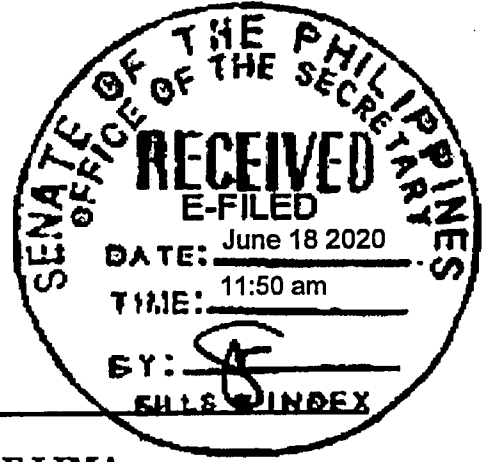


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

P.S. Res. No. 452



Introduced by SENATOR LEILA M. DE LIMA

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE INCREASING DISCOVERIES OF MAKESHIFT HEALTH FACILITIES FOR CHINESE NATIONALS ONLY, WITH THE END IN VIEW OF ENSURING THAT THESE ILLEGAL OPERATIONS WOULD NOT FURTHER IMPAIR AND JEOPARDIZE THE GOVERNMENT'S CONTINUING MEDICAL RESPONSE TO COVID-19 AND DETERMINING THE ACCOUNTABILITY FOR THE FAILURE TO DULY PROSECUTE AND/OR INITIATE DEPORTATION PROCEEDINGS AGAINST THE OFFENDERS

1 WHEREAS, Sec. 15, Article II of the 1987 Constitution provides that "[t]he
2 State shall protect and promote the right to health of the people and instill health
3 consciousness among them;

4 WHEREAS, Section 3 of Republic Act No. 9711, or the Food and Drug
5 Administration (FDA) Act, further mandates the State to "adopt, support, establish,
6 institutionalize, improve and maintain structures, processes, mechanisms and
7 initiatives that are aimed, directed and designed to: (a) protect and promote the right
8 to health of the Filipino people; and (b) help establish and maintain an effective
9 health products regulatory system and undertake appropriate health manpower
10 development and research, responsive to the country's health needs and problems";

11 WHEREAS, Section 11(a) of the same penalizes the "manufacture,
12 importation, exportation, sale, offering for sale, distribution, transfer, non-consumer
13 use, promotion, advertising, or sponsorship of any health product that is adulterated,
14 unregistered or misbranded";

15 WHEREAS, Section 28 of Republic Act No. 2382, otherwise known as
16 "Medical Act of 1959", penalizes illegal practice of medicine. R.A. No. 2382 states
17 that "[n]o person shall engage in the practice of medicine in the Philippines unless he

1 is at least twenty-one years of age, has satisfactorily passed the corresponding Board
2 of Examination and is a holder of a valid Certificate of Registration duly issued to
3 him by the Board of Medical Examiners”;

4 WHEREAS, Section 10(a) of the same states, in part, that “a person shall be
5 considered as engaged in the practice of medicine (a) who shall, for compensation,
6 fee, salary or reward in any form paid to him directly or through another, or even
7 without the same, physically examine any person, and diagnose, treat, operate or
8 prescribe any remedy for human disease, injury, deformity, physical, mental,
9 psychical condition or any ailment, real or imaginary, regardless of the nature of the
10 remedy...”;

11 WHEREAS, last March 16, President Rodrigo Duterte placed the whole island
12 of Luzon on an enhanced community quarantine (ECQ) to contain spread of COVID-
13 19¹ and is now under general community quarantine (GCQ) beginning last June 1²;

14 WHEREAS, last April 27 or more than one month into the ECQ, CNN
15 Philippines reported that authorities raided two illegal clinics and a stockroom in
16 Paranaque City which housed boxes of medicines and medical supplies from China,
17 after receiving a tip from a disgruntled worker who claims that one of the clinics is a
18 ““hospital” catering to mostly Chinese patients”³;

19 WHEREAS, during the raid, authorities also found medicines being sold as
20 “treatment” for COVID-19⁴;

21 WHEREAS, on 18 May 2020, just days after Pampanga transitioned from
22 ECQ to Modified ECQ, a joint raid was conducted on Villa 628, Florida Street,
23 Fontana Leisure Parks by the Central Luzon police’s Criminal Investigation and
24 Detection Group (CIDG), FDA, and the Clark Development Corp. (CDC) after they
25 received a tip of an alleged “underground” and “makeshift” hospital facility for
26 Chinese nationals suspected of infection with COVID-19⁵;

¹ CNN Philippines. *Metro Manila, Laguna, Cebu City to be under 'modified' enhanced community quarantine until May 31*. 12 May 2020. Retrieved from <https://cnnphilippines.com/news/2020/5/12/Metro-Manila-Laguna-Cebu-ECQ-COVID-19.html>

² Manila Bulletin. *Metro Manila under GCQ starting June 1 – Duterte*. 30 May 2020. Retrieved from <https://news.mb.com.ph/2020/05/28/metro-manila-under-gcq-starting-june-1-duterte/>

³ Bareclon, Paolo. *Illegal clinics, medicine stockroom raided in Parañaque..* 27 April 2020. Retrieved from <https://cnnphilippines.com/news/2020/4/27/Baclaran-Paranaque-raid-clinic-medicine-COVID-19.html>.

⁴ *Ibid*

⁵ Malig, Jun A. *Rappler. Police raid underground Chinese coronavirus hospital in Clark resort*. 20 May 2020. Retrieved from <https://www.rappler.com/nation/261427-fontana-leisure-park-clark-pampanga-lockdown-chinese-coronavirus-hospital>

1 WHEREAS, the makeshift hospital had seven (7) beds, a kitchen-type
2 laboratory, around 200 COVID-19 rapid test kits, syringes and unsanitized volumes
3 of hospital wastes as recovered in the trash bin⁶, and a pharmacy⁷. Raiding team
4 seized Chinese-labeled medicine reportedly used for treating COVID-10 patients
5 confined in the facility, which were not FDA-registered⁸;

6 WHEREAS, two Chinese nationals were arrested, namely: Hu Ling, 45, the
7 alleged owner of the underground hospital, and Lee Seung-Hyun, 38, the alleged
8 pharmacist. Both were not able to show any license for their operations. They were,
9 however, released on the same day without any charges filed against them⁹;

10 WHEREAS, the establishment did not have the necessary permit to operate
11 from the Department of Health (DOH) and IATF. It conducted check-ups on its
12 patients without following the rules on quarantine. The illegal hospital was estimated
13 to have been operating for three (3) months already¹⁰;

14 WHEREAS, the Fontana Leisure Park was placed under “full lockdown” by the
15 CDC on the same day of the raid;

16 WHEREAS, last 26 May 2020, another illegal facility was discovered in
17 Makati City which almost has the same scheme with that of the illicit hospital in
18 Clark. The police reported two Chinese citizens, David Lai and Liao Songhua, who
19 claimed to be doctors and were running an illegal clinic and pharmacy named
20 “Goldstar Medical Clinic and Pharmacy” for COVID-19 patients¹¹;

21 WHEREAS, the illegal hub has five beds, medicines with markings in Chinese
22 characters, rapid testing kits and swab kits which are estimated to all valued at ₱5.2
23 million pesos¹²;

24 WHEREAS, while our Bureau of Immigration (BI) was tough against Sister
25 Patricia Fox, in spite of her years of service to many of our countrymen, or Javier
26 Parra, for his altercation with law enforcers, it appears that the same zeal is not

⁶ Mendiola, Ritchel. Asian Journal. *Chinese POGO workers, tenants tested for COVID-19 after raid of illegal hospital in Clark*. 23 May 2020. Retrieved from <https://www.asianjournal.com/philippines/across-the-islands/chinese-pogo-workers-tenants-tested-for-covid-19-after-raid-of-illegal-hospital-in-clark/>

⁷ Supra Ibid 4

⁸ Orejas, Tonette. *Illegal hospital treating COVID-19 patients shut*. 21 May 2020. Retrieved from <https://newsinfo.inquirer.net/1278454/illegal-hospital-treating-covid-19-patients-shut>.

⁹ Ibid

¹⁰ Supra foot note 9

¹¹ Rappler. *IN PHOTOS: Makati police raid illegal COVID-19 clinic, arrest 2 fake doctors*. 27 May 2020. Retrieved from <https://www.rappler.com/nation/262137-photos-makati-police-raid-illegal-coronavirus-clinic-arrest-fake-chinese-doctors>

¹² Ibid

1 present against the Chinese nationals who are caught *in flagrante delicto* operating
2 illegal hospitals;

3 WHEREAS, the failure to immediately file the appropriate cases against the
4 Chinese nationals apprehended in Fontana Leisure Park need to be examined for
5 possible malfeasance or nonfeasance on the part of PNP and the BI;

6 WHEREAS, these illegal healthcare facilities not only undermine our laws on
7 medical practice, but likewise jeopardize our COVID-19 program by hiding the
8 persons suspected of having COVID-19;

9 WHEREAS, this is not only an alarming attempt to underreport COVID-19
10 cases and to further complicate the ongoing government medical response — which
11 at present is already problematic — but also another instance of the government
12 putting at greater risk the public health and safety;

13 WHEREAS, such brazen disregard for our laws and public health and safety
14 deserves no less than full legal response from our law enforcement agencies to show
15 that our country will not tolerate the same and ensure that the same will not be easily
16 repeated;

17 NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to
18 direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation,
19 into the increasing discoveries of makeshift health facilities for Chinese nationals
20 only, with the end in view of ensuring that these illegal operations would not further
21 impair and jeopardize the government's continuing medical response to COVID-19
22 and determining the accountability for the failure to duly prosecute and/or initiate
23 deportation proceedings against the offenders.

Adopted,


LEILA M. DE LIMA