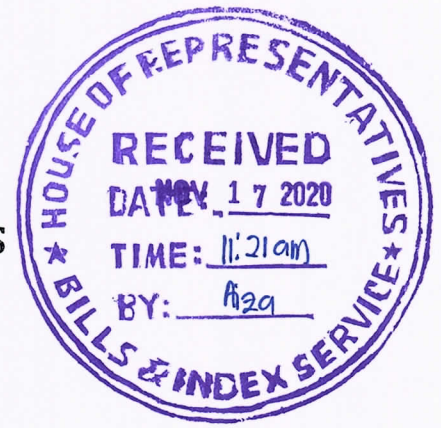




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Eighteenth Congress
Second Regular Session

HOUSE BILL NO. 8017



Introduced by Representative Jericho Jonas B. Nograles

EXPLANATORY NOTE

This bill seeks to ensure the continuity of essential response and recovery interventions with respect to the COVID-19 vaccine, amending for the purpose Republic Act No. 11494, otherwise known as the "*Bayanihan to Recover As One Act.*"

The world is now scrambling in tracking the pandemic, administering critical interventions, and distributing vital medical supplies to those afflicted with COVID-19. There are more than 100 potential COVID-19 vaccines that are in the phases of clinical trial and testing. If successfully developed, these vaccines may put an end to the spread of the deadly virus at the earliest possible time. The goal of equitable and immediate access to the COVID-19 vaccine must be ascertained.

Republic Act No. 11494 was enacted in anticipation of the commercial availability of the vaccines by the end of 2020. Many potential COVID-19 vaccines, to date, are still going through the three-stage clinical trial process and the results are expected to be reported by the end of 2020 or early 2021. After the clinical trials, the results must be verified and approved by regulatory agencies before any large-scale production and commercial distribution of vaccine in the market may commence.

While waiting for a safe COVID-19 vaccine, there is a necessity to extend the validity of paragraphs (d), (s) and (cc) of Section 4 and Section 12 of the "*Bayanihan to Recover As One Act*" until December 31, 2022 to ensure the continuity of the essential COVID-19 response and recovery interventions.

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


JERICO JONAS B. NOGRALES



Republic of the Philippines
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HOUSE BILL NO. 8017

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AN ACT

**ENSURING THE CONTINUITY OF ESSENTIAL RESPONSE AND
RECOVERY INTERVENTIONS AWAITING THE COVID-19
VACCINE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
11494, OTHERWISE KNOWN AS “BAYANIHAN TO RECOVER AS ONE
ACT”**

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

SECTION 1. Section 4 of Republic Act No. 11494 is hereby amended to
read as follows:

“SEC. 4. **COVID-19 Response and Recovery
Interventions.** – Pursuant to Article VI, Section 23(2) of the
Constitution, the President is hereby authorized to exercise
powers that are necessary and proper to undertake and
implement the following COVID-19 response and recovery
interventions:

1 “(a) Following the World Health Organization (WHO) or
2 the United States Centers for Disease Control and Prevention
3 guidelines and best practices x x x;

4 (x x x)

5 “(d) Delivery of uninterrupted immunization program
6 against vaccine preventable disease especially on children amidst
7 the COVID-19 pandemic, including vaccine for COVID-19;

8 (x x x)

9 “(s) Ensuring that donation, acceptance and distribution of
10 health products intended to address the COVID-19 pandemic are
11 not unnecessarily delayed and that health products for donation
12 duly certified by the regulatory agency or their accredited third
13 party from countries with established regulation shall
14 automatically be cleared: *Provided*, That this shall not apply to
15 health products which do not require a certification or clearance
16 from the FDA;

17 (x x x)

18 “(cc) Liberalization of the grant of incentives for the
19 manufacture or importation of critical or needed equipment or
20 supplies or essential goods for the carrying-out of the policy

declared herein, including health care equipment and supplies:

Provided, That the exemption from import duties, taxes, and other fees for manufacture or importation of critical equipment or essential goods shall be determined by the Bureau of Customs (BOC) and the Bureau of Internal Revenue (BIR), respectively:

Provided, further, That limitations and restrictions to the sale, distribution, and trade of the foregoing goods, equipment or supplies may be imposed to prevent shortage of supply and to ensure that the prices thereof remain reasonable, giving priority and preferences to the needs and safety of health workers and frontliners, violations of which shall be punishable under Section 16 of Republic Act No. 7581 or the “*Price Act*”, as amended.

For this purpose, critical products, equipment or supplies or essential goods shall include the following: (1) goods referred to in Section 4(u)(1) hereof related to the containment or mitigation of COVID-19; (2) equipment for waste management, including but not limited to, waste segregation, storage, collection, sorting, treatment and disposal services: *Provided, furthermore,* That these said equipment and technologies and services are approved by the Department of Environment and Natural Resources

(DENR), DOH or other concerned regulatory agencies; (3) inputs, raw materials and equipment necessary for the manufacture or production of essential goods referred to in Section 4(u)(1) hereof related to the containment or mitigation of COVID-19: *Provided, furthermore,* That for the purpose of qualifying for exemption from import duties, taxes, and other fees and ensuring supply of PPE at competitive prices, DTI shall certify that the equipment and supplies being imported are not locally available or of insufficient quality and preference: *Provided, finally,* That preference is given to products, materials and supplies produced, made or manufactured in the Philippines; (x x x).

“PARAGRAPH (D) ON THE DELIVERY OF UNINTERRUPTED IMMUNIZATION PROGRAM AGAINST COVID-19, PARAGRAPH (S) ON THE DONATION, ACCEPTANCE AND DISTRIBUTION OF HEALTH PRODUCTS INTENDED TO ADDRESS COVID-19, AND PARAGRAPH (CC) ON THE LIBERALIZATION OF THE GRANT OF INCENTIVES FOR THE MANUFACTURE OR IMPORTATION OF CRITICAL OR

1 **NEEDED EQUIPMENT, SUPPLIES OR ESSENTIAL**
2 **GOODS UNDER THIS SECTION, SHALL REMAIN IN**
3 **EFFECT UNTIL DECEMBER 31, 2022 TO ENSURE THE**
4 **CONTINUITY OF THESE ESSENTIAL**
5 **INTERVENTIONS UNTIL A SAFE COVID-19 VACCINE**
6 **IS AVAILABLE.”**

7 SEC. 2. Section 12 of Republic Act No. 11494 is hereby amended to
8 read as follows:

9 “SEC. 12. *Procurement of COVID-19 Drugs and Vaccine.*

10 – Notwithstanding any law to the contrary, the requirement of
11 Phase IV trials for COVID-19 medication and vaccine stipulated
12 in the Universal Health Care Law is hereby waived to expedite the
13 procurement of said medication and vaccine: *Provided*, That these
14 are recommended and approved by the WHO and/or other
15 internationally recognized health agencies: *Provided, further*, That
16 the minimum standards for the distribution of the said medication
17 and vaccine shall be determined by the FDA and HTAC, as may
18 be applicable: *Provided, furthermore*, That nothing in this Act
19 shall prohibit private entities from conducting research,
20 developing, manufacturing, importing, distributing or selling

COVID-19 vaccine sourced from registered pharmaceutical companies, subject to the provisions of this Act and existing laws, rules and regulations: *Provided, finally,* That this section shall remain in effect [~~three (3) months after December 19, 2020~~]
UNTIL DECEMBER 31, 2022.

SEC. 3. This Act shall take effect immediately upon its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,