could not be "higher" than a national policy.

"Because of the emergency ganito itong batas natin. This is how we do it. So not all cases can really be the subject of an injunction or a TRO for that matter. I'm sorry but hindi lahat na bagay mag - (not in all cases) that the courts will interfere," he said.

Collision course

Cebu Governor Gwendolyn Garcia warned that criminal charges may be filed against those who will violate the provincial ordinance requiring swab-upon-arrival for overseas Filipino workers (OFWs) and returning overseas Filipino (ROFs) at the Mactan-Cebu International Airport (MCIA).

The stern warning came via Executive Order (EO) No. 23 reminding concerned authorities and hotels tasked to accommodate arriving overseas Filipinos to abide by Provincial Ordinance No. 2021-05 (Swab-Upon-Arrival policy).

"This is a warning to everyone that those who will violate the Provincial Ordinance may be subject to criminal

(and administrative) charges because there is an existing law of the province," said Garcia.

The issuance of the EO came after the province and the IATF continued to clash over quarantine policies involving arriving OFWs and ROFs.

Garcia said Filipino passengers who arrived at MCIA last Sunday were not swabbed for COVID-19 tests.

The governor said airport authorities and law enforcers reportedly received verbal instructions from IATF members that swab testing should only be collected on the seventh day.

Local police were also instructed that passengers arriving at MCIA must stay for 10 days in their designated quarantine hotels, the governor said.

Garcia met with officials of the Department of Health (DOH-7), Bureau of Quarantine (BOQ-7), Department of Tourism (DOT-7), and the Hotels, Resort and Restaurant Association of Cebu (HRRAC) before issuing EO No. 23.

"Violating the ordinance could expose them to possible charges of illegal detention, serious illegal detention, and kidnapping for holding a person against their will. The only reason you can hold a person in a hotel if there is an existing law," said Garcia.

Administrative charges will also be filed for not following the provincial ordinance, said Garcia.

"Let us be reminded that this is still a government of laws and not of men. And as such, in Cebu, there is an existing ordinance which clearly spells out the Swab-Upon-Arrival protocol," Garcia said.