

SENATE
S. No. 1288

20 JAN 22 P 1:47

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Introduced by Senator Francis "Tol" N. Tolentino

AN ACT
CREATING THE OFFICE OF THE SURGEON GENERAL OF THE PHILIPPINES,
PROVIDING ITS FUNCTIONS, APPROPRIATING FUNDS THEREFOR AND
FOR OTHER PURPOSES

EXPLANATORY NOTE

Public health remains to be one of the most important government investments as human capital stands to be the greatest asset and the flesh and blood of the nation. In this regard, the protection and promotion of the right to health and health consciousness of the Filipino people is enshrined in Article II, Section 15 of the 1987 Constitution.

In 2019 alone, the Philippines has experienced unprecedented health challenges: the dengue outbreak, the measles outbreak and the resurgence of the deadly polio virus came amid plummeting immunization rates and insufficient healthcare infrastructures. The recent influx of diseases nationally and globally, some of which have reached epidemic levels, such as the still unidentified strain of corona virus originating from Wuhan China, necessitates the need to strengthen mechanisms on the collection and dissemination of information regarding threats to health through trusted and official communication channels. Accordingly, a proactive governmental body which focuses on a reliable communication system for disease prevention and control is indispensable in protecting the interdependence of health vis-a-vis trade and the economy.

The World Health Organization has identified health as a national security concern, stating that "acute and chronic changes in health status have direct and indirect impacts on security, and that epidemics may lead to destabilization, political unrest, civil disorder or long-term deterioration of the economic viability of a country or region."¹ In view thereof, and in pursuit of attaining the United Nations Sustainable Development Goal No. 3, which is to "ensure healthy lives and promote well-being for all at all ages", the creation of the Office of the Surgeon General of the Philippines, which provides a cross-agency focus on health, welfare and safety of the Filipino people is ardently sought.

For purposes of comparison, in the United States, the Office of the Surgeon General is housed within the Office of the Secretary of Health, separate from the Army Surgeon General, and is the leading spokesperson on matters of public health in the Federal Government and provides the best scientific information available of how to improve health and reduce risk of illness and injury.² The Surgeon General also oversees the U.S. Public Health Service Commissioned Corps--a group of 6,000 uniformed officers who are public health professionals.³

In the Philippines, the role of the Surgeon General is limited to the affairs of the Armed Forces of the Philippines (AFP), the Surgeon General is the Special Medical Adviser of the Secretary of National Defense and of the Chief of Staff on all medical and health matters affecting the AFP.⁴

Ultimately, there is still much to be desired in the field of health communications and emergency response in the country. In previous years, the advertising budget of the Department of Health was pegged at Php 536 Million in 2019 and Php 335 Million in 2018. However, despite hefty funding, aggressive campaigns and information dissemination on disease prevention and control are still lacking.

¹ "Health and Security in Foreign Policy", World Health Organization, retrieved at <https://www.who.int/bulletin/volumes/85/3/06-036889/en/>

² "About the Office of the Surgeon General", U.S. Department of Health & Human Services, retrieved at <https://www.hhs.gov/surgeongeneral/about/index.html>

³ *Id.*

⁴ "Almanac: Republic of the Philippines", Worldwide Military Medicine, retrieved at <http://www.military-medicine.com/almanac/101-philippines-the-republic-of.html>

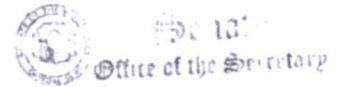
Now therefore, to give effect to the Constitutional mandate and to strengthen health communication systems and the enforcement of health regulations, this bill aims to provide the following:

- a) The creation of the Office of the Surgeon General of the Philippines, which serves as the States' chief advocate and strategist for public health information and regulations dissemination, under the supervision of the Department of Health; and
- b) The establishment of a Public Health Network composed of the Bureau of Quarantine, the Epidemiology Bureau, the Disease Prevention and Control Bureau, Research Institute for Tropical Medicine and other pertinent offices, under the Office of the Surgeon General of the Philippines;

It is not only the government's foremost duty to create policy frameworks to safeguard its citizens from disease but also to provide vital and timely information necessary for health awareness. Considering the foregoing, the immediate enactment of this bill is respectfully requested.



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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 "Office of the Surgeon
2 General of the Philippines Act of 2020."

3 Sec. 2. *State Policy.* The State recognizes the vulnerability of the country,
4 especially the marginalized sectors of the society, to communicable and non-
5 communicable, and the importance of the protection and promotion of the right to
6 health and health consciousness of the Filipino people, as enshrined in Article II,
7 Section 15 of the 1987 Constitution.

8 As such, it is hereby declared the policy of the State to develop, promote, and
9 implement a comprehensive framework for the prevention and containment of
10 diseases through the creation of a governing body tasked to oversee vital health
11 communications.

12 Sec. 3. *Definition of Terms.* For purposes of the Act, the following terms shall
13 mean:

14 a) *Epidemic* - refers to a disease which spreads rapidly to many people,
15 which may be fatal or non-fatal.

- 1 b) *Outbreak* - refers to an occurrence wherein a disease affects a greater
2 number than expected of the population in a community or region or
3 during a season. It may occur in one community or may extend to
4 different countries. A single case of a contagious disease may be
5 considered an outbreak if it is unknown or if there is a resurgence after
6 a long time.
- 7 c) *Pandemic* - refers to a global disease outbreak which includes, but is not
8 limited to deadly viruses, infectious diseases or easily transmitted
9 diseases.
- 10 d) *Public Health Network* - refers to a system of information sharing,
11 monitoring and regulation of public health concerns between and among
12 relevant government offices and the private sector.
- 13 e) *Surgeon General* - refers to a licensed physician in the Philippines who
14 shall be a Commissioned Officer of the Armed Forces of the Philippines
15 (AFP) and appointed by the President of the Philippines to direct and
16 manage the Office of the Surgeon General, which powers and functions
17 are stated herein this Act;

18 *Sec. 4. Creation of the Office of the Surgeon General of the Philippines.* - The
19 Office of the Surgeon General shall be an attached agency under the supervision of
20 the Department of Health (DOH). The Surgeon General shall be appointed by the
21 President of the Philippines, and shall serve a term of three (3) years.

22 The Surgeon General, during the term of office, shall be of the same grade with
23 the same pay and allowance as the Surgeon General of the AFP.

24 *Sec. 5. Powers and Functions of the Surgeon General of the Philippines* - The
25 Surgeon General, in carrying out his mandate as the national spokesperson on all
26 matters relating to public health in the country, particularly on dangerous diseases,
27 infections and other hazardous conditions affecting the populace, shall have the
28 following powers and functions:

- 29 A. *Communications* - The Surgeon General shall be responsible for the
30 collection and dissemination, through publications, health bulletins and
31 other appropriate means, of the best available scientific information
32 pertinent to the health and fitness of the populace and on critical public

1 health issues, shall issue scientific documents. Provided that, in times of
2 emergencies, calamities, natural disasters, disease outbreaks and any other
3 exigency, information on health hazards shall be coursed through the
4 Surgeon General.

5 Furthermore, The Surgeon General shall take all the necessary
6 measures to disseminate health information to far flung areas, to indigenous
7 communities and to those marginalized and lack access to regular
8 publications.

9 B. Research and Analysis - The Surgeon General shall conduct, encourage,
10 cooperate with and render assistance to other appropriate public
11 authorities, scientific institutions, and scientists in the conduct of, and
12 promote the coordination of, research, investigations, experiments,
13 demonstrations and studies relating to the causes, diagnosis, treatment,
14 control and prevention of physical and mental diseases and impairments of
15 man. In carrying out the foregoing, the Surgeon General is authorized to:

- 16 a. Collect and make available information as to, and the practical
17 application of, such research and other activities;
- 18 b. Secure, from time to time and for such periods as he deems
19 advisable, the assistance and advice of health experts, scholars and
20 consultants from the Philippines and abroad;
- 21 c. Adopt such additional means as he deems necessary or appropriate
22 to carry out the purpose of this Section.

23 C. Call upon Reserve Corps and the Medical Service of the AFP - In times of
24 national disasters, outbreaks, epidemics, pandemics and any other
25 exigency, the Surgeon General may call upon the reserve officers and/or
26 the members of the Medical Service of the AFP with the concurrence of the
27 AFP Chief of Staff to assist the former in the performance of his duties as
28 provided for in this Act.

29 *Sec. 6. Creation of a Public Health Network* - A public health network, to be
30 composed by the Bureau of Quarantine, the Epidemiology Bureau, the Disease
31 Prevention and Control Bureau, Research Institute for Tropical Medicine and other
32 national government agencies, with the participation of health practitioners in the

1 private sector and the medical academe, shall be established under the Office of the
2 Surgeon General.

3 It shall be headed by the Surgeon General and shall serve as a forum to discuss
4 critical public health issues, share relevant health information and to monitor and
5 regulate public health concerns with the end in view of ensuring better delivery of
6 public health-related information to the Filipino people. The abovementioned
7 stakeholders shall convene at least once a month or as often as necessary.

8 *Sec. 7. Reportorial Requirements.* - From time to time, the Surgeon General
9 shall issue information related to public health, in the form of publications, advisories,
10 bulletins, for the use of the public. The Surgeon General shall publish weekly reports
11 on the health condition of the Philippines and other countries and other pertinent
12 health information. Such weekly reports shall also be submitted to the Secretary of
13 the Department of Health and the President of the Philippines.

14 *Sec. 8. Appropriations.* - The amount of one hundred fifty million
15 (Php150,000,000) necessary to carry out the provisions of this Act, specifically for the
16 creation of the Committee and the initial implementation of this Act, shall be charged
17 against the current year's appropriation of the DOH. Thereafter, such amount as may
18 be necessary for the continued implementation of this Act shall be included in the
19 Annual General Appropriations Act.

20 *Sec. 9. Implementing Rules and Regulations* - For the purpose of establishing
21 the Office of the Surgeon General and achieving the purpose of this Act, the
22 Department of Health and other concerned government agencies shall formulate and
23 prescribe, after public hearing and publication as required by law, the Implementing
24 Rules and Regulations in order to carry out the provisions of this Act within 90 days
25 from its effectivity.

26 *Sec. 10. Separability Clause.* - If any provision of this Act shall be held
27 unconstitutional or invalid, the other provisions not otherwise affected shall remain in
28 full force and effect.

29 *Sec. 11. Repealing Clause.* - All laws, decrees, executive orders, proclamations
30 and other executive issuances which are inconsistent with or contrary to the provisions
31 of this Act are hereby amended or repealed accordingly.

32

1 Sec. 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days following
2 its complete publication in the Official Gazette or in two (2) national newspapers of
3 general circulation.

4 Approved,