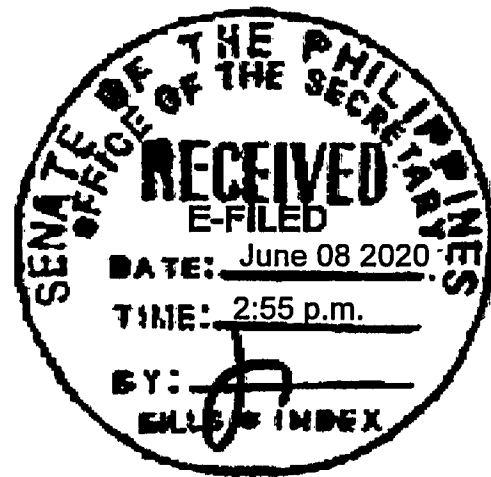


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

P.S. Res. No. 443

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO
CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE
PREVAILING DATA INACCURACIES OF THE DEPARTMENT OF
HEALTH'S COVID-19 DATA REPORTING WHICH DIRECTLY AFFECTS
THE EFFECTIVITY OF THE GOVERNMENT'S MANAGEMENT AND
TARGETED RESPONSE TO THE COVID-19 PANDEMIC, WITH THE END
IN VIEW OF IMPLEMENTING URGENT CORRECTIVE ACTIONS AND
PUSHING FOR GENUINE PUBLIC TRANSPARENCY INTO THE ACTUAL
SITUATION AND STATUS OF OUR COVID-19 STATISTICS TOWARDS A
MORE SCIENTIFICALLY ACCURATE RESPONSE TO OUR FIGHT
AGAINST THE PANDEMIC

1 WHEREAS, Article II, Section 15 of the 1987 Constitution provides that “[t]he
2 State shall protect and promote the right to health of the people”;

3 WHEREAS, Article XIII, Section 12 of the same mandates that the State shall
4 “undertake appropriate health, manpower development, and research, responsive to
5 the country’s health needs and problems”;

6 WHEREAS, Article II, Section 7 of the same states that “[t]he right of the people
7 to information on matters of public concern shall be recognized. Access to official
8 records, and to documents, and papers pertaining to official acts, transactions, or
9 decisions, as well as to government research data used as basis for policy development,
10 shall be afforded the citizen, subject to such limitations as may be provided by law”;

11 WHEREAS, Article II, Section 28 of the same guarantees that the State adopts
12 and implements a policy of full public disclosure of all its transactions involving public
13 interest, subject to reasonable conditions prescribed by law;

1 WHEREAS, Executive Order No. 2 signed by President Rodrigo R. Duterte on
2 23 July 2016 pronounces that the incorporation of the right of the people to
3 information on matters of public concern in the Constitution “is a recognition of the
4 fundamental role of free and open exchange of information in a democracy, meant to
5 enhance transparency and accountability in government official acts, transactions, or
6 decisions”;

7 WHEREAS, the landmark case of *Chavez v. PEA*¹ in stressing that “[a]n
8 informed citizenry is essential to the existence and proper functioning of any
9 democracy” explained that “[t]he State policy of full transparency in all transactions
10 involving public interest reinforces the people's right to information on matters of
11 public concern. ... Armed with the right information, citizens can participate in
12 public discussions leading to the formulation of government policies and their
13 effective implementation”;

14 WHEREAS, the right of the people to the full disclosure of matters of public
15 concern is likewise important in formulating their will intelligently on those issues
16 affecting their lives and freedoms. The Supreme Court in *Valmonte v. Belmonte*²
17 advanced that “[t]he right of access to information ensures that these freedoms are
18 not rendered nugatory by the government's monopolizing pertinent information. For
19 an essential element of these freedoms is to keep open a continuing dialogue or
20 process of communication between the government and the people. It is in the
21 interest of the State that the channels for free political discussion be maintained to
22 the end that the government may perceive and be responsive to the people's will. Yet,
23 this open dialogue can be effective only to the extent that the citizenry is informed
24 and thus able to formulate its will intelligently. Only when the participants in the
25 discussion are aware of the issues and have access to information relating thereto can
26 such bear fruit”;

27 WHEREAS, on 12 May 2020, the UP COVID-19 Pandemic Response Team
28 released a policy note stating that there are alarming errors in the data reports
29 provided by the Department of Health (DOH) regarding our COVID-19 Statistics.
30 The said errors cover unreconciled differences in numbers between DOH and Local

¹ G.R. No. 133250 (July 9, 2002)

² G.R. No. 74930 (February 13, 1989)

1 Government Units (LGUs), and serious inconsistencies in the patient-level data and
2 the use of date formats in the agency's data drop on COVID-19 cases;³

3 WHEREAS, on 21 May 2020, the DOH admitted the data errors in a hearing
4 conducted by the House of Representatives. It said that the country is experiencing
5 12-day backlogs in the outcome of samples from COVID-19 tests, and the agency is
6 facing challenges in ensuring that the data being reported is real-time;⁴

7 WHEREAS, on 25 May 2020, around 24,000 returning Overseas Filipino
8 Workers (OFWs) in various quarantine facilities protested their continued
9 confinement for more than a month due to delayed release of their COVID-19 test
10 results and certification. The said problem not only uncovered a separate issue about
11 the management of repatriated OFWs but even confirmed the thousands of testing
12 result backlogs under the control of the DOH affecting the integrity and accuracy of
13 the daily data of COVID-19 cases provided by the DOH;⁵

14 WHEREAS, the said problem on case backlogs and real-time reporting
15 remains unsolved. A 29 May 2020 news report revealed that the DOH missed its
16 usual scheduled briefing and reporting on the latest COVID-19 cases on the said date
17 because the agency started identifying the number of "fresh" or new cases, as well as
18 those that came from the testing backlog. This implies that more than two (2)
19 months from the time President Duterte declared a nationwide State of Calamity, the
20 DOH still is at the stage of making an attempt to provide real-time data despite the
21 continued backlogs in the testing results previously conducted;⁶

22 WHEREAS, certain experts in the field of Statistics raised concerns on this
23 new type of reporting categorization, as well as the continued inaction on the earlier
24 findings of the UP COVID-19 Pandemic Response Team. They gave a serious warning
25 that the strategies and decisions of both the public and the private sectors on our
26 COVID-19 response based on such reports from the DOH might be misinformed
27 given the continued discrepancies and inaccuracies in the data reporting of the said

³ Magsambol, B. (12 May 2020) *U.P. experts say 'open data' is part of fight vs COVID-19*. Retrieved from:
<https://www.rappler.com/nation/260654-anomalies-doh-data-hinder-up-experts-making-sense-coronavirus-pandemic> Accessed
last: 1 June 2020

⁴ Dela Cruz, J. (22 May 2020) *12-day backlog in Covid-19 tests still hounding DOH*. Retrieved from:
<https://businessmirror.com.ph/2020/05/22/12-day-backlog-in-covid-19-tests-still-hounding-doh/> Accessed last 1 June 2020

⁵ CNN Philippines (25 May 2020) *Duterte gives ultimatum to gov't agencies to send home returning OFWs awaiting COVID-19 test results*. Retrieved from: <https://www.cnnphilippines.com/news/2020/5/25/OFW-COVID-19-test-results-Duterte-order0.html>
Accessed last 1 June 2020

⁶ Macasero & Magsambol (29 May 2020) *Data cleanup, backlogged cases cause delay in DOH's coronavirus updates*.
Retrieved from: <https://www.rappler.com/nation/262363-data-cleanup-backlogged-cases-cause-delay-doh-coronavirus-updates>
Accessed last: 1 June 2020

1 agency. It must be noted that the struggle for the DOH to provide accurate data on
2 our figures continues even after months after the country logged its first recorded
3 case;

4 WHEREAS, the new method of reporting cases also drew flak from lawmakers
5 as they noted that the DOH had not been “completely honest” with their findings.
6 Furthermore, the altogether “conflicting and confusing public pronouncements”
7 coming from the DOH have left citizens with little hope but to “fend for themselves”;⁷

8 WHEREAS, governments must be perceived as trustworthy by citizens if it
9 hopes to formulate an effective response to the COVID-19 pandemic. The DOH and
10 their faulty reporting have contributed to the erosion of public trust in the Philippine
11 government and have pushed us into further disarray as the quarantine level has
12 been downgraded to a more relaxed General Community Quarantine (GCQ) to
13 kickstart the economy in Metro Manila which has been the hotbed of the pandemic
14 since it began in early March;

15 WHEREAS, accurate and up-to date data about COVID-19 and the resources
16 the country has in the fight to survive the global pandemic is vital not only in policy-
17 making, but as well as in upholding the right of the people to information on matters
18 of public concern. In releasing an accurate set of data concerning our true numbers
19 and where the country stands in flattening the curve will help experts in formulating
20 possible solutions to the crisis, the leaders in steering the country in important
21 decision-making, and the public in assessing the true magnitude of the situation so
22 that they may responsibly comply with the programs and regulations that the
23 government will be implementing. Therefore, the speed and timeliness of how such
24 data is released is equally critical;

25 WHEREAS, in recognizing the challenges the government is facing in this
26 unprecedented pandemic, especially in the collection of detailed and timely records
27 of COVID-19 data on a nationwide scale, it is imperative for the DOH to urgently
28 address these issues at the soonest possible time;

29 WHEREAS, an up-to-date and transparent reporting system would eliminate
30 any suspicion of data manipulation for purposes of political gains;

⁷Ramos, M. (1 June 2020). *DOH reporting of COVID-19 cases draws flak*. Retrieved from:
<https://newsinfo.inquirer.net/1284095/doh-reporting-of-cases-draws-flak>. Accessed last 1 June 2020

1 WHEREAS, the DOH must take cognizance of, and work on, the
2 recommendation of a standardized and regularized reporting system of our COVID-
3 19 cases which is ideally to be integrated into the existing data tracker, and consult
4 our pool of experts, both in the academe and the private sector, to holistically address
5 the serious issues on the actual situation of our COVID-19 cases and response;

6 WHEREAS, there is a need for the DOH to heed the call of experts to share
7 relevant and up-to-date data that can help capable institutions make scientific
8 assessments for discussions on the evolving crisis to come up with better peer-
9 reviewed science in their data reporting of COVID-19 cases in the country. As has
10 been observed from other countries who have truly flattened the curve, “[t]he key
11 ingredients to their success include agile test, trace, and treat systems to counter any
12 flare ups; strong public-private partnerships in the health industry; effective
13 application of technologies for information dissemination and contact tracing; and
14 all this with less dependence on draconian lockdown measures.” Those same
15 countries tend to “have a deep well of xxx public trust in crisis responses of the state,
16 in turn making it much more effective in crisis response”⁸;

17 WHEREAS, the serious issues and concerns regarding the integrity of the data
18 being reported by the government must be resolved to secure public trust in the
19 plans, decisions, and pronouncements of the government and its private partners;

20 **NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY**
21 **RESOLVED**, to direct the appropriate Senate Committee to conduct an inquiry, in
22 aid of legislation into the prevailing data inaccuracies of the Department of Health’s
23 data reporting which directly affects the effectivity of the Government’s management
24 and targeted response to the COVID-19 pandemic, with the end in view of
25 implementing urgent corrective actions and pushing for genuine public transparency
26 into the actual situation and status of our COVID-19 statistics towards a more
27 scientifically accurate response to our fight against the pandemic.

Adopted,


HEILA M. DE LIMA

⁸ Mendoza, R. (14 May 2020) *Fighting COVID-19 in the Philippines: The Scalpel vs the Axe*. Retrieved from:
<https://thedi diplomat.com/2020/05/fighting-covid-19-in-the-philippines-the-scalpel-vs-the-axe/> Accessed last: 01 June 2020