



Client Bulletin No. 18 (Updates on COVID-19 related PH Issuances):

New MECQ Guidelines issued by the IATF; IPOPHL re-opens on May 25

This is a briefing on the following issuances as of May 16, 2020 in relation to the COVID-19 pandemic:

[A. No Mandatory Testing of Returning Workers](#)

[B. What is MECQ? New Normal?](#)

[C. Business Allowed to Operate During MECQ](#)

[D. Other Key Things to Remember in a MECQ Area](#)

[E. Intellectual Property Office of the Philippines \(IPOPHL\) Resumes On-site Operations on May 25, 2020](#)

The Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) has issued the *Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines* dated May 15, 2020 (IATF Omnibus Guidelines)¹ to codify the existing policies of the IATF pertaining to the quarantine systems in place throughout the Philippines. The full text is posted at <https://www.officialgazette.gov.ph/downloads/2020/05may/20200515-omnibus-guidelines-on-the-implementation-of-community-quarantine-in-the-philippines.pdf>.

This bulletin focuses on guidelines applicable to areas placed under Modified Enhanced Community Quarantine (MECQ) from May 16, 2020 to May 31, 2020, such as Metro Manila.

A. No Mandatory Testing for COVID-19 of Returning Workers

With respect to the testing of returning workers for an area under any type of quarantine system, including MECQ, Section 8(4) of the IATF Omnibus Guidelines provides that “[c]ompliance with Joint DTI-DOLE Return-to-Work Guidelines and DOH Return-to-Work Guidelines shall be considered sufficient compliance with minimum health standards. In no case shall the testing of all returning workers be construed as a condition precedent for his/her return.”² There are no other specifics relating to this guideline, such as when testing should be done.

¹ Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines dated May 15, 2020; <https://www.officialgazette.gov.ph/downloads/2020/05may/20200515-omnibus-guidelines-on-the-implementation-of-community-quarantine-in-the-philippines.pdf>; last visited at 1:00 PM on May 16, 2020.

² Emphasis supplied.

B. What is MECQ? New Normal?

The IATF Omnibus Guidelines define key terms relevant to the community quarantine as follows:

Term ³	Definition
Modified Enhanced Community Quarantine (MECQ)	The “transition phase between Enhanced Community Quarantine (“ECQ”) and General Community Quarantine (“GCQ”), when these temporary measures are relaxed: stringent limiting movement and transportation of people, strict regulation of operating industries, provision of food and essential services, and heightened presence of uniformed personnel to enforce community quarantine protocols become less necessary.”
New Normal	The “emerging behaviors, situations, and minimum public health standards that will be institutionalized in common or routine practices and remain even after the pandemic while the disease is not totally eradicated through means such as widespread immunization. These include actions that will become second nature to the general public as well as policies such as bans on large gatherings that will continue to remain in force.”
Operational Capacity	“[S]uch a maximum number of employees or workers who can be permitted or required to physically report to work on-site in a particular office or establishment.”
Skeleton Workforce	The “operational capacity which utilizes the smallest number of people needed for a business or organization to maintain its basic function.”

C. Business Allowed to Operate During MECQ

The business establishments allowed to operate under MECQ and their corresponding operational capacities are set out in the table below. ⁴

³ IATF Omnibus Guidelines, Section 1.

⁴ Please see IATF Omnibus Guidelines, Sections 3(4) to 3(8).

Operational Capacities of Establishments Allowed to Operate under MECQ (Note: All descriptions of businesses below are quoted directly from the IATF Omnibus Guidelines.)	
Full Operational Capacity	<ul style="list-style-type: none"> - Media establishments - Establishments involved in production of cement and steel - BPOs and export-oriented establishments without need to set up on-site or near-site accommodation arrangements - Mining and quarrying - E-commerce companies - Postal, courier, delivery services - Rental and leasing, other than real estate, such as vehicles and equipment for permitted sectors - Employment activities that involves the recruitment and placement for permitted sectors - Repair of computers, personal and household goods - Housing services activities - Agriculture, forestry, fishery and such other components of food value chain - Manufacturers of medicines, medical supplies, devices and equipment
	<ul style="list-style-type: none"> - Manufacturing and processing plants of basic food products (operational capacity may be increased as may be authorized by the Department of Trade and Industry (DTI)) - Other manufacturing industries (e.g., beverages including alcohol drinks, wood products and furniture, non-metallic products, textiles and clothing, tobacco products, paper and paper products, rubber and plastic products, coke and refined petroleum products, other non-metallic products, computers, electronic, and optical products, electrical equipment, machinery and equipment, motor vehicles, trailers and semi-trailers, other transport equipment, and others) - Real estate and leasing activities

<p>50% Operational Capacity, While Encouraging Work-From-Home and Other Flexible Work Arrangement</p>	<ul style="list-style-type: none"> - Administrative and office support (e.g., photocopying and billing services) - Other financial services (e.g., money exchange, insurance, microfinance and credit cooperatives, reinsurance and non-compulsory pension funding) - Legal and accounting services - Management and consultancy services or activities - Architectural and engineering activities including technical testing and analysis - Science and technology, and research and development - Recruitment and placement agencies for overseas employment - Advertising and market research - Computer programming and information management services - Publishing and printing services - Film, music, and television production - Photography, fashion and industrial, graphic and interior design - Wholesale and retail trade of vehicles and their parts and components, whether such vehicles be fuel, electric, or human powered - Repair and maintenance of vehicles as defined in the immediately preceding provision as well as its parts or components - Malls and commercial centers, subject to DTI guidelines - Dining and restaurants (delivery and take-out only) - Hardware stores - Clothing and accessories - Bookstore and school and office supplies - Baby or infant care supplies - Pet food and pet care supplies - Information technology, communications and electronic equipment
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	<ul style="list-style-type: none"> - Flower, jewelry, novelty, antique and perfume shops - Toy stores (playgrounds, if any, shall be closed) - Firearms and ammunition trading establishments, subject to strict regulation of the Firearms and Explosives Office - Pastors, priests, rabbi, imams, and other religious ministers providing home religious services to households
<p>With Skeleton Workforce Only</p>	<ul style="list-style-type: none"> - Government agencies and instrumentalities, Local Government Units - Officials and employees of foreign diplomatic missions and international organizations accredited by the Department of Foreign Affairs (DFA) - Private establishment and their employees providing essential goods and services (e.g. public markets, groceries, convenience stores, laundry shops, water-refilling stations, hospitals and medical clinics, pharmacies, and drug stores) - Manufacturing and processing plants of hygiene products - Banks, money transfer services, microfinance institutions and cooperatives, excluding pawnshops not performing money transfer, and credit cooperatives, including armored vehicle services, if any - Capital markets - Power, energy, water, information technology and telecommunication supplies and facilities, including waste disposal services, as well as property management building utility services - Energy companies and third-party contractors and service providers - Telecommunications companies, internet service and cable television providers - Airline and aircraft maintenance employees (including pilots and crew), ship captains and crew - Essential projects, public or private (e.g., quarantine facilities, disaster risk reduction and rehabilitation works, sewerage projects, water service facilities projects, digital works) - Priority public infrastructure projects and private construction projects (e.g., food production, agriculture, fishery, fishport development, energy, housing,

	<p>communication, water utilities, manufacturing, BPOs), in accordance with DPWH guidelines</p> <ul style="list-style-type: none"> - Workers accredited by the Department of Transportation (DOTr) working on utility relocation works and specified limited works on railway projects - Funeral and embalming services - Humanitarian assistance from civil society organizations and non-government organizations - Veterinary clinics - Security personnel
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D. Other Key Things to Remember in a MECQ Area

Item	Description	Relevant Section of the IATF Omnibus Guidelines
On movement of persons	<p>Everyone is still subject to a strict home quarantine.</p> <p>Residents can only step out to --</p> <ul style="list-style-type: none"> - “access essential goods and services;” - “work in permitted offices or establishments,” or - do other activities permitted under the Omnibus Guidelines, such as exercising outdoors subject to the observation of with safety measures. <p>If a person is any of the following, that person has to stay home “at all times”: (a) below 21 years old, (b) 60 years old or above, (c) “with immunodeficiency, comorbidities, or other health risks,” (d) pregnant, or (e) resides with a person referred to in any of (a) to (d). The exceptions are when leaving the home is “indispensable under the circumstances for obtaining essential goods and services, or for work in industries and offices permitted to operate.”</p>	Sections 3(2), (3)(3), and 3(13)

<p>Public and religious gatherings</p>	<p>Public gatherings that are “unauthorized, non-work essential or are entertainment related” (e.g., movie screenings, concerts, and sporting events) are prohibited.</p> <p>Religious gatherings are “highly restricted. These “shall be limited to not more than five persons” and must adhere to “prescribed minimum health standards.”</p>	<p>Section 3(9)</p>
<p>Public transport</p>	<p>Public transport remains suspended. However, “point-to-point transport services provided by the government shall be allowed to operate, giving priority to healthcare workers.”</p> <p>The DOTr has advised that the operation of tricycles during MECQ “may be allowed by the local government and the Department of the Interior and Local Government.”⁵</p>	<p>Sections 3(11) and 3(12)</p>
<p>Private transport</p>	<p>Please note that “commissioned shuttle services for employees of permitted establishments” are allowed. People are “strongly encouraged” to use “bikes and other non-motorized transportation.”</p> <p>Section 3(16), in relation to Sections 2(11) and 2(12) provide guidelines on the types of ID that will be honored by law enforcement agencies, such as IATF IDs, RapidPass, and “<i>bona fide</i> IDs issued by establishments exempted from the strict home quarantine requirement.”</p>	<p>Sections 3(11), 3(12), 3(16), 2(11) and 2(12).</p>

E. Intellectual Property Office of the Philippines (IPOP HL) Resumes On-site Operations on May 25, 2020

In relation to the imposition of MECQ over Metro Manila, the Intellectual Property Office of the Philippines (IPOP HL) has issued *IPOP HL MC No. 2020-013 (Advisory on IPOP HL Services in View of the Declaration of a Modified Enhanced Community Quarantine Over the National Capital Region)* dated May 15, 2020⁶ to advise the public of the following:

⁵ Tricycle operations in MECQ areas up to LGUs: DOTR; Philippine News Agency; <https://www.pna.gov.ph/articles/1102770>; last visited at 2:37 PM on May 16, 2020.
⁶ IPOP HL MC No. 2020-013 dated May 15, 2020; <https://drive.google.com/file/d/133rYedRGGq5uLTEq9QjgLubqg70oGwsr/view>

1. Beginning May 25, 200, IPOPHL will “resume limited regular operations at its main office” with a skeleton workforce. Employees not included in the skeleton workforce are to continue working from home.

2. Trademark applications, new and renewal, may only be filed through the IPOPHL electronic filing system. Transmission of documents “related to registered marks as well as pending trademark applications” shall be through eDocfile only.

New patent, utility model, and industrial design applications from or transmitted within Metro Manila shall be filed through the IPOPHL electronic filing system. Voluminous invention applications (i.e., exceeding 250 pages) “may be filed manually or via mail or courier.”

“Scanned copies of required original documents shall be submitted through the online filing system in lieu of the originals. Parties, however, may be required to submit the original document if questions arise regarding the authenticity or due execution of the scanned copy.”

Manual filings and those made through postal mail or private courier will be accepted in IPOPHL Bureaus and Offices without online filing systems.

3. Beginning May 27, 2020, IPOPHL documentary receiving sections will receive documents from 8AM to 5PM, “with cut-off at 4PM, from Mondays to Fridays.”

4. The table below sets out the deadlines for submission of papers, replies, or documents:

Initial Deadline	New Deadline
Deadlines falling from March 16, 2020 to March 31, 2020 initially extended until May 31, 2020	June 30, 2020
Deadlines falling from April 1, 2020 to April 30, 2020, initially extended for 60 days	June 30, 2020
Deadlines falling from May 1, 2020 to June 30, 2020	July 30, 2020

The extended deadlines shall also apply to the “[p]ayment of filing fees including claim of convention priority fee of new applications for patents, utility models, industrial designs and trademarks with or without claim of convention priority date filed through the IPOPHL electronic filing systems during the above-mentioned periods.

The date when the application was filed online shall be deemed the filing date.”⁷

5. Hearings scheduled in the IPOPHL, including mediation hearings, will remain suspended until May 22, 2020. Parties to mediation may request for online conference. “Hearings scheduled 25 May 2020 onwards, including online mediation, shall proceed unless otherwise advised.”

6. The IPOPHL Main Office cashier will resume operations on May 27, 2020 from 8AM to 5PM, “with cut-off at 4PM, from Mondays to Fridays.” Only payments which cannot be made through the IPOPHL’s online payment system (e.g., patent applications, copyright registrations, replies, and services) will be accepted. The IPOPHL will also accept payments through postal money order.

7. Transactions before the IPOPHL must follow the alphabetical schedule based on the first letter of the name of the law firm, company, or payor provided by the IPOPHL.

8. All persons entering the IPOPHL must comply with the minimum public health standards (e.g., wearing of facemasks). Persons exhibiting COVID-19 symptoms will not be allowed to enter.

For more information about IPOPHL issuances, please contact -

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Other COVID-19 related bulletins

The links to our earlier bulletins can be found at the SyCipLaw information hub, <https://syCIPLAWresources.com/>.

Please note that there are other COVID-19 related government issuances which are not covered by our bulletins. For more information about other regulations, please contact your account partner or sshg@syCIPLAW.com or info@syCIPLAW.com.

⁷ IPOPHL MC No. 2020-13A dated May 16, 2020; https://drive.google.com/file/d/1DA2GKdpzdKkRqttl24a3xDN_qBcLdICG/view

This bulletin contains a summary of the legal issuances discussed above. It was prepared by SyCip Salazar Hernandez & Gatmaitan (SyCipLaw) to update its clients about recent legal developments.

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