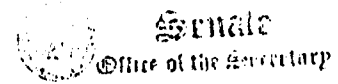


EIGHTEENTH CONGRESS )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



'21 MAY 10 A8:00

SENATE  
S. No. 2159

RECEIVED BY: \_\_\_\_\_

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Introduced by SENATOR RICHARD J. GORDON

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**AN ACT MANDATING OXYGEN GENERATION PLANT IN LEVEL 2 AND 3  
GOVERNMENT AND PRIVATE HOSPITALS, AMENDING FOR THIS PURPOSE  
REPUBLIC ACT NO. 4226, OTHERWISE KNOWN AS THE "HOSPITAL  
LICENSURE ACT", APPROPRIATING FUNDS THEREFOR**

**EXPLANATORY NOTE**

It has been more than a year since COVID-19 struck our country, took the lives of our people, and devastated our economy. Today, the country has already reached more than one million cases and is experiencing another surge of COVID-19 cases, which is threatening to collapse our healthcare system. With new variants emerging all over the world, the fight against COVID-19 has become more perilous than ever.

The current plight of India in its fight against the new COVID-19 mutant strain is worrying. With record number new cases of around 400,000 cases per day, supply of oxygen tanks is at its all time low and at higher prices. The conditions of patients and their families are heartbreaking. They scramble with whatever oxygen they can find for whatever money they have left.

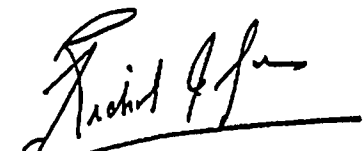
The situation in India must not happen in the Philippines. Argentina has already put a price freeze on medical oxygen and directed liquid oxygen producers to prioritize supplying the healthcare system due to the growing demand as the country experiences a second wave of COVID-19 infection. In Brazil the government has resorted to flying oxygen tanks all over the country just to ensure that hospitals in critical levels get a supply. While we try to address the gaps in our testing and tracing efforts, we should also solve a more pressing problem, the inadequacy of our health facilities, with one aspect the lack of sufficient oxygen tanks. Currently, we are also experiencing chronic shortage in our oxygen supply.

Last June 2020, DOH issued Memo 2020-0250A: "SUGGESTED RETAIL PRICE (SRPs) FOR EMERGENCY ESSENTIAL MEDICINES AND MEDICAL DEVICES DUE TO THE CORONAVIRUS DISEASE 2019 (COVID-19) HEALTH EVENT", the price for oxygen

tanks ( 5 lbs to 15 lbs) is set at Php 3,000 to Php 8,000. Using a quick google search, price range from Php 2,000 to Php 8,000. In a Lazada online shop, price is at Php 6, 499. However, recent quotations tell that it spiked to Php 10,000 to Php 25,000 for (50 lbs).

The insufficient supply of oxygen tanks coupled with the rising costs of procuring one has left our fellow men literally gasping for air as they lie and could die in a very difficult way in hospital beds over the country.

This bill aims to address that issue by mandating level 2 and 3 government and private hospitals to have an oxygen generation plant of their own to help alleviate the suffering of their patients during this pandemic and ensure that conditions such Chronic Obstructive Pulmonary Disease (COPD) which require the use of an oxygen tank would be adequately attended to.



**RICHARD J. GORDON**  
Senator

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

1 **SEC. 1.** Section 8 of Republic Act No. 4226 also known as the Hospital Licensure Act  
2 is hereby amended as follows:

3 "Section 8. *Minimum Standards of Construction.*—In order that a permit to  
4 construct a hospital can be issued the hospital plan shall provide sufficient bed  
5 space for the hospital bed capacity proposed, a laboratory room, an operating  
6 room, including work rooms for sterilization, anesthesia preparation, etc., an X-  
7 ray or radiology room, pharmacy, dispensary or out-patient department,  
8 delivery room, isolation rooms, autopsy room or morgue, sufficient quarters for  
9 residents, nurses, attendants and helpers and sufficient number of toilet  
10 facilities.

11 Wards shall be constructed such that segregation of the sexes is observed and  
12 as far as practicable classified as to the type of cases to be confined.

13 HOSPITAL PLAN FOR LEVEL 2 AND 3 GOVERNMENT AND PRIVATE HOSPITALS  
14 AS CLASSIFIED BY THE DEPARTMENT OF HEALTH (DOH), SHALL INCLUDE  
15 SUFFICIENT SPACE FOR AN OXYGEN GENERATION PLANT, THE  
16 SPECIFICATIONS AND EQUIPMENT OF WHICH SHALL BE SUBJECT TO  
17 GUIDELINES PROVIDED BY THE DOH"

1 **SEC. 2.** A new Section 9 in Republic Act No. 4226 is hereby inserted and it shall read  
2 as follows:

3 "Section. 9. Mandatory oxygen generation plant in level 2 and 3 government  
4 and private hospitals.- All level 2 and level 3 government hospitals in the  
5 country shall have a fully operational and well-maintained oxygen generation  
6 plant. The specifications and equipment needed for the oxygen generation  
7 plant shall be subject to the guidelines provided by the Department of Health  
8 (DOH). The DOH shall ensure that all level 2 and level 3 government hospitals  
9 have oxygen generation plant within 3 years from the effectivity of this Act;  
10 *Provided,* that all level 2 and level 3 government hospitals identified by the DOH  
11 as having reached critical level in terms of bed occupancy due to COVID-19  
12 shall be prioritized in the procurement and rollout of the oxygen generation  
13 plant; *Provided further,* that during the pendency of the complete roll-out of  
14 the requirement for a mandatory oxygenation plant in every level 2 and level 3  
15 government hospital, the DOH shall ensure that within six months from the  
16 effectivity of this Act, as much number of oxygen generation plants in level 2  
17 and level 3 government hospitals are constructed in high prevalence areas, as  
18 needed, catering to the requirements of not only the hospital to which it  
19 belongs but to the public in general; *Provided finally,* that the DOH together  
20 with the Department of Trade and Industry (DTI) shall monitor the supply and  
21 price of filled oxygen tanks and shall issue such other measures, rules and  
22 regulations as may be necessary to stabilize the supply of filled oxygen tanks  
23 and to make the same affordable to the greater number of people, including  
24 but not limited to the construction of more oxygen generation plants in level 2  
25 and level 3 government hospitals.

26  
27 The DOH shall require level 2 and 3 private hospitals to have a fully operational  
28 and well-maintained oxygen generation plant within four (4) years from the  
29 enactment of this Act, following the specifications and guidelines as may be  
30 provided by the DOH. Failure to comply with requirement of securing an  
31 oxygenation plant may result to suspension of the license to operate of the  
32 hospital for one month."

33 **SEC. 3.** All other sections in Republic Act No. 4226 are hereby renumbered  
34 accordingly.

35 **SEC. 4.** Appropriations.- Funding for the procurement, installation, and rollout of the  
36 oxygen generation plant of level 2 and 3 government hospitals shall be taken from the

1 current appropriation by the Department of Health. Thereafter, the amount needed  
2 shall be included in the General Appropriation Act.

3 **SEC. 5.** Implementing Rules and Regulations. - The Department of Health shall, within  
4 sixty (60) days after the approval of this Act, issue the necessary rules and regulations  
5 to implement the provisions hereof.

6 **SEC. 6.** Separability Clause. - If any provision or part hereof is held invalid or  
7 unconstitutional, the remainder of the law or the provision not otherwise affected  
8 shall remain valid and subsisting.

9 **SEC. 7.** Repealing Clause. - All laws, presidential decrees or issuances, executive  
10 orders, letters of instruction, administrative orders, rules and regulations contrary to  
11 or inconsistent with the provisions of this Act are hereby repealed, modified or  
12 amended accordingly.

13 **SEC. 8.** Effectivity. - This Act shall take effect fifteen (15) days after its complete  
14 publication in at least two (2) newspapers of general circulation.

15 *Approved,*