

**MEMORANDUM CIRCULAR NO. 21-34
SERIES OF 2021**

SUBJECT: ON-SITE OPERATIONAL CAPACITY OF BUSINESS ESTABLISHMENTS, PERSONS, AND ACTIVITIES IN THE NATIONAL CAPITAL REGION UNDER THE PILOT IMPLEMENTATION OF ALERT LEVELS SYSTEM FOR COVID-19 RESPONSE

WHEREAS, on 30 September 2021, the IATF issued Resolution No. 141 amending the Pilot Guidelines in the Implementation of Alert Levels System in the National Capital Region by allowing the operations and increasing the on-site operational capacity of dine in, personal care services, and fitness studios and gyms;

WHEREAS, on even date, the IATF issued Resolution No. 141-A, extending the pilot period for the implementation of the Alert Levels System in the National Capital Region (NCR) until 15 October 2021;

WHEREFORE, foregoing premises considered, the following guidelines are hereby prescribed for the information and compliance of all concerned in NCR for the extended pilot period of **1 to 15 October 2021, unless further extended --**

SECTION 1. Additional Operational Capacity of Dine-in, Personal Care Services, and Fitness Studios and Gyms during the Extended Pilot Period. Subject to compliance with minimum public health and safety standards and protocols (MPHS), including those under *DOH AO 2021-0043, Series of 2021, DTI-DOLE JMC No. 2020-04-A, Series of 2020, DOLE Department Order No. 224-21, Series of 2021*, and applicable sector-relevant protocols, the operational capacity of dine-in, personal care services, and fitness studios and gyms in NCR during the pilot period shall be --

| Establishments/Services | Allowable On-Site Operational/ Venue Capacity |
|--|---|
| Dine in | |
| Outdoor dine-in or <i>al fresco</i> services, where all workers/employees have been fully vaccinated against COVID-19 | 30% |
| Indoor dine-in services, where -- 1) All workers/employees have been fully vaccinated against COVID-19; and 2) <u>Only individuals fully vaccinated against COVID-19 are accepted as guests/clients for indoor dine-in services.</u> | 20% |

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| Personal Care Services | |
|---|-----|
| <p>Outdoor barbershops, hair spas, nail spas, and beauty salons, as allowed by the respective LGUs, provided that --</p> <p>1) All workers/employees have been fully vaccinated against COVID-19; and</p> <p>2) Patrons/clients and service providers must wear face masks at all times</p> | 30% |
| <p>Indoor barbershops, hair spas, nail spas, and beauty salons, as allowed by the respective LGUs, provided that --</p> <p>1) All workers/employees have been fully vaccinated against COVID-19;</p> <p><u>2) Only individuals fully vaccinated against COVID-19 are accepted as patrons/clients for indoor personal care services;</u> and</p> <p>3) Patrons/clients and service providers must wear face masks at all times.</p> | 20% |
| Fitness Studios and Gyms | |
| <p>Fitness studios and gyms for individual non-contact exercise, as allowed by the respective LGUs, provided that --</p> <p>1) All workers/employees have been fully vaccinated against COVID-19;</p> <p><u>2) Only individuals fully vaccinated against COVID-19 are accepted as patrons/clients;</u></p> <p>3) Patrons/clients and service providers must wear face masks at all times; and</p> <p><u>4) no group activities shall be conducted.</u></p> | 20% |

Attached as Annex "A" and made an integral part hereof is the revised list of business establishments, persons or activities allowed to operate, work or be undertaken under the applicable alert levels.

SECTION 2. Fitness Studios and Gyms Guidelines. Fitness studios and gyms allowed under the previous section shall also strictly comply with the guidelines and protocols provided in Annex "B."

SECTION 3. Safety Seal Certifications under Alert Level 4. Business establishments allowed to operate under the Alert Level 4 which have been awarded Safety Seal Certifications (DOLE-DOH-DILG-DOT-DTI Joint Memorandum Circular No. 21-01, Series of 2021) shall be allowed to operate at an **additional ten percentage points** beyond the prescribed on-site operational or venue/seating capacity, whichever is applicable.

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SECTION 4. Compliance Monitoring. The DTI, through the FTEB and Regional or Provincial Offices, shall continue its strict compliance monitoring through its post-audit mechanism. Inspection by the DOLE, DOH, and the LGU's Health Office may also be conducted at any time. Violations of this Circular shall be subject to corresponding penalties under relevant rules and guidelines including the temporary suspension of business operations, as may be necessary and applicable.

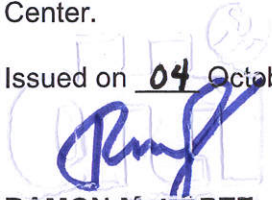
SECTION 5. Complaints Handling. All feedback and complaints from the general public may be coursed through the DTI Consumer Care Hotline 1-384.

SECTION 6. Repealing and Separability Clause. Provisions of other relevant Memorandum Circulars that are inconsistent with this Circular are hereby superseded or amended accordingly.


If for any reason, any part or provision of this Circular be declared invalid, any part or provision not affected thereby shall remain in full force and effect.

SECTION 7. Effectivity. Given the presence of a public health emergency, this Circular shall immediately take effect upon its publication and filing with the University of the Philippines Law Center.

Issued on 04 October 2021.


RAMON M. LOPEZ
Secretary

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ANNEX "A": ON-SITE CAPACITIES OF BUSINESS ESTABLISHMENTS/ACTIVITIES IN THE ALERT LEVELS SYSTEM
(as of 04 October 2021)

| BUSINESS ESTABLISHMENTS/ACTIVITIES | ALERT 5 | ALERT 4 | ALERT 3 | ALERT 2 | ALERT 1 |
|---|---|---|---------|---------|---------|
| Public and private hospitals | 100% | 100% | 100% | 100% | 100% |
| Health, emergency and frontline services, including those provided by dialysis centers, chemotherapy centers, HMOs, health insurance providers, disaster risk reduction management officers, and public safety officers and the like | 100% | 100% | 100% | 100% | 100% |
| Manufacturers of medicines and vitamins, medical supplies, devices and equipment, including suppliers of input, packaging, and distribution | 100% | 100% | 100% | 100% | 100% |
| Industries involved in agriculture (crops, fruits, vegetables, livestock and poultry), forestry, fishery, and such other components of the food value chain and their workers, including farmers and fisher folks | 100% | 100% | 100% | 100% | 100% |
| Logistics service providers (delivery and courier services; cargo handling; warehousing; trucking; freight forwarding; shipping, port and terminal operators and contractors and ancillary services (i.e. drivers, conductors, terminal workers) | 100% | 100% | 100% | 100% | 100% |
| Essential and priority construction projects, whether public or private, in accordance with the guidelines issued by the Department of Public Works and Highways (DPWH) including contractors, subcontractors, and consultants of the Department of Transportation for the construction of Build Build Build flagship infrastructure projects | 100% | 100% | 100% | 100% | 100% |
| Manufacturing related to food, beverages, and other essential goods such as but not limited to soap and detergents, diapers, personal hygiene products, toilet paper, and wet wipes, and disinfectants | 100% | 100% | 100% | 100% | 100% |
| Companies that manufacture, distribute and/or supply equipment or products necessary to perform construction or maintenance works, such as cement and steel, or spare parts | 100% | 100% | 100% | 100% | 100% |
| Essential retail trade and service establishments such as public markets, supermarkets, grocery stores, convenience stores, pharmacies or drug stores, hardware, bookstores and office supplies, bicycle shops, laundry shops, and water-refilling stations | 100% | 100% | 100% | 100% | 100% |
| Food preparation establishments such as kiosks, commissaries, restaurants, and eateries | 100% | 100% | 100% | 100% | 100% |
| <i>Take out and delivery</i> | 100% | 100% | 100% | 100% | 100% |
| <i>Outdoor dine-in services (al fresco)</i> | not allowed | 30% provided that workers/ employees are fully vaccinated | 100% | 100% | 100% |
| <i>Indoor dine-in services</i> | not allowed | 20% provided that – • they cater only to fully vaccinated individuals; and • workers/ employees are fully vaccinated | 30% | 50% | 100% |
| Public and private financial service providers involved in the distribution of government grants and amelioration subsidies | 100% | 100% | 100% | 100% | 100% |
| Business process outsourcing establishments (BPOs), and export-oriented businesses, including mining and quarrying activities | 100% | 100% | 100% | 100% | 100% |
| Public transport providers and operators | 100% | 100% | 100% | 100% | 100% |
| Media establishments and their total permanent staff complement, inclusive of reporters and other field employees | 50% | 100% | 100% | 100% | 100% |
| Dental, rehabilitation, optometry and other medical clinics for the treatment of illness or injuries. Provided, that there is strict observance of infection prevention and control protocols. Provided, further, that dental procedures shall be limited to emergency cases only and that the wearing of full Personal Protective Equipment (PPEs) by dentists and attendants shall be mandatory. Provided, finally, that home service therapy for Persons with Disabilities (PWDs) shall be allowed | skeleton limited to emergency cases only | 100% | 100% | 100% | 100% |
| Veterinary clinics | skeleton | 100% | 100% | 100% | 100% |

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| BUSINESS ESTABLISHMENTS/ACTIVITIES | ALERT 5 | ALERT 4 | ALERT 3 | ALERT 2 | ALERT 1 |
|--|---|---------|---------|---------|---------|
| Banks, money transfer services, including pawnshops only insofar as performing money transfer functions, microfinance institutions, and credit cooperatives, including their armored vehicle services, if any | skeleton | 100% | 100% | 100% | 100% |
| Capital markets, including but not limited to the Bangko Sentral ng Pilipinas, Securities and Exchange Commission, Philippine Stock Exchange, Philippine Dealing and Exchange Corporation, Philippine Securities Settlement Corporation, and Philippine Depository and Trust Corporation | skeleton | 100% | 100% | 100% | 100% |
| Water supply and janitorial/sanitation services and facilities, including waste disposal services, as well as property management and building utility services | skeleton | 100% | 100% | 100% | 100% |
| Energy sector (oil, gas, and power companies), their third-party contractors and service providers, including employees involved in electric transmission and distribution, electric power plant and line maintenance, electricity market and retail suppliers, as well as those involved in the exploration, operations, trading and delivery of coal, oil, crude or petroleum and by-products (gasoline, diesel, liquefied petroleum gas, jet oil, kerosene, lubricants), including gasoline stations, refineries and depots or any kind of fuel used to produce power | skeleton | 100% | 100% | 100% | 100% |
| Telecommunications companies, internet service providers, cable television providers, including those who perform indirect services such as the technical, sales, and other support personnel, as well as the employees of their third-party contractors doing sales, installation, maintenance and repair works | skeleton | 100% | 100% | 100% | 100% |
| Airline and aircraft maintenance, pilots and crew, and employees of aviation schools for purposes of the pilot's recurrent training for flight proficiency and type rating using simulator facilities, and ship captains and crew, including shipyard operations and repair | skeleton | 100% | 100% | 100% | 100% |
| Funeral and embalming services | skeleton | 100% | 100% | 100% | 100% |
| Security personnel licensed by the PNP - Supervisory Office for Security and Investigation Agencies | skeleton | 100% | 100% | 100% | 100% |
| Printing establishments authorized by the Bureau of Internal Revenue and those contracted by other government agencies | skeleton | 100% | 100% | 100% | 100% |
| Establishments engaged in repair and maintenance of machinery and equipment, for households and essential permitted establishments | skeleton | 100% | 100% | 100% | 100% |
| Establishments engaged in repair and maintenance of motorized and non-motorized vehicles, including the sale of spare parts | skeleton | 100% | 100% | 100% | 100% |
| Leasing of real and personal properties | skeleton | 100% | 100% | 100% | 100% |
| Employment activities that involve the recruitment and placement for permitted sectors | skeleton | 100% | 100% | 100% | 100% |
| Teachers, professors and other staff for purposes of conducting online/offline, and flexible classes, completion of grades, and processing of student credentials, requirements and documents | skeleton | 100% | 100% | 100% | 100% |
| Lawyers | skeleton only when required to provide on-site legal representation necessary to protect rights of persons, whether natural or juridical | 100% | 100% | 100% | 100% |
| All other establishments, to the extent necessary for the buying and selling of consumer goods or services via the internet | skeleton | 100% | 100% | 100% | 100% |
| Private corporations are encouraged to process payrolls online. Payroll managers, and such other employees required for the processing of payroll, and accounting firms | skeleton | 100% | 100% | 100% | 100% |

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| BUSINESS ESTABLISHMENTS/ACTIVITIES | ALERT 5 | ALERT 4 | ALERT 3 | ALERT 2 | ALERT 1 |
|--|---|--|---|---------|---------|
| Other Manufacturing such as: • Electrical Machinery • Wood products, Furniture • Non-metallic products • Textiles / Wearing apparels • Paper and Paper products • Rubber and Plastic products • Coke and Refined Petroleum products • Other non-metallic mineral products • Computer, Electronic and Optical Products • Electrical Equipment • Machinery and Equipment • Motor Vehicles, Trailers and Semi-Trailers • Other Transport Equipment | not allowed | 100% | 100% | 100% | 100% |
| Non-essential retail trade and service establishments such as clothing and accessories, flower, jewelry, novelty, antique, perfume shops, toy stores, music stores, art galleries (selling only), and firearms and ammunition trading establishments | not allowed | 100% | 100% | 100% | 100% |
| Hotels and other accomodation establishments | Allowed to operate at such capacity and protocols subject to guidelines issued by the Department of Tourism | | | | |
| Office Administrative and Office Support (such as photocopying, billing, and record keeping services) | not allowed | 100% | 100% | 100% | 100% |
| Other financial services (e.g., money exchange, insurance, reinsurance, lending companies, and non-compulsory pension funding) | not allowed | 100% | 100% | 100% | 100% |
| Management Consultancy Activities | not allowed | 100% | 100% | 100% | 100% |
| Architecture and Engineering Activities; Technical Testing and Analysis | not allowed | 100% | 100% | 100% | 100% |
| Scientific and Research Development | not allowed | 100% | 100% | 100% | 100% |
| Advertising and Market Research | not allowed | 100% | 100% | 100% | 100% |
| Computer programming (such as writing, modifying, testing and supporting software, planning and designing computer systems), information service activities (such as data processing and hosting activities) and other related activities | not allowed | 100% | 100% | 100% | 100% |
| Publishing and printing services (such as printing of newspapers, magazines, and other periodicals, books, brochures, manuscripts, posters, maps, atlases, advertising catalogues, prospectuses, etc; printing directly onto textiles, plastic, glass, metal wood, and ceramics) | not allowed | 100% | 100% | 100% | 100% |
| Film, music, and TV production | not allowed | 100% | 100% | 100% | 100% |
| Other services such as photography; fashion, industrial, graphic, and interior design | not allowed | 100% | 100% | 100% | 100% |
| Wholesale and retail trade of motor vehicles and motorcycles | not allowed | 100% | 100% | 100% | 100% |
| Travel agencies, tour operators, reservation service and related activities | not allowed | 100% | 100% | 100% | 100% |
| Pet grooming services | not allowed | 100% | 100% | 100% | 100% |
| Indoor limited face-to-face or in-person classes, examinations, and other education-related activities at all levels | not allowed | not allowed except those previously approved by the IATF and/or the Office of the President | 30% limited to face-to-face or in-person examinations approved by the IATF | 50% | 100% |
| Outdoor sports, courts or venues | not allowed | 100% | 100% | 100% | 100% |
| Indoor sports, courts or venues or other indoor leisure centers or facilities, and swimming pools, excluding fitness studios and gyms | not allowed | not allowed | 30% | 50% | 100% |

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| BUSINESS ESTABLISHMENTS/ACTIVITIES | ALERT 5 | ALERT 4 | ALERT 3 | ALERT 2 | ALERT 1 |
|--|-------------|--|-------------|---------|---------|
| Fitness studios and gyms | not allowed | 20% provided that – • they cater only to fully vaccinated individuals; • workers/ employees are fully vaccinated; • patrons and service providers shall wear face masks at all times; and • No group activities are conducted | 30% | 50% | 100% |
| Indoor visitor or tourist attractions, libraries, archives, museums, galleries, and cultural shows and exhibits | not allowed | not allowed | 30% | 50% | 100% |
| Indoor venues for meetings, incentives, conferences, and exhibitions (Subject to DTI & DOT Guidelines) | not allowed | not allowed | 30% | 50% | 100% |
| Social events in eligible venue establishments (Subject to DTI & DOT Guidelines) | not allowed | not allowed | 30% | 50% | 100% |
| Personal care services | | | | | |
| <i>Outdoor barbershops, hair spas, nail spas, and beauty salons</i> | not allowed | 30% provided, that – • all workers/ employees are fully vaccinated; and • patrons/clients and service providers wear face masks at all times | 30% | 50% | 100% |
| <i>Indoor barbershops, hair spas, nail spas, and beauty salons</i> | not allowed | 20% provided that – • they cater only to fully vaccinated individuals and that workers/ employees are fully vaccinated; and • patrons/clients and service providers wear face masks at all times | 30% | 50% | 100% |
| <i>Other personal care services which include spas, aesthetic and cosmetic clinics, make-up salons, reflexology, aesthetics, wellness, and holistic centers, and other similar establishments; acupuncture and electrocautery establishments, and massage therapy including sports therapy establishments. It also includes establishments providing tanning services, body piercings, tattooing and similar services.</i> | not allowed | not allowed home service is likewise not permitted | 30% | 50% | 100% |
| Casinos, horse racing, cockfighting and operation of cockpits, lottery and betting shops, and other gaming establishments | not allowed | not allowed except as may be authorized by the IATF or the Office of the President | 30% | 50% | 100% |
| Indoor recreational venues such as internet cafes, billiard halls, amusement arcades, bowling alleys, and similar venues | not allowed | not allowed | 30% | 50% | 100% |
| Indoor entertainment venues such as cinemas, and venues with live performers such as karaoke bars, bars, clubs, concert halls, and theaters | not allowed | not allowed | not allowed | 50% | 100% |
| Outdoor and indoor amusement parks or theme parks, funfairs/peryas, kid amusement industries such as playgrounds, playrooms, and kiddie rides | not allowed | not allowed | not allowed | 50% | 100% |

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ANNEX “B”
SECTOR-SPECIFIC PUBLIC HEALTH STANDARDS FOR FITNESS STUDIOS AND GYMS

Consistent with the minimum public health standards prescribed by the Department of Health (DOH) under Administrative Order No. 2021-0043¹ and the Departments of Trade and Industry (DTI) and Labor and Employment (DOLE) under Joint Memorandum Circular No. 2020-04-A², owners or designated safety officers of fitness studios and gyms are required to implement and maintain the following sector-specific public health standards:

To prevent the transmission of COVID-19, Management shall:

A. Engineering Controls

1. Ensure adequate air exchange in enclosed areas through the implementation of strategies as cited in DOLE Department Order No. 224-21,³ such as:
 - a. Maximizing natural ventilation through opening of windows;
 - b. Use of low-cost modifications to improve air flow (e.g. addition of fans⁴ or exhaust fans);
 - c. Identification of multi-occupant spaces that are used regularly and are poorly ventilated. Air flow shall be controlled to ensure indoor CO₂ concentrations be maintained at-or below 1,000 parts per million (ppm)⁵
 - d. Installation and regular maintenance of exhaust fans and air filtration devices (e.g. air purifiers) with High-Efficiency Particulate Air (HEPA) filters
2. Install any of the following hand hygiene and sanitation facilities and supplies:
 - a. Hand washing station or sink with adequate and safe water supply;
 - b. Soap and water or 70% Isopropyl (or Ethyl) Alcohol; and
 - c. Hands-free trash receptacles, soap and towel dispensers, door openers, and other similar hands-free equipment.

The use of foot baths, disinfection tents, misting chambers, or sanitation booths are not recommended

3. Enforce four (4)-meters physical distancing between patrons and employees in all areas of the facility. Cardio equipment, free weight areas, weight training equipment, and fitness classrooms may be modified or adjusted to maintain the physical distancing requirement. If rearranging is not an option, place “do not use” signages and unplug equipment to allow for proper physical distancing.

¹ Entitled “Omnibus Guidelines on the Minimum Public Health Standards for the Safe Reopening of Institutions.” <https://bit.ly/DOHAQ21-0043>

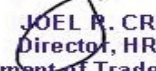
² Entitled “Interim Guidelines on Workplace Prevention and Control of COVID-19.” bit.ly/MC20-04A

³ Entitled “Guidelines on Ventilation for Workplaces and Public Transport to Prevent and Control the Spread of COVID-19.” <https://bit.ly/DOLEDO224-21>

⁴ Position free-standing fans in a way that does not direct air from one patron to another.

⁵ Note that outdoor CO₂ concentration directly impacts indoor CO₂ concentration. It is critical to measure outdoor CO₂ levels when assessing indoor concentrations. Indoor CO₂ levels shall not exceed the outdoor concentration by more than about 600ppm.

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4. Establish a screening area at the point/s-of-entry. The following protocols must be implemented thereat:
 - a. Health declaration or symptom assessment through the use of the Staysafe.ph application, or any national and certified contact tracing application integrated with the same, in the conduct of contact tracing activities. Those with symptoms or exposure to probable, suspect, and confirmed COVID-19 cases, regardless of vaccination status, shall not be allowed entry.
 - b. All personnel, suppliers, and customers must undergo a non-contact temperature check. Those with a temperature higher than 37.5 degrees centigrade shall not be allowed entry.
 - c. Establishments in areas under Alert Level 4 shall only cater to Fully Vaccinated Individuals with no COVID-19 Symptoms, subject to presentation of a COVID-19 Vaccination Card.
5. Install visual cues or signages to communicate the following:
 - a. Maintaining physical distancing of at least four (4) meters distance between patrons and employees;
 - b. Cough and sneeze etiquette;
 - c. Proper hand hygiene and infection control;
 - d. Proper use and disposal of Personal Protective Equipment; and
 - e. Other critical reminders in the Prevent, Detect, Isolate, Treat, Reintegrate (PDITR+) strategy and BIDA Solusyon,⁶ and Resbakuna for the promotion of the Government's Vaccination Program.⁷
6. Where possible, establish physical barriers between workers and patrons.
 - a. Install cleanable transparent shields or other barriers to physically separate employees and patrons where distancing is not an option (e.g., between pieces of equipment that cannot be moved).
 - b. Use strip curtains, plastic barriers, or similar materials to create impermeable dividers or partitions.
7. Provide a proper facility for proper storage, collection, treatment, and disposal of used PPE and other infectious waste in accordance with DOH AO 2021-0043.


B. Administrative Controls

1. Prohibit the conduct of group activities.
2. Ensure adequate provision of personal protective equipment to all employees, regardless of employment status, which includes:

⁶ bit.ly/BIDAPartners

⁷ <https://doh.gov.ph/vaccines>

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- a. Cloth or surgical masks, or face shields, as necessary; and
 - b. Gloves and other appropriate PPE for all personnel tasked to do regular cleaning and disinfection of furniture, fixtures, and equipment.
3. Enforce limits on on-site capacity in accordance with the latest guidelines set by the national government or limitations on venue capacity or other prohibitions as may be imposed by the Local Government Unit (LGU). Establishments shall operate on a by-appointment or reservation basis to adhere to venue capacity requirements.
4. Disinfect premises in accordance with DOH Department Memorandum No. 2020-0157, its amendments and *Cleaning and disinfection of environmental surfaces in the context of COVID-19* by the WHO. For this purpose, all furniture, fixtures, and equipment, especially those that are considered high-touch surfaces (e.g. lockers, equipment), must be properly and regularly sanitized.
5. Prohibit the use of water fountains, except for no-touch bottle refill stations. Patrons and employees may be encouraged to bring their own water bottles.
6. Designate a health and safety officer who, at all times, will be physically present in the establishment to ensure that the MPHS outlined herein and government-imposed limitations on venue/seating capacity are strictly followed. Any non-compliance with this requirement or to the MPHS shall serve as ground for the temporary closure of the establishment, until such time that their violation is rectified.

C. Personal Protective Equipment

1. Ensure that face masks are worn at all times, regardless of the exercise to be performed. For the safety of patrons, health and safety officers must discourage patrons from performing high-intensity exercises/activities.
2. Ensure that appropriate PPEs shall be used for cleaning and disinfection of gym equipment.

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