

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

SENATE
OFFICE OF THE CLERK

SENATE

'21 FEB 16 P3:22

COMMITTEE REPORT NO. 185

Prepared and submitted jointly by the Committees on Finance; Ways and Means; and Health and Demography on FEB 16 2021.

Re: Senate Bill No. 2057

Recommending its approval in substitution of Senate Bill Nos. 1988, 1994, 1999, 2042 and 2046 taking into consideration P.S. Nos. 615 and 617.

Sponsor: Senator Sonny Angara

MR. PRESIDENT:

The Committees on Finance; Ways and Means; and Health and Demography to which were referred **Senate Bill No. 1988**, introduced by **Senator Imee R. Marcos**, entitled:

**"AN ACT
EXEMPTING THE LOCAL GOVERNMENT UNITS AND THE PRIVATE SECTOR
WHO ARE ACQUIRING AND PURCHASING COVID-19 VACCINES FROM
IMPORT DUTIES, TAXES, AND OTHER FEES INCLUDING THE EXEMPTION
FROM REPUBLIC ACT NO. 9184 OTHERWISE KNOWN AS THE
'GOVERNMENT PROCUREMENT REFORM ACT'"**

Senate Bill No. 1994, introduced by **Senator Grace Poe** entitled:

**"AN ACT
PROVIDING FOR A VACCINE OR IMMUNIZATION PASSPORT FOR COVID-
19 AND OTHER EMERGING OR RE-EMERGING INFECTIOUS DISEASES,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES"**

Senate Bill No. 1999, introduced by **Senators Pia S. Cayetano** and **Ramon Bong Revilla, Jr.** entitled:

**"AN ACT
CREATING A VACCINE PASSPORT PROGRAM, AND PROVIDING FUNDS
THEREFOR"**

Senate Bill No. 2042, introduced by **Senator Juan Miguel F. Zubiri** and **Senator Ramon Bong Revilla, Jr.**, entitled:

**"AN ACT
EXPEDITING THE PURCHASE AND ADMINISTRATION OF VACCINES
FOR THE PROTECTION AGAINST THE CORONAVIRUS DISEASE 2019
BY EXEMPTING LOCAL GOVERNMENT UNITS FROM COMPLIANCE
WITH THE PROCUREMENT REQUIREMENTS UNDER REPUBLIC ACT
NO. 9184, OTHERWISE KNOWN AS THE 'GOVERNMENT
PROCUREMENT REFORM ACT,' AND OTHER RELATED LAWS"**

and **Senate Bill No. 2046**, introduced by **Senator Sonny Angara**, entitled:

**"AN ACT
EXEMPTING THE DONATION OF VACCINES, CRITICAL PRODUCTS,
ESSENTIAL GOODS, EQUIPMENT OR SUPPLIES NEEDED TO CONTAIN
AND MITIGATE COVID-19 FROM DONOR'S TAX AND FOR OTHER
PURPOSES"**

taking into consideration **P.S. Resolution No. 615**, introduced by **Senator Imee R. Marcos**, entitled:

**"RESOLUTION
URGING THE PHILIPPINE GOVERNMENT TO ALLOW THE LOCAL
GOVERNMENT UNITS AND THE PRIVATE SECTOR TO ACQUIRE AND
PURCHASE COVID-19 VACCINES FOR THEIR CONSTITUENTS, EMPLOYEES,
AND DEPENDENTS"**

and **P.S. Resolution No. 617**, introduced by **Senator Ralph G. Recto**, entitled:

"RESOLUTION

URGING THE NATIONAL GOVERNMENT TO ALLOW THE LOCAL GOVERNMENT UNITS AND THE PRIVATE SECTOR THE PROCUREMENT OF COVID-19 VACCINES FOR USE OF THEIR CONSTITUENTS AND EMPLOYEES INCLUDING THEIR DEPENDENTS UPON ISSUANCE OF EMERGENCY USE AUTHORIZATION BY THE FOOD AND DRUG ADMINISTRATION, WITH THE END IN VIEW OF PREVENTING THE SPREAD OF THE DISEASE AND FURTHER OPENING UP THE ECONOMY"

have considered the same and have the honor to report it back to the Senate with the recommendation that the attached **Senate Bill No. 2057** prepared by the Committees, entitled:

"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."

be approved in substitution of Senate Bill Nos. 1988, 1994, 1999, 2042 and 2046 taking into consideration P.S. Resolution Nos. 615 and 617 with Senators Marcos, Poe, Cayetano, Revilla Jr., Zubiri, Angara, Recto and Go as authors.

RESPECTFULLY SUBMITTED:



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Committee on Finance
Vice-Chairman, Committee on Ways and Means



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CHRISTOPHER LAWRENCE T. GO
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Member, Committee on Ways and Means

Vice-Chairpersons:



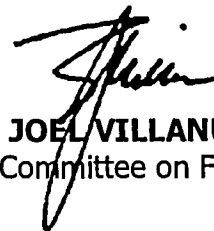
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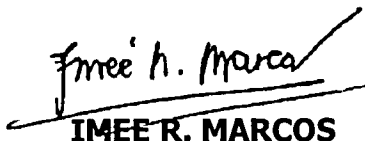


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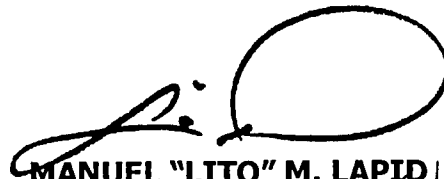


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RONALD "BATO" DELA ROSA
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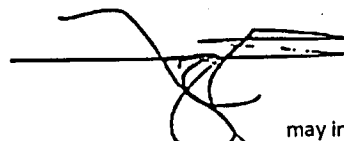


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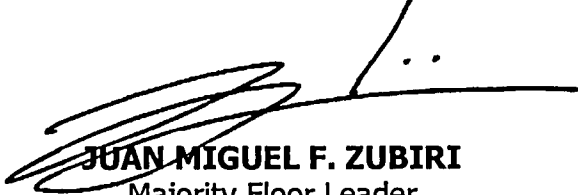
FRANCIS "KIKO" PANGILINAN
Committees on Finance; Ways and
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may interpellate/amend

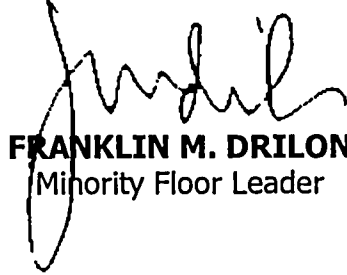
Ex-Officio Members:



RALPH G. RECTO
Senate President Pro-Tempore



JUAN MIGUEL F. ZUBIRI
Majority Floor Leader



FRANKLIN M. DRILON
Minority Floor Leader

HON. VICENTE C. SOTTO III
Senate President

SENATE

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S. B. No. 2057

(In substitution of Senate Bill Nos. 1988, 1994, 1999, 2042 and 2046)



Prepared and submitted by the Committees on Finance; Ways and Means; and Health and Demography with Senators Marcos, Poe, Cayetano, Revilla, Jr., Zubiri, Angara, Recto and Go, as authors

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

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 and cited as “COVID-19
2 *Vaccination Program Act of 2021*”.

3 **SEC. 2. Declaration of Policy.** – It is hereby declared the policy of the State
4 to adopt an integrated approach to health development which shall endeavor to make
5 essential social services available to all people at affordable cost. For this reason, the
6 State shall undertake a COVID-19 Vaccination Program with the following objectives:

7 (a) Address the adverse impact of COVID-19 through the procurement and
8 administration of safe and effective COVID-19 vaccines by the National
9 Government through the Department of Health (DOH) and the National
10 Taskforce Against COVID-19 (NTF), and other duly constituted authorities
11 and instrumentalities;

12 (b) Source and procure through the DOH and NTF, either through themselves
13 jointly or in cooperation with any national government agency or
14 instrumentality or local government unit, safe and effective COVID-19
15 vaccines, regardless of source of funding;

1 (c) Recognize the experimental nature of COVID-19 vaccines available in the
2 market and compensate any serious adverse effects (SAE) arising from the
3 use of COVID-19 vaccine, experienced by people inoculated through the
4 COVID-19 Vaccination Program; and

5 (d) Creation of a COVID-19 National Vaccine Indemnity Fund to be
6 administered by the Philippine Health Insurance Corporation (PhilHealth) to
7 compensate persons encountering SAE pursuant to the preceding
8 paragraph.

9 **SEC. 3. Procurement of COVID-19 Vaccines.** – Notwithstanding any law
10 to the contrary, the DOH and the NTF, either through themselves jointly or in
11 cooperation with any national government agency or instrumentality or local
12 government unit (LGU), are authorized to procure COVID-19 vaccines, including
13 ancillary supplies and services necessary for their storage, transport and deployment,
14 through Negotiated Procurement under Emergency Cases pursuant to Sec. 53 of
15 Republic Act No. 9184 and Section 53 of the 2016 Revised Implementing Rules and
16 Regulations of Republic Act No. 9184: *Provided*, That in the procurement of COVID-
17 19 vaccines, the NTF shall be authorized to negotiate and approve the terms and
18 conditions thereof in behalf of procuring entities including but not limited to the price
19 and payment terms making sure that there is price uniformity and to prevent price
20 competition: *Provided further*, That after the negotiations by the NTF, the procuring
21 entities are authorized to enter into supply agreement, advance market commitment,
22 advance payment, research investment, purchase order or any similar arrangements
23 or other requirements as may be identified by the NTF.

24 Section 338 of Republic Act No. 7160, as amended, otherwise known as the
25 "*Local Government Code of 1991*," Section 88 of Presidential Decree No. 1445, as
26 amended, otherwise known as the "*Government Auditing Code of the Philippines*," and
27 any law to the contrary notwithstanding, provinces, cities and municipalities may
28 advance payment of not more than fifty percent (50%) of the contract price if required
29 by the supplier, manufacturer, or distributor: *Provided*, That the authority to make
30 advance payment shall be limited only for the procurement of COVID-19 vaccines and
31 to secure other goods and services necessary for their storage, transport, deployment
32 and administration: *Provided, further*, That this section shall have retroactive
33 application from January 1, 2021.

1 **SEC. 4. Procurement of COVID-19 Vaccines by Local Government**

2 **Units.** –Provinces, cities and municipalities may procure only in cooperation with the
3 DOH and NTF through a multiparty agreement, which shall include the DOH and the
4 relevant supplier of COVID-19 vaccine: *Provided*, That these LGUs shall procure no
5 more than fifty percent (50%) of their target population for vaccination: *Provided*
6 *further*, That the fifty percent (50%) cap may be adjusted by the Inter-Agency Task
7 Force for the Management of Emerging Infectious Diseases (IATF) when there is
8 sufficient supply of vaccines as determined by DOH and NTF: *Provided furthermore*,
9 That the provision on advance payment as provided in the preceding section shall also
10 apply: *Provided finally*, That this section shall have retroactive application from
11 January 1, 2021.

12 If the procurement of vaccine is funded by the national government, the LGU
13 shall comply with the science and evidence-based terms and conditions of deployment
14 and prioritization provided by the National Immunization Technical Advisory Group
15 (NITAG).

16 For LGU-funded vaccines, the inoculation order must, at all times, be science
17 and evidence-based, prioritizing the needs of the following special groups: frontline
18 workers in health facilities, senior citizens, and indigent persons.

19 To ensure transparency, the LGUs shall also submit a masterlist of the names
20 and profiles of the residents in their respective localities who are eligible to receive
21 the vaccine to the national government.

22 **SEC. 5. Procurement of COVID-19 Vaccines by Private Entities.** –

23 Private entities may procure COVID-19 vaccines only in cooperation with the DOH and
24 NTF through a multiparty agreement, which shall include the DOH and the relevant
25 supplier of COVID-19 vaccine. Any such vaccines, supplies or services procured by
26 private entities shall be for the sole and exclusive use of such companies, without
27 prejudice to the multiparty agreement: *Provided*, That in the negotiation of the terms
28 and conditions in the procurement of COVID-19 vaccines, none of the terms offered
29 to private entities is or will be more favorable to such private entities than those
30 provided to the government: *Provided further*, That priority in the inoculation shall be
31 given to its health care workers, senior citizens, economic frontliners, and essential
32 workers.

1 **SEC. 6. *Transparency and Accountability in COVID-19 Vaccine***

2 **Procurement.** – The national government as well as local government units may only
3 procure COVID-19 vaccines that are registered with the Philippine Food and Drug
4 Administration (FDA) as evidenced by a valid Certificate of Product Registration or
5 which possess an Emergency Use Authorization (EUA). For purposes of transparency,
6 the following information shall be posted in a conspicuous place of the procuring entity
7 and in the Government Procurement Policy Board (GPPB) Online Portal within thirty
8 (30) days after award or execution of definitive agreement or after the effectivity of
9 this Act, whichever is applicable:

- 10 (a) Approved budget for the contract;
11 (b) Name and details of the COVID-19 vaccine or ancillary service or supplies;
12 (c) Name of the supplier, manufacturer, or distributor; and
13 (d) Amount of contract as awarded.

14 **SEC. 7. *Authority to Make Recommendations Based on Preliminary***

15 **Data from Phase III Clinical Trials.** – Notwithstanding any law to the contrary,
16 the Health Technology Assessment Council (HTAC) shall have the authority to make
17 recommendations to the DOH and the PhilHealth on COVID-19 vaccines based on
18 preliminary data from Phase III clinical trials and World Health Organization
19 recommendations, in the absence of completed Phase III and Phase IV clinical trials:
20 *Provided, That the COVID-19 vaccine manufacturer has been issued an EUA by the*
21 *FDA: Provided further, that the Health Technology Assessment (HTA) process shall*
22 *only be valid for as long as the EUA issued by the FDA is in effect, such that in the*
23 *event of revocation or cancellation thereof by the FDA Director General, the HTA*
24 *process shall be terminated regardless of stage, and if it has been completed, the*
25 *results shall be set aside.*

26 **SEC. 8. *Immunity from Liability.*** – Notwithstanding any law to the contrary,
27 the Secretary of Health shall provide guidelines declaring a covered person to be
28 immune from suit and liability under Philippine laws with respect to all claims arising
29 out of, related to, or resulting from the administration or use of a COVID-19 vaccine
30 under the COVID-19 Vaccination Program, except if the claim is brought about by
31 willful misconduct. Covered person shall include public officers, their employees,
32 contractors, and volunteers who are duly authorized to carry out and actually carrying
33 out the COVID-19 Vaccination Program.

1 **SEC. 9. COVID-19 National Vaccine Indemnity Fund.** – The COVID-19
2 National Vaccine Indemnity Fund, which shall be administered by the PhilHealth, is
3 hereby established to compensate any person inoculated through the COVID-19
4 Vaccination Program, in case of death or for the medical treatment of any SAEs. The
5 amount of Five Hundred Million Pesos (P500,000,000) is hereby authorized to augment
6 the funds of PhilHealth for this purpose which shall be sourced from the Contingent
7 Fund.

8 For this purpose, the IATF shall establish a Special Task Group composed of
9 medical and vaccine experts who will be in charge of monitoring the probable adverse
10 events following immunization from COVID-19. The Special Task Group shall
11 promulgate the necessary guidelines on the monitoring and reporting mechanism to
12 be followed by all LGUs.

13 **SEC. 10. Exemption from Import Duties, Taxes and Other Fees for the**
14 **Procurement, Deployment and Administration of COVID-19 Vaccines.** –
15 Beginning January 1, 2021 to December 31, 2023, the procurement, importation,
16 donation, storage, transport, deployment, and administration of COVID-19 vaccines
17 through the COVID-19 Vaccination Program by the government or any of its political
18 subdivisions and by private entities shall be exempt from customs duties, value-added
19 tax, excise tax, donor's tax, and other fees: *Provided*, That the vaccines shall not be
20 intended for resale or other commercial use and shall be distributed without
21 consideration from persons to be vaccinated.

22 **SEC. 11. Vaccine Passport Program.** – Subject to the provisions of Republic
23 Act No. 10173 or the "Data Privacy Act of 2012", the DOH shall issue a vaccine
24 passport to all Filipinos, which shall be a record of the COVID-19 vaccinations received
25 by an individual. The vaccine passport shall take into account internationally-
26 recognized standards, and shall contain the following:

- 27 (a) Basic personal information such as full name, present and/or permanent
28 address, and birthdate
29 (b) Manufacturer, brand name, and batch number or other identifier of the
30 COVID-19 vaccine;
31 (c) Date of vaccination;
32 (d) Name of the hospital, health center, or health facility where the vaccine
33 was received;

1 (e) Name, signature, and license number of the duly licensed physician, nurse
2 or other health worker administering the vaccine; and

3 (f) Such other information which may be determined as necessary by the
4 Secretary of Health or the IATF in line with the declared policy of this Act.

5 The vaccine passport program is intended to be digital, but shall remain
6 accessible through other means such as printed passports. The DOH, through the
7 Department of Information and Communications Technology, shall develop the digital
8 systems and applications that will meet the objectives of the program while
9 maintaining quality, safety, ease of use, and accessibility for all Filipinos.

10 Individuals who have completed COVID-19 immunization may be granted
11 certain benefits or exemptions, subject to guidelines issued by the IATF, which shall
12 be clearly stated in the individual's vaccine passport, such as but not limited to:

13 (a) International travel, as may be allowed in foreign jurisdictions;

14 (b) Non-essential domestic travel;

15 (c) Local checkpoint and quarantine exemptions; and

16 (d) Access to business establishments allowed to operate based on IATF
17 guidelines.

18 Individuals vaccinated against COVID-19 as indicated in the vaccine passport
19 shall not be considered immune from COVID-19, unless otherwise declared by the
20 DOH based on reliable scientific evidence and consensus.

21 No fees shall be collected for the issuance, amendment, or replacement of a
22 vaccine passport. The amount needed for the initial implementation shall be charged
23 against available funds for the purpose. Thereafter, such sums as may be necessary
24 for its continued implementation shall be included in the annual General
25 Appropriations Act.

26 **SEC. 12. *Offenses and Penalties in relation to the Issuance of a***
27 ***Vaccine Passport.* –**

28 (a) The penalty of imprisonment of not less than three (3) years, but not more
29 than ten (10) years and a fine of not less than Fifteen thousand pesos
30 (P15,000) but not more than Sixty thousand pesos (P60,000) shall be
31 imposed upon any person who shall commit the following acts:

32 1. Defacing, mutilating, altering, or destroying a vaccine passport; and

33 2. Possessing more than one valid vaccine passport.

1 (b) The penalty of imprisonment of not less than six (6) years, but not more
2 than ten (10) years and a fine of not less than Thirty thousand pesos
3 (P30,000) but not more than Ninety thousand pesos (P90,000) shall be
4 imposed upon any person who shall commit the following acts:

- 5 1. Using or attempting to use a vaccine passport issued for another
6 holder, or furnishes a vaccine passport for the use of a person other
7 than the holder;
- 8 2. Falsifying, forging, and/or counterfeiting of vaccine passport;
- 9 3. Knowingly using a falsified, forged, and/or counterfeit vaccine
10 passport; and
- 11 4. Distributing falsified, forged, and/or counterfeit vaccine passport.

12 **SEC. 13. *Implementing Rules and Regulations.*** – Within five (5) days
13 from the effectivity of this Act, the DOH, the NTF and the GPPB shall, with prior
14 consultation with the Department of the Interior and Local Government, the IATF and
15 other stakeholders, issue guidelines and applicable procurement rules, as may be
16 necessary, for the effective implementation of this Act.

17 The non-promulgation of the rules and regulations provided under this section
18 shall not prevent the immediate implementation of this Act upon its effectivity.

19 **SEC. 14. *Separability Clause.*** – If for any reason, any provision of this Act
20 is declared invalid or unconstitutional, the remaining parts or provisions not affected
21 shall remain in full force and effect.

22 **SEC. 15. *Repealing Clause.*** – All laws, presidential decrees, executive
23 orders, rules and regulations, or parts thereof, which are contrary or inconsistent with
24 this Act are hereby repealed, amended or modified accordingly.

25 **SEC. 16. *Effectivity.*** – This Act shall take effect immediately upon its
26 publication in a newspaper of general circulation or in the *Official Gazette* and shall
27 remain in full force and effect during the period of the state of calamity due to COVID-
28 19 or until June 30, 2022, unless the state of calamity is earlier lifted or extended by
29 the President of the Philippines.

Approved,