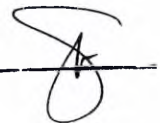


NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



'22 AUG -4 P 6 :24

SENATE

RECEIVED BY: 

S. B. NO. 1042

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Introduced by SENATOR JOEL VILLANUEVA

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**AN ACT MANDATING THE STOCKPILING OF PERSONAL  
PROTECTIVE EQUIPMENT, AND APPROPRIATING FUNDS  
THEREFOR**

**EXPLANATORY NOTE**

On March 7, 2020, the first local transmission of the Coronavirus disease (COVID-19) was confirmed by the Department of Health, triggering the declaration of a state of public health emergency on March 8, 2020, through Proclamation No. 922, and the imposition of the “community quarantine” on March 12, 2020, to prevent the further spread of the virus. On March 16, 2020, the “enhanced community quarantine” was implemented in the entire Luzon area, wherein all persons are required to remain at home, all modes of transportation had been suspended, provision of essential goods and services are regulated, and uniformed personnel strictly enforced quarantine procedures.

The immediate transmission and spreading of the COVID-19 across countries led to several concerns, including supply chain bottlenecks and the overwhelming of the global production capacity of Personal Protective Equipment (PPEs), with production backlogs of up to 4-6 months in fulfilling orders.<sup>1</sup> In the Philippines, many health workers had to buy their own gloves and masks, which supplies are likewise in critical supply levels. Modified PPEs were used, such as non-porous knee-length gown made from plastic raincoat, ordinary plastic bag as shoe cover, face shield made out of hard plastic with

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<sup>1</sup> ADB Briefs, Global Shortage of Personal Protective Equipment amid COVID-19: Supply Chains, Bottlenecks, and Policy Implications, April 2020, accessible at <https://www.adb.org/sites/default/files/publication/579121/ppe-covid-19-supply-chains-bottlenecks-policy.pdf> (date last accessed: August 3, 2022).

garter and foam for added comfort, and garden gloves as final gloves, among other initiatives to improvise PPEs.<sup>2</sup>

While Filipinos are known to be resilient, proactive changes in our existing policies should be undertaken to ensure the welfare and protection of our citizens, particularly our health workers who are at the forefront of the COVID-19 pandemic. To better equip and prepare our healthcare facilities for the present and future similar events, the necessity for the PPE Stockpiling Act is undeniable.

Under this bill, the DOH is mandated to establish a stockpile that would be adequate for healthcare workers and workers in critical industries for a period of up to ninety (90) days. All PPEs in the stockpile shall be new, unexpired, and not previously worn or used, and the DOH is required to conduct inventory management, and shall take into account certain guidelines in the procurement, management, and distribution of PPEs, to ensure that PPE stock levels and quality are maintained.

Thus, the immediate passage of this bill is earnestly sought.

  
SENATOR JOEL VILLANUEVA

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<sup>2</sup> ANC, How COVID-19 frontliners are improvising with personal protection equipment amid lack of supply, accessible at <https://news.abs-cbn.com/ancx/culture/spotlight/03/17/20/how-covid-19-frontliners-are-improvising-with-personal-protection-equipment-amid-lack-of-supplies> (last accessed August 3, 2022).

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Office of the Secretary

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**AN ACT MANDATING THE STOCKPILING OF PERSONAL  
PROTECTIVE EQUIPMENT, AND APPROPRIATING FUNDS  
THEREFOR**

*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 as the “PPE  
2    *Stockpiling Act.*”  
3

4           **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the  
5    State to adopt an integrated and comprehensive approach to health  
6    development which shall endeavor to make essential goods, health and other  
7    social services available to all the people at affordable cost. Towards this end,  
8    the State shall ensure the availability of, and access to, personal protective  
9    equipment (PPE) and other critical and strategic materials in times of public  
10   health emergencies and other emergencies by establishing and mandating a  
11   stockpiling system that would ensure adequate and immediate supply of these  
12   materials in times of need.  
13

14           **SEC. 3. Definition of Terms.** – As used in this Act, the following terms  
15   shall mean:  
16

17           a) **Workers in Critical Industries** refers to workers in critical  
18    establishments, such as, but not limited to, the following, who are  
19    exposed to greater danger, contagion, virus, disease, or peril from  
20    natural calamities, such as volcanic activity/eruption:  
21

22           (1) Hospitals, sanitarium, rural health units, main health centers,  
23    health infirmaries, barangay health stations, clinics,  
24    laboratories, and other health-related establishments;

- 1 (2) Morgues and mortuaries;
- 2 (3) Banks and other financial institutions providing money
- 3 transfer services;
- 4 (4) Groceries, supermarket, and convenience stores;
- 5 (5) Public markets;
- 6 (6) Pharmacies or drugstores, or similar establishments
- 7 authorized to dispense medicines;
- 8 (7) Restaurants;
- 9 (8) Logistics and warehouse establishments;
- 10 (9) Food and medical manufacturing establishments;
- 11 (10) Telecommunications companies;
- 12 (11) Mass media companies, with respect to their reporters and
- 13 similar personnel in-charge of delivering news;
- 14 (12) Electric generation, transmission and distribution companies;
- 15 (13) Gasoline stations;
- 16 (14) Oil companies, with respect to their tanker drivers;
- 17 (15) Water distribution companies, including water delivery and
- 18 refilling stations;
- 19 (16) Companies engaged in sanitation, such as garbage
- 20 collectors;
- 21 (17) Companies involved in the Philippine capital market, such as
- 22 the Philippine Stock Exchange and Philippine Dealing and
- 23 Exchange Corporation, among others;
- 24 (18) Hotels and similar establishments, upon such terms and
- 25 conditions as the appropriate agencies overseeing the
- 26 calamity, disaster or public health emergency prescribe;
- 27 (19) Mass public transportation companies;
- 28 (20) Civil aviation and maritime transport related companies; and
- 29 (21) Such other establishments which may be considered critical
- 30 in light of the nature of the state of calamity or emergency or
- 31 public health concern;
- 32
- 33 b) **Health care worker** means any worker who provides direct patient
- 34 care and services directly supporting patient care, including, but not
- 35 limited, to physicians, pharmacists, clinicians, nurses, aides,
- 36 technicians, janitorial and housekeeping staff, food services
- 37 workers, and nonmanagerial administrative staff, regardless of
- 38 status of employment; and
- 39
- 40 c) **Personal protective equipment** or **PPE** means protective
- 41 equipment for eyes, face, head, and extremities, protective
- 42 clothing, respiratory devices, and protective shields and barriers,
- 43 including, but not limited to, N95 and other filtering facepiece
- 44 respirators, elastomeric air-purifying respirators with appropriate
- 45 particulate filters or cartridges, powered air purifying respirators,
- 46 disinfecting and sterilizing devices and supplies, medical gowns
- 47 and apparel, face masks, surgical masks, face shields, gloves, and
- 48 shoe coverings.
- 49

1           **SEC. 4. PPE Stockpile.** – The Department of Health (DOH) shall  
2 establish and maintain a PPE stockpile which would be adequate for all workers  
3 in critical industries and health care workers for a period of ninety (90) days,  
4 and upon such guidelines as may be issued by the DOH, in coordination with  
5 proper government agencies.

6  
7           As far as practicable, the guidelines for the procurement, management  
8 and distribution of PPEs shall take into account all of the following:  
9

- 10           a) The various types of PPE that may be required during a pandemic  
11 or other health emergency;  
12  
13           b) The shelf life of each type of PPE and how to restock a portion of  
14 each type of PPE to ensure the procurements consist of unexpired  
15 PPE;  
16  
17           c) The amount of each type of PPE that would be required for all  
18 health care workers and essential workers in the state during a 90-  
19 day pandemic or other health emergency;  
20  
21           d) Lessons learned from previous pandemics and state emergencies,  
22 including but not limited to, supply procurement, management, and  
23 distribution;  
24  
25           e) Geographical distribution of PPE storage;  
26  
27           f) Guidance on how to establish policies and standards for PPE surge  
28 capacity to ensure that workers have access to an adequate supply  
29 of PPE during a pandemic or other health emergency;  
30  
31           g) How distribution from any procurement shall be prioritized in the  
32 event that there is insufficient PPE to meet the needs of providers  
33 or employers of essential workers, including whether the worker or  
34 hospital concerned is:  
35  
36                1) In a location with a high share of low-income residents, or is  
37 in an underserved area; or  
38  
39                2) In a location with a high infection rate or high hospitalization  
40 rate related to the declared emergency.  
41

42           Private healthcare facilities shall also be encouraged to establish and  
43 maintain a PPE stockpile to ensure adequate and accessible supply of PPEs in  
44 times of national emergency or other public health emergency.  
45

46           **SEC. 5. New and Unexpired PPEs; Inventory Level.** – In all cases, all  
47 PPE in the stockpile shall be new, unexpired and not previously worn or used.  
48 DOH shall rotate through their stockpiles routinely to ensure that PPEs do not  
49 expire and are routinely replaced with new PPE.  
50

1 In the event that the inventory of a type of PPE dips below the mandated  
2 level of supplies as a result of the distribution of that type of PPE to health care  
3 workers and workers in critical industries during a state of emergency, the SOH  
4 shall, as far as practicable, replenish its inventory to the mandated level within  
5 30 days. In case of supply crunch or similar circumstances, the DOH shall be  
6 authorized to enter into negotiated and/or emergency procurement in  
7 accordance with law.

8  
9 **SEC. 6. Funding.** – The amount necessary for the initial implementation  
10 of this Act shall be sourced from the current budget of the DOH. Thereafter, the  
11 funds necessary for the continuous implementation of this Act in the ensuing  
12 years shall be included in the General Appropriations Act.

13  
14 **SEC. 7. Implementing Rules and Regulations.** – Within sixty (60) days  
15 from the effectivity of this Act, the DOH, in consultation with relevant  
16 government agencies and other stakeholders, shall promulgate the rules and  
17 regulations to effectively implement the provisions of this Act.

18  
19 **SEC. 8. Separability Clause.** – If for any reason, any provision of this  
20 Act is declared unconstitutional or invalid, the other parts or provisions hereof  
21 which are not affected thereby shall continue to be in full force and effect.

22  
23 **SEC. 9. Effectivity Clause.** – This Act shall take effect fifteen (15) days  
24 after its publication in the Official Gazette or in at least two (2) newspapers of  
25 general circulation.

26 **Approved,**  
27  
28