

**MEMORANDUM CIRCULAR NO. 20-39
Series of 2020**

SUBJECT: INCREASING THE OPERATING CAPACITY OF DINE-IN FOOD ESTABLISHMENTS, AMENDING FOR THE PURPOSE DTI MEMORANDUM CIRCULAR NO. 20-37, Series of 2020

WHEREAS, on 10 June 2020, the IATF issued Resolution No. 45, Series of 2020 allowing the gradual reopening of the dine-in food industry in areas under General Community Quarantine (GCQ) beginning 15 June 2020 at thirty percent (30%) operational capacity, provided that venue capacity allows for social distancing protocols. Provided further, that “the resumption and/or continued operations of dine-in food establishments shall be subject to their proprietors’ compliance with the proper health protocols set by the DTI, Department of Labor and Employment (DOLE), and Department of Tourism (DOT). Furthermore, their compliance shall be assessed through a post-audit mechanism which shall be led by the DTI, DOLE, DOT, DOH, Department of the Interior and Local Government (DILG), Local Government Unit (LGU) Health Officer and/or deputized organizations;”

WHEREAS, on 22 June 2020, the DTI issued Memorandum Circular (MC) No. 20-37 allowing the dine-in services of restaurants and fastfood business to reopen as approved by the IATF and provided the minimum health protocols for implementation by the said establishments;

WHEREAS, under Section [4](6)(c) of the IATF “Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines with Amendments as of July 2, 2020,” DTI was tasked to issue updated guidelines to implement the gradual increase of operational and venue capacity including operating hours of industries allowed to operate, without diminution of the current capacities and hours previously allowed;

WHEREAS, based on the compliance monitoring activities of the DTI, DOT, DOLE and LGUs, restaurants, fast food and dine-in establishments have consistently exhibited 90%-100% compliance rate on mandatory health protocols imposed under MC No. 20-37 since resumption of operations on 15 June 2020;

WHEREFORE, foregoing premises considered, this MC is hereby issued to provide updated guidelines for the operations of restaurants, fast food, and other dine-in establishments:

SECTION 1. Scope. – This MC shall apply to all restaurants and fastfood businesses, regardless of the size of the establishment, including canteens, food courts, food parks and other eateries providing dine-in services.

SECTION 2. Operating Capacity. – Beginning 21 July 2020, the operating capacity of all restaurants and fastfood businesses shall be:

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- a. For areas under GCQ, at a maximum of fifty percent (50%) of their dine-in services, subject to strict compliance with social distancing protocols; and
- b. For areas under MGCQ, at a maximum of seventy-five percent (75%) of their dine-in services subject to strict compliance with social distancing protocols.

SECTION 3. Dine-In Operations. – Beginning 21 July 2020, restaurants and fastfood businesses shall be permitted to serve all kinds of food and beverages, including alcoholic drinks; *Provided* that a customer shall be allowed a maximum of two (2) individual servings of any alcoholic beverage.

Families living in the same household shall be permitted to dine together in one table; *Provided* that they show proof that they stay in one address; and *Provided further* that their table/s shall be distanced by at least one (1) meter from other customers' tables.

All dine-in services and transactions shall be delivered as fast and as contactless as possible.

All restaurants and fastfood businesses shall be allowed to operate until 11:00 p.m. Thus, LGUs are enjoined to adjust curfew hours up to 12 midnight to allow greater daily turnover of dine-in services and enhance income opportunities for workers.

SECTION 4. Mandatory Minimum Requirements for Operation of Dine-In Services. – In addition to the minimum health standards prescribed by the DOH under Administrative Order No. 2020-0015 and the DTI-DOLE Interim Guidelines on Workplace Prevention and Control of COVID-19, owners of restaurants and fastfood businesses in GCQ and MGCQ areas are required to implement and maintain the following measures:

- a. Registration with SafePass or staysafe.ph, or administration of a contact tracing form for customers/guests (see sample contact tracing form in Annex A), and a health declaration form for personnel and suppliers (see sample health declaration form in Annex B).
- b. Thermal scanning of all personnel, suppliers, customers prior to entry – persons with a temperature higher than 37.5 degrees centigrade shall not be allowed entry;
- c. Customers, workers, and suppliers exhibiting symptoms, such as colds, cough and/or difficulty breathing to be politely declined entry.
- d. No personnel with COVID-19 symptoms or with exposure to COVID-19 patients shall be allowed to report for work.
- e. Provision for rubbing alcohol/sanitizers, which can be easily sprayed on the hands of personnel, suppliers and customers prior to entry, and regular interval of sanitation of hands of workers and customers;



- f. Strict enforcement of the “No Face Mask, No Entry Policy” – all personnel, suppliers and customers shall wear facemask;
- g. Strict observance of social distancing measures in all parts of the establishment, including the cashier counter, beverage bar, kitchen, and back areas;
- h. Proper ventilation and exhaust system in the establishment. Proprietors of dine-in establishments shall enhance their exhaust system, ensure better airflow inside air-conditioned restaurants, or install high-efficiency particulate air (HEPA) filtration systems. Outdoor dining (i.e. al fresco dining) is highly encouraged;
- i. Chairs shall be distanced at least one (1) meter on all sides;
- j. Queueing area shall comply with the one (1) meter distance on all sides requirement;
- k. Buffet service shall be allowed only when –
 - i. Food servers are provided; and
 - ii. All food trays are with food covers;
- l. The use of loud ambient music in restaurants and fastfood chains shall be kept to a minimum to discourage loud talking, which increases the likelihood of droplet transmission.
- m. Frequent sanitation of workers and equipment inside the kitchen / food preparation and serving areas;
- n. Proper sanitization of restroom and ensuring that it is free from accumulation of trash; and
- o. Play areas shall be closed.

SECTION 5. Additional Control Measures. – Restaurants and fastfood businesses are also enjoined to implement the following measures:

- a. Posting of the following information at the entrance and/or other prominent or conspicuous areas inside the restaurant or fastfood premise:
 - i. Contact tracing forms or registration to SafePass or StaySafe.ph;
 - ii. No mask, no entry policy;
 - iii. Social distancing protocols;
 - iv. Maximum number of allowable persons;
 - v. Sanitation schedule and procedures;
 - vi. Alternative methods of payments;
 - vii. No customer-personnel contact protocols;
 - viii. Administration of protocols, including the right to refuse service to customers who fail or refuse to comply.

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- b. For face-to-face seating, putting up of table top clear acrylic dividers that are at least eighteen (18) inches in height in order to prevent the transmission of the virus among customers, as well as dividers between tables;
- c. Installation of air purifiers;
- d. Provision of food menus per table, preferably single-use or QR code-based menus;
- e. Implementation of Contactless order-taking;
- f. Covering furniture of porous materials with plastic for easy sanitation;
- g. Ensuring proper health and safety of all personnel at all times, as follows:
 - i. No wearing of jewelry (e.g. rings, bracelets, watches, earrings, etc.);
 - ii. Wearing of closed shoes;
 - iii. Observance of proper personal hygiene (e.g. clipped fingernails, observance of company-imposed personal sanitation, etc.);
 - iv. Washing of hands at least once every hour or after every encounter with guests;
- h. Observance of the proper disposal of disposable equipment, utensils and plates;
- i. Observance and enforcement of the customer-personnel contact protocols.
- j. Implementation of no physical contact policy during payment. Establishment may provide small trays for payments; and
- k. Designation of a Manager-On-Duty or any personnel to oversee compliance with this Memorandum Circular.

SECTION 6. Delivery and Take Away Protocols. – The establishments offering delivery and take away services are likewise enjoined to implement the following measures:

- a. Allow taking of orders through phone calls, emails or any online mode;
- b. Implement staggered delivery hours for drivers to prevent crowding at dispatch areas;
- c. Designate pick-up areas outside the establishment properly marked;
- d. Devise innovative procedures in lieu of in-person delivery confirmation; and
- e. Ensure proper sanitation of vehicles and compliance by driver and personnel with safety, hygiene and sanitation protocols.

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SECTION 7. Compliance Monitoring. – The DTI, through the Fair Trade Enforcement Bureau (FTEB) and Regional or Provincial Offices, shall monitor compliance with this Memorandum Circular through a post-audit mechanism.

Inspection by the DOT, DOLE, DOH, and the LGU's Health Office may also be conducted at any time.

Establishments which fail to comply with the mandatory requirements will be given a warning and shall be endorsed to the LGU health office. After the warning, the establishments found in the next visit as non-compliant with the mandatory minimum requirements under Section 4 shall be temporarily closed down to correct their deficiencies. Reopening shall be allowed only upon compliance of the prescribed minimum health protocols.

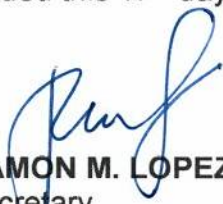
SECTION 8. Complaints Handling. – All feedback and complaints from the general public may be coursed through the Consumer Care Hotline 1-384.

SECTION 9. Repealing Clause. – All other provisions of MC No. 20-37 that are inconsistent with this Memorandum Circular are hereby superseded or amended accordingly.

SECTION 10. Separability Clause. – The provisions of this Memorandum Circular are declared to be separable and if any provision or the application hereof is held invalid or unconstitutional, the validity of the other provisions shall not be affected.

SECTION 11. Effectivity. – Given the presence of a public health emergency, this Memorandum Circular shall take effect immediately upon its publication and filing with the University of the Philippines Law Center.

Issued this 17th day of July 2020, Makati City, Philippines.


RAMON M. LOPEZ
Secretary

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Customer Contact Tracing Form

(DTI encourages customers to register at and use staysafe.ph, an IATF-endorsed contact tracing application)

Name of Customer (Required): _____ Mobile # (Required): _____ Email Address: _____

Complete Current Address (Required):

I hereby authorize [name of establishment], to collect my data indicated herein the purposes of effecting control of the COVID-19 infection. I understand that my personal information is protected by RA 10173, Data Privacy Act of 2012.

Signature (Required): _____

Date and Time of Service:	Table/Seat Number/Location:
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Note to Establishment:

1. Forms collected should be filed properly to ensure confidentiality. Visitors should not be able to view accomplished forms. Establishments are enjoined to use a drop-box for this purpose.
2. Accomplished forms shall be retained for only 30 days from the date of accomplishment; those unutilized for contact tracing shall be destroyed after the said period in such a way that personal information shall be obliterated (e.g., shredding/cutting/soaking).
3. The line list should only be accessed by a designated public health authority (LGU Health Officer), and should only be utilized for the purposes of contact tracing.

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ANNEX B

Personnel/Supplier Health Declaration Form

(DTI encourages customers to register at and use *staysafe.ph*,
an IATF-endorsed contact tracing application)

Name of Personnel/Supplier (Required):

Mobile # (Required):

Temperature:

Complete Current Address (Required):

		Answer	
		Yes	No
1. Are you experiencing: (<i>nakakaranas ka ba ng:</i>)	a. Sore throat (<i>pananakit ng lalamunan / masakit lumunok</i>)	<input type="checkbox"/>	<input type="checkbox"/>
	b. Body pains (<i>pananakit ng katawan</i>)	<input type="checkbox"/>	<input type="checkbox"/>
	c. Headache (<i>pananakit ng ulo</i>)	<input type="checkbox"/>	<input type="checkbox"/>
	d. Fever for the past few days (<i>Lagnat sa nakalipas na mga araw</i>)	<input type="checkbox"/>	<input type="checkbox"/>
2. Have you worked together or stayed in the same close environment of a confirmed COVID-19 case? (<i>May nakasama ka ba o nakatrabahong tao na kumpirmadong may COVID-19 / may impeksyon ng coronavirus?</i>)		<input type="checkbox"/>	<input type="checkbox"/>
3. Have you had any contact with anyone with fever, cough, colds, and sore throat in the past 2 weeks? (<i>Mayroon ka bang nakasama na may lagnat, ubo, sipon o sakit ng lalamunan sa nakalipas ng dalawang (2) lingo?</i>)		<input type="checkbox"/>	<input type="checkbox"/>
4. Have you travelled outside of the Philippines in the last 14 days? (<i>Ikaw ba ay nagbyahe sa labas ng Pilipinas sa nakalipas na 14 na araw?</i>)		<input type="checkbox"/>	<input type="checkbox"/>

I hereby authorize [name of establishment], to collect my data indicated herein the purpose of effecting control of the COVID-19 infection. I understand that my personal information is protected by RA 10173, Data Privacy Act of 2012.

Signature (Required):

Date:

Note to Establishment:

- Forms collected should be filed properly to ensure confidentiality. Visitors should not be able to view accomplished forms. Establishments are enjoined to use a drop-box for this purpose.
- Accomplished forms shall be retained for only 30 days from the date of accomplishment; those unutilized for contact tracing shall be destroyed after the said period in such a way that personal information shall be obliterated (e.g., shredding/cutting/soaking).
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