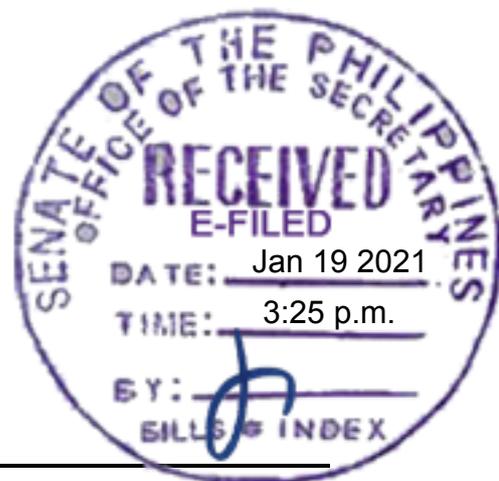


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE
S. No. 1994



Introduced by Senator Grace Poe

AN ACT
PROVIDING FOR A VACCINE OR IMMUNIZATION PASSPORT FOR COVID-19 AND OTHER EMERGING OR RE-EMERGING INFECTIOUS DISEASES, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Explanatory Note

"The COVID-19 pandemic is the defining global health crisis of our time and the greatest challenge we have faced since World War Two."¹ These are the words of the United Nations Development Programme in describing the chaos caused by the COVID-19 pandemic. Globally, there is a total of 93.19 million confirmed cases.² The virus has now spread to every continent including Antarctica.³ We recently also breached the 2 million mark- a grim milestone for our day and age.⁴

COVID-19 has also left its mark on the Philippines. As of the time of writing, the Philippines has 500,577 total confirmed cases. Of these, 24,691 are active cases, 465,991 have recovered and 9,895 are deaths.⁵ Positive cases- which are subject to confirmation- is currently at 563,540.⁶ Our economy is also in a recession, recording GDP slumps of -16.5% in the 2nd Quarter and -11.5% in the 3rd Quarter of 2020, respectively.

One of the reasons for our GDP slump is the reduction in household spending due to fear of infection and the imposition of community quarantine protocols. In the Philippines, data from the Google Mobility Report suggests that Filipinos continue to stay at home- there has been a 20% increase in mobility in residences, compared to reductions of 33% in workplaces, 46% in transit stations, and 35% in retail and recreation, respectively.⁷

¹ United Nations Development Program (UNDP). "COVID-19 Pandemic: Humanity Needs Leadership and Solidarity to Defeat the Coronavirus". Retrieved from <https://www.undp.org/content/undp/en/home/coronavirus.html>

² World Health Organization. "Coronavirus Disease (COVID-19) Dashboard" as of 4:35 pm 17 January 2021. Retrieved from <https://covid19.who.int/table>

³ Sullivan, H. Covid cases recorded in Antarctica for first time – reports" *The Guardian* (22 December 2020). Retrieved from <https://www.theguardian.com/world/2020/dec/22/covid-cases-recorded-in-antarctica-for-first-time>

⁴ Cortez, M.F. "World Hits 2 Million Covid-19 Deaths With Cases Still Surging" *Bloomberg* (15 January 2021). Retrieved from <https://www.bloomberg.com/news/articles/2021-01-15/world-edges-close-to-2-million-covid-19-deaths-led-by-u-s>

⁵ <https://ncovtracker.doh.gov.ph/>

⁶ *Ibid.*

⁷ Google. "COVID-19 Mobility Report for the Philippines as of 12 January 2021.

As a result, household spending dwindled by -15.5% in the 2nd Quarter and -9.3% in the 3rd Quarter of 2020.⁸ This is unfortunate as domestic consumption is the engine of the Philippine economy, typically contributing more than two-thirds of aggregate expenditures.⁹

Thus, easing community quarantine and raising consumer confidence are central to our economic recovery. The idea of vaccine passports, alongside the rapid rollout of COVID-19 vaccination, has recently gained traction in international circles. Countries such as Denmark¹⁰, Greece¹¹, and Israel have all started to take steps in this direction. Our own Department of Health (DOH) has also signaled their support for this proposal.¹²

The present measure is being filed should legislation be needed to enable the issuance of a vaccine passport to Filipino citizens.¹³ This bill is anchored on Section 6, Article 3 of the 1987 Philippine Constitution, which provides that the right to travel shall not be impaired except in the interest of national security, public safety, or *public health, as may be provided by law.*¹⁴

The present measure is partially modeled upon Republic Act No. 8239, otherwise known as the "*Philippine Passport Act of 1996*". It authorizes the Secretary of Health to issue vaccine passports to Filipino citizens. The vaccine passport shall serve as proof that the holder has completed a full course of immunization against COVID-19. The IATF will be authorized to issue rules and regulations on what activities will require the possession of a vaccine passport. Procedures for the amendment and replacement of vaccine passports, as well as penalties for certain prohibited acts have been provided.

We have future-proofed this bill in two ways. First, the same measure also authorizes the Secretary of Health to issue vaccine passports for other emerging or re-emerging infectious should they arise in the future. Second, the validity of the vaccine passport will be contingent on rules and regulations to be issued by the Secretary of Health based on sound evidence and international best practice. This is because the period of immunity of the various COVID-19 vaccines is still being studied.¹⁵

Finally, we have included a provision which prohibits the collection of fees for the issuance, amendment, and/or replacement of a vaccine passport. Cost should not be

⁸ Philippine Statistics Authority. "The Philippines records a GDP growth rate of -11.5 percent in the third quarter of 2020"

⁹ World Bank. "Philippines to Sustain Strong Growth amidst Local and Global Uncertainties" 01 April 2019. Retrieved from <https://www.worldbank.org/en/news/press-release/2019/04/01/philippines-to-sustain-strong-growth-amidst-local-and-global-uncertainties#:~:text=Growth%20of%20the%20Philippine%20economy,2018%20due%20to%20high%20inflation.>

¹⁰ Skydsgaard, N. "Denmark is developing a digital COVID-19 'vaccine passport'" *Reuters* (14 January 2021). Retrieved from

¹¹ Manancourt, V. "As Greece touts EU vaccine passports, privacy champions warn of risks". *Politico EU* (12 January 2021). Retrieved from <https://www.politico.eu/article/coronavirus-covid-vaccine-passports-privacy-experts-warn/>

¹² Gonzales, C. "Gov't to issue COVID-19 vaccine passports — DOH" *The Philippine Daily Inquirer* (15 January 2021). Retrieved from <https://newsinfo.inquirer.net/1383971/govt-to-issue-covid-19-vaccine-passports-doh>

¹³ This bill is a counterpart to House Bill No. 8280 filed by the Hon. Ronnie L. Ong of the *Ang Probinsyano* Partylist.

¹⁴ Emphasis supplied.

¹⁵ Foley, K.E. "How long will Covid-19 vaccines protect you from infection?" *Quartz* (09 December 2020). Retrieved from <https://qz.com/1943301/how-long-will-covid-19-vaccines-protect-you-from-infection/>

a consideration in restoring normalcy and providing peace of mind to the Filipino people.

In view of the foregoing, immediate approval of this measure is eagerly sought.


GRACE POE

EIGHTEENTH CONGRESS OF THE)
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. *Short Title.* — This Act shall be known as the "*Vaccine Passport*
2 *Act.*"

3 SEC. 2. *Declaration of Policy.* — Section 6, Article 3 of the 1987 Philippine
4 Constitution provides that the right to travel shall not be impaired except in the
5 interest of national security, public safety, or public health, as may be provided by
6 law. Pursuant to this provision, it is hereby declared a policy of the State to provide
7 for the issuance of a vaccine passport which shall serve as proof of immunization
8 against the COVID-19 disease.

9 SEC. 3. *Definition of Terms.* — As used under this Act, the following words or
10 terms shall have the following meaning:

11 a.) *COVID-19* – shall refer to the infectious disease caused by the Severe
12 Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2)

13 b.) *Emerging and Re-Emerging Diseases*- shall refer to diseases that: (1) have
14 not occurred in humans before; (2) have occurred previously but affected
15 only small numbers of people in isolated areas; (3) have occurred
16 throughout human history but have only recently been recognized as a
17 distant disease due to an infectious agent; (4) are caused by previously

1 undetected or unknown infectious agents; (5) are due to mutant or
2 resistant strains of a causative organism; and (6) once were major health
3 problems in the country, and then declined dramatically, but are again
4 becoming health problems for a significant proportion of the population;

5 c.) *Vaccine Passport*- shall refer to the document issued by the Secretary of
6 Health which shall serve as proof that a person has received the full
7 course of vaccination against COVID-19 or such other emerging and re-
8 emerging diseases as may be applicable;

9 SEC. 4. *Authority to Issue.* — Upon the completion of a full course of
10 vaccination against COVID-19 by a Filipino citizen, the Secretary of Health shall issue
11 a Vaccine Passport in accordance with this Act. The same shall be issued as a
12 matter of right whether or not a person availed of the free vaccination program of
13 the government or was vaccinated through other means. The Secretary of Health
14 shall also be authorized to issue vaccine passports for other emerging or re-
15 emerging infectious diseases as may be necessary in the future.

16 SEC. 5. *Contents.* — For the purposes of this Act, the Vaccine Passport shall
17 contain the following information:

18 a.) Basic personal information such as full name, present and/or permanent
19 address, birthdate;

20 b.) Type and purpose of vaccine, Batch Numbers, Dates Administered, and
21 Person or Institution that Administered the Vaccine; *and*

22 c.) Such other information which may be determined as necessary by the
23 Secretary of Health or the Inter-Agency Task Force for Emerging
24 Infectious Diseases (IATF) in line with the declared policy of this Act.

25 The information contained in the Vaccine Passport shall be protected at all
26 times under applicable data privacy laws.

27 SEC. 6. *Period of Validity.* — The Secretary of Health shall issue rules and
28 regulations on the period of validity of the vaccine passport based on sound medical
29 evidence and best international practice.

30 SEC 7. *Use of the Vaccine Passport.* — The Inter-Agency Task Force for the
31 Management of Infectious Diseases (IATF), in coordination with other concerned
32 government agencies, shall issue rules and regulations on the list of activities

1 wherein the vaccine passport shall be required which may include international and
2 domestic travel, access to business establishments and other public places, and the
3 organization of public gatherings: *Provided*, that the vaccine passport shall not be
4 considered as a valid proof of identity.

5 The IATF shall also establish rules and regulations on the recognition of
6 vaccine passports which are issued by other countries.

7 SEC. 8. *Amendment.* — With the exception of the proof of vaccination, a
8 vaccine passport may be amended at the request of the holder for any lawful
9 purpose, but such amendment shall be approved by the Secretary of Health.

10 SEC. 9. *Loss or Destruction.* — The loss or destruction of a vaccine passport
11 shall be immediately reported to the Department of Health (DOH). The holder of
12 such vaccine passport shall submit to the DOH an affidavit stating in detail the
13 circumstances of such loss or destruction. No new passport shall be issued until
14 satisfactory proof is shown that the vaccine passport was actually lost or destroyed:
15 *Provided*, That in the event the lost passport is found, it should be destroyed if a
16 replacement has been issued, or mailed to the holder who was issued a Travel
17 Document.

18 SEC.10. *No Collection of Fees for the Issuance of Vaccine Passport.* — No fees
19 shall be collected for the issuance, amendment, or replacement of a vaccine
20 passport.

21 SEC. 11. *Offenses and Penalties.* —

22 a.) Any person who defaces, mutilates, alters, or destroys a vaccine passport
23 shall be punished by a fine of not less than Fifteen thousand pesos
24 (P15,000) nor more than Sixty thousand pesos (P60,000) and
25 imprisonment of not less than three (3) years, but not more than ten (10)
26 years;

27 b.) Any person who possesses more than one valid vaccine passport shall be
28 punished by a fine of not less than Fifteen thousand pesos (P15,000) nor
29 more than Sixty thousand pesos (P60,000) and imprisonment of not less
30 than three (3) years, but not more than ten (10) years;

31 c.) Any person who uses, attempts to use, a vaccine passport issued for
32 another holder, or furnishes a vaccine passport for the use of a person

1 other than the holder, shall be punished by a fine of not less than Thirty
2 thousand pesos (P30,000) nor more than Ninety thousand pesos
3 (P90,000) and imprisonment of not less than six (6) years, but not more
4 than ten (10) years;

5 d.) Any person who falsifies, forges, and/or counterfeits of vaccine passports,
6 or who uses or such documents thereof, shall be punished by a fine of not
7 less than Thirty thousand pesos (P30,000) nor more than Ninety thousand
8 pesos (P90,000) and imprisonment of not less than six (6) years, but not
9 more than ten (10) years; *and*

10 e.) Any person who distributes falsified, forged, and/or counterfeit vaccine
11 passports shall be punished by a fine of not less than Thirty thousand
12 pesos (P30,000) nor more than Ninety thousand pesos (P90,000) and
13 imprisonment of not less than six (6) years, but not more than ten (10)
14 years.

15 SEC. 12. *Implementing Rules and Regulations.* — The IATF and concerned
16 agencies shall issue such rules and regulations as may be necessary to implement
17 the provisions herein within sixty (60) days from date of effectivity of this Act.

18 SEC. 13. *Appropriations.* — The amount needed for the initial
19 implementation of this Act shall be charged against the appropriations for the DOH.
20 Thereafter, such sums as may be necessary for the continued implementation of this
21 Act shall be included in the annual General Appropriations Act.

22 SEC. 14. *Separability Clause.* — Should any provision of this Act or the
23 applicability thereof to any person or circumstances be held invalid, the remainder
24 thereof shall not be affected thereby.

25 SEC. 15. *Repealing Clause.* — All laws, decrees, orders, rules and regulations
26 or parts thereof inconsistent with the provisions of this Act are hereby repealed,
27 amended or modified accordingly.

28 SEC. 16. *Effectivity.* — This Act shall take effect fifteen (15) days after its
29 publication in at least five (5) newspapers of general circulation or in the Official
30 Gazette.

Approved.