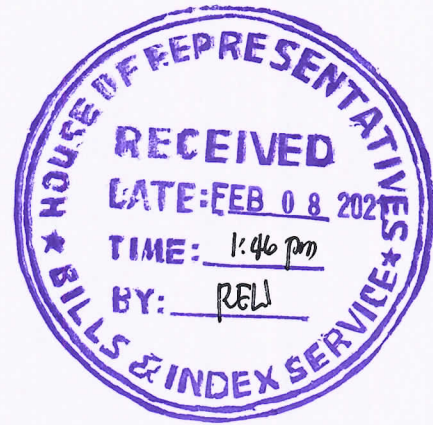


Republic of the Philippines
HOUSE OF REPRESENTATIVES

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8643



Introduced by HONORABLE WES GATCHALIAN

AN ACT
AMENDING REPUBLIC ACT NO. 11332, OTHERWISE KNOWN AS THE
MANDATORY REPORTING OF NOTIFIABLE DISEASES AND HEALTH EVENTS
OF PUBLIC HEALTH CONCERN ACT TO INCLUDE FALSIFICATION OF ANY
FORMS OF NOVEL CORONAVIRUS TEST RESULT AND PROVIDING PENALTIES
THEREFOR

EXPLANATORY NOTE

With the outbreak of the Novel Coronavirus (COVID-19) pandemic in 2020, the Philippines was placed under Enhanced Community Quarantine (ECQ) for several months, which proved to be detrimental to the livelihood of Filipinos, and consequently the economy. When the Government started to gradually open the economy, they coupled such easing of restrictions with measures that will secure the health and safety of those who must physically report to work and those who wishes to enter establishments.

Part of these health and safety protocols is the presentation of negative COVID-19 test results. However, due to the relatively expensive price of test (i.e., a *Reverse Transcription-Polymerase Chain Reaction [RT-PCR] Test* ranges from P3,800-P5,000;¹ a *Rapid COVID-19 Antigen Test* starts at P700; and the new *Saliva Test* administered by the Philippine Red Cross costs P2,000²) as well as the inconvenience it causes (i.e., limited testing centers, long queues, and danger of being in the same room with different strangers for a long period of time), some people are opting to falsify their test results.

For instance, in 24 July 2020, authorities have arrested two women for selling falsified COVID-19 test results at a computer shop in Caloocan City.³ In 03 February 2021, 6 visitors on Boracay Island were caught to have presented fake COVID-19 tests results. Worse, half of these said visitors actually tested positive for the infectious disease.⁴ The desire of individuals to proceed with their lives in the new

¹ Department of Health DO Circular No. 2020-0391, dated 27 November 2020.

² CNN Philippines. (2021). PH Red Cross to start saliva testing for COVID-19 on Jan. 25. Retrieved from <https://cnnphilippines.com/news/2021/1/23/pg-red-cross-covid-saliva-test.html>

³ Pulta. (2020). 2 women nabbed for selling fake Covid-19 test results. *Philippine News Agency*. Retrieved from <https://www.pna.gov.ph/articles/1110010>

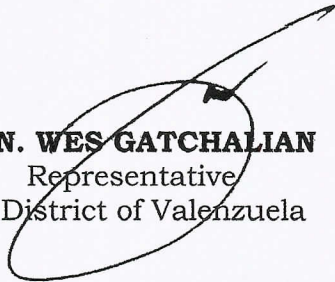
⁴ ABS-CBN News. (2021). 3 Boracay visitors with fake RT-PCR test results found positive for COVID-19: DOT. Retrieved from <https://news.abs-cbn.com/news/02/03/21/3-boracay-visitors-with-fake-rt-pcr-test-results-found-positive-for-covid-19-dot>

normal should not be at the expense of other people. Falsification *per se* is not the only issue here, but the corresponding risks it poses for public safety. Though falsification of COVID-19 test results may seem like a trivial procedural matter to some, it actually recklessly endangers the lives of the people these offenders may interact or come into contact with.

Republic Act. No. 11332 or the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act, which was enacted in 2018, already recognized the intentional provision of misinformation as a punishable act due to the hazard it imposes to the general public. The government is already working to provide better tests at more reasonable prices, and better conditions for the testing centers. Cooperation from the public is essential in order successfully curb the pandemic.

This bill seeks to increase the penalty for intentionally providing misinformation, specifically by falsifying any form of COVID-19 test results, such as but not limited to falsifying RT-PCR test result, rapid COVID-19 antigen test result, saliva test result, or such other forms of COVID-19 tests which may be approved by the Department of Health (DOH) in the future.

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



HON. WES GATCHALIAN
Representative
1st District of Valenzuela

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THEREFOR

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

1 **SECTION 1.** *Prohibition of Falsifying Polymerase Chain Reaction (PCR) Test*
2 *Result.* – Section 9 of Republic Act No. 11332, otherwise known as the Mandatory
3 Reporting of Notifiable Diseases and Health Events of Public Health Concern Act is
4 hereby amended to read as follows:

5
6 “Section. 9. *Prohibited Acts.* – The following shall be prohibited
7 under this Act:

8 (a) Unauthorized disclosure of private and confidential
9 information pertaining to a patient’s medical condition or
10 treatment;

11 (b) Tampering of records or intentionally providing
12 misinformation,

13 (c) Non-operation of the disease surveillance and response
14 systems;

15 (d) Non-cooperation of persons and entities that should report
16 and/or respond to notifiable diseases or health events of public
17 concern; ~~and~~

18 (e) Non-cooperation of the person or entities identified as having
19 the notifiable disease, or affected by the health event of public
20 concern; **AND**

21 **(F) FALSIFYING REVERSE TRANSCRIPTION-POLYMERASE**
22 **CHAIN REACTION (RT-PCR) TEST RESULT, RAPID COVID-**
23 **19 ANTIGEN TEST RESULT, SALIVA TEST RESULT, OR**
24 **SUCH OTHER FORMS OF COVID-19 TESTS WHICH MAY BE**
25 **APPROVED BY THE DEPARTMENT OF HEALTH IN THE**
26 **FUTURE.**
27

1 **SEC. 2. Penalties.** – Section 10 of Republic Act No. 11332, otherwise known
2 as the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health
3 Concern Act is hereby amended to read as follows:
4

5 “Section. 10. *Penalties.* – Any person or entity found to have
6 violated Section 9 of this Act, **EXCEPT SECTION 9(F)**
7 **THEREOF**, shall be penalized with a fine of not less than
8 Twenty thousand pesos (₱20,000.00) but not more than Fifty
9 thousand pesos (₱50,000.00) or imprisonment of not less than
10 one (1) month but not more than six (6) months, or both such
11 fine and imprisonment, at the discretion of the proper court.
12

13 The Professional Regulation Commission shall have the
14 authority to suspend or revoke the license to practice of any
15 medical professional for any violation of this Act.
16

17 The Civil Service Commission shall have the authority to
18 suspend or revoke the civil service eligibility of a public servant
19 who is in violation of this Act.
20

21 **THE PENALTY OF PRISIÓN MAYOR AND A FINE NOT TO**
22 **EXCEED ONE MILLION PESOS (₱1,000,000) SHALL BE**
23 **IMPOSED ON ANY PERSON FOUND TO HAVE VIOLATED**
24 **SECTION 9(F) OF THIS ACT.**
25

26 **SEC. 3. Separability Clause.** – If for any reason any provision of this Act or
27 any part thereof shall be held unconstitutional and invalid, the other parts or
28 provisions of this Act, which are not affected thereby, shall remain in full force and
29 effect.
30

31 **SEC. 4. Repealing Clause.** – All laws, decrees, orders, rules, and regulations
32 or parts thereof inconsistent with any of the provisions of this Act are hereby
33 repealed, amended, or modified accordingly.
34

35 **SEC. 5. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
36 publication in the Official Gazette or one (1) newspaper of general circulation.
37
38

39 Approved,