

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5368



INTRODUCED BY:

HON. MARIA ISABELLE G. CLIMACO, HON. MA. GEORGINA P. DE VENECIA
HON. MA. ANGELICA P. AMANTE-MATBA AND HON. NUR NUR-ANA I. SAHIDULLA

EXPLANATORY NOTE

This bill seeks to create a National Cancer Institute of the Philippines, in line with the policy of the state (Section 15, Article 2 of the 1987 Constitution of the Republic of the Philippines) to protect and promote the right to health of the people and instill health consciousness among them.

Cancer is the third leading cause of death in the Philippines, out-ranked only by communicable and cardiovascular diseases claiming one death for every two new cases within a year. Cancer is estimated to afflict 189 persons per 100,000 Filipinos. Statistics show that cancer kills 103 Filipinos a day or four Filipinos per hour. The incidence and mortality rates of cancer in the Philippines has been increasing the past three decades and this trend is expected to continue if organized and sustained specialized care and preventive measures against cancer are not initiated.

This bill provides for the centralization of planning, programs, and activities related to the prevention, screening, detection, diagnosis and treatment of cancer. The centralization will apply as well to the conduct of research related to malignant diseases, the assignment or distribution of such research activities and the dissemination or application of beneficial research results.

As provided in this bill, centralization coupled with the establishment of a network of regional treatment and research centers will prevent duplication of efforts, reduce costs, provide a comprehensive view of the cancer-affected sectors, and enable a more appropriate assignment of priorities on programs/activities/fund allocation.

Moreover, the establishment of regional cancer centers, as envisioned in this bill, presents in concrete form the government's intention to make specialized health services more accessible to people outside highly urbanized areas such as Metro Manila and the cities of Cebu and Davao where cancer treatment is traditionally available.

If enacted into a law and properly implemented, the various regional cancer centers --which will be manned with highly competent staffs and equipped with appropriate facilities -- will raise the *availability of cancer treatment*, reducing the gap between the supply of and demand for said services, therefore leading to *reduced costs to patients*. Eventually, all these could raise the inflow of *medical tourists*, increase the inflow of medical workers from developing countries who *will pay for training* in the centers, expand the local sector that provides *hospice care* for cancer patients, raise the supply of *exportable medical/health workers* who are skilled in cancer treatment, raise the individual/regional/national *incomes* from the medical sector, and raise *revenues* to finance *continuing modernization* of the country's cancer-related services and facilities.

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


HON. MARIA ISABELLE G. CLIMACO
First District, Zamboanga City


HON. MA. GEORGINA P. DE VENECIA
Fourth District, Pangasinan


HON. MA. ANGELICA P. AMANTE-MATBA
Second District, Agusan del Norte


HON. NUR-ANA I. SAHIDULLA
Second District, Sulu

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**AN ACT CREATING A NATIONAL CANCER INSTITUTE TO BE KNOWN AS
THE NATIONAL CANCER INSTITUTE OF THE PHILIPPINES,
APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES.**

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

SECTION 1. Short Title. - This Act shall be known as "The National Cancer
Institute Act of 2011".

SEC. 2. Declaration of State Policy and Principles. - It is hereby declared as
further policy and principles of the State to:

- (a) Promote specialized, multidisciplinary and comprehensive cancer research, dissemination and/or utilization of the results of research and development including the formulation, updating, and implementation of a comprehensive cancer control plan with the aim of overcoming cancer;
- (b) Promote the improvement of an environment for the prompt evaluation and approval of drugs/medical devices that are highly needed in cancer treatment, through the linkage with Bureau of Food and Drug (BFAD), Department of Trade and Industry, Department of Agriculture and other concerned agencies.
- (c) Enhance cancer prevention through education of, and information dissemination to, the public, health care professionals and institutions;
- (d) Encourage evidence-based early detection, screening, diagnosis and treatment of cancer;
- (e) Enable cancer patients to receive appropriate treatment based on scientific knowledge;

- (f) Establish a system that provides equitable distribution of medical cancer care in which the treatment is chosen and administered according to the situation of the patient regardless of financial ability;
- (g) Promote palliative care including pain management, hospice care and other measures to improve the quality of life of cancer patients even terminal ones; and
- (h) Support the rehabilitation of cancer patients through comprehensive programs including providing assistance to cancer survivors.

SEC. 3. National Cancer Advisory Board. - There is hereby created the National Cancer Advisory Board, to be composed of fifteen members as follows:

(a) The Secretary of the Department of Health (DOH), the Secretary of the Department of Science and Technology (DOST) through the Philippine Council for Health Research and Development (PCHRD), and the Director of the National Institutes of Health (NIH) as ex officio members of the Board.

(b) Twelve members appointed by the President of the Philippines upon recommendation through a careful selection process. The scientists and physicians appointed to the Board shall be persons who are among the country's leading scientific or medical authorities and who are outstanding in the study, diagnosis, or treatment of cancer or in fields related thereto. Each appointed member of the Board shall, by virtue of his or her training, experience, and background, is qualified to appraise the programs of the National Cancer Institute. The appointed members shall receive an honorarium of not more than Fifty Thousand Pesos per attendance to the Board's meeting, while the ex officio members shall receive per diem compensation.

(1) Appointed members shall serve for a period of four years. Any vacancy shall be filled by appointment by the President of the Philippines, upon recommendation of the National Cancer Advisory Board.

(2) Any member appointed to fill a vacancy occurring prior to expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term.

(3) Appointed members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have assumed office.

(4) A vacancy in the Board shall not affect its activities, and eight members, including the ex officio members, thereof shall constitute a quorum.

SEC. 4. Powers and Functions of the National Cancer Advisory Board. - The Board shall have the following powers and functions:

- (a) The regular members of the Board shall elect from among themselves a Chairman who shall be the presiding officer of the Board.
- (b) The Board shall elect from among themselves the Director of the National Cancer Institute who shall also serve as Vice Chairman of the Board.
- (c) The Board shall formulate policies and adopt measures, including the formulation of the Implementing Rules and Regulations, which are necessary to carry out the provisions of this Act.
- (d) The Board shall meet at the call of the Director of the National Cancer Institute or the Chairman, not less than once a month, and shall advise and assist the Director of the National Cancer Institute with respect to the National Cancer Program.
- (e) The Director of the National Cancer Institute shall designate a member of the staff of the Institute to act as Executive Secretary of the Board.
- (f) The Board shall monitor the development and execution of the National Cancer Program formulated, updated and improved by the NCI and shall report directly to the President. Any delays or blockages in rapid execution of the Program shall immediately be brought to the attention of the President.
- (g) The Board may hold such hearings, take such testimony, and sit and act at such times and places as the Board deems advisable to investigate programs and activities of the National Cancer Program of the National Cancer Institute.
- (h) The Board shall submit to the President periodic progress reports on the Program. Annual evaluation of the efficacy of the Program and suggestions for improvements shall be submitted for transmittal to the Congress of the Philippines not later than January 31 of each year.
- (i) The Director of the National Cancer Institute shall make available to the Board such staff, information, and other assistance as it may require in carrying out its activities.

SEC. 5. National Cancer Institute. – There is hereby established a National Cancer Institute which shall compile data, conduct, coordinate researches, investigations, experiments, and studies relating to the cause, diagnosis, and treatment of cancer. This Institute shall assist and foster similar research activities by other institutions and organizations, public and private, including individuals. The institute is furthermore established to promote coordination in all such researches and the useful application of their results with a view to the development and prompt widespread use of the most effective methods of prevention, diagnosis, and treatment of cancer. Linkages with National Institutes of Health and Department of Science and Technology through Philippine Council for Health Research and Development will be coordinated to avoid overlap of projects.

SEC. 6. Director of the National Cancer Institute. -

(a) The Director of the National Cancer Institute coordinates all activities of the Department of Health and of other Departments of government and non-governmental agencies or institutions relating to cancer and the National Cancer Program.

(b) In formulating and implementing the National Cancer program, the Director of the National Cancer Institute shall:

(1)) With the advice of the National Cancer Advisory Board, plan and develop the National Cancer Program, including an expanded, intensified, and coordinated cancer research program encompassing the programs of the National Cancer Institute, related programs of the other research institutes, and other national and local, private and public cancer programs.

(2) Expeditiously utilize existing research facilities and personnel of the Department of Health, the Department of Science and Technology through PCHRD and the University of the Philippines National Institute for Health for accelerated exploration of opportunities in areas of special promise.

(3) Encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research.

(4) Collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of cancer, including the establishment of an international cancer research data bank to collect, catalog, store, and disseminate insofar as feasible the results of cancer research undertaken in any country for the use of any person involved in cancer research in any country.

(5) Establish or support the large-scale production or distribution of specialized biological materials and other therapeutic substances for research and set standards of safety and care for persons using such materials.

(6) Support research in the cancer field outside the country by highly qualified foreign nationals which research can be expected to redound to the benefit of the Filipino people; support collaborative research involving foreign participants; and support the training of Filipino scientists abroad and foreign scientists in the country.

(7) Support appropriate manpower programs of training in fundamental sciences and clinical disciplines to provide an expanded and continuing manpower base from which to select investigators, physicians, and allied health professions personnel, for participation in clinical and basic

research and treatment programs relating to cancer, including where appropriate the use of training stipends, fellowships, and career awards.

(8) Call special meetings of the National Cancer Advisory Board at such times and in such places as the Director deems necessary in order to consult with, obtain advice from, or to secure the approval of projects, programs, or other actions to be undertaken without delay in order to gain maximum benefit from a new scientific or technical finding.

(9) Prepare and submit, directly to the President of the Philippines for review and transmittal to Congress, an annual budget estimate for the National Cancer Program, after reasonable opportunity for comment (but without change) by the Secretary of Health, the Director of the National Institutes of Health, and the National Cancer Advisory Board; and receive from the President and the Department of Budget and Management directly all funds appropriated by Congress for obligation and expenditure by the National Cancer Institute.

SEC. 7. National Cancer Research and Demonstration Centers -

(a) A National Cancer Research Center is hereby established in each metropolitan city in the country and one in the National Capital Region for clinical research, training, and demonstration of advanced preventive, diagnostic, and treatment methods relating to cancer.

(b) The National Cancer Research Centers in the metropolitan cities and in the National Capital Region are hereby further designated as Regional Cancer Centers and shall perform the functions and assume the responsibilities of Cancer Centers as defined in Section 9 of this Act.

(c) The Director of the National Cancer Institute, under policies established by the Director of the National Institutes of Health, the PCHRD and the DOST and after consultation with the National Cancer Advisory Board, is authorized to enter into cooperative agreements with public or private nonprofit agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for the research centers including, but not limited to, centers established for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer.

Such payments under this subsection in support of such cooperative agreements may be used for:

(1) construction of the designated center;

(2) staffing and other basic operating costs, including such patient care costs as are required for research;

(3) training including training for allied health professions personnel; and

(4) demonstration purposes;

Support of a center under this section may be for a period of not to exceed three years and may be extended by the Director of the National Cancer Institute for additional periods of not more than three years each, after review and recommendation of the operations of such center by an appropriate scientific review group established by the Director of the National Cancer Institute.

SEC. 8. Cancer Control Programs - The Director of the National Cancer Institute shall establish programs as necessary for cooperation with national and other health agencies in the diagnosis, prevention, and treatment of cancer.

Such programs to be established should give priority to the following:

- (a) A financial subsidy given to indigent patients, upon qualification, to cover the expenses of all necessary laboratory tests and other related examinations during the diagnosis as well as the expenses needed for treatment of cancer;
- (b) A financial subsidy to be given to non-governmental cancer support groups in recognition of and in order to facilitate the continuity of the programs they have for cancer patients as well as for their families especially in coping and dealing with the circumstances. However, only recognized and duly organized support groups shall be granted subsidy in accordance with the Implementing Rules and Regulations of this Act;
- (c) An independent support group shall be established as a standing program to augment the emotional support needed by cancer patients including their families in dealing and coping with the circumstances through regular inspirational and motivational sessions with cancer survivors and family members who have experienced having a relative similarly afflicted with cancer.

SEC. 9. Cancer Centers. - (a) It is hereby established the Regional Cancer Centers for each region in the country and will coordinate with the National Cancer Institute through its executive chief officer.

The respective Cancer Centers are established to carry out the function of administering the National Cancer Program as developed by the National Cancer Institute after consultation with the National Cancer Advisory Board.

- (1) The Regional Cancer Centers shall be respectively administered by the head of the Regional Department of Health Offices as executive chief officer of the Regional Cancer Center under a national central executive chief officer designated by the Secretary of the Department of Health among his undersecretaries. The regional cancer centers will coordinate with the National Cancer Institute.
- (2) The administrative staff comprising each respective cancer centers shall be provided for under the Implementing Rules and Regulations to be formulated by the National Cancer Advisory Board.

(b) The National Cancer Institute through the Director shall oversee each cancer center in the country, and upon approval by the National Cancer Advisory Board through a Board Resolution, is hereby authorized to:

- (1) obtain the services of not more than fifty experts or consultants who have scientific or professional qualifications to be designated in each regional cancer centers and in the national cancer centers;
- (2) acquire, construct, improve, repair, operate, and maintain cancer centers, laboratories, research, and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property including patents as the Director deems necessary;
- (3) appoint one or more advisory committees composed of such private citizens and officials of the local governments as he deems desirable to advise him with respect to his functions;
- (4) utilize, with their consent, the services, equipment, personnel, information, and facilities of other local public agencies, with or without reimbursement therefore;
- (5) accept voluntary and uncompensated services;
- (6) accept unconditional gifts, or donations of services, money, or property, real, personal, or mixed, tangible or intangible;
- (7) enter into such contracts, leases, cooperative agreements, or other transactions, as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution; and
- (8) take necessary action to ensure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the National Cancer Institute and the other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

Sec. 10. Presidential Cancer Panel. - (a) There is established the President's Cancer Panel which shall be composed of three persons appointed by the President, who by virtue of their training, experience, and background are exceptionally qualified to appraise the National Cancer Program. At least two of the members of the Panel shall be distinguished scientists or physicians, recommended by the Director of the National Cancer Institute.

(b) Members of the Panel shall be appointed for three-year terms, except that in the case of two of the members first appointed, one shall be appointed for a term of one year and one shall be appointed for a term of two years, as designated by the President at the time of appointment, and any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(1) The president shall designate one of the members to serve as Chairman for a term of one year.

(2) Members of the panel shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for salary grade 20 of the General Schedule for each day during which they are engaged in the actual performance of duties vested in the Panel, and shall be allowed travel expenses including a per diem allowance.

(c) The Panel shall meet at the call of the Chairman, but not less often than twelve times a year. A transcript shall be kept of the proceedings of each meeting of the Panel, and the Chairman shall make such transcript available to the public.

(d) The Panel shall monitor the development and execution of the National Cancer Program under this section, and shall report directly to the President. Any delays or blockages in rapid execution of the Program shall immediately be brought to the attention of the President. The Panel shall submit to the President periodic progress reports on the Program and annually an evaluation of the efficacy of the Program and suggestions for improvements, and shall submit such other reports as the President shall direct. At the request of the President, it shall submit for his consideration a list of names of persons for consideration for appointment as Director of the National Cancer Institute.

Sec. 11. Scientific Review and Reports on Cancer. - (a) The Director of the National Cancer Institute shall, by regulation, provide for proper scientific review of all research grants and programs over which he has authority by utilizing, to the maximum extent possible, appropriate peer review groups established within the National Institutes of Health of the University of the

Philippines and composed principally of scientists and other experts in the scientific and disease fields, and when appropriate, by establishing, with the approval of the National Cancer Advisory Board and the Director of the National Institutes of Health, other formal peer review groups as may be required.

(b) The Director of the National Cancer Institute shall, as soon as practicable after the end of each calendar year, prepare in consultation with the National Cancer Advisory Board and submit to the President for transmittal to the Congress a report on the activities, progress, and accomplishments under the National Cancer Program during the preceding calendar year and a plan for the Program during the next five years.

Sec. 12. Appropriation of Funds. The initial fund in the amount of FIFTY MILLION PESOS for the establishment of the National Cancer Institute including the initial implementation of its programs shall be appropriated from the gross income of the Philippine Gaming Corporation (PAGCOR) and shall be directly remitted to a special account of the National Cancer Institute. Thereafter, for the continued implementation of this Act, such sums shall be included in the annual General Appropriations Act.

Sec. 13. Implementing Rules and Regulations. The National Cancer Advisory Board with the involvement of the stake holders shall start to establish the committee that will promulgate the implementing rules and regulations of this act within 90 days from the approval of this act.

Sec. 14. Congressional Oversight Committee. There is hereby created a Congressional Oversight Committee composed of five (5) members of the Senate and five (5) members from the House of Representatives. The members from the Senate shall be appointed by the Senate President based on the proportional representation of the parties or coalitions therein with at least one (1) member representing the Minority. The members from the House of Representatives shall be appointed by the Speaker, also based on the proportional representation of the parties or coalitions therein with the respective Chairs of the House Committees on Health and on Science and Technology, and at least one (1) member representing the Minority.

The Committee shall be headed by the respective Chairs of the Senate Committees on Health and on Science and Technology, and House of Representatives Committees on Health and on Science and Technology. The Secretariat of the Congressional Oversight Committee shall come from the existing Secretariat personnel of the Committees of the Senate and the House of Representatives concerned.

Sec. 15. **Separability Clause.** If any provision or part hereof is held invalid or unconstitutional, the remainder of this Act or the provision not otherwise affected shall remain valid and subsisting.

Sec. 16. **Repealing Clause.** All laws, decrees, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

Sec. 17. **Effectivity Clause.** This Act shall take effect fifteen (15) days after its publication in the Official Gazette and in a newspaper of general circulation.

Approved,