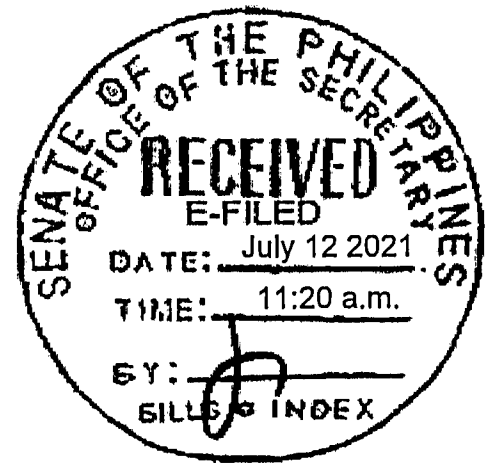


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Third Regular Session* )

SENATE

S.B. No. 2315



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Introduced by SENATOR RICHARD J. GORDON

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**AN ACT**  
**INCREASING THE PENALTIES FOR THE FALSIFICATION OF MEDICAL**  
**CERTIFICATES IN TIMES OF NATIONAL HEALTH EMERGENCIES**  
**INCLUDING BUT NOT LIMITED TO TEST RESULTS AND VACCINATION**  
**CARDS, AMENDING FOR THIS PURPOSE ARTICLE 174 OF ACT NO. 3815**  
**ALSO KNOWN AS "THE REVISED PENAL CODE", AS AMENDED BY RA**  
**10951"**

**EXPLANATORY NOTE**

Despite having the so-called "longest and strictest lockdown" in the world<sup>1</sup>, the Philippines is down on its knees 1 year after, with a surge of COVID-19 cases. As of April 3, 2021, the Philippines had the highest single tally of COVID-19 cases without backlog of 12,576. As of the same date, the Philippines has 165,615 active cases- the highest in the ASEAN.

According to the data as of March 31, 2021, Philippines has 24.2% Positivity Rate, which means that of the 33, 800 tested for that day; 1 cut of 4 tests turned out positive.

The deplorable results in Philippines' fight against COVID-19, which emphasizes the T3 strategy (Trace, Treat, Test) brings into fore the need to stop the growing proliferation of fake tests results currently being peddled by unscrupulous individuals. To effectively manage the pandemic, we need to have an efficient and widely available testing strategy that will enable the government to isolate people that have active infection whether symptomatic or asymptomatic.

News reports are with various instances of the use and proliferation of COVID-19 test results. On July 24, 2020, a printing shop in Caloocan City reportedly producing fake coronavirus disease (COVID-19) certificates was raided by police Thursday and arrested two women. On December 8, 2020, 6 Boracay tourists face raps over fake

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<sup>1</sup> <https://www.telegraph.co.uk/global-health/science-and-disease/inside-worlds-longest-strictest-coronavirus-lockdown-philippines/>

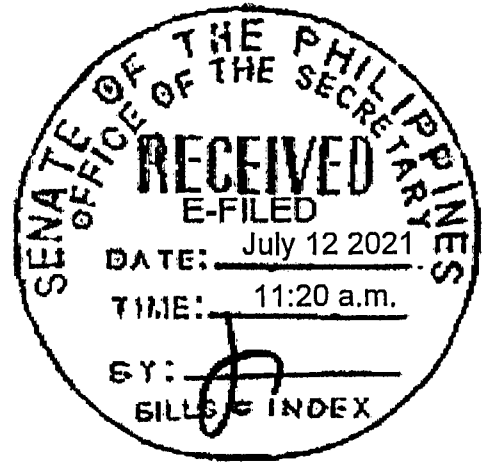
COVID-19 tests. On December 22, 2020, 5 passengers with fake COVID test results are caught in Davao airport. In a news report dated January 27, 2021, a doctor and clinic in Valenzuela City was complained for allegedly faking the swab test results. The clinic is also using the name of a laboratory in Bulacan to release the RT-PCR test that was conducted even though it was not.

Article 174 of the Revised Penal Code, as amended already penalizes falsification of medical certificates with arresto mayor in its maximum period to prisión correccional in its minimum period and a fine not to exceed Two hundred thousand pesos (P200,000). However, considering the capacity of the proliferation of fake COVID-19 tests to undermine the government's efforts to address the on-going COVID-19 pandemic, the undersigned deems it necessary to increase the penalty in the falsification of medical certificates in times of a declared National Health Emergency such as the on-going COVID-19 pandemic.

For this purpose, immediate passage of this bill is earnestly being sought.

  
**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 **SECTION 1.** Article 174 of Act No. 3815 is hereby amended to read as follows:

2 "Art. 174. *False medical certificates, false certificates of merits or service, etc. -*  
3 The penalties of arresto mayor in its maximum period to prisión correccional in  
4 its minimum period and a fine not to exceed Two hundred thousand pesos  
5 (P200,000) shall be imposed upon:

6 "1. Any physician or surgeon who, in connection with the practice of his  
7 profession, shall issue a false certificate; and

8 "2. Any public officer who shall issue a false certificate of merit of service,  
9 good conduct or similar circumstances."

10 "The penalty of arresto mayor shall be imposed upon any private person who  
11 shall falsify a certificate falling within the classes mentioned in the two (2)  
12 preceding subdivisions."

13 THE PENALTY OF PRISIÓN CORRECCIONAL IN ITS MEDIUM PERIOD TO  
14 PRISIÓN CORRECCIONAL IN ITS MAXIMUM PERIOD AND A FINE NOT TO

1 EXCEED TWO HUNDRED FIFTY THOUSAND PESOS (P250,000) SHALL BE  
2 IMPOSED UPON ANY PRIVATE PERSON OR ANY PHYSICIAN OR SURGEON  
3 WHO SHALL FALSIFY ANY MEDICAL CERTIFICATE, TEST RESULT,  
4 VACCINATION CARD DURING THE TIME OF A DULY DECLARED NATIONAL  
5 HEALTH EMERGENCY: PROVIDED, THAT THE FALSIFIED MEDICAL  
6 CERTIFICATE, TEST RESULT, VACCINATION CARD MUST BEAR IMPORTANCE  
7 IN THE MITIGATION/RESOLUTION OR EFFORTS OF THE GOVERNMENT TO  
8 ADDRESS THE DECLARED NATIONAL HEALTH EMERGENCY SUCH AS BUT NOT  
9 LIMITED TO MEDICAL TEST RESULTS AND VACCINATION CARDS; PROVIDED  
10 FURTHER THAT, WHEN COMMITTED BY A GROUP OF THREE OR MORE  
11 PEOPLE FOR A GAIN, THE PENALTY TO BE IMPOSED SHALL BE PRISIÓN  
12 CORRECCIONAL IN ITS MAXIMUM PERIOD AND THE FINE IMPOSED SHALL BE  
13 ONE MILLION PESOS (P1,000,000).

14 **SEC. 3.** Separability Clause. – If any provision or part hereof is held invalid or  
15 unconstitutional, the remainder of the law or the provision not otherwise affected shall  
16 remain valid and subsisting.

17 **SEC. 4.** Repealing Clause. – All laws, presidential decrees or issuances, executive  
18 orders, letters of instruction, administrative orders, rules and regulations contrary to  
19 or inconsistent with the provisions of this Act are hereby repealed, modified or  
20 amended accordingly.

21 **SEC. 5.** Effectivity. – This Act shall take effect fifteen (15) days after its complete  
22 publication in at least two (2) newspapers of general circulation.

23 *Approved,*