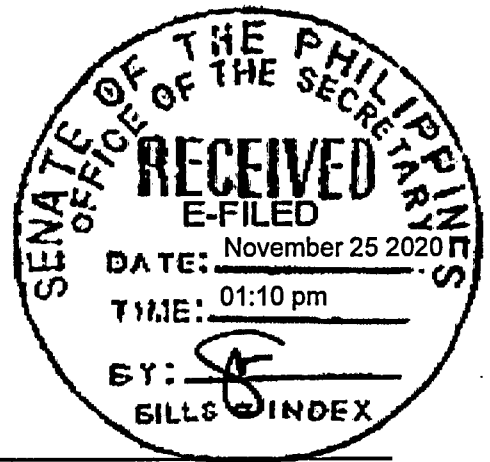


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE
S.B. No. 1932



Introduced by **SENATOR IMEE R. MARCOS**

AN ACT
PENALIZING PERSONS WHO SHALL COMMIT PROHIBITED ACTS
DURING A STATE OF PUBLIC HEALTH EMERGENCY, AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

Article II, Section 15 of the 1987 Constitution provides that "*the State shall protect and promote the right to health of the people and instill health consciousness among them.*"

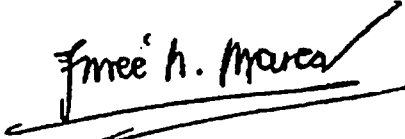
Last 8 March 2020, President Rodrigo Duterte issued Presidential Proclamation No. 922, declaring the entire country under a state of public health emergency due to COVID-19 pandemic. Accordingly, various measures have been adopted by the government in an effort to decrease the risk of possible transfer of the novel and deadly virus.

The Congress, for its part, enacted Republic Act No. 11469 or the "*Bayanihan to Heal as One Act*", granting stand-by powers to the President to carry out effectively the national policy of stopping the spread of the coronavirus virus. It also contained provisions indicating punishable acts that a person may be held liable for during its effectivity, or until 25 June 2020.

Thereafter, the Congress passed into law Republic Act No. 11494 or the "*Bayanihan to Recover as One Act*" which shall be effective until 19 December 2020. However, unlike Republic Act No. 11469, it does not include punishable acts that a person may be held liable for but may be inclined to do due to the peculiar circumstances brought about by the pandemic.

Thus, this bill seeks to reinstate as punishable the acts mentioned in Republic Act No. 11469 in order to serve as a legal basis for the arrest and/or sanctions being imposed on persons, following the basic principle in criminal law, "*nullum crimen, nulla poena sine lege*", translated as "there is no crime if there is no law punishing it."

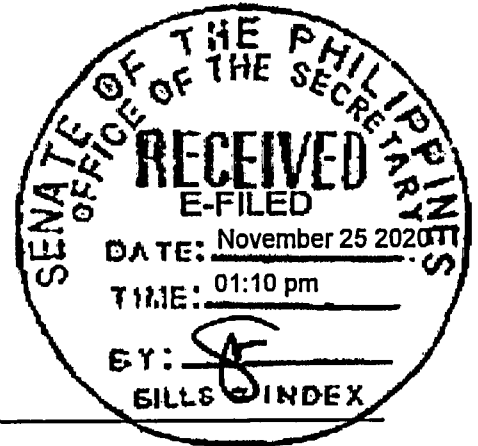
For the foregoing reasons, the passage of this bill is earnestly sought.

A handwritten signature in black ink, reading "Imee R. Marcos", is written over a horizontal line. The signature is slanted upwards to the right.

IMEE R. MARCOS

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

SENATE
S.B. No. 1932



Introduced by **SENATOR IMEE R. MARCOS**

AN ACT
PENALIZING PERSONS WHO SHALL COMMIT PROHIBITED ACTS DURING A
STATE OF PUBLIC HEALTH EMERGENCY, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **Section 1. Unlawful Acts.** – It shall be unlawful for any individual or corporation
2 whether from the public or private sector to do the following acts:

- 3
- 4 1) Disobey national government policies or directives in regard to quarantine
5 impositions;
- 6
- 7 2) Privately-owned hospitals, medical and health facilities including passenger
8 vessels and other establishments to unjustifiably refuse to operate pursuant to
9 the directive of the President;
- 10
- 11 3) Engage in hoarding, profiteering, injurious speculations, manipulation of prices,
12 product deceptions and cartels, monopolies or other combinations in restraint
13 of trade or other pernicious practices affecting the supply, distribution of the
14 following goods and items, as required in agriculture, industry and other
15 essential services, and other articles of prime necessity, whether imported or
16 locally produced or manufactured;
- 17
- 18 4) Refuse to prioritize and accept contracts for materials and services necessary to
19 promote the declared national policy;
- 20

- 1 5) Refusal of banks, quasi-banks, financing companies, lending companies and
2 other financial institutions, public or private, to implement a minimum thirty
3 (30) day grace period for payment of all loans falling due within the period of
4 the enhanced community quarantine without incurring interests, penalties, fees
5 or other charges;
6
7 6) Creating, perpetrating, or spreading false information regarding the crisis on
8 social media and other platforms, such information having no valid or beneficial
9 effect on the population, and are clearly geared to promote chaos, panic,
10 anarchy, fear, or confusion; and those participating in cyber incidents that make
11 use or take advantage of the current crisis situation to prey on the public
12 through scams, phishing, fraudulent emails, or other similar acts;
13
14 7) Failure to comply with reasonable limitations on the operation of certain
15 transportation sectors or sectors, whether land, sea or air, be it private or public;
16 and
17
18 8) Impeding access to roads, streets and bridges; putting- up prohibited
19 encroachments or obstacles; and maintenance of illegal constructions in public
20 places that have been ordered to be removed.
21

22 *Provided,* That if the offender is a corporation, association, partnership or any
23 other juridical person, the penalty shall be imposed upon the president, directors,
24 managers, managing partners, as the case may be, who participated in the
25 commission of the offense or who shall have knowingly permitted or failed to
26 prevent the commission of the same. If the offender is an alien, he shall, in addition
27 to the penalties herein prescribed, be deported without further proceedings:
28 *Provided, further,* That if the offender is a public official or employee, he shall, in
29 addition to the penalties prescribed herein, suffer perpetual or temporary absolute
30 disqualification from office, as the case may be.
31

32 **SEC. 2. Penalty.** – Any individual found violating this Act shall suffer the penalty
33 of two (2) months or a fine of not less than Ten thousand pesos (PhP10,000.00) but
34 not more than One Million Pesos (PhP1,000,000.00) or both, at the discretion of the
35 court.
36

37 **SEC. 3. Separability Clause.** – Should any provision herein be declared
38 unconstitutional, the same shall not affect the validity of other provisions of this Act.

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SEC. 4. *Repealing Clause.* – All laws, decrees, orders, rules, and regulations or other issuances of parts inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 5. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines and shall be in full force and effect until the state of public health emergency has been lifted, pursuant to Presidential proclamation No. 922, series of 2020.

Approved,