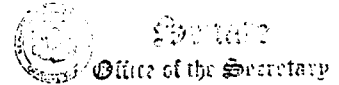


EIGHTEENTH CONGRESS OF THE }  
REPUBLIC OF THE PHILIPPINES }  
First Regular Session }



20 APR 16 A11 :49

SENATE  
P.S. Res. No. 362

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INTRODUCED BY SENATORS SOTTO, RECTO, ZUBIRI, ANGARA,  
BINAY, POE, PACQUIAO, GATCHALIAN, TOLENTINO,  
VILLANUEVA, DELA ROSA, MARCOS, LAPID, REVILLA, AND  
LACSON

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**RESOLUTION**

**CALLING FOR THE IMMEDIATE RESIGNATION OF SECRETARY FRANCISCO T. DUQUE III FOR HIS FAILURE OF LEADERSHIP, NEGLIGENCE, LACK OF FORESIGHT, AND INEFFICIENCY IN THE PERFORMANCE OF HIS MANDATE AS THE SECRETARY OF THE DEPARTMENT OF HEALTH (DOH) RESULTING IN POOR PLANNING, DELAYED RESPONSE, LACK OF TRANSPARENCY, AND MISGUIDED AND FLIP-FLOPPING POLICIES AND MEASURES IN ADDRESSING THE COVID-19 PANDEMIC THAT ENDANGERED AND CONTINUE TO ENDANGER THE LIVES OF OUR HEALTHCARE PROFESSIONALS, OTHER FRONTLINERS, AND THE FILIPINO PEOPLE**

*Whereas*, Secretary Francisco T. Duque III was issued an ad interim appointment as the Secretary of Health in October 2017 and the same was confirmed by the Commission on Appointments on 09 February 2018;

*Whereas*, the Department of Health (DOH) holds the overall technical authority on health as it is a national health policymaker and regulatory institution and as such, the Secretary of Health's opinions and recommendations on health matters carry great weight and authority. However, rather than providing enlightening viewpoint on the problems and challenges confronting the country in light of the COVID-19 pandemic, the present Secretary's actions, as discussed in the succeeding

paragraphs, show lack of competence, efficiency, and foresight bordering on negligence in handling the health crisis;

**Whereas**, on 29 January 2020, during the Question Hour on the coronavirus called by the House of Representatives, Secretary Duque warned of the repercussions of banning flights to and from China stating that: *“Certainly that’s one of the possible options that we are looking at, but not at this very moment. The reason being, your honor, is we have to be very careful also of possible repercussions of doing this, in light of the fact that confirmed cases of the novel coronavirus are not limited to China”*<sup>1</sup>;

**Whereas**, on 30 January 2020, the DOH reported the first case of COVID-19 in the country as a 38-year-old female Chinese national who traveled in the cities of Cebu and Dumaguete with a 44-year old man from Wuhan, China; the latter died on 02 February 2020, the first-ever recorded death due to COVID-19 outside China;

**Whereas**, on 31 January 2020, the WHO has declared the novel Coronavirus outbreak in China as a Public Health Emergency of International Concern, which is generally defined by the international organization as an “extraordinary event” that constitutes a public health risk to other States through the international spread of disease and potentially requires a coordinated international response<sup>2</sup>;

**Whereas**, on 04 February 2020, during the joint public hearing of the Senate Committee on Health and Demography and the Committee on Finance on the preparedness of the government on the possible outbreak of an unknown strain of coronavirus, Secretary Duque disclosed that only 17% of the passengers on the same flights as the two (2) Chinese nationals had been tracked at the time, as he was quoted saying that it was not easy to do contact tracing; the DOH Secretary, during the same hearing, also

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<sup>1</sup> “Even with coronavirus scare, no mainland Chinese travel ban for now- Duque, Rappler, accessed at <https://www.rappler.com/nation/250506-coronavirus-scare-travel-ban-mainland-chinese-not-for-now-duque> on April 15,2020.

<sup>2</sup> World Health Organization. Strengthening health security by implementing the International Health Regulations (2005). <https://www.who.int/ihr/procedures/pheic/en/>

laid the blame on the airlines for the slow tracking of individuals who were potentially exposed in those said flights;

**Whereas**, due to the lack of coordination with the Civil Aeronautics Board (CAB) and Civil Aviation Authority of the Philippines (CAAP) by the DOH, the contract tracing was hampered and delayed possibly resulting in the failure to prevent the initial spreading of the virus;

**Whereas**, Secretary Duque failed to alert the medical community and fundamentally, the public, that there were already patients admitted in health facilities exhibiting COVID-19 symptoms, insisting in his press conferences that the Philippines had zero cases of local transmission, thus exposing many Filipinos, especially healthcare workers to the dangers of this disease. Secretary Duque, even denounced Cardinal Santos Medical Center (CSMC) for making a public disclosure that they initially admitted the first reported case of local transmission of COVID-19, calling CSMC as “unprofessional and unfair,” after he admitted to grant its request of keeping the facility’s name confidential.<sup>3</sup>;

**Whereas**, the Department of Health has drawn flak for its delay on releasing information about the spike of new cases from only 10 to 33 COVID-19 cases from March 08 to March 10, respectively, or in just a span of three days, prodding hospitals and several LGUs to issue public advisories about their COVID-19 patients ahead of the DOH<sup>4</sup>;

**Whereas**, DOH’s dismal failure to provide adequate Personal Protective Equipment (PPEs) for healthcare workers, as evidenced by the need to appeal for donations from private citizens, poses great hazard to the well-being of our frontliners, so much so that the Philippines has been among the countries with the highest rates of COVID-19-related infection and deaths of healthcare workers in the world;

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<sup>3</sup> “Unprofessional, not fair’: DOH calls out hospital over coronavirus announcement,” ABS-CBN News, accessed at <https://news.abs-cbn.com/news/03/07/20/duque-calls-out-cardinal-santos-hospital-over-coronavirus-announcement>

<sup>4</sup> Duque: ‘Problems’ in reporting system delayed disclosure of coronavirus cases, Rappler, accessed at [https://www.rappler.com/nation/254089-duque-no-intention-delay-disclosure-coronavirus-cases?fbclid=IwAR0zZLNzr17O8DpmlS\\_\\_RcxZ\\_38cw\\_5gdmittMvdcC9Xg2gmitUCZ2kYh-lo](https://www.rappler.com/nation/254089-duque-no-intention-delay-disclosure-coronavirus-cases?fbclid=IwAR0zZLNzr17O8DpmlS__RcxZ_38cw_5gdmittMvdcC9Xg2gmitUCZ2kYh-lo)

**Whereas**, considering the insufficient number of PCR-based testing kits, which WHO tagged as the most accurate test for COVID-19, Secretary Duque showed lack of foresight by not immediately stockpiling and making the kits available to the general population;

**Whereas**, in view of the on-going threat and because of strong demands for rapid testing kits, the Food and Drug Administration (FDA) approved the use of several antibody testing kits. However, per the guidelines issued by Secretary Duque on 31 March 2020, rapid antibody-based testing kits cannot be used for mass testing and that no public funds shall be used to pay for any COVID-19 rapid antibody-based test kit. Fortunately, the President countermanded the guidelines when he ordered Presidential Peace Adviser on Peace, Reconciliation and Unity Secretary Carlito Galvez to immediately purchase 2,000,000 rapid testing kits;

**Whereas**, the DOH has failed to act in a timely and judicious manner to address the verified complaints of the lack of PPEs and medical supplies at the National Center for Mental Health (NCMH), which later resulted in 34 members of the staff testing positive for COVID-19, 297 personnel including 50 psychiatrists to become persons under investigation, and 181 persons under monitoring<sup>5</sup>. The exposure to the media of this alarming condition has led to the issuance of a gag order to whistle blower, Clarita Avila, Chief Administrative Officer of NCMH, who was allegedly even threatened to be transferred to another health facility;

**Whereas**, various health and labor groups had criticized and questioned the policy of DOH with respect to spending the budget allocated for the fight against COVID-19. On 27 March 2020, the DOH called for volunteer doctors, nurses, and nursing assistants who will be compensated at a rate of P500/day. The medical community felt insulted with such little consideration in exchange for putting themselves in harm's way. In a statement by Dr. Ronnie Baticulon of Philippine General Hospital (PGH), the rate "is an insult to an already demoralized and exhausted workforce." He added, "*It just clearly shows how little value and respect*

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<sup>5</sup> "NCMH chief gags exec over hospital's coronavirus response", Rappler, accessed at <https://www.rappler.com/nation/257412-national-center-mental-health-chief-gags-official-hospital-coronavirus-response>

*the Philippine government gives its doctors, nurses, staff who bear much of the burden of the COVID-19 pandemic.”<sup>6</sup>;*

**Whereas**, last 02 April 2020, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF-EID) recommended the wearing of face masks whenever an individual is allowed to go out of his/her residence. Ironically, just months before, Secretary Duque advised that “people in good health do not need to use face masks” as “protective masks are recommended for people with cough, cold, and flu to prevent them from passing the infection to others”<sup>7</sup>;

**Whereas**, on 09 April 2020, Secretary Duque claimed that we have relatively “low” cases of infection and in comparison to richer countries, we have done better in containing the spread of the virus. In truth, however, we are lagging behind other nations in terms of testing capacity,<sup>8</sup> and as of this writing, the country ranks first with the most number of COVID-19 cases in Southeast Asia despite the fact that we have yet to roll out mass testing, having tested only 38,103 individuals;

**Whereas**, due to the improper advice and manner of handling the present pandemic by our Department of Health officials, our country is foreseen to face “quite negative dynamics” in the coming weeks due to the “inefficiency of government management” as the Philippine has earned the lowest mark among the Asia-Pacific countries COVID-19 safety ranking based on a study that evaluated the crisis performance of 150 countries and territories<sup>9</sup>;

**Whereas**, DOH has failed to expeditiously act in facilitating the accreditation of testing centers which unreasonably slows public health

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<sup>6</sup><https://news.abs-cbn.com/news/03/27/20/doctors-health-workers-outraged-at-dohs-p500-daily-allowance-for-covid-19-hospital-volunteers>

<sup>7</sup> No need yet to use face masks – DOH accessed at <https://news.mb.com.ph/2020/02/02/no-need-yet-to-use-face-masks-doh/>

<sup>8</sup> “IN CHARTS: PH lags behind other countries in COVID-19 testing,” Rappler, accessed at <https://www.rappler.com/newsbreak/in-depth/255483-covid-19-global-data-overview-massive-testing>

<sup>9</sup> “South Korea and China earn high marks in pandemic safety ranking”, Nikkei Asian Review, accessed at <https://asia.nikkei.com/Spotlight/Coronavirus/South-Korea-and-China-earn-high-marks-in-pandemic-safety-ranking>

response of LGUs, as in the case of delayed inspection of the Marikina Testing Center<sup>10</sup>;

**Whereas**, despite the mounting death toll among health professionals resulting in depleted and exhausted workforce, Secretary Duque refused and failed to immediately invoke Section 12 of the Medical Act that would allow graduates of medical schools to render medical services under special authorization. Fortunately, this matter was resolved on 14 April 2020 when IATF Spokesperson Karlo Nograles announced that they approved the interim guidelines allowing the deployment of 1,500 new medical graduates to public hospitals to aid in the combat against COVID-19<sup>11</sup>;

**Whereas**, knowing fully well the danger posed by the COVID-19 pandemic in the beginning of the year, Secretary Duque failed to put in place the necessary precautionary measures to lessen, if not at all prevent, the impact of this health crisis as shown by the above narration of facts; **NOW, THEREFORE, BE IT RESOLVED**,

**AS IT HEREBY RESOLVED** by the Senate, to call for the immediate resignation of Secretary Francisco T. Duque III for his failure of leadership, negligence, lack of foresight, and inefficiency in the performance of his mandate as the Secretary of the Department of Health resulting in poor planning, delayed response, lack of transparency, and misguided and flip-flopping policies and measures in addressing the COVID-19 pandemic that endangered and continue to endanger the lives of our healthcare professionals, other frontliners, and the Filipino people.

Adopted,

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<sup>10</sup> "DOH yet to inspect Marikina's completed COVID-19 testing lab", GMA News, accessed at <https://www.gmanetwork.com/news/news/metro/733815/doh-yet-to-inspect-marikina-s-completed-covid-19-testing-lab/story/>

<sup>11</sup> Gov't approves deployment of medical graduates for COVID-19 response, GMA News, accessed at <https://www.gmanetwork.com/news/news/nation/733894/gov-t-approves-deployment-of-medical-graduates-for-covid-19-response/story/>



VICENTE SOTTO III

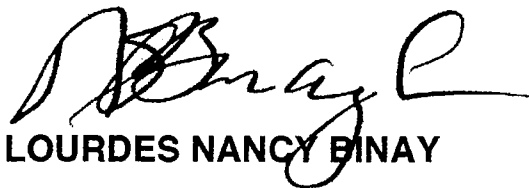
RALPH RECTO



JUAN MIGUEL ZUBIRI



SONNY ANGARA



MA. LOURDES NANCY BINAY



GRACE POE



JOEL VILLANUEVA



FRANCIS TOLENTINO



IMEE MARCOS



EMMANUEL PACQUIAO



SHERWIN GATCHALIAN



RONALD "BATO" DELA ROSA



RAMON REVILLA



LITO LAPID



PANFILO M. LACSON