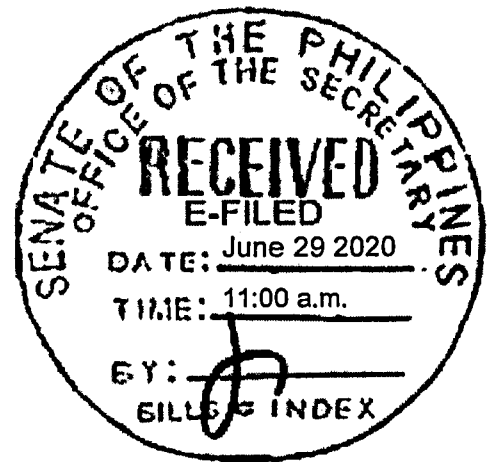


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE
S. B. No. 1645

Introduced by **SENATOR IMEE R. MARCOS**

AN ACT
MANDATING THE CONDUCT OF BASELINE POLYMERASE CHAIN
REACTION COVID-19 TESTING FOR THE VULNERABLE MEMBERS OF
SOCIETY TO STOP THE TRANSMISSION OF THE DISEASE

EXPLANATORY NOTE

Article II, Section 15 of the 1987 Constitution states that *"the State shall protect and promote the right to health of the people and instill health consciousness among them."*

The World Health Organization (WHO) identified two important components in the battle against the corona virus 2019 (COVID-19) pandemic: quarantine and testing. These two should be utilized simultaneously in order to see a significant decrease of COVID-19 infections. While the entire country had undergone stringent quarantine measures, our testing capacity remains to be miserably low.

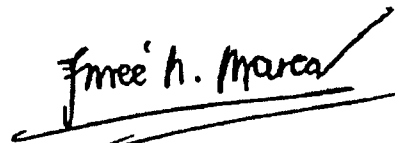
According to Presidential Spokesperson Harry Roque, the estimated maximum testing capacity for COVID-19 infection is pegged at thirty thousand (30,000) per day. However, data from the Department of Health (DOH) shows that the actual number of tests done daily remained well below the target, the latest of which reaching only up to eleven thousand two hundred twenty one (11,221) on 3 June 2020.

While there is effort to ramp up the testing capacity, DOH Undersecretary Maria Rosario Vergeire referred to Department Memorandum 2020-0151, as reiterated by Department Circular No. 2020-0179, in the identification of priority sub-groups for the

expanded testing, to wit: (1) patients or healthcare workers with severe or critical symptoms and history of travel or exposure, and (2) patients or healthcare workers with mild symptoms, relevant history of travel or exposure, and considered vulnerable [e.g. sixty (60) years old or older, has other illnesses such as hypertension and diabetes, or is immunocompromised].

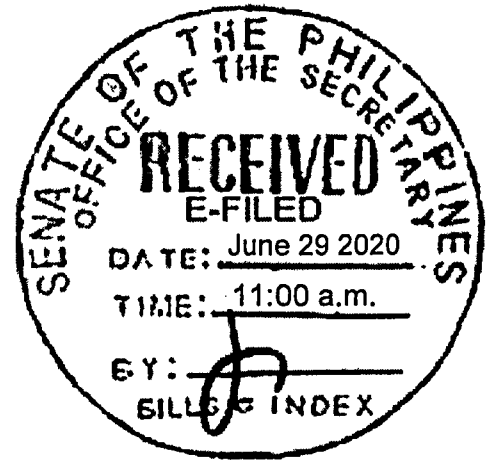
This bill seeks to mandate the testing of a much wider "vulnerable group" who, by reason of their profession or background, are more at risk of being exposed to the virus in order to fast track the identification, isolation and contact-tracing efforts of the country in the fight against COVID-19.

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


IMEE R. MARCOS

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SOCIETY TO STOP THE TRANSMISSION OF THE DISEASE

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 “*Expanded COVID-19*
2 *Mandatory Testing Act.*”

3 **Sec. 2. Declaration of the Policy.** – It is the policy of the State to protect and
4 promote the right to health of the people and instill health consciousness among them.
5 Towards this end, the State shall safeguard the citizenry from the threat of the recent
6 global pandemic by requiring them to undergo testing so that coronavirus disease-
7 2019 (COVID-19) cases are detected early enough and managed properly, and the
8 safety of the people in their homes and places of work is assured.

9 **Sec. 3. Objectives.** – This Act seeks to achieve the following objectives:

- 10 a. Sustain the gains of the government in the initial lockdown, as the Filipino
11 people enter the “*new normal*”;
- 12 b. Implement measures to contain and control the transmission of COVID-
13 19 by locating every possible human host to the COVID-19;
- 14 c. Reduce COVID-19 mortality through early detection and management;

1 d. Significantly slow down the doubling time of COVID-19 infections in the
2 country; and

3 e. Maximize government resources by applying cost-effective methodology
4 and utilizing Pooled Baseline Polymerase Chain Reaction COVID-19 Testing among the
5 vulnerable members of society.

6 For purposes of this Act, "*new normal*" refers to the emerging behaviors,
7 situations, and minimum public health standards that will be institutionalized in
8 common or routine practices and which will remain even after the pandemic until the
9 disease is totally eradicated by means of widespread immunization, among other
10 measures. These include actions that will become second nature to the general public
11 as well as policies that ban large gatherings.

12 **Sec. 4. COVID-19 Testing.** – The Pooled Baseline Polymerase Chain Reaction
13 Testing, or Pooled Baseline PCR Testing is hereby established as the protocol for
14 COVID-19 testing for the vulnerable members of society as defined in Section 5 of this
15 Act.

16 As used in this Act, Pool Baseline Polymerase Chain Reaction Testing or Baseline
17 PCR Testing refers to the individual collection of nasopharyngeal and/or oropharyngeal
18 swabs from vulnerable asymptomatic persons, which are subsequently grouped into
19 ten (10) or five (5) samples, mixed together, and from which mixture an aliquot is
20 taken and tested using Baseline PCR Testing.

21 For this purpose, the Inter-Agency Task Force for the Management of Emerging
22 Infectious Diseases (IATF-MEID), in coordination with the Department of Health
23 (DOH), the Department of the Interior and Local Government (DILG), the Department
24 of Labor and Employment (DOLE), the Department of Trade and Industry (DTI), and
25 the Bureau of Immigration (BI), shall ensure that the COVID-19 testing centers are
26 available, affordable and accessible.

27 **Sec. 5. Coverage.** – The following vulnerable members of society shall undergo
28 Pooled Baseline PCR Testing:

- 1 a. Patients or healthcare workers with severe or critical symptoms, mild
2 symptoms, and those who demonstrated no symptoms but with relevant history of
3 travel or contact: *However*, patients or health workers who are deemed to be high risk
4 due to their exposure to COVID-19 may be tested individually;
- 5 b. Non-health frontliners responding against COVID-19 including the following:
- 6 1. Personnel manning temporary treatment and quarantine facilities of the
7 government at the local and national levels;
 - 8 2. Personnel manning quarantine control points, including those from the
9 Armed Forces of the Philippines (AFP), Philippine National Police (PNP),
10 Bureau of Fire Protection (BFP), and other agencies;
 - 11 3. National and Regional Local Risk Reduction and Management Teams;
 - 12 4. Barangay Health Emergency Response Teams and barangay officials
13 providing barangay border control and those performing COVID-19 related
14 tasks;
 - 15 5. Personnel of the Bureau of Corrections (BuCor) and the Bureau of Jail
16 Management and Penology (BJMP);
 - 17 6. Personnel manning one-stop-shops in the management of Returning
18 Overseas Filipinos;
 - 19 7. Personnel serving at the COVID-19 swabbing center;
 - 20 8. Social workers providing amelioration and relief assistance to communities
21 and performing COVID-19 related tasks; and
 - 22 9. All personnel directly involved in the response against COVID-19.
- 23 c. Those persons returning to work with co-morbidities such as diabetes,
24 hypertension, heart disease, pulmonary diseases, cancer, renal failure, obesity,
25 pregnancy, old age, and the immunocompromised who are returning to work;
- 26 d. Persons entering the Philippine Territory coming from abroad;

1 e. Workers who are holders of quarantine passes who do most of the errands
2 for their families during quarantine;

3 f. Patients required by their physicians to submit Baseline PCR test result prior
4 to a procedure, operation or treatment.

5 Foreign nationals shall bear the cost of testing. Priority should be given to
6 healthcare workers, sales personnel in public markets, groceries and supermarkets,
7 food handlers, factory workers, construction workers, security guards, drivers of public
8 utility vehicles, banks and transfer fund facilities personnel, laundry shop workers,
9 house helpers, caregivers, pregnant women, embalmers, wellness and salon workers,
10 uniformed personnel, media personnel, barangay health workers, and family members
11 whose household has a dweller who went abroad last December 2019 until the present
12 time.

13 The Philippine Health Insurance Corporation (PhilHealth) shall cover the full cost
14 of testing, including the cost of services of the pathologist, laboratory specialist and
15 other laboratory staff: *Provided*, That the PhilHealth coverage shall not be more than
16 the prevailing market cost.

17 **Sec. 6. Testing Allocation in COVID-19 Testing Centers.** – Upon the effectivity
18 of this Act, the COVID-19 testing centers shall allocate a percentage of their daily
19 testing capacity specifically for the testing of the vulnerable members of society as
20 provided in Section 5 of this Act. The IATF-MEID shall determine the percentage rate
21 based on the total maximum daily Baseline PCR Testing capacity and the total number
22 of Baseline PCR Tests available in the country.

23 **Sec. 7. Whole-of-Government Approach.** – In order to effectively mitigate the
24 effect of the COVID-19 pandemic, a whole-of-government approach shall be adopted
25 in the implementation of the objectives of this Act. In line with this approach,
26 engagement with the business sector, micro, small and medium-scale enterprises,
27 community-at-large and other stakeholders shall consistently undertake to ensure the
28 full and effective implementation on the mitigation strategies of the government in
29 containing COVID-19.

1 In particular, the following agencies shall implement the necessary measures
2 and protocols in administering the Baseline PCR testing:

- 3 a. Department of Health (DOH);
- 4 b. Department of the Interior and Local Government (DILG);
- 5 c. Department of Foreign Affairs (DFA);
- 6 d. Department of Labor and Employment (DOLE);
- 7 e. Department of Trade and Industry (DTI);
- 8 f. Department of Finance (DOF);
- 9 g. Department of Budget and Management (DBM); and
- 10 h. Department of Transportation (DOTr).

11 **Sec. 8. *Implementing Rules and Regulations.*** – Within fifteen (15) days after
12 the approval of this Act, the IATF-MEID, in coordination with the Secretaries of Health,
13 Interior and Local Government, Social Welfare and Development, Foreign Affairs, Labor
14 and Employment, Trade and Industry, Finance, Budget and Management, and
15 Chairperson of the Civil Service Commission, shall promulgate the rules and regulations
16 to carry out the purposes of this Act:

17 *Provided,* That the protocols and algorithms shall be done in consultation and
18 coordination with the Philippine Society of Pathologists (PSP) and the Philippine
19 Association of Medical Technologists (PAMET); *Provided, further,* That the algorithmic
20 approach may be amended, as the case may be, to include antigen testing and other
21 new validated assays to further refine the testing methods, and make them more
22 economical, scientifically sound and relevant to ensure that this Act is attuned to new
23 scientific developments and is not outdated.

24 **Sec. 9. *Sunset Clause.*** – This Act shall continue to be effective until Presidential
25 Proclamation No. 922, series of 2020, declaring a state of public health emergency
26 throughout the Philippines shall have been lifted through another presidential
27 proclamation or similar issuances.

1 **Sec. 10. *Repealing Clause.*** – All law, executive orders, rules, and regulations
2 or any part thereof inconsistent herewith are deemed repealed or modified accordingly.

3 **Sec. 11. *Separability Clause.*** – If any part or provision of this Act shall be
4 declared unconstitutional and invalid, such declaration shall not invalidate other parts
5 thereof, which shall remain in full force and effect.

6 **Sec. 12. *Effectivity.*** – This Act shall take effect immediately after its publication
7 in the Official Gazette or in a newspaper of general circulation.

Approved,