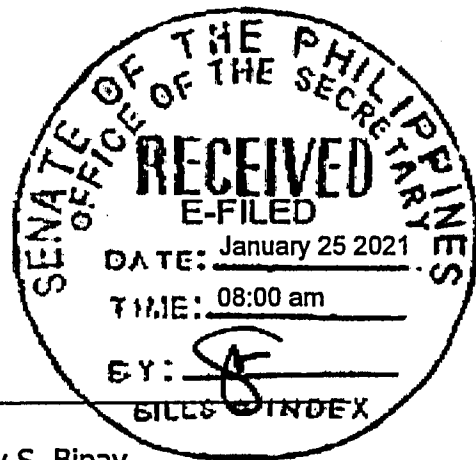


**EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )**

**SENATE  
S.B. No. 2015**



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Introduced by Senator Maria Lourdes Nancy S. Binay

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**AN ACT  
ESTABLISHING THE GOVERNMENT VACCINE INDEMNIFICATION  
PROGRAM, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Under the Constitution, it is the duty of State to protect and promote the right to health of the people and instill health consciousness among them. It is also the duty of the State to establish and maintain an effective drug regulatory system that is responsive to the country's health needs and problems.

Consistent with these Constitutional mandates, this measure seeks to establish a system for vaccine-related injury indemnification to serve as a fair, efficient and stable mechanism for individuals to obtain compensation upon occurrence of verified vaccine-related adverse events without need to attribute fault or negligence on vaccine manufacturers or suppliers. This shall be the primary mode of compensation and an alternative to long-drawn, expensive court litigations that constrain vaccine recipients from pursuing bona fide claims for vaccine-related injuries.

Vaccine-injury compensation programmes are increasingly regarded as an important component of successful vaccination programmes. They have been used for the past 50 years to ensure that individuals who are adversely affected in the interests of protecting the whole community are adequately compensated and cared for.<sup>1</sup>

Public confidence in the safety and effectiveness of vaccines is essential for the successful implementation of the government's vaccination programs. According to the World Health Organization, vaccine hesitancy, which is the reluctance or refusal to vaccinate despite the availability of vaccines, threatens to reverse progress made in tackling vaccine-preventable diseases. WHO identified vaccine hesitancy as one of the ten threats to global health in 2019. In the Philippines, the Dengvaxia controversy

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<sup>1</sup> No-fault compensation following adverse events attributed to vaccination: a review of international programmes, Bulletin of the World Health Organization 2011, retrieved from: <https://www.who.int/bulletin/volumes/89/5/10-081901/en/>.

has contributed to the decline in vaccine confidence. Also, based on a survey conducted by Pulse Asia from November 23-December 2, 2020 regarding vaccines against COVID-19, out of 2,400 Filipinos aged 18 years old and above, almost half or 47 percent are not willing to be vaccinated. Only 32 percent are willing to get vaccinated while 21 percent are undecided. According to the survey, safety is the main reason why almost half of the respondents are not willing to get vaccinated.

The establishment of vaccine-related injury indemnification system will help increase confidence in the government's immunization programs and ensure sustainability of vaccine supply. First, this system will help protect and compensate the most marginalized and vulnerable sectors of society from any unanticipated adverse events resulting from vaccination. Second, it will remove uncertainty of lawsuits for manufacturers and suppliers. Third, it will provide a more fair, efficient and stable approach for the injured parties.

In view of the foregoing, the prompt passage of this bill is earnestly sought.



**MARIA LOURDES NANCY S. BINAY**



1 connection with the use of vaccines and where adverse effects are attributable to the  
2 vaccination.

3  
4 **SEC. 5. Management of the Fund.** - The Fund shall be managed by the  
5 Vaccines Compensation Board (the "Board") composed of the following:

- 6
- 7 1. Secretary of Justice – Chairperson
- 8 2. Secretary of Health – Vice-Chairperson
- 9 3. Secretary of Budget and Management – Member
- 10 4. Secretary of Finance – Member
- 11 5. Sectoral representative from the healthcare industry – Member
- 12 6. Sectoral representative from the patient advocacy groups – Member
- 13 7. Sectoral representative from the medical societies – Member
- 14

15 The sectoral representatives shall have term of office of three (3) years. The  
16 President of the Philippines shall appoint from among a list of three (3) candidates  
17 upon the favorable recommendation by the organizations of their respective sectors.  
18 Upon approval of this Act, the sectoral representative from the healthcare industry  
19 shall have an initial term of one (1) year and the sectoral representative from patient  
20 advocacy groups shall have an initial term of two (2) years. Thereafter, the three-year  
21 term shall apply to all subsequent appointment. No sectoral representative who has  
22 served a full term shall be eligible for reappointment to the Board.

23  
24 **SEC. 6. Powers and Functions of the Board.** - The Board shall have the  
25 following powers and functions.

- 26
- 27 (a) Provide overall strategic direction and guidance in the implementation of  
28 this Act including, but not limited to the administration and utilization of the  
29 Fund, eligibility requirements, rules on filing claims for injury or death and  
30 the decision-making process, standard of proof required, elements of  
31 compensation and litigation rights of the parties involved;
- 32 (b) Exercise original and exclusive jurisdiction on verified bona fide claims for  
33 compensation or indemnification on vaccine-related injuries or death;
- 34 (c) Establish an efficient system for reporting and periodic reviews on the use  
35 and management of the Fund through stringent internal controls and  
36 information systems; and,
- 37 (d) Such other powers as may be proper and necessary to perform their duties  
38 and responsibilities effectively and with full transparency taking into  
39 consideration the best interests of all relevant stakeholders.

40 **SEC. 7. Appropriations.** - The amount needed for the initial implementation  
41 of this Act shall be charged against the appropriations of the Department of Health  
42 (DOH) in the current and subsequent General Appropriations Act. Thereafter, the  
43 amount needed for the continued implementation of this Act shall be taken from the  
44 Fund. In case the Fund, after careful assessment and projected utilization, shall be

1 insufficient to answer for potential claims, the DOH shall subsidize such amount in the  
2 supplemental budget to be included in the annual General Appropriations.

3  
4 **SEC. 8 Implementing Rules and Regulations (IRR).** - Within six (6)  
5 months from the approval of this Act, the Department of Justice (DOJ), the  
6 Department of Health (DOH), and the Department of Budget and Management (DBM),  
7 and the Department of Finance (DOF) in coordination with other implementing  
8 agencies, shall formulate rules and guidelines as may be necessary for the proper  
9 implementation and enforcement of this Act.

10  
11 **SEC. 9. Oversight Committee.** - There is hereby created a Joint  
12 Congressional Oversight Committee (JCOC) to oversee, monitor and evaluate the  
13 implementation of this Act. The JCOC shall be composed of five (5) members from the  
14 Senate and five (5) members from the House of Representatives, to be appointed by  
15 the Senate President and the Speaker of the House of Representatives, respectively.  
16 It shall be jointly chaired by Chairpersons of the Senate Committee on Health and  
17 Demography and the House of Representatives Committee on Health.

18  
19 **SEC. 10. Separability Clause.** - if any provision of this Act is held invalid or  
20 unconstitutional, the other provisions not so declared shall remain in force and effect.

21  
22 **SEC. 11. Repealing Clause.** - All laws, rules, regulations, orders, circulars,  
23 and memoranda inconsistent with any provisions of this Act are hereby repealed,  
24 amended or modified accordingly.

25  
26 **SEC. 12. Effectivity Clause.** - Notwithstanding the non-issuance of the IRR,  
27 this Act shall take effect fifteen (15) days after its publication in the Official Gazette  
28 or in at least two (2) newspapers of general circulation.

29  
Approved,