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SENATE

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S. No. 1928

Introduced by **SENATOR CYNTHIA A. VILLAR**

AN ACT
ESTABLISHING THE VIROLOGY AND VACCINE INSTITUTE OF THE
PHILIPPINES AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

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

We are all witness to the outbreak of an infectious disease as we are living through the COVID pandemic. Apart from COVID, we continue to be susceptible to the threat of other emerging infectious diseases as well that may crop up in the future. Thus, our current situation emphasizes the risks and highlights the need to improve preparedness at local, national, and international levels against future pandemics. New pathogens will continue to emerge and spread across regions and will challenge public health as never before signifying further burden to our precarious health system. These may again cause countless morbidities and mortalities, disrupting trade and negatively affecting the economy.¹

The COVID-19 pandemic has been with us for three years² already, and we have seen how our country was unprepared then to contain a highly contagious

¹ <https://doh.gov.ph/emerging-and-re-emerging-infectious-disease-program>

² <https://covid19.who.int/region/wpro/country/ph>

virus and to effectively protect the populace from the health risks posed by this viral disease that has no known cause, no known cure, and no set timetable for its complete eradication and return to pre-pandemic conditions.

The future emerging public health threats are issues that could be addressed on a sustained basis using a science and technology approach, specifically through research and development. It is therefore imperative that we establish a research institute that is devoted to the study of viruses or would advance the field of virology.

Without a doubt, vigorous research, a stepping up of scientific frontiers, development breakthroughs in the field of virology, and application of advancement in technology for maximum gains in the campaign for sustainable public health response represent our best hope as a species for preventing and treating infectious diseases and viral infections in humans, as to plants and animals.

The proposed establishment of the Philippine Virology Science and Technology or "VIP" is a concrete step and strategic response in our fierce fight against the COVID-19 pandemic and other infectious diseases that could emerge in the future. It is a right move towards an efficient public health emergency preparedness and response.

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


CYNTHIA A. VILLAR

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



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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 "Virology and Vaccine
2 Institute of the Philippines (VIP) Act".

3 Sec. 2. *Declaration of 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
5 them. The State recognizes that science and technology is essential for national
6 development and progress.

7 To this end, the State shall formulate and implement policies that shall
8 address current health issues, such as the quality and adequacy of health resources
9 including human resources for health, health institutions, and delivery of health
10 services, and shall give priority to research, the development and promotion of
11 innovations in both technology and services, the use of safe and indigenous health-
12 promoting practices, and their appropriate utilization by the health sector.

13 In this regard, the State shall prioritize the establishment of an institute that
14 will conduct in-depth studies on viruses and their potential disease-causing agents

1 that affect people, plants, and animals, in order to provide the scientific bases for
2 the treatment of viral diseases, and for the formulation of policies that shall prevent
3 the transmission of these diseases within the community and national context.

4 Sec. 3. *Objectives.* – This Act seeks to establish a virology and vaccine
5 institute that shall focus on the following key science and technology applications:

- 6 a) Research on viruses and other pathogens using a modern approach
7 such as molecular biology and its application on biotechnology and
8 bioinformatics;
- 9 b) Development of diagnostics, vaccines, and therapeutics on viruses and
10 other pathogens;
- 11 c) International cooperation and network of databases of virus infections;
- 12 d) Operation of a virology laboratory, virus gene bank and virus genome
13 laboratory, to focus on viruses circulating in the Philippines for
14 disease prevention and epidemiological studies; and
- 15 e) Operation of a virus high-containment laboratory dedicated to the
16 study of highly infectious and highly pathogenic viruses.

17 Sec. 4. *Definition of Terms.* – As used in this Act:

- 18 a) *Bacteriophage* refers to any group of viruses that infect specific
19 bacteria, usually causing their disintegration or dissolution;
- 20 b) *Biosafety* refers to a condition in which the probability of harm, injury
21 and damage resulting from the intentional and unintentional
22 introduction or use of a regulated article is within acceptable and
23 manageable levels;
- 24 c) *Biosecurity* refers to the strategic and integrated approach to analyzing
25 and managing relevant risks to plant, animal and human life, and
26 health and associated risks for the environment. It is based on
27 recognition of the critical linkages between sectors and the potential

1 for hazards to move within and between sectors, with system-wide
2 consequences;

3 d) *Diagnostics* refer to methods, tests, techniques, and tools in viral
4 diagnosis for plants, animals and humans;

5 e) *Therapeutics* refer to anti-viral, bacteriophages, nanotechnology
6 treatment approach, nucleic acid-based treatment, remedial agents,
7 drugs for the treatment of viral diseases and infections of plants,
8 animals and humans;

9 f) *Vaccine* refers to a product that induces or stimulates active acquired
10 immunity by producing antibodies to a specific infectious agent. It
11 helps the body's immune system to recognize and fight pathogens like
12 viruses or bacteria; and

13 g) *Virology* refers to the scientific discipline concerned with the study of
14 the biology of viruses and viral diseases of plant, animal, and human
15 medical importance and pandemic potential, including the distribution,
16 pathogenicity, viral cytopathicity, biochemistry, physiology, molecular
17 biology, biotechnology, ecology, tropism, spillover or interspecies
18 transmission, evolution, and clinical aspects of viruses.

19 *Sec. 5. Creation of the Virology and Vaccine Institute of the Philippines.* – The
20 Virology and Vaccine Institute of the Philippines (VIP) is hereby created and shall be
21 attached to the Department of Science and Technology (DOST) for purposes of
22 policy and program coordination and to ensure alignment in national policies and
23 priorities.

24 The VIP shall serve as the premier research and development institute in the
25 field of virology, encompassing all kinds of viruses and viral diseases in plants,
26 animals and humans. It shall also be a venue for scientists, research institutes and
27 other organizations in the Philippines and abroad, to work collaboratively to study
28 viruses of agricultural, industrial, clinical, and environmental importance.

29 *Sec. 6. Mandate.* – The VIP shall implement policies, plans, programs, and
30 projects for the development of virology science and technology in the country and

1 the promotion of scientific and technological activities for both the public and private
2 sectors. It shall ensure that the results of these activities are properly applied
3 towards self-reliance and utilized to accelerate economic and social development
4 towards the protection of the citizens.

5 *Sec. 7. Powers, Functions, and Duties.* – To accomplish its mandate, the VIP
6 shall have the following powers, functions, and duties:

- 7 a) Serve as the lead convener for the formulation of the National Virology
8 Research Agenda, in consultation with all concerned stakeholders, that
9 will encompass researches involving viruses of plant, animal and
10 humans;
- 11 b) Undertake scientific and technological research and development in the
12 field of virology;
- 13 c) Conduct product research and development in the areas of diagnostics,
14 therapeutics, and vaccines in cooperation with the private sector and
15 concerned agencies;
- 16 d) Promote and undertake the transfer of the results of scientific research
17 and development in collaboration with government agencies, industry,
18 and the academe;
- 19 e) Promote, advocate and oversee virology research ethics, biosafety, and
20 biosecurity;
- 21 f) Develop and maintain an information system on virology science and
22 technology for use by both the public and private sectors;
- 23 g) Develop and implement, together with other entities concerned,
24 programs for strengthening scientific and technological capabilities in
25 virology and relevant disciplines through human resource development,
26 infrastructure, and institution building;
- 27 h) Undertake policy research, and other related studies on virology;

- 1 i) Provide laboratory and technical services on virology;
- 2 j) Promote and advocate the national programs on virology science and
3 technology;
- 4 k) Establish linkages with local and international partners; and
- 5 l) Assume additional functions such as the conduct of clinical research or
6 trials and other incidental works, as may be deemed appropriate.

7 *Sec. 8. Organizational Structure.* – The VIP shall be headed by a Director and
8 two (2) Deputy Directors for Research and Development, and Support, Policy, and
9 Linkages.

10 The VIP shall have technical and administrative support staff and consultants.
11 The consultants may be selected from the public and private sectors and shall serve
12 on a contractual basis. They shall be granted honoraria or allowances in accordance
13 with existing rules and regulations.

14 Subject to the approval of the Department of Budget and Management
15 (DBM), the VIP shall determine its organizational structure and staffing pattern,
16 subject to the existing compensation and position classification system and civil
17 service rules and regulations.

18 *Sec. 9. Qualifications of the VIP Director and Deputy Directors.* – Upon the
19 recommendation of the Governing Board, the President of the Philippines shall
20 appoint the Director of the VIP. The Director must possess:

- 21 a) a bachelor's degree in the field of microbiology or any other
22 specialization;
- 23 b) a postgraduate degree in virology or any other related fields; and
- 24 c) at least three (3) years work experience in the field of virology.

25 The Director of the VIP shall have the rank of Director IV, Salary Grade (SG)-
26 28, and shall exercise overall responsibility over the activities of the VIP, including

1 the supervision over VIP staff. The Director of the VIP shall report to the President
2 of the Philippines and the Secretary of the DOST the results of the various diagnostic
3 assays and research studies undertaken by the VIP.

4 Each of the Deputy Directors of the VIP shall have a rank of Director III, SG-
5 27. The Deputy Director for Research and Development must possess a Bachelor's
6 Degree in Microbiology or in a similar field and at least a Master's Degree in Virology.
7 The Deputy Director for Support, Policy, and Linkages must possess a Bachelor's
8 degree and a Master's degree relevant to the position.

9 *Sec. 10. The Governing Board.* – The VIP shall have a Governing Board which
10 shall be the policymaking body for the scientific and technological activities of the
11 VIP. It shall be composed of the following:

12 Chairperson:

13 a) Secretary of the DOST;

14 Co-Chairpersons:

15 b) Secretary of the Department of Health (DOH);

16 c) Secretary of Department of Agriculture;

17 Members:

18 d) Undersecretary of the Department of Environment and Natural
19 Resources;

20 e) Undersecretary for Research and Development of the DOST;

21 f) Undersecretary of the Department of Foreign Affairs (DFA) for
22 International Economic Relations:

23 g) Chairperson of the Commission on Higher Education (CHED);

24 h) Director of the Research Institute for Tropical Medical Medicine
25 (RITM);

26 i) Director General of the Food and Drug Administration (FDA);

27 j) Director of VIP;

- 1 k) Executive Director of University of the Philippines-National Institute of
2 Health;
- 3 l) Representative from the National Academy of Science and Technology;
- 4 m) Representative from the National Research Council of the Philippines;
5 and
- 6 n) Three (3) representatives from the private sector appointed by the
7 President of the Philippines, as nominated by the Governing Board.
8 These representatives shall have distinguished themselves in the fields
9 of medical virology, genomics, plant virology, animal virology,
10 epidemiology, genetic engineering and other related disciplines.

11 The VIP Secretariat shall serve as the Secretariat to the Governing Board.

12 *Sec. 11. Transfer of Units, Offices and Functions.* – All offices and units under
13 the DOST system which functions are related to virology shall be transferred to the
14 VIP.

15 All powers, functions, assets, capital, records, funds, receivables, equipment
16 and facilities of the DOST units or its division shall be transferred to the VIP. The
17 DOST shall conduct an audit and inventory of assets, liabilities and human resources
18 of the transferred offices and units under the DOST system to the VIP.

19 All transferred and new employees under the DOST System shall be subject
20 to the qualification standards provided for by law, and by the rules and regulations
21 of the Civil Service Commission (CSC).

22 *Sec. 12. Engagement of Balik Scientists and Foreign Experts.* – The VIP may
23 engage the services of Balik Scientists and foreign experts who shall work together
24 with the local scientists and experts, following the terms of reference and
25 compensation structure in accordance with Republic Act No. 11035 or the "Balik
26 Scientist Act" and other existing laws.

27 *Sec. 13. International Cooperation.* – The VIP shall establish strategic
28 partnerships with the world's leading scientists and virology centers and institutes,
29 and conduct innovative and pioneering researches that will advance the frontiers of

1 virology in the country. It may enter into a memorandum of agreement or
2 understanding with international partners, upon the approval of its Governing Board
3 and in compliance with existing laws, rules, regulations and issuances of the DFA.
4 The DFA shall provide the VIP advice and assistance on drafting and negotiations of
5 international legal instruments.

6 The Regional Office of the World Health Organization (WHO) in the
7 Philippines, World Organization for Animal Health and other relevant international
8 organizations shall also be consulted upon approval of the Governing Board of the
9 VIP.

10 *Sec. 14. Interdepartmental Cooperation.* – The VIP shall collaborate with the
11 DOH, Department of Finance, FDA, RITM and other relevant government agencies,
12 in accessing and mobilizing available information, reports, technical expertise,
13 equipment, materials and supplies as may be required to implement this Act.

14 The Scientific findings of the VIP shall be integrated in other plans relating to
15 disease control and prevention and in the plans of the Inter-Agency Task Force for
16 the Management of Emerging Infectious Diseases, as created by Executive Order No.
17 168 s. 2014, or its successor body, for the management of public health
18 emergencies relating to infectious diseases.

19 *Sec. 15. Private-Public Partnership (PPPs).* – The Department of Trade and
20 Industry (DTI), the DOH, DA, Public-Private Partnership Center and the DOST shall
21 collaborate in seeking Private-Public Partnerships (PPPs) for the development of new
22 industries, products and services where the VIP shall be the main research and
23 development unit.

24 The DOST may also request the assistance of other national and local
25 government agencies in seeking PPPs.

26 *Sec. 16. Promotion of Virology Industry.* – The DOST shall, in partnership with
27 the DOH, DA and the DTI, jointly develop an industry roadmap for products and
28 services that can be created, improved, or optimized by research from the VIP. As
29 far as practicable, the industry roadmap shall include the use of local materials in the

1 development of new products. The industry developed or established resulting from
2 the VIP researches shall be included in the national government's priority industries
3 for incentives.

4 *Sec. 17. Promotion of Knowledge-transfer and Research in the Academe. –*

5 The VIP shall promote the creation of hubs and programs for virology research and
6 development in the academe, particularly in state universities and colleges (SUCs).
7 To this end, the VIP shall assist SUCs in the creation of virology courses and
8 programs, open internships and scholarships for qualified students of higher
9 education institutions (HEIs), and collaborate with HEIs in the creation of virology
10 research centers.

11 The CHED shall collaborate with the DOST in the promotion of HEI-VIP
12 partnerships.

13 *Sec. 18. Protection of VIP-developed Intellectual Property. –* The Governing

14 Board of the VIP shall ensure that all technologies developed exclusively by the VIP
15 with full funding from Filipino taxpayers shall be protected by intellectual property
16 laws in accordance with Republic Act No. 10055, also known as the "Philippine
17 Technology Transfer Act of 2009," and other applicable laws. Any patent or property
18 right award granted to the VIP shall be held by and in the name of the Philippine
19 Government. In the case of partnerships, where the VIP is a collaborating research
20 partner, the Governing Board shall ensure that technologies co-developed by the VIP
21 shall also be co-owned by the Philippine Government, and correspondingly accorded
22 intellectual property protection under the law.

23 *Sec. 19. Procurement of Specialized Materials, Equipment and Services. –* The

24 VIP shall undertake the procurement of specialized materials, equipment, and
25 services to be used by the VIP in its operation and administration, in the most
26 expeditious manner, and adopt the most suitable or appropriate method of
27 procurement that it deems fit based on its identified needs and requirements
28 depending on the existing conditions and requirements that justify the use of a
29 particular alternative modality provided for by Republic Act No. 9184, otherwise

1 known as the "Government Procurement Reform Act" and its 2016 Revised
2 Implementing Rules and Regulations.

3 Sec. 20. *Official Site of VIP.* – A lot with an area equivalent to at least five (5)
4 hectares under the administration of the Bases Conversion and Development
5 Authority within the New Clark Economic Zone in Tarlac Province shall be allocated
6 exclusively for the VIP, its research facilities, and laboratories. The biosafety
7 infrastructure shall be designed based on risk assessment standards and guidelines
8 of the WHO for handling specific pathogens and the establishment of virology
9 laboratories in developing countries.

10 Sec. 21. *Entitlement to Magna Carta Benefits.* – Qualified employees of the
11 VIP shall be covered by Republic Act No. 8439, otherwise known as the "Magna
12 Carta for Scientists, Engineers, Researchers and Other S & T Personnel in the
13 Government," as amended.

14 Sec. 22. *Virology Research Fund.* – All donations, contributions, grants,
15 bequests, or gifts, in cash or in-kind, received by the VIP from various sources shall
16 be placed into a fund, to be known as the Virology Research Fund, and such
17 donations shall be exempt from donor's tax: *Provided,* That acceptance of grants,
18 bequests, contributions, and donations from foreign governments shall be subject to
19 the approval of the President of the Philippines, upon the recommendation of the
20 Secretary of the DOST and the Secretary of the DFA.

21 Sec. 23. *Authority to Solicit, Negotiate, and Receive Donations, Grants, Gifts,*
22 *Legacies, Endowments, and Contributions.* – The VIP may solicit, negotiate with, and
23 receive from any public or private domestic or foreign sources legacies, gifts,
24 donations, grants, endowments, contributions or other transfers of ownership and/or
25 possession of real or personal properties of all kinds in favor of and for the benefit of
26 the VIP, which shall be released in a timely manner to address an existing or
27 emerging public emergency or consistent with the urgent nature of VIP mandate and
28 functions, subject to existing budgeting, accounting and auditing laws, rules and
29 regulations.

1 Sec. 24. *Tax Exemptions.* – Donations, grants, gifts, endowments, legacies,
2 and contributions used actually, directly and exclusively for the purpose of the VIP
3 shall be exempt from donor’s tax and the same shall be considered as allowable
4 deduction from gross income for purposes of computing the taxable income of the
5 donor, in accordance with Sec. 34 (H)(2)(a) of the National Internal Revenue Code
6 of 1997, as amended. Likewise, such other transfers of ownership and/or possession
7 of real or personal properties of all kinds shall be exempt from all taxes.

8 Sec. 25. *Annual Report.* – The VIP shall submit its annual report to the
9 President and to the Committees on Science and Technology in both Houses of
10 Congress, not later than the 30th of March of every year following the effectivity of
11 this Act. The annual report shall provide a full and detailed account of the status of
12 the implementation of this Act and policy recommendations.

13 Sec. 26. *Joint Congressional Oversight Committee.* – There shall be a Joint
14 Congressional Oversight Committee on the VIP Act, which shall be jointly chaired by
15 the Chairpersons of the Committees on Science and Technology of the Senate and
16 the House of Representatives. It shall be composed of the Chairpersons of the
17 Senate Committees on Health and Demography, and Agriculture, Food and Agrarian
18 Reform, the Chairpersons of the Committees on Health, and Agriculture and Food of
19 the House of Representatives, and two (2) Members from each House representing
20 the minority who shall be appointed by the Senate President and the Speaker of the
21 House of Representatives.

22 Sec. 27. *Appropriations.* – The initial amount for the implementation of this
23 Act shall be charged against the current year’s appropriations of the DOST.
24 Thereafter, the funding of which shall be included in the annual General
25 Appropriations Act.

26 Sec. 28. *Transitory Provisions.* –

27 a) The functions and assets of the DOST units which shall be absorbed by
28 the VIP shall be transferred accordingly pursuant to Section 11

1 (Transfer of Units, Offices and Functions) hereof within three (3) years
2 without need of conveyance and transfer of assignment.

3 b) To the greatest extent possible and in accordance with existing laws,
4 all employees of the affected offices, agencies, and units shall be
5 absorbed by the VIP. Personnel hired on a permanent basis and with
6 appointments attested to by the CSC who may be affected by the
7 transfer of DOST units to VIP, or who will not be absorbed in the new
8 positions of the new staffing pattern of the different offices in the VIP,
9 shall have the option to:

10 i. Be transferred to other units or offices within the DOST in
11 accordance with civil service law, rules and regulations; or

12 ii. Avail of the applicable retirement benefits and separation
13 incentives as provided under Republic Act No. 6656, entitled "An
14 Act to Protect the Security of Tenure of Civil Service Officers and
15 Employees in the Implementation of Government
16 Reorganization," and other relevant laws.

17 c) Incumbent DOST officials and employees may be considered to
18 assume positions in the VIP, subject to competency evaluation and
19 CSC regulations.

20 d) Research grants acquired during the transition of DOST transferred
21 units to VIP shall be utilized solely for the grants' intended purposes for
22 each of the affected units or offices.

23 e) Existing contracts and agreements entered into by the affected offices
24 with third parties prior to the enactment of this Act shall remain valid.

25 *Sec. 29. Implementing Rules and Regulations.* – The DOST Secretary shall, in
26 consultation with DBM, DOH, CSC, and other relevant government agencies,
27 promulgate the necessary rules and regulations within one hundred twenty (120)
28 days from effectivity of this Act.

1 Sec. 30. *Separability Clause.* – If any portion of this Act is declared invalid or
2 unconstitutional, other provisions hereof shall remain in full force and effect.

3 Sec. 31. *Repealing Clause.* – All laws, decrees, orders, rules, and regulations
4 or other issuances or parts thereof inconsistent with the provisions of this Act are
5 hereby repealed or modified accordingly.

6 Sec. 32. *Effectivity.* – This Act shall take effect fifteen (15) days after its
7 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,