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SUMMARY OF SENATE BILL ON SECOND READING*

Second Regular Session, Eighteenth Congress

S. No. 2057 AN ACT EXPEDITING THE PROCUREMENT AND ADMINISTRATION OF VACCINES FOR THE PROTECTION AGAINST THE CORONAVIRUS DISEASE 2019 (COVID-19), PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES
(In Substitution of S.B. No in substitution of S. Nos. 1988, 1994, 1999, 2042 and 2046 taking into consideration P. S. Res Nos. 615 and 617)

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Referred to: Committee on Finance

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This bill, otherwise known as the Covid-19 Vaccination Program Act of 2021, provides for a procurement process for the vaccine. It specifies the manner of involvement of the national government agencies, local government units (LGUs), and the private sector in the procurement process. It provides for an indemnity fund and a vaccine passport for those who have been inoculated. This measure also cites related laws that will affect the program.

The bill authorizes the Department of Health (DOH) and the National Task Force (NTF) Against Covid-19 to be in the forefront of the program. On account of the pandemic, the NTF is authorized to acquire the vaccine and ancillary supplies pursuant to “Negotiated Procurement Under Emergency Cases”, Section 53 of RA 9184 and its implementing rules and regulations. This measure also provides that provinces, cities, and municipalities shall procure the vaccine through a multi-party agreement which shall include the DOH and the vaccine supplier. The LGU may advance payment of no more than fifty percent (50%) of the contract price if required by the supplier, manufacturer or distributor. This condition applies only to procurement of Covid-19 vaccine, and other goods and services necessary for the vaccine’s transport, deployment and administration.

The bill states that LGUs shall procure no more than fifty percent (50%) of their target population for vaccination. Depending on sufficiency of supply, this provision may be adjusted,

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by the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF). The following groups shall be prioritized for vaccination: (1) frontline workers in healthcare facilities, (2) senior citizens, and (3) indigents. The LGUs should also submit a master list of residents' names and profiles who are eligible to receive the vaccine from the national government.

The multiparty system in the acquisition of Covid-19 vaccine shall also apply to the private sector. The vaccines and the relevant supplies and services shall be the sole and exclusive use of the companies in the private sector and shall not be for resale. Priority for inoculation under this private sector initiative shall be the following: (1) health care workers (2) senior citizens (3) economic front liners and (4) essential workers.

The bill requires that the national government and LGUs can only procure the vaccine if the latter possess a certificate of product registration and an Emergency Use Authorization (EUA) from the Food and Drug Administration (FDA). For purpose of transparency, it is required that within thirty (30) days after award or execution of definitive agreement or after the effectivity of this Act, the following information shall be posted in a conspicuous place of the procuring agency and in the online portal of the Government Procurement Policy Board (GPPB): (1) approved budget for the contract, (2) name and details of the COVID-19 vaccine or ancillary service or supplies, (3) name of the supplier, manufacturer, or distributor, and (4) amount of contract as awarded. Moreover, the bill tasks the Health Technology Assessment Council (HTAC) to issue recommendations to DOH and Philhealth on the Covid-19 vaccine.

The bill grants "covered persons" immunity from suit and liability in relation to claims arising from the administration or use of the vaccine, except those that come from willful misconduct. "Covered persons" refer to public officers, employees, contractors, and volunteers who are authorized to carry out the Covid-19 Vaccination Program.

A national vaccine indemnity fund, in the amount of five hundred million pesos (P500,000,000) is also provided for in this bill. It is meant to compensate those who would die as a result of Covid-19 vaccination or those who would seek medical treatment as a result of severe adverse effect (SAE) from said vaccination.

The bill also states that a vaccine passport shall be issued to Filipinos who have received the vaccine. It shall be a record of the Covid-19 inoculation of an individual and shall contain information such as his/her personal information, brand name and manufacturer of the vaccine, date of inoculation, name of hospital, or health facility where the vaccine was received. Certain benefits shall be granted to those who have been inoculated, like international travel, non-essential domestic travel, and quarantine exemptions.

Sanctions shall be imposed on violators of this measure. Among others, violations shall take the form of defacing, altering or destroying a passport, or on the whole, falsifying or forging it; using the passport of another person, or furnishing a passport to a person who is not its rightful owner and distributing falsified, forged, and/or counterfeit vaccine passports. Penalty shall be imprisonment of six (6) to ten (10) years or a fine of thirty thousand (P30,000.00) pesos and not more than ninety thousand pesos (P90,000.00).

An implementing rules and regulations (IRR) shall be drawn up by the DOH, the NTF, and the GPPB, with prior consultation with the DILG, the IATF and other stakeholders. They shall issue guidelines and procurement rules for the effective implementation of this measure.

(Summary prepared by: Ma. Trinidad D. Llorito, 18 February 2021)

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