



Senate of the Philippines

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Senator

**Comments and Recommendations on the Ninth (May 25) Report on the
Implementation of the Bayanihan Act (RA 11469)**

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Here are our comments and recommendations on the measures currently being implemented to address the COVID-19 pandemic and mitigate its impact:

On the Ban on Overseas Deployment of Filipino Health Care Workers

1. To accurately present the suitability of the deployment ban as a response, it is crucial for the DOH to present the target number of health care workers that both the public and private health sectors require to address the COVID-19 pandemic, and to estimate the shortage from the current pool of health care workers in the country.

It is also imperative for DOLE and DOH to provide the affected healthcare workers (i) assistance, which could come in the form of DOLE's CAMP-AKAP, and (ii) local employment options in healthcare facilities while the deployment ban is in place. The DOH and DOLE should estimate the number of workers who do not benefit from any of these two.

- We therefore seek clarifications on the guidelines of AKAP, which states that qualified OFWs must either be displaced due to their host country's imposition of lockdowns or community quarantines; must either be overseas, about to return abroad as balik manggagawa; and must not receive any financial support from employers or their host country.
- A clear assistance program must be available for these workers banned from working abroad, considering that aside from their foregone incomes, they have also incurred huge expenditures to complete employment requirements such as language proficiency and other certifications that would eventually expire.
- We also reiterate our recommendation for DOH, DOLE and POEA to closely coordinate with each other in order to connect the affected healthcare workers to the ongoing recruitment activities of DOH.

Monitoring the Welfare of Health and Non-Health Frontliners

2. We hope to see a regular/weekly update on the health and non-health frontliners employed by the government, specifying information on the portion of them who are (i) adequately protected with PPEs, (ii) infected with COVID-19, and (iii) paid with COVID-19 Hazard Pay.¹

Backlog in the Total Number of Validated COVID-19 Cases

3. We hope that the Department of Health will be able to improve its personnel and technical capability in validating the actual number of active COVID-19 cases in the country.

While there are 14,669 reported confirmed COVID-19 cases as of May 26, 2020, the total positive cases including the unvalidated ones total to as high as 21,585—resulting in a difference of 6,916. This underreporting is alarming and may mislead the public and the policymakers on the threat the COVID-19 poses as we ease quarantine restrictions.

During the Senate hearing last week, Deputy Chief Implementer Vince Hizon stated that they target finishing the backlog by May 31. Considering that there are only less than five days left prior to this target date, the government must show a clear plan of action on how to achieve its goal of completing the validation of more than 6,000 tests.

	19-May	20-May	21-May	22-May	23-May	24-May	25-May
Positive Cases (Validated and Unvalidated)	18908	19321	19775	20264	20752	21149	21585
Total Reported Cases	12942	13221	13434	13597	13777	14035	14319
Difference	5966	6100	6341	6667	6975	7114	7266

- In week 7 of the DOH's Executive Summary on the Bayanihan Act, the agency acknowledged the difficulties of having trained personnel that can encode and analyze data.² Therefore, part of its Human Resources for Health priorities should be the prioritization of hiring trained data encoders and organizers that will be able to improve the accuracy of reported data. We note that there is an increasing trend in the number of tests to be validated, from 5,966 as of May 19 to 6,916 as of May 26.

Accurate Reporting of COVID-19 Deaths

4. We suggest that in order to detect potential underreporting of COVID-19 deaths, the DOH or the Bayanihan Reports should include regular updates on the number of individuals tagged as suspect and probable cases who have died without being tested yet for COVID-19.

¹ Hazard pay worth Php 500 per day is given to government workers who are required to physically come to work amid the COVID-19 pandemic.
² DOH Office of the Secretary, Week 7 of the Bayanihan Act Implementation

Disclosure of Relevant Information with Regard COVID-19 cases

5. We reiterate our request for a more granulated data on mass testing (e.g., regional distribution, age, gender, pre-existing conditions), which can provide an accurate picture of the spread of COVID-19. This information will help policymakers determine what steps should be taken in order to stem the spread of the virus.

Status of Contacts Traced

6. We hope to know how many of the over 14,000 individuals with confirmed COVID-19 cases have at least one contact traced by the government. Furthermore, we hope to see how many of the total contacts traced (i) have been tested, (ii) are referred to isolation facilities, (iii) are referred to quarantine facilities, or (iv) are sent to COVID-19 hospitals.

These are crucial considering that contact tracing reduces risk of new outbreaks by helping identify clusters. It helps target social distancing, quarantine measures, and testing.

Security Features of StaySafe app

7. We also seek assurance that the StaySafe app promoted by the government as a contact tracing tool has proper mechanism to protect the privacy of the individuals using the application.

Emergency Subsidy through the Social Amelioration Programs (SAP)

8. We would like to request for the regional distribution of the 5 million “left-out”³ families to be included in the SAP-eligible families, including the basis for such. We also hope to know how the lists of potential subsidy recipients previously endorsed by the LGUs were put into consideration, and whether the “excess slots” (from LGUs who are unable to complete the distribution of SAPs because there are no more eligible households) are able to benefit LGUs that have more poor households than quota.

- According to the 9th Report, the performance of DSWD’s tranche 1 Emergency Subsidy is short by 370,667 individuals compared to target.
- On May 21, 2020, the DILG issued Memorandum Circular No. 2020-086 to facilitate the inclusion of eligible but waitlisted/ left-out household beneficiaries, which is around 5 million low-income households.
- In early April, the Metro Manila Council (MMC) or the governing body of the 17 Metro Manila mayors, issued Resolution No. 20-07 and complained against the “quota system” imposed on the distribution of SAP. The MMC also said that the figures of DSWD and DOF did not match the current much bigger number of their poor constituents.

³ “A waitlisted or left-out household refers to low-income families who are not recipients of any Conditional Cash Transfer and who were not included in the initial 18 million low-income households under RA 11469.

Assistance to Formal and Informal Sector Workers

9. Based on the 9th Bayanihan Report, CAMP and TUPAD both reached 100% of their target workers/ beneficiaries. We hope to know whether there is any plan to augment their budget, considering their good performance (see table below), and the need to accommodate the millions of workers that remain unserved.

We would also like to know the estimated number of formal sector workers affected by the COVID-19 pandemic but are unfortunately unable to receive assistance from neither the Small Wage Business Subsidy (SWBS) nor the COVID-19 Adjustment Measure Program (CAMP), and information on the kind and scope of assistance, if any, provided to them.

- The SBWS Program replaced CAMP last April 2020 to provide wage subsidies to formal sector workers. However, CAMP covers a broader group of workers compared of SBWS, since SBWS only covers affected firms in the non-essential and quasi-essential sectors.
- For instance, we received several complaints from employees of schools expressing their dismay that they were not granted CAMP benefits, and their employer-schools were also not included in the sectors identified by DOF. The eligibility requirements for both programs are as follows:

Program	Establishment Size	Establishment Sector
4SBWS	A small business, whether a corporation, partnership, or sole proprietorship; Must not be in the BIR's Large Taxpayer Service List	Business that temporarily closed or on skeletal operation under the non-essential and quasi-essential sectors
CAMP	All private enterprises regardless of size and sector are eligible under this Program. But prioritizes MSME workers and requires that these establishments have implemented Flexible Work Arrangements or temporary closure as mitigating measures due to COVID-19.	

Program	Budget			Beneficiaries		
	Allotted	Utilized	%	Target	Actual	%
CAMP for affected formal workers	Php 3.286 billion	Php 3.286 billion	98.8 %	657,201	657,201	100%
AKAP for displaced OFWs	Php 2.5 billion	Php 1.254 Billion ⁵	50%	250,000 ⁶	122,910	49.2 %
TUPAD for informal workers	Php 1.264 billion	Php 1.213 billion	95.9 %	337,198	337,198	100%
Small Business Wage Subsidy (1 st tranche)	Php 25.5 billion ⁷	Php 21.7 billion	~85%	3.4 million	2.816 million	83%

⁵ Additional budget of Php 1 billion was approved.

⁶ 170,000 on-site OFWs, 80,000 repatriated

⁷ Budget is Php 51 billion for 2 months

Assistance to OFWs

10. While we commend the DBM for releasing an additional Php1 billion to DOLE for its AKAP for OFWs Program, we hope that the DBM will continue to augment DOLE's budget for this Program especially since there are already almost 500,000 OFWs that have applied to the Program according to DOLE Secretary Bello.
- The current budget of Php2.5 billion will only be able to help 250,000 affected OFWs, which is just half of the total number of applicants to the Program. Considering the projected massive global employment displacements in the coming months, there is a need to further augment the funds for this Program.
 - Moreover, DOLE, OWWA and DFA should also access their existing funds to give additional assistance to these affected OFWs.

Repatriation, Testing, and Assistance of OFWs

11. We hope to know the projected number of OFWs to be repatriated in the next two to three months, the quality and total capacity of the available mandatory quarantine facilities, and the relevant updates on the coordination between the LGUs, OWWA and the DOH regarding the quarantine procedures for these OFWs.
- DOH Memorandum No. 2020-0200⁶ mandates Overseas Filipinos and Foreign Nationals to undergo a Rapid Antibody COVID-19 testing upon arrival and a 14-day mandatory quarantine at an OWWA-designated quarantine facility. They may also have to undergo RT-PCR testing and will be subjected to another 14-day home quarantine.
 - We also hope to see the government's clear and concise plan on the mandatory quarantine of OFWs. We note that some OFWs, after having undergone the mandatory quarantine in NCR, are required to undergo another 14-day quarantine once they go back to their provinces, even after having tested negative. While we recognize the intention of these policy, we hope to see the government's coordinated action plan to protect both our OFWs and the citizens living in the provinces.
12. We also hope to know what the government is doing to ensure that returning OFWs are not quarantined longer than 14 days due to delays in the schedule and results of tests, and certification of completion of quarantine.

⁶ Omnibus Interim Guidelines for the Quarantine and Testing Procedures for All Arriving Overseas Filipinos and Foreign Nationals During the COVID-19 Pandemic

COVID-19 Employment Recovery Plan for OFWs

13. We hope to know more details about DOLE's Employment Recovery Plan, including the roles of each relevant agencies to attain the goal of generating 1 million jobs,⁹ and the plan (and agency roles) to reintegrate into the labor market the OFWs who would not be able to return to work immediately after the COVID-19 crisis.

- According to a news account, over 400,000 OFWs will be laid off or suffer pay cuts due to the COVID-19 pandemic. Consequently this will likely cut OFW remittances by 10% to 20% or as much as USD3 billion to USD6 billion this 2020 compared to last year 2019.¹⁰
- During our economic briefing, NEDA stated that skills retooling will be a vital part of the structural reforms under the country's Resiliency Stage or post-COVID recovery Program, especially as displaced workers will transition to new jobs. This strategy, however, seems to run counter to the realignment (and consequent discontinuance) of TESDA's budget for its various scholarship programs. To date, a total of Php2.3 Billion from existing 2020 TESDA scholarship funds has been realigned, consisting of Php1.015 Billion Tulong Trabaho Fund,¹¹ Php857 Million TWSP Scholarship Fund, Php203 Million STEP fund and Php10 Million for the implementation of the Barangay Kabuhayan Skills Training Program.

Assessment of the Basic Education Sector; Alternative Modes of Education

14. We hope to reiterate our request for an assessment of the basic education sector's infrastructure, human, technical, and financial resources to ensure readiness for school reopening on August 24. The government must also present its plan to assist our teaching workforce to deliver alternative modes of education, especially amidst the realignment of human resource development and computerization budgets of DepEd.

- Public school teachers have been advised to upload their learning materials in the virtual classrooms, "report" to school starting June, and accustom themselves to blended and alternative modes of learning, in preparation for the opening of classes on August 24. DepEd EdTech Unit encourages teachers to install several apps like Kotobee, Moodle, Canva, Microsoft, GSuite, and Google Classroom, and to explore the Online Alternative Learning Delivery Platforms identified by the DepEd.¹²
- According to DBM, a total of Php105.4 million unreleased appropriations for teacher and human resource development and Php 102.08 million unreleased appropriations for the Computerization Program, were realigned to augment the COVID-19 response measures.¹³

⁹ <https://www.rappler.com/nation/259519-dole-coronavirus-recovery-plan>

¹⁰ businessmirror.com.ph/2020/04/06/virus-oil-price-plunge-to-cut-400-k-ofw-jobs/

¹¹ Tulong Trabaho (RA 11230) provides free training fees and additional financial aid such as transportation allowances of qualified beneficiaries enrolling in selected training programs (STPs).

¹² Memorandum No. 00-0520-0005

¹³ These figures combine 2019 and 2020 unreleased appropriations

Modified ECQ

15. We hope that by the time the MECQ is downgraded to GCQ, the LGUs of Metro Manila will have already identified and isolated vulnerable populations and adequately capacitated their healthcare systems for an expected increase in the number of severe COVID-19 cases.
16. Assuming that public transport will be partly incapacitated due to the social distancing measures implemented by the DoTR and other factors, the government should take initiative in supplementing the needs of the commuting public, the transport sector, employees, and employers, perhaps through provision of shuttle or P2P services or PUV subsidy.

Delaying Payments

17. The DILG must encourage LGUs to take the initiative to further extend deadlines on payment of local business taxes, real property taxes, and other taxes, charges, and fees on lessors and tenants alike.
 - While RA 11469 has allowed tenants to defer payments on residential rents through the implementation of a 30-day minimum grace period, the government should provide additional relief measures to lighten the burden on real property obligations due to the crisis. A rental freeze may also be explored.
 - We recognize the initiatives done by most LGUs in NCR to lengthen the deadline of payment of Local Business taxes and real property taxes to the end of June; but more needs to be done.¹⁴ DSHUD and other relevant agencies should also formulate guidelines to help tenants and lessors in the staggered and phased payments of real property obligations once these fall due. These measures should be adequate to prevent a pileup of debts.

¹⁴ <https://www.grantthornton.com.ph/globalassets/1.-member-firms/philippines/tax-alerts/2020/03.27.2020/pataxbriefer.extended-deadline-of-payment-of-lbt-and-rpt-of-certain-igus.pdf>

Summary of Unaddressed Concerns

1. We reiterate our request for accurate presentation of comparable key indicators in the Bayanihan Reports, as these are critical in assessing the weekly progress of the implementation of the Bayanihan Act and in guiding policymakers in adopting appropriate policies and actions.

This includes (ii) addressing discrepancies in official reported figures (e.g. contacts traced as reported by DOH and the NRRMC, SAP beneficiaries as reported by the LTFRB and the Bayanihan Report), (ii) reporting pertinent data such as total and distribution of suspected and probable cases, number of LGUs with contact tracing teams, number and distribution of tricycle and pedicab drivers who were provided aid under the Emergency Subsidy Program, and weekly target PPEs required by facilities.

2. We look forward to launch of the DOLE Online Monitoring System.¹⁵
3. As of May 26, 2020, a total of 886 individuals have died due to COVID-19 in the Philippines. This figure, however, may be underestimated because it only covers tested patients, including those whose results were confirmed after death (469 or 53% of total COVID-19). Considering that the reported deaths do not cover those that were not tested to begin with, it is imperative to look into deaths of patients with suspected and probable cases and account for potential underreporting.
4. We seek again an explanation on why there appears to be a slow progress in the distribution of assistance to drivers, with only 68.92% of target beneficiaries in NCR given subsidy. We also wish to know why only the driver-beneficiaries from NCR were included in the 90,000 target beneficiaries of the SAP for Drivers.
 - We also note that while the Bayanihan Reports provide a target of 90,000 drivers in NCR, LTFRB has reported on its Facebook page that it has actually submitted 393,662 names for validation by the DSWD as of April 26, 2020.¹⁶
 - Among our questions include: What factors are mainly responsible for the delay in delivering the subsidy to the drivers? What database, if any, was the basis for the 90,000 target TNVS/PUVs beneficiaries in the first place? Why is the target limited to drivers in NCR only? What process has been followed to validate the list, or add more beneficiaries to it? What is the expected turn-around time for the validation to be finished?

¹⁵ We hope that DOLE will be able to launch, as soon as possible, its online monitoring system, which provides real-time updates on the status of the implementation of their programs (e.g. with respect to individual DOLE programs, the number and regional distribution of establishments that applied for the program, the number of approved, denied or pending applications, the number of employees granted assistance, profile of the applicant or nature of work, their location, and the date of remittance of assistance, etc.). While we note that certain DOLE regional offices have posted on their Facebook page the list of CAMP beneficiaries, not all regions have done the same.

¹⁶ <https://www.facebook.com/lfrb.central.office/photos/a.1416260738615850/2597540213821224/?type=3&theater>

5. It is unfortunate that that the Bayanihan Reports were not able to provide the status of the distribution of the 2nd tranche of pay-outs under DSWD's SAP and DOF's SBWS Program.
6. We would like to seek assurance from the government that the quality of the PPEs it has bought has been tested properly, and that the FDA has properly tested and certified all PPEs that come into the country. We have received reports that some of the PPEs given to hospitals have poor quality.
7. We hope that the government will be able to give assurance to employers and employees that proper government assistance with regard to testing employees will be given, especially as most of the country shifts to General Community Quarantine.
 - We also hope that the relevant government offices would clarify their guidelines on the testing of employees, stating that only a sample of the returning employees needs to be tested. In this regard, we note that while the Guidelines on Workplace Prevention and Control of COVID-19 issued by DTI and DOLE provides that "[e]mployers may test workers for COVID-19," the guidelines issued by DPWH¹⁷ provides that "[c]onstruction personnel shall be required to undergo any available COVID-19 test."
8. The threat of COVID-19 infection that our health frontliners face remains to be alarming. With the expected increase in cases (partly due to the gradual easing of restrictions), we hope to see a more concrete plan to reduce such risks.
 - As of May 17, the DOH reported that there had been 2,314 healthcare personnel infected by COVID-19.¹⁸ This constitutes 18.6% of the total cases in the country, which is significantly higher compared to the infection rate of 2-3% for healthcare workers in the Western Pacific Region.¹⁹ While we understand that DOH believes that this is not due to lack of PPEs, but partly due to wrong practices by healthcare workers after their shifts, and to community transmission, DOH should intensify its information dissemination protocols to properly inform the healthcare workers of the correct protocols to be followed after their duty, and to provide lodging to healthcare workers to avoid community transmission. In any case, DOH should also ensure that PPEs are delivered promptly to healthcare facilities, as there are reports that hospitals are already resorting to recycling their PPEs due to lack of supply.
 - We also note that most healthcare workers are already experiencing fatigue due to the pressures and stress in dealing with the pandemic. We hope to know what is the healthcare worker to COVID-19 patient ratio in various hospitals in the country, and the status of the hiring of additional healthcare workers.

¹⁷ DPWH Department Order No. 25, series of 2020 dated May 4, 2020.

¹⁸ covid19stats.ph/stats Accessed May 13, 2020

¹⁹ <https://www.cnn.ph/news/2020/4/22/COVID-19-frontliners-healthcare-workers-coronavirus.html>

- We also wish to reiterate our comments in previous Bayanihan Reports that DOLE/POEA and DOH should coordinate with each other so that stranded healthcare workers who were supposed to go abroad (but whose deployments were suspended due to the pandemic) will be properly connected to DOH and be hired as temporary healthcare workers pending the lifting of the deployment ban.²⁰
9. We hope that the Commission on Higher Education (CHED) will closely coordinate with the National Telecommunications Commission (NTC), on the list of credible online repositories of educational resources, which would be made available to higher education students.
 - We understand from the 8th Bayanihan Report that CHED has requested the NTC for zero-rated internet access to online repositories of educational resources to enable higher education students to access education resources on their own time, as well as to facilitate the shift to flexible learning.
 10. We call on DBM to reconsider discontinuing the appropriations for capital outlays of all State Universities and Colleges (amounting to Php17.93 billion), since doing so would be detrimental to their goal of improving the quality and culture of research and development in SUCs.
 11. We laud the efforts of the government in improving the quality and quantity of quarantine facilities. However, there remains to be questions as to the administration of quarantine protocols.
 - We hope that there is a clear delineation of duties among the Overseas Workers Welfare Administration (OWWA), DOH, Bureau of Quarantine (BOQ), Department of Tourism (DOT) and other government agencies in the management of privately commissioned quarantine facilities. More specifically, returning Overseas Filipino Workers (OFWs) should be guided on which agency they should coordinate with before, during and after undergoing the 14-day mandatory quarantine.
 - Moreover, there have reports that some OFWs (who later tested positive) left their quarantine facilities. We hope to have an update on this, and whether they have been properly monitored and their contacts traced. We also seek an assurance from the concerned government agencies that such incident will not happen again, and the steps they are undertaking to implement proper quarantine protocols.
 12. We also wish to convey our disagreement to the decision of the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-EID or Task Force) on classifying the Philippine Offshore Gaming Operators (POGOs) as members of the BPO sector.

²⁰ Currently, only healthcare workers who have been granted Overseas Employment Certificates as of March 8 are allowed to go abroad.

- Consistent with our earlier recommendation to adopt a sectoral policy in gradually lifting the lockdown, it is our humble opinion that POGOs not only do not have significant contribution to the economy, they also pose serious threat to our country's efforts to flatten the curve of transmission of SARS-COV-2. Thus, allowing them to re-open at this time, when there is still very little testing done, is ill-advised.
 - Based on our hearings in the Senate, we have discovered the following alarming facts about the industry:
 - The POGO industry has not benefitted Filipino workers, and has made very little, if at all, impact in curbing the rate of unemployment in the Philippines. Based on the data submitted to our office, only about two in every 10 jobs in POGOs are held by Filipinos.²¹
 - The POGO industry has very little contribution to the country's Gross Domestic Product (GDP), having only Php7 billion in net financial inflows (or 0.04% of GDP) from 2017 to 2019. In contrast, it owes the country around Php50 billion in unpaid taxes, which is 3.6 times more than the Php14 billion taxes and fees the industry paid in 2019.
 - The influx of POGOs has resulted in rising criminality, including prostitution, and increased threat of money laundering, among others. For example, of the total 1,338 foreign nationals deported from the country in 2019, 733 are fugitives who are mostly involved in POGO operations in the country. Around 10 raids have also been conducted in prostitution dens catering mostly to POGO workers.
 - The POGO industry has not been traditionally considered as part of the BPO industry. Unlike POGOs, BPOs generate local employment. In 2019, the BPO sector employed 1.33 million full-time equivalent workers, and generated USD22.4 billion in revenues.
 - On May 5, 2020, we sent a letter to IATF-EID, thru Secretary Duque, regarding this matter. Unfortunately, 15 days after our letter, we have not received any response from the Task Force.
13. To reduce the risk of spread of COVID-19 upon implementation of General Community Quarantine (GCQ), we recommend that DOLE coordinate and monitor all establishments, especially those that recorded poor compliance with Occupational Safety and Health Standards (OSHS) in the most recent DOLE inspections, and ensure that they are aware of the proposed protocol for screening employees and visitors. We also hope that DOLE will provide a clearer set of guidelines on the safety and health protocols that must be adhered to at this time.
14. As of the 6th Bayanihan Report, the Tertiary Education Subsidy (TES)²² funds of

²¹ Note, however, that we entertain some doubts as to the veracity and accuracy of the reports submitted by PAGCOR due to the fact its reports do not tally with the figures reported by other agencies, such as the DOLE and the POGO Task Force.

²² TES is an additional stipend given to students in SUCs/LUCs who are in the Listahanan 2.0 of the DSWD

only 33 out of 106 State Universities and Colleges (SUCs) and 18 out of 60 Local Universities and Colleges (LUCs) have been processed. We hope that the Commission on Higher Education (CHED) can fast track the disbursement of the said funds and assist higher education institutions that have difficulty completing the submission of their documents due to the ongoing lockdown.

15. In basic education, considering the recent announcement that the next school year has been set on August 24, 2020, we hope to see an outline of what the Department of Education (DepEd) plans to do (including the timeline) to ensure that issues with alternative learning systems, such as lack of access to internet and computers by some students, would not hamper the delivery and effectiveness of education.
16. We also hope to know the status of preparedness of HEIs, students and faculty to shift to online modes of learning in light of the continuing threat of COVID-19. Likewise, the quality of the internet connectivity in the country must also be studied to determine the feasibility and reliability of such resorting to such mode of learning. In this regard, we are glad that the CHED and DICT are already talking about this, but we still hope to get a clearer picture on the arrangements that they have agreed upon in the coming days.