

MUNICIPAL COUNCIL

Panama, R.P.

AGREEMENT Nº80

From April 28, 2020

In which the Municipal Council of Panama imposes sanctions on anyone who violates the curfew, due to the COVID-19 virus pandemic.

THE PANAMA MUNICIPAL COUNCIL

In use of its legal powers and,

CONSIDERING:

That Article 109 of the Political Constitution of the Republic establishes that it is the function of the state to ensure the health of the population of the Republic and that individuals, as part of the community, have the right to promotion, protection, conservation, restitution and rehabilitation of health and the obligation to preserve it;

That in consideration of Executive Decree No. 490 of March 17, 2020, expanded by Executive Decree No. 507 of March 24, 2020, together with Resolution No. 360 of March 30, 2020, in which measures were taken to restrict the mobility, to prevent the spread of the pandemic caused by COVID-19;

That Article 234 of the Constitution of the Republic establishes that the authorities have the duty to fulfill and enforce the Constitution and Laws of the Republic, the Executive Orders and Decrees and the Resolutions of the Ordinary and Administrative Justice Courts;

That Article 242 of the Political Constitution of the Republic of Panama establishes that it is the function of the Municipal Council, without prejudice to others that the Law indicates, issue, modify, reform and repeal Municipal Agreements and Resolutions, in relation to: numeral 9 the subjects related to the competences of the Municipality, according to the Law;

That Article 14 of Law Nº106 of October 8, 1973, establishes: "The Municipal Councils will regulate the legal life of the Municipalities through Agreements that have legal force within the respective District";

That Article 38 of Law Nº106 of October 8, 1973, establishes: "The Councils will dictate their provisions by means of Agreements or Resolutions that will be enforced in the respective district as soon as they are promulgated, unless they themselves indicate another effective date";

That Law 16 of June 17, 2016, which establishes the Community Justice of the Peace and dictates provisions on Community Mediation and Conciliation, in its chapter VI, sets forth the competence of the Justices of the Peace and in chapter X, establishes the sanctions for violators of the law;

The Municipal Council in attention to the high threat produced by COVID-19 and following the recommendations of the Ministry of Health in order to safeguard the health of all the inhabitants of the district of Panama.

RESOLVES:

FIRST ARTICLE: The person who violates the curfew established by the National Government by virtue of the global pandemic declared by the World Health Organization for the spread of COVID-19 will be sanctioned in accordance with the provisions of Municipal Decree No. 026-2020 of March 24, 2020 and its modifications.

SECOND ARTICLE: Everybody must wear a face mask or mouth cover at all times while in public areas, to reduce the infections by Covid-19. Whomever is caught in a public place without a mask or mouth covering will be verbally reprimanded. In case of a second offence, the Justice of the Peace will sanction with the application of community work in the township where the person resides.

THIRD ARTICLE: The justice of the peace will decide if the community work will be carried out at a Communal Board, at a public entity, or at a non-profit non-governmental organization. The entity in which the community work will be carried out must provide masks, gloves and other necessary implements to carry out the assigned work. It must also guarantee that the appropriate distance is kept, in accordance with the guidelines established by the Ministry of Health.

People with chronic conditions or diseases such as heart conditions, allergies, asthma, diabetes, cancer, high blood pressure, AIDS or HIV, COPD and other respiratory diseases to name a few, whose health would be seriously compromised if exposed to COVID-19 or other viruses and bacteria, are exempt from performing work related to decoration, cleaning, maintenance, construction and repair. People in this condition must provide a medical certification from a professional within three (3) business days.

FOURTH ARTICLE: The public offices that operate within the District of Panama must supply their collaborators and public servants with face masks or mouth covers in order to safeguard their health and that of the people around them.

FIFTH ARTICLE: The money collected as a result of the sanctions imposed under this Agreement will be used for the purchase of face masks or mouth covers that will be distributed in the District of Panama.

SIXTH ARTICLE: The Justices of the Peace will coordinate with the National Police regarding the recidivism of the offenses described in the previous articles and the supervision of the application of community work.

SEVENTH ARTICLE: This agreement will take effect from its promulgation

Given in Panama City, on the twenty-eight (28) days of the month of April of the year two thousand twenty (2020).