

20 MAR 23 A10 :06

SENATE

S.B. No. 1414

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Introduced by **SENATOR IMEE R. MARCOS**

AN ACT
ESTABLISHING THE EMERGENCY RESPONSE AND RECOVERY PACKAGE TO
COUNTER THE COVID-19 PANDEMIC ALSO ENTITLED, "PAG-ASA: ALAGA,
SUSTENTO, AT ANGAT SA PANAHOON NG COVID-19 CRISIS" PACKAGE, AND
FOR OTHER PURPOSES

EXPLANATORY NOTE

Article VI, Sec. 23 (1) provides that, "*In times of war or other national emergency, the Congress may, by law, authorize the President, for a limited period and subject to such restrictions as it may prescribe, to exercise powers necessary and proper to carry out a declared national policy. Unless sooner withdrawn by resolution of the Congress, such powers shall cease upon the next adjournment thereof.*" The global COVID-19 virus emergency is, without doubt, such a national emergency.

Last 11 March 2020, the World Health Organization (WHO) declared a worldwide pandemic with the outbreak of the COVID-19 virus first reported in Wuhan, China. Already, this crisis has caused 9,177 deaths and over 218,000 cases worldwide. In the Philippines to date, 18 deaths and 230 cases have been reported, triggering the President's urgent call for community quarantines and a Metro Manila "*lockdown*", quickly expanded to a "*Luzon-wide lockdown*".

However, legal and bureaucratic constraints have hampered the government's a quick and aggressive response. This bill seeks to authorize President Rodrigo Roa Duterte to exercise all such powers, as may be required and granted to him by law, to protect the health, safety, and living conditions of the Filipino citizenry in order to combat COVID-19.

The Constitution, particularly, Sections 17, 18, and 20 of Article VII gives the President immense executive power to address emergencies like the Covid-19 crisis, as follows: control of all the executive departments, bureaus, and offices;

Commander-in-Chief of all armed forces; and contract or guarantee foreign loans on behalf of the Republic of the Philippines, among others.

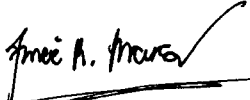
Even as the Constitution endows the President with vast powers, so too does the national budget, the General Appropriations Act (GAA) provide him great sums at his behest. These include firstly under the GAA 2020, Php 13 billion for the Contingent Fund, Php 12.5 billion in the NDRRMC Calamity Fund (already less the Php 3.5 billion allocation for the Marawi rehabilitation effort), and Php 4.775 billion under different departments as Quick Response Funds. Of course, there are the significant sums directly under the Office of the President, the Social Fund, as well as the roughly Php 10 billion intelligence allotments.

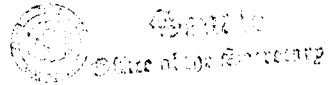
Amendments could also be made to utilize the unexpended balances or savings of the executive department in the 2019 and 2020 GAA and the appropriated funds under the Unconditional Cash Transfer and PhilHealth. Additional sources could be the excess revenue collections or new revenue collections or those arising from new tax or non-tax sources under the Unprogrammed Appropriations-Support for Infrastructure and Social Programs.

Further, Article VII, Sec. 20 of the Constitution provides that "the President may contract or guarantee foreign loans on behalf of the Republic of the Philippines with the prior concurrence of the Monetary Board, and subject to such limitations as may be provided by law". Indeed, a comfortable increase of 2.2% of GDP above the present debt ceiling of 3.2% or a total of 5.4% will generate an additional Php 440 billion in funding. Together with the over Php 300 billion that can sourced from both the holdover 2019 General Appropriations Act (GAA), as well as the 2020 GAA, the likely expenditure of over Php 750 billion, while no doubt an enormous sum, could be financed for an effective response to the present COVID-19 crisis.

Indeed, the President must be given financial discretion, administrative flexibility, and full powers of enforcement during this extreme emergency. After all, the Constitution seeks to, at all times, serve, protect, and defend Filipinos; not to be a hindrance to its citizenry or cause of its economic destruction. Thus, this bill initiates the *Pag-ASA: Alaga, Sustento, Angat*, an emergency response and recovery package of a total of Php 750 billion. An estimated one third of the whole amount or Php 250 billion should be allocated to the "ALAGA" protocol to provide protection and care for all, especially our health front liners. Another Php 250 billion should be given to the "SUSTENTO" protocol for social and labor assistance for the unpaid, unemployed, and self-employed. And, the last Php 250 billion under the "ANGAT" protocol is provided as an aggressive stimulus for the economy.

Given the abovementioned health and economic emergency, the immediate passage of the *Pag-ASA* emergency response and recovery package is earnestly sought.


IMEE R. MARCOS
Senator



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

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AN ACT
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FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the "*Pag-ASA: ALAGA,*
2 *SUSTENTO, at ANGAT Act of 2020.*"

3 Sec. 2. *Declaration of Policy.* – The State herewith authorizes the President, for
4 the limited period of two (2) months or as may be necessitated to contain the COVID-
5 19 virus, to exercise such powers necessary and proper to carry out an emergency
6 response and recovery plan otherwise known as the *Pag-ASA: ALAGA, SUSTENTO,*
7 *ANGAT.*

8 Sec. 3. *Three Protocols of the Package: "Pag-ASA: ALAGA, SUSTENTO, AT*
9 *ANGAT."* – The *Pag-ASA: ALAGA, SUSTENTO, ANGAT* emergency response and
10 recovery package, which shall be allocated Php 250 billion per Protocol, to address
11 and contain the COVID-19 crisis shall be composed of the following:

12 A. "*ALAGA*" – Protecting and caring for all, as follows:

- 1 (1) Protect all front liners: health workers, Philippine National Police,
2 Immigration, transport sector;
- 3 (2) Utilize all necessary property, equipment and personnel for
4 healthcare, including the private sector;
- 5 (3) Safeguard food supply chains; and
- 6 (4) Expedite the manufacture permitting and importation of mask,
7 alcohol, testing kits, etc.

8 B. "*SUSTENTO'*" – Extending social protection for all, as follows:

- 9 (1) Income replacement through cash stipends for day, piece and other
10 part-time workers;
- 11 (2) Employment retention – short-time, paid leave, and other subsidies;
- 12 (3) Liberalize and extend regulatory requirements of the Bureau of
13 Internal Revenue, Department of Finance, Bangko Sentral ng
14 Pilipinas, and other Government Owned and Controlled Corporations
15 (GOCCs); and
- 16 (4) Financial/tax relief for the self-employed and Micro, Small and
17 Medium Enterprises (MSMEs).

18 C. "*ANGAT'*" – Providing aggressive stimulus for the economy by:

- 19 (1) Active fiscal policy;
- 20 (2) Accomodative monetary policy;
- 21 (3) Lending and financial support to the hardest-hit sectors, including
22 health, travel, and tourism; and
- 23 (4) "Buy-in" or "buy-back" by the government of assets.

24 *Sec. 4. Financing the Pag-ASA Package.* – The appropriation necessary to carry
25 out the provisions of this Act shall be sourced by the Executive Department from the
26 following:

- 27 A. 2020 General Appropriations Act (GAA) as follows: (1) National Disaster Risk
28 Reduction Management Fund, (2) Contingent Fund, (3) Department of
29 Labor and Employment (DOLE) appropriations for Tulong Pangkabuhayan
30 sa Displaced/Underprivileged Workers (TUPAD); (4) Department of Social
31 Welfare and Development (DSWD) Assistance to Individuals in Crisis
32 Situation, Sustainable Livelihood Program (SLP), Cash for Work, etc.; (5)

1 Release of Unprogrammed Appropriation for infrastructure and other social
2 programs, subject to the conditions provided in the GAA, among others;

3 B. Unexpended balances or savings of the Executive department under RA No.
4 11260 (2019 GAA) and R.A. No. 11464 (2020 GAA), as provided in the
5 general provisions of said Acts. *Provided that*, notwithstanding the general
6 provisions of said Acts, final discontinuance or abandonment of a program,
7 activity, or project with unreleased appropriations may be declared as
8 savings to augment deficient programs, activities, or projects or additional
9 requirements of departments, agencies, or special purpose funds that are
10 necessary to immediately address the existing calamity/epidemic/pandemic
11 under this Act. *Provided further that*, savings generated from final
12 discontinuance or abandonment of a program, activity, or project used to
13 implement the provisions of this Act may still be proposed for funding by
14 the departments/agencies in the succeeding GAAs.

15 C. Other sources of funds such as loans, grants, donations, collections, and
16 other forms of assistance from local and international donors or other public
17 or private entities, and other private domestic and international sources may
18 be utilized and facilitated for the implementation of this Act, subject to the
19 auditing guidelines, as may be instituted;

20 D. Excess Revenue Collections or new revenue collections or those arising from
21 new tax or non-tax sources under the Unprogrammed Appropriations-
22 Support for Infrastructure and Social Programs; and

23 E. Other modes of financing such as, but not limited to, barter, trade, and
24 exchange, issuance of bonds, and other financial instruments as may be
25 required in the implementation of the *Pag-ASA* package.

26 **Sec. 5. *Implementation and Supervision.*** – The *Pag-ASA: ALAGA, SUSTENTO,*
27 *ANGAT* package shall be under the Office of the President of the Philippines, in
28 coordination with the Inter-Agency Task Force (IATF).

29 **Sec. 6. *Other Cash Transfers.*** – Unconditional cash transfer, as similarly
30 provided in R.A. No. 10963, shall be provided to households gravely affected by the
31 effects of the COVID-19 crisis to provide financial, health, and food assistance to
32 Filipinos, especially the underprivileged and vulnerable sectors, which shall be for a

1 period of three (3) consecutive years from the effectivity of this Act or as may be
2 deemed necessary by the government. *Provided that*, the unconditional cash transfer
3 shall be three hundred pesos (P300.00) or in kind per month which shall be
4 implemented by the DSWD and shall be included in the General Appropriations Act
5 (GAA). *Provided further that*, such households shall be determined in accordance to
6 the qualifications which shall be determined by the national government, in
7 consultation with the DSWD.

8 *Sec. 7. Local Government Unit Implementation.* – Pursuant to Section 17 of
9 R.A. No. 7160 otherwise known as the "*Local Government Code of 1991*," the National
10 Government may designate Local Government Units (LGUs) as implementing agencies
11 for public works, infrastructure projects, including the construction of local roads,
12 other facilities, services, and other programs appropriated in the GAA. *Provided that*,
13 the LGU shall submit quarterly reports on fund utilization and accomplishments
14 through other electronic means and the LGU's website. *Provided further that*, the LGU
15 shall send written notice when said reports have been submitted or posted on its
16 website to the Department of Budget and Management (DBM), House of
17 Representatives, Senate of the Philippines, House Committee on Appropriations,
18 Senate Committee on Finance, and other offices where the submission of reports is
19 required under existing laws, rules and regulations.

20 *Sec. 8. Exemption from the Government Procurement Reform Act.* – For the
21 immediate implementation of this Act, departments/agencies shall be exempted from
22 public bidding requirements and may resort to negotiated procurement (Emergency
23 Cases), as provided in R.A. No. 9184, known as the "*Government Procurement Reform*
24 *Act*": (1) in case of imminent danger to life or property during a state of calamity; (2)
25 when time is of the essence arising from natural or man-made calamities or; (3) other
26 causes where immediate action is necessary to prevent damage to or loss of life or
27 property, or to restore vital public services, infrastructure facilities and other public
28 utilities.

29 The instances or situations where the foregoing conditions may be applied
30 include the provision of immediate response and initial recovery steps to avoid loss of
31 life, injury, disease, and other negative effects on human, physical, mental, and social

1 well-being, together with damage to property, destruction of assets, loss of services,
2 social and economic disruption and environmental degradation.

3 *Sec. 9. Period of Implementation.* – The *Pag-ASA* package shall be implemented
4 for a period of two (2) months or, as may be necessary, to be extended for such time
5 as the President may deem necessary.

6 *Sec. 10. Reportorial Requirement.* – The Office of the President, in coordination
7 with the concerned departments and agencies, shall submit to Congress a report of
8 the implementation once every two months or, as often as may be necessary,
9 whenever major plans, programs, or activities are implemented. The report shall be
10 used to monitor and evaluate the implementation of this Act.

11 *Sec. 11. Implementing Rules and Regulations.* - The concerned departments
12 and agencies shall issue the implementing rules and regulations for this Act within
13 sixty (60) days after the approval of this Act.

14 *Sec. 12. Repealing Clause.* – All laws, decrees, orders, rules and regulations or
15 other issuances or parts thereof inconsistent with the provisions of this Act are hereby
16 repealed or modified accordingly.

17 *Sec. 13. Separability Clause.* – If any portion or provision of this Act is declared
18 unconstitutional, the remainder of this Act or any provision not affected thereby shall
19 remain in force and effect.

20 *Sec. 14. Effectivity.* – This Act shall take effect after fifteen (15) days following
21 the completion of its publication either in the Official Gazette or in a newspaper of
22 general circulation in the Philippines.

23
24 Approved,
25