



SENATE

S. No. 2057

PREPARED AND SUBMITTED BY THE COMMITTEES ON
FINANCE; WAYS AND MEANS; AND HEALTH AND
DEMOGRAPHY WITH SENATORS MARCOS, POE,
CAYETANO, REVILLA JR., ZUBIRI, ANGARA, RECTO, GO,
TOLENTINO, VILLANUEVA, BINAY GATCHALIAN,
GORDON, HONTIVEROS, VILLAR, PANGILINAN,
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AN ACT ESTABLISHING THE CORONAVIRUS
DISEASE 2019 (COVID-19) VACCINATION
PROGRAM EXPEDITING THE VACCINE
PROCUREMENT AND ADMINISTRATION
PROCESS, PROVIDING FUNDS THEREFOR, AND
FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known and
2 cited as “COVID-19 Vaccination Program Act of 2021”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared
4 the policy of the State to adopt an integrated approach to
5 health development which shall endeavor to make essential

1 social services available to all people at an affordable cost.

2 For this reason, the State shall undertake a COVID-19

3 Vaccination Program with the following objectives:

4 (a) Address the adverse impact of COVID-19
5 through the procurement and administration of safe and
6 effective COVID-19 vaccines by the National
7 Government through the Department of Health (DOH)
8 and the National Task Force Against COVID-19 (NTF),
9 and other duly constituted authorities and
10 instrumentalities;

11 (b) Source and procure through the DOH and NTF,
12 either through themselves jointly or in cooperation with
13 any national government agency or instrumentality or
14 local government unit, safe and effective COVID-19
15 vaccines;

16 (c) Recognize the experimental nature of COVID-19
17 vaccines available in the market and compensate any
18 serious adverse effects (SAE) arising from the use of
19 COVID-19 vaccine, experienced by people inoculated
20 through the COVID-19 Vaccination Program; and

1 (d) Creation of a COVID-19 National Vaccine
2 Indemnity Fund to be administered by the Philippine
3 Health Insurance Corporation (PhilHealth) to compensate
4 persons encountering SAE pursuant to the preceding
5 paragraph.

6 SEC. 3. *Procurement of COVID-19 Vaccines and*
7 *Ancillary Supplies and Services.* – Notwithstanding any law
8 to the contrary, the DOH and the NTF, either through
9 themselves jointly or in cooperation with any national
10 government agency or instrumentality or local government
11 unit (LGU), are authorized to procure COVID-19 vaccines,
12 including ancillary supplies, services necessary for their
13 storage, transport, deployment, and administration
14 through Negotiated Procurement under Emergency Cases
15 pursuant to Section 53(b) of Republic Act No. 9184 and
16 Section 53.2 of the 2016 Revised Implementing Rules and
17 Regulations of Republic Act No. 9184: *Provided, That in the*
18 *procurement of COVID-19 vaccines, the DOH and the*
19 *NTF shall be authorized to negotiate and approve the*
20 *terms and conditions thereof in behalf of LGUs and other*

1 Procuring Entities including, but not limited to, the price
2 and payment terms, making sure that there is price
3 uniformity and to prevent price competition: *Provided,*
4 *further,* That after the negotiations by the DOH and the
5 NTF, the LGUs and other Procuring Entities are
6 authorized to enter into supply agreement, advance
7 market commitment, advance payment, research
8 investment, purchase order or any similar arrangements
9 or other requirements as may be identified by the DOH
10 and the NTF.

11 *Provided, finally,* That an LGU is authorized to
12 directly procure ancillary supplies and services necessary
13 for the storage, transport, development, and administration
14 of COVID-19 vaccines through negotiated procurement
15 under emergency cases prescribed under this section.

16 Section 338 of Republic Act No. 7160, as amended,
17 otherwise known as the "*Local Government Code of 1991*",
18 Section 88 of Presidential Decree No. 1445, as amended,
19 otherwise known as the "*Government Auditing Code of the*
20 *Philippines*", and any law to the contrary

1 notwithstanding, provinces, cities and
2 municipalities may advance payment if required by
3 the supplier, manufacturer, or distributor: *Provided,*
4 That the authority to make advance payment shall be
5 for the procurement of COVID-19 vaccines and to
6 secure other goods and services necessary for their
7 storage, transport, deployment and administration:
8 *Provided, further,* That the deployment of vaccines in
9 every province, city and municipality must be in
10 accordance with the criteria set by the Interim
11 National Immunization Technical Advisory Group
12 (NITAG): *Provided, finally,* That this section shall
13 have retroactive application from January 1, 2021.

14 SEC. 4. *Procurement and Administration of COVID-19*
15 *Vaccines and Ancillary Supplies and Services by Local*
16 *Government Units.* – Provinces, cities and municipalities
17 may procure only in cooperation with the DOH and NTF
18 through a multiparty agreement, which shall include
19 the DOH and the relevant suppliers of COVID-19

1 vaccines: *Provided*, That these LGUs shall procure no more
2 than seventy-five percent (75%) of their target population
3 for vaccination: *Provided, further*, That the seventy-five
4 percent (75%) cap may be adjusted by the Inter-Agency
5 Task Force for the Management of Emerging Infectious
6 Diseases (IATF) when there is sufficient supply of vaccines
7 as determined by DOH and NTF: *Provided, furthermore*,
8 That the provision on advance payment as provided in the
9 preceding section shall also apply to procurement of
10 COVID-19 vaccines and ancillary supplies and services:
11 *Provided, however*, That LGUs may directly accept
12 donations of FDA-authorized and cleared COVID-19
13 vaccines, subject to the guidelines and reportorial
14 requirements of the DOH and the NTF: *Provided, finally*,
15 That this section shall have retroactive application from
16 January 1, 2021.

17 If the procurement of vaccine is funded by the
18 national government, the LGU shall comply with the
19 science and evidence-based terms and conditions of
20 deployment, prioritizing the needs of the following

1 groups: healthcare workers; senior citizens; persons with
2 comorbidities; frontline personnel in essential services,
3 including uniformed personnel and teachers; and indigent
4 population: *Provided, finally,* That an LGU is authorized to
5 directly procure ancillary supplies and services necessary
6 for the storage, transport, deployment, and administration
7 of COVID-19 vaccines through negotiated procurement
8 under emergency cases prescribed under this section.

9 For LGU-funded vaccines, the inoculation order
10 must, at all times, be science and evidence-based,
11 prioritizing the needs of the following special groups:
12 frontline workers in health facilities, senior citizens, and
13 indigent persons: *Provided,* That the local health officials
14 shall be allowed to formulate their own vaccine recipient
15 list and implement their own operational procedures in
16 accordance with the national policies and procedures
17 issued by the DOH if it will expedite and enhance the
18 efficiency of the inoculation process and prevent the
19 spoilage of vaccines.

1 To ensure transparency, the LGUs shall also submit
2 to the DOH a masterlist of the names and profiles of the
3 residents who were vaccinated under the COVID-19
4 Vaccination Program, subject to the provisions of the Data
5 Privacy Act.

6 **SEC. 5. Procurement and Administration of COVID-19**
7 ***Vaccines by Private Entities.*** – Private entities may procure
8 COVID-19 vaccines only in cooperation with the DOH and
9 NTF through a multiparty agreement, which shall include
10 the DOH and the relevant supplier of COVID-19 vaccine.
11 Any such vaccines, supplies or services procured by private
12 entities shall be for the sole and exclusive use of such
13 companies, without prejudice to the multiparty agreement:
14 *Provided,* That priority in the inoculation shall be given to
15 its healthcare workers, senior citizens, economic frontliners,
16 and essential workers: *Provided, further,* That the chief
17 medical officers of private entities shall be allowed to
18 formulate their own vaccine recipient list and implement
19 their own operational procedures in accordance with the
20 national policies and procedures issued by the DOH if it

1 will expedite and enhance the efficiency of the inoculation
2 process and prevent the spoilage of vaccines: *Provided,*
3 *finally,* That this section shall have retroactive
4 application from November 1, 2020.

5 With respect to international humanitarian
6 organizations, such as the Red Cross movement,
7 particularly the Philippine Red Cross, a voluntary,
8 independent and autonomous nongovernmental society
9 auxiliary to the authorities of the Republic of the
10 Philippines in the humanitarian field, as set forth in
11 Republic Act No. 10072, known as the "Philippine Red
12 Cross Act of 2009", may procure COVID-19 vaccines:
13 *Provided,* That the vaccines procured shall be for the use of
14 individuals consistent with the priority list set, wherein for
15 every one bought one vaccine shall be donated to the
16 vulnerable and indigent.

17 The DOH, NTF, LGUs and private entities procuring
18 COVID-19 vaccines may partner with the Philippine Red
19 Cross in the administration or distribution and inoculation
20 of the vaccines.

1 **SEC. 6. *Transparency and Accountability in COVID-***

2 ***19 Vaccine Procurement.*** – The national government, as

3 well as local government units, private entities and the

4 Philippine Red Cross may only procure COVID-19

5 vaccines that are registered with the Philippine Food and

6 Drug Administration (FDA) as evidenced by a valid

7 Certificate of Product Registration or which possess an

8 Emergency Use Authorization (EUA). For purposes of

9 transparency, the following information shall be posted in

10 a conspicuous place of the Procuring Entity and in the

11 Government Procurement Policy Board (GPPB) Online

12 Portal within thirty (30) days after award or execution of

13 definitive agreement or after the effectivity of this Act,

14 whichever is applicable:

15 (a) Approved budget for the contract;

16 (b) Name and details of the COVID-19 vaccine or
17 ancillary service or supplies;

18 (c) Name of the supplier, manufacturer, or
19 distributor; and

20 (d) Amount of contract as awarded.

1 *SEC. 7. Authority to Make Recommendations Based*
2 *on Preliminary Data from Phase III Clinical Trials. –*

3 Notwithstanding any law to the contrary, the Health
4 Technology Assessment Council (HTAC) shall have the
5 authority to make recommendations to the DOH on
6 COVID-19 vaccines based on preliminary data from Phase
7 III clinical trials and World Health Organization
8 recommendations, in the absence of completed Phase III
9 and Phase IV clinical trials: *Provided*, That the COVID-19
10 vaccine manufacturer has been issued an EUA by the FDA:
11 *Provided, further*, That the authority granted to the HTAC
12 herein shall only be valid for as long as the EUA issued
13 by the FDA is in effect, such that in the event of
14 revocation or cancellation thereof by the FDA Director
15 General, the HTA process shall be terminated regardless of
16 stage, and if it has been completed, the results shall be set
17 aside.

18 *SEC. 8. Immunity from Liability. –* Notwithstanding
19 any law to the contrary, public officials and employees,
20 contractors, manufacturers, volunteers, and

1 representatives of duly authorized private entities who are
2 duly authorized to carry out and are actually carrying out
3 the COVID-19 vaccination program shall be immune from
4 suit and liability under Philippine laws with respect to all
5 claims arising out of, related to, or resulting from the
6 administration or use of a COVID-19 vaccine under the
7 COVID-19 Vaccination Program except arising from willful
8 misconduct and gross negligence.

9 **SEC. 9. *Pharmacists and Midwives as Vaccinators.*** –
10 Notwithstanding the provisions of Section 4(g) of Republic
11 Act No. 10918, otherwise known as the Philippine
12 Pharmacy Act, and Section 23 of Republic Act No. 7392,
13 otherwise known as the “Philippine Midwifery Act”, and
14 in furtherance of the COVID-19 Vaccination Program,
15 licensed pharmacists and midwives who are duly trained
16 by the DOH may administer COVID-19 vaccines that are
17 registered with the FDA or which possess an EUA.

18 **SEC. 10. *COVID-19 National Vaccine Indemnity Fund.***
19 – The COVID-19 National Vaccine Indemnity Fund, which
20 shall be administered by the PhilHealth, is hereby

1 established as a trust fund to compensate any person
2 inoculated through the COVID-19 Vaccination Program, in
3 case of death, permanent disability or hospital
4 confinement for any SAEs: *Provided*, That in case of death
5 and permanent disability, PhilHealth is hereby authorized
6 to pay compensation from the indemnity fund.

7 The amount of Five hundred million pesos
8 (P500,000,000.00) is hereby authorized to augment the
9 funds of PhilHealth for this purpose which shall be sourced
10 from the Contingent Fund, as provided under Republic Act
11 No. 11518 or the General Appropriations Act of 2021.

12 The indemnity fund shall be valid and available for
13 release and disbursement until terminated by the
14 President of the Philippines, based on the
15 recommendation of the Permanent Committee, which was
16 created under Executive Order No. 292, s. 1987, that the
17 purpose for which it has been established has been
18 fulfilled. The Permanent Committee shall also determine
19 the amount that shall revert to the National Treasury
20 upon its termination. The Philhealth, in consultation with

1 the DOH, the Department of Finance, the Department of
2 Budget and Management and the NTF, shall issue the
3 necessary guidelines for the planning, administration, and
4 monitoring of the utilization of the fund, including the
5 determination of its sufficiency.

6 For this purpose, the IATF shall establish a Special
7 Task Group composed of medical and vaccine experts
8 with proven track record who will be in charge of
9 monitoring the probable adverse effects following
10 immunization from COVID-19. The Special Task Group
11 shall promulgate the necessary guidelines on the
12 monitoring, evaluation, investigation and reporting
13 mechanism to be followed by all LGUs: *Provided, That*
14 *this section shall be valid and in effect for a period of five*
15 *(5) years from the effectivity of this Act or until the*
16 *government has declared the completion of the COVID-19*
17 *Vaccination Program, whichever comes earlier.*

18 *SEC. 11. Exemption from Import Duties, Taxes and*
19 *Other Fees for the Procurement, Deployment and*
20 *Administration of COVID-19 Vaccines. - Beginning*

1 January 1, 2021, the procurement, importation, donation,
2 storage, transport, deployment, and administration of
3 COVID-19 vaccines through the COVID-19 Vaccination
4 Program by the government or any of its political
5 subdivisions and by private entities shall be exempt from
6 customs duties, value-added tax, excise tax, donor's tax,
7 and other fees: *Provided*, That the vaccines shall not be
8 intended for resale or other commercial use and shall be
9 distributed without consideration from persons to be
10 vaccinated.

11 SEC. 12. *COVID-19 Vaccine Card*. – Subject to the
12 provisions of Republic Act No. 10173 or the "Data Privacy
13 Act of 2012", the DOH shall issue a vaccine card to all
14 persons vaccinated. To fast track the process, the DOH
15 may delegate the processing and issuance of vaccine
16 cards to LGUs and private entities, subject to guidelines
17 to be promulgated by the DOH. The vaccine card shall
18 contain the following:

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

1 (b) Manufacturer, brand name, and batch number
2 or other identifier of the COVID-19 vaccine;

3 (c) Date of vaccination;

4 (d) Name of the hospital, health center, or health
5 facility where the vaccine was received;

6 (e) Name, signature, and license number of the duly
7 licensed physician, nurse or other health worker
8 administering the vaccine;

9 (f) Date of the last RT-PCR testing and the name
10 of the laboratory that conducted the last RT-PCR testing,
11 if applicable; and

12 (g) Such other information which may be
13 determined as necessary by the Secretary of Health or
14 the IATF in line with the declared policy of this Act.

15 The issuance of a vaccine card is intended to be
16 digital, but shall remain accessible through other means
17 such as printed cards. The DOH, through the Department
18 of Information and Communications Technology, shall
19 develop the LGU-based digital systems and applications
20 that will meet the objectives of the COVID-19 Vaccination

1 program while maintaining quality, safety, ease of use,
2 and accessibility for all Filipinos: *Provided*, That the DOH
3 shall maintain a central database of vaccinations, and
4 mandate a uniform format for the vaccine card, the
5 contents of which shall be updated accordingly to always
6 conform with globally accepted standards: *Provided*,
7 *further*, That the vaccine cards shall not be considered as
8 an additional mandatory requirement for educational,
9 employment and other similar government transaction
10 purposes.

11 Individuals vaccinated against COVID-19 as
12 indicated in the vaccine card shall not be considered
13 immune from COVID-19, unless otherwise declared by the
14 DOH based on reliable scientific evidence and consensus.

15 No fees shall be collected for the issuance,
16 amendment, or replacement of a vaccine card. The
17 amount needed for the initial implementation shall be
18 charged against available funds for the purpose.
19 Thereafter, such sums as may be necessary for its

1 continued implementation shall be included in the annual
2 General Appropriations Act.

3 The falsification of a vaccine card shall be
4 punishable under Act No. 3185, as amended,
5 otherwise known as "The Revised Penal Code".

6 **SEC. 13. *Reportorial Requirement and Creation of an***
7 ***Oversight Committee.*** – Upon the effectivity of this Act, the
8 Vaccine Czar, the DOH and the IATF shall submit a
9 monthly report to Congress on the implementation of the
10 COVID-19 vaccination program which shall include
11 agreements made by Procuring Entities pursuant to this
12 Act, date of the delivery, storage and deployment of
13 vaccines, the number of persons inoculated, and other
14 relevant information as may be required by Congress.

15 For this purpose, Congress shall establish a Joint
16 Congressional Oversight Committee composed of four (4)
17 members of each house to be appointed by the Senate
18 President and the House Speaker, respectively. The
19 Committee shall determine whether the implementation

1 of the COVID-19 Vaccination Program conforms with the
2 provisions of this Act.

3 **SEC. 14. *Implementing Rules and Regulations.*** –

4 Within five (5) days from the effectivity of this Act, the
5 DOH, the NTF and the GPPB shall, with prior
6 consultation with the Department of the Interior and Local
7 Government, the IATF and other stakeholders, issue
8 guidelines and applicable procurement rules, as may be
9 necessary, for the effective implementation of this Act.

10 The non-promulgation of the rules and regulations
11 provided under this section shall not prevent the
12 immediate implementation of this Act upon its effectivity.

13 **SEC. 15. *Separability Clause.*** – If for any reason, any
14 provision of this Act is declared invalid or unconstitutional,
15 the remaining parts or provisions not affected shall remain
16 in full force and effect.

17 **SEC. 16. *Repealing Clause.*** – All laws, presidential
18 decrees, executive orders, rules and regulations, or parts
19 thereof, which are contrary or inconsistent with this Act are
20 hereby repealed, amended or modified accordingly.

1 SEC. 17. *Effectivity.* - This Act shall take effect
2 immediately upon its publication in a newspaper of
3 general circulation or in the *Official Gazette* and shall
4 remain in full force and effect during the period of the state
5 of calamity as declared under Proclamation No. 1021 dated
6 September 16, 2020 issued by the President of the
7 Philippines.

Approved,