

## TOPIC :

What happens if you're caught violating the enhanced quarantine regulations?

-----

### ECQ Violations

Every local government has the power to do all things necessary to promote the health and safety as well as maintain the peace and order of its constituents. They have been tasked to implement the enhanced community quarantine (ECQ) together with their local health and police authorities following the guidelines set by the national government.

Governors, mayors, and barangay chairman will have to perform various roles, such as an Anti-coronavirus Information Manager, Local Crisis Manager, and Environmental Health Manager for the containment, control, and prevention of COVID-19.

In line with this mandate, each local government passed their respective ordinances and orders to establish checkpoints, wear masks, regulate businesses, suspend mass public transportation, etc. Each local government enforced specific measures considering the needs and circumstances of each location.

In my barangay, for example, the barangay chairman limited the number of days to move in and out of our barangay to buy basic essential needs. I can only buy groceries on Monday, Wednesday, Fridays, and Saturdays. Other barangays may be lenient, while some are stricter than mine.

Under Republic Act No. 11332, persons caught violating the enhanced quarantine may be fined, imprisoned, or both. The fine ranges between twenty thousand pesos (₱20,000.00) to fifty thousand pesos (₱50,000.00), while imprisonment ranges from one (1) month to six (6) months.

Violators can also be arrested due to (1) Resistance and Disobedience as well as (2) Direct Assault. The former is imposed upon any person who resists or seriously disobey any person in authority, or the agents of such person, while engaged in the performance of official duties (e.g., enforcement of ECQ rules). The latter is imposed upon any person who attacks, employs force, or seriously intimidates or resists any person in authority or any of his agents, while engaged in the performance of official duties or on the occasion of such performance.

However, different local governments impose different penalties. In some jurisdictions, violators are first recorded in the barangay blotter. In other places, violators are required to pay fines and penalties - albeit lower than the penalties stated by law.

Other creative local government units implemented unique punishments to ECQ violators - such as community service, mandatory pandemic lectures, and physical exercises. Always on guard, activists spot potential human rights violations committed by a few local government units during the implementation of the ECQ.

Border patrol staff, employees, and officers must be reminded that no human rights violations should be made during the ECQ in connection to the implementation and maintenance of the enhanced community quarantine.


Incidentally, an arrest may be made with or without a warrant. If someone is arrested without a warrant, he should be brought for inquest within the prescribed period. Thereafter, an inquest prosecutor will decide whether he will be released without charge, released pending further investigation, or charged in court and recommend bail. It is worth noting that detainees should be released if not charged after the required period, i.e., 12 to 36 hours depending on the offense charged.

Finally, as of this date, thousand have been arrested for violating quarantine rules. This virus will continue to spread if residents continue to disregard the rules and regulations implemented during this quarantine period.


Stay safe. Stay healthy. Stay at home.

*Al Whilan A. Baljon is a lawyer at M & Associates, a full-service firm located at Bonifacio Global City, Taguig City.*

*This article is for general information purposes only and should not be used as a substitute for specific advice.*

 +63 (02) 8863-0601

 [inquiry@m-associates.com](mailto:inquiry@m-associates.com)

 <https://m-associates.com>