

**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session



22 JUL -7 P2:41

SENATE
S.B. No. 109

RECEIVED BY

Introduced by Senator Maria Lourdes Nancy S. Binay

**AN ACT ESTABLISHING A PANDEMIC AND OTHER PUBLIC
HEALTH EMERGENCY PREPAREDNESS PLAN, APPROPRIATING
FUNDS THEREFOR, AND FOR OTHER PURPOSES**


EXPLANATORY NOTE

The COVID-19 pandemic has infected and claimed millions of lives worldwide. Even countries that are considered advanced in the field of healthcare and medicine were greatly affected. The modern-day pandemic had brought to light the importance of a comprehensive public health emergency preparedness and response plan.

Learning from the challenges the country faced during this pandemic, this bill is geared towards a proactive response in addressing public health emergencies of any kind. A response that is centered on safeguarding the lives of thousands of Filipinos.

As the world continues to face the threats of pandemics, there is a need for the government to establish an overarching response to public health emergencies to better equip the country and lessen the impact of any kind of public health emergency.

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


MARIA LOURDES NANCY S. BINAY



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

SECTION 1. *Short Title.* - This Act shall be known as the "Pandemic and
Other Public Health Emergency Preparedness Act".

SEC. 2. *Declaration of Policy.* - The State shall endeavor to efficiently and
immediately address all potential and actual public health emergencies for the
protection of the health and safety of the people.

While considering national sovereignty, territorial integrity, national
interest and the right to self-determination, paramount in its relations with other
states, the State shall, at all times, give utmost importance to the health of its
citizens whether in the country or overseas, including Filipino migrant workers.

SEC. 3. *Definition of Terms.* - For the purposes of this Act, the following
shall mean:

- (a) "*Public Health Emergency*" refers to an occurrence or imminent
threat of an illness or health condition, caused by bioterrorism,
epidemic or pandemic disease or a novel and highly infectious agent
or biological toxin, that poses a substantial risk of a significant
number of human fatalities or incident or permanent or long-term
disability.
- (b) "*Pandemic*" refers to an epidemic occurring worldwide, or over a
very wide area, crossing international boundaries, affecting a large
number of people.
- (c) "*Quarantine*" refers to separation or restriction of movement of
persons who are exposed or may be infected to protect the public

1 from disease. Quarantine may be practiced by individuals in their
2 homes.

3
4 (d) "*Isolation*" refers to separation or restriction of movement of an ill
5 person from healthy persons by way of seclusion in hospitals or
6 designated health care facility.

7
8 (e) "*Social distancing*" also called physical distancing in which space of
9 at least two (2) meters is maintained between and among persons
10 in a public place. It also refers to a prohibition of mass gatherings
11 of fifty (50) persons or more and avoidance of crowded places.

12
13 (f) "*Health Care Facility*" refers to any institution, building or agency or
14 portion thereof that is used, operated or designated to provide
15 health services, medical treatment, or nursing, rehabilitative or
16 preventive care to any person or persons.

17
18 (g) "*Health Care Provider*" refers to any person or entity providing
19 health care services including, but not limited to, hospitals, medical
20 clinics and offices, special care facilities, medical laboratories,
21 physicians, pharmacists, physician assistants, nurse practitioners,
22 registered and other nurses, paramedics, medical and laboratory
23 technicians, and ambulance and emergency medical workers.

24
25 (h) "*Frontline worker*" refers to any worker who performs any task
26 essential to keep vital services in motion during a public health
27 emergency despite great risk to himself and his family.

28
29 I. THE PANDEMIC AND OTHER HEALTH EMERGENCY COUNCIL

30
31 SEC. 4. *Pandemic Emergency Council.* – The Pandemic and Other Health
32 Emergency Council (Council) is hereby established and composed of the
33 following: the Secretary of Health, as ex-officio Chairman of the Council, with
34 the Secretaries of the Interior and Local Government, Labor and Employment,
35 Foreign Affairs, Justice, Tourism, Transportation, Trade and Industry,
36 Agriculture, and Budget and Management, Administrator of the Philippine
37 Overseas Employment Association (POEA), President of the Philippine Health
38 Insurance Corporation (PhilHealth) as ex-officio members, and three
39 representatives from private and health sectors.

40
41 The Council shall convene within thirty (30) days following the approval
42 of the Implementing Rules and Regulations of this Act. Upon organization of the
43 Council, it shall draw a National Pandemic and Other Health Emergency Plan.
44 And conduct a briefing for all local government units and health care workers in
45 the government sector.

1 The Council shall recommend to the President of the Republic of the
2 Philippines the declaration of a public health emergency in accordance with
3 medical guidelines and protocols.

4 SEC. 5. *Creation of the National Pandemic and Other Public Health*
5 *Emergency Plan.* - The Council shall create a National Pandemic and Other
6 Public Health Emergency Plan. This strategy shall provide for the integrated
7 policy coordination and strategic direction with respect to all matters related to
8 national public health and medical preparedness and execution and deployment
9 of national response, guidelines and protocols before, during, and following a
10 pandemic, epidemic, or public health emergency.

11
12 SEC. 6. *Components of a National Pandemic and Other Public Health*
13 *Emergency Plan.* - The National Pandemic and Other Public Health Emergency
14 Plan shall include:

- 15
16 (a) Provisions for increasing the preparedness, response capabilities,
17 and surge capacity of ambulatory care facilities, dental health
18 facilities, and critical care service systems;
19
20 (b) Plans for optimizing a coordinated and flexible approach to the
21 medical surge capacity of hospitals, other health care facilities,
22 critical care, and trauma care and emergency medical systems;
23
24 (c) Provisions taking into account the unique needs of individuals with
25 disabilities in a pandemic or public health emergency; and
26
27 (d) Strategic initiatives to advance counter measures to diagnose,
28 mitigate, prevent or treat harm from any biological agent or toxin
29 or any chemical, radiological or nuclear agents, whether naturally
30 occurring, unintentional or deliberate.

31
32 SEC. 7. *Health Care Facilities and Services.* - The Council, in coordination
33 with local government units and concerned government agencies, shall set up
34 health care facilities, testing offices and laboratories, quarantine sites and
35 isolation centers which shall undertake pandemic prevention and preparedness
36 services and activities, and shall respond to any public health emergency.

37
38 SEC. 8. *Isolation or Quarantine of Individuals or Groups.* - The Council
39 may, in cooperation with the concerned local chief executive, authorize the
40 lockdown, isolation or quarantine of individuals or groups of individuals during
41 a public health emergency, in accordance with existing rules and regulations.

42
43 Restriction on the movement of persons in and out of the initially affected
44 area by the Council shall likewise be permitted under this Act. If evidence
45 indicates amplified transmission or dispersion of the infection into the wider
46 community, the Council shall be authorized to adapt social distancing measures,
47 which may include the closing of schools or cancellation of mass gatherings.

1 SEC. 9. *Privately-owned Health Care Facilities.* - The Council may require
2 privately owned health care facilities to provide services of its facility in the
3 event of a pandemic or public health emergency if government institutions are
4 unable to cope with the pandemic or public health emergency.

5
6 SEC. 10. *Control of Pharmaceutical Agents and Medical Supplies.* - The
7 Council shall purchase, store or distribute sufficient quantity or anti-viral agents
8 for respiratory diseases and other highly communicable diseases, anti-toxins,
9 serums, vaccines and other pharmaceutical agents or medical supplies that it
10 considers advisable in the interest of preparing for or controlling pandemic or
11 any kind of public health emergency.

12
13 SEC. 11. *Monitoring Program.* - A comprehensive pandemic or public
14 health emergency monitoring program shall be established by the Council to
15 determine and monitor the presence, magnitude, and progression of any
16 infection or a new strain thereof in the country, and for the purpose of
17 evaluating the adequacy and efficacy of counter measures being employed.

18
19 SEC. 12. *Reporting Procedures.* - All hospitals, clinics, laboratories, and
20 testing centers for any infection or a new strain thereof shall adopt measures in
21 assuring the reporting and confidentiality of any medical record, personal data,
22 and other files. The Council through its monitoring programs shall receive,
23 collate, and evaluate all related medical reports. The Council monitoring data
24 base shall utilize a coding system that promotes anonymity.

25
26 II. PROTECTION OF HEALTHCARE AND FRONTLINE WORKERS

27
28 SEC. 13. *Vaccination of Healthcare Workers.* - Healthcare workers
29 involved in the care of patients shall be vaccinated with the most recent vaccine
30 for respiratory diseases and other appropriate vaccines as may be determined
31 by the Council.

32
33 SEC. 14. *Wearing of Surgical Masks and Personal Protective Equipment*
34 *(PPE).* - For their protection, healthcare workers and first responders shall be
35 provided with N95 respiratory masks and well-fitting surgical masks and PPE.
36 Patients are likewise required to wear surgical masks.

37
38 SEC. 15. *Surveillance and Monitoring of Healthcare and Frontline*
39 *Workers.* - Healthcare workers shall be vigilant of the development of fever,
40 respiratory systems and/or other symptoms after exposure to infected patients.
41 Healthcare workers who become ill should seek medical care and should be
42 quarantined for fourteen (14) days in accordance with existing protocols unless
43 an alternative diagnosis is established, or diagnostic tests are negative for the
44 strain subject of the pandemic or public health emergency.

45
46 SEC. 16. *Hazard Pay for Healthcare and Frontline Workers.* - In addition
47 to existing benefits provided for by law, healthcare and frontline workers who

1 render actual service during a pandemic or public health emergency shall be
2 given hazard pay to be determined by the Council.

3
4 **SEC. 17. *Creation of Task Force on Public Health Emergencies.*** - A task
5 force under the control of the Secretary of Health shall be established in order
6 to conduct research necessary for the creation of National Pandemic and Other
7 Public Health Emergency Plan. The Task Force shall be composed of
8 representatives from:

- 9
10 (1) The Department of Health (DOH);
11
12 (2) The National Disaster Risk Reduction Management Council
13
14 (3) The Department of Interior and Local Government
15
16 (4) The National Security Adviser; and
17
18 (5) The Philippine National Red Cross.
19

20 **SEC. 18. *Functions of the Task Force on Public Health Emergencies.*** -The
21 Task Force shall:

- 22
23 (a) Monitor emerging issues and concerns as they relate to medical and
24 public health preparedness and response for at-risk individuals in
25 the event of pandemic or public health emergency;
26
27 (b) Identify and minimize gaps, duplication and other inefficiencies in
28 medical and public health preparedness and response activities and
29 the actions necessary to overcome these obstacles;
30
31 (c) Disseminate and update novel and best practices of outreach to and
32 care of at-risk individuals before, during, and following public health
33 emergencies in as timely a manner as is practicable, including from
34 the time a public health threat is identified; and
35
36 (d) Ensure that public health and medical information distributed by the
37 government during a pandemic or public health emergency is
38 delivered in a manner that takes into account the range of the
39 communication needs of the intended recipients, including at-risk
40 individuals.
41

42 **SEC. 19. *Creation of Medical Reserve Corps.*** - The Secretary of Health
43 shall establish a medical reserve corps composed of volunteer health
44 professionals. The Medical Reserve Corps shall be called into duty if needed
45 during a pandemic or public health emergency.

1 III. PREVENTION AND SUPPRESSION MEASURES WITHIN THE
2 TERRITORY
3

4 SEC. 20. *Duty of Heads of Families, Persons-in-Charge of Places.* - Where
5 a person living in a building used for human habitation is suffering from
6 infection, the head of the family or the relatives shall immediately send notice
7 of the same to the nearest city or municipal health office.
8

9 If it is a child attending a school, orphanage or other such situation or a
10 person residing in any hotel, boarding house or other such institution, the
11 person in charge of such a place shall send notice of the infectious disease to
12 the nearest city or municipal health officer and give the officer a list of students
13 or residents together with their addresses.
14

15 SEC. 21. *Duty of Medical Practitioners and other Healthcare Providers.* -
16 Every medical practitioner who attends to a patient suffering from a respiratory
17 illness shall send to the nearest city or municipal health office a report stating
18 the name of the patient and the situation of the building.
19

20 Any medical practitioner who becomes aware, by post-mortems or other
21 means, that any person had died of an infectious disease shall immediately give
22 to the nearest city or municipal health office a certificate of such disease and
23 inform the head of the household, person in charge of school, orphanage, hotel
24 and so on, on the infectious nature of the disease and the precautions to be
25 taken to prevent its conveyance in others.
26

27 SEC. 22. *Power of the City or Municipal Health Officers.* - A city or
28 municipal health officer may at any time enter and inspect premises in which
29 he has reason to believe that someone is suffering from or had recently suffered
30 from any infectious disease. The city or municipal health officer may medically
31 examine any person in such premises for the purpose of ascertaining whether
32 such person is suffering or has recently suffered from any infectious disease.
33 He may also order the confinement of infected individuals to prevent
34 transmission or spread of suspected infectious disease.
35

36 SEC. 23. *Duty of the City or Municipal Health Officers.* - If a city or
37 municipal health officer is of the opinion that the cleansing and disinfecting of
38 any building or any part of the building, and any articles in the building which
39 are likely to retain infection or would tend to prevent or check infectious
40 diseases, it shall be his/her duty to give notice in writing to the owner or
41 occupant of the building specifying the steps to be taken to cleanse and disinfect
42 the building and articles within a specified time.
43

44 IV. PROTECTION OF OVERSEAS FILIPINO WORKERS
45

46 SEC. 24. *Medical Examination and Treatment of Overseas Filipino*
47 *Workers (OFWs).* - The Overseas Workers Welfare Administration (OWWA), in
48 coordination with the PhilHealth, the Department of Foreign Affairs (DFA), and

1 the Council, shall undertake the medical examination and treatment of returning
2 OFWs in cases of a pandemic or similar event locally or abroad. All costs
3 attendant to the medical examination and treatment of returning OFWs shall be
4 borne by the PhilHealth.

5
6 SEC. 25. *Creation of Emergency Fund.* - There is hereby created and
7 established an emergency fund for the medical examination and treatment of
8 OFWs under the administration, control and supervision of the PhilHealth initially
9 to consist of Fifty Million Pesos (Php50,000,000.00) which shall be taken from
10 the existing fund in trust by the PhilHealth for the benefit of OFWs.

11
12 SEC. 26. *Authority of OWWA.* — The functions and responsibilities of
13 OWWA shall include the following:

- 14
15 (a) The formulation and implementation of measures and programs, in
16 consultation with appropriate agencies, to safeguard the health of
17 OFWs and their families abroad; and
18
19 (b) The forging of memorandum of agreements with the POEA, the
20 DOH, the DFA, the PhilHealth and other appropriate international
21 organizations in connection with the purpose of this Act.

22
23 SEC. 27. *Penalties.* -

- 24
25 (a) *Penalty for individuals who Refuse or Violate Isolation, Quarantine,*
26 *Testing, Vaccination under Section 8.* - Any person who refuses
27 treatment, testing, examination for diagnosis or treatment or
28 isolation and quarantine in accordance with existing laws, rules and
29 regulations and to the detriment of general public shall suffer the
30 penalty of imprisonment of not more than six (6) months or a fine
31 of not more than One Hundred Thousand Pesos (Php100,000.00)
32 or both upon the discretion of the court.
33
34 (b) *Penalty for Refusal to Provide Health Services under Section 9 of*
35 *this Act.* - The owner, manager or administrator of a private health
36 care facility who refuses to give services or allow the use of its
37 facility during a pandemic or public health emergency shall suffer
38 the penalty of imprisonment of not more than one (1) year of a
39 fine of not more than Two Hundred Thousand Pesos
40 (Php200,000.00) or both upon the discretion of the Court.
41
42 (c) *Penalty for Breach of Duty under Sections 20, 21, and 23 of this*
43 *Act.* - All persons, under a duty to inform the nearest city or
44 municipal health office of the infectious disease, who fail to neglect
45 to inform the same shall be sentenced to an imprisonment of not
46 more than six (6) months or a fine of not more than One Hundred
47 Thousand Pesos (Php100,000) or both upon the discretion of
48 the court.

1 SEC. 28. *Authorization of Appropriations.* — To carry out the provisions
2 of this Act, an initial fund of One billion pesos (Php1,000,000,000.00) shall be
3 appropriated and such sums as may be necessary for the succeeding fiscal year.
4

5 SEC. 29. *Implementing Rules and Regulations.* — Within thirty (30) days
6 from promulgation of this Act, the DOH, in collaboration with OWWA, the POEA,
7 PhilHealth, Department of Justice, and the DFA and representatives from the
8 private health sector shall issue the necessary rules and regulations.
9

10 SEC. 30. *Separability Clause.* - Should any provision herein be declared
11 unconstitutional, the same shall not affect the validity of the other provisions of
12 this Act.
13

14 SEC. 31. *Repealing Clause.* - All laws, decrees, orders, and issuances, or
15 portions thereof, which are inconsistent with the provisions of this Act, are
16 hereby repealed, amended or modified accordingly.
17

18 SEC. 32. *Effectivity Clause.* - This Act shall take effect fifteen (15) days
19 after its complete publication in the Official Gazette or in a newspaper of general
20 circulation.

Approved,