

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

EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. **10106**



INTRODUCED BY
REP. ALFRED VARGAS

AN ACT
DEFINING AND CRIMINALIZING VACCINE HOARDING AND
UNAUTHORIZED VACCINATION IN TIMES OF PUBLIC HEALTH
EMERGENCIES AND PROVIDING PENALTIES THEREFOR

EXPLANATORY NOTE

The ongoing COVID-19 pandemic has surfaced the need for better plans and preparations during public health emergencies. Amidst this public health crisis, vaccination remains the most effective way in controlling the pandemic.

The rollout of the National COVID-19 Vaccination Program, which officially began on March 1, 2021, continues to face concerns due to the limited supply of the vaccines and some reports of unauthorized vaccinations.

Under Section 12 of Republic Act No. 11525 otherwise known as the "COVID-19 Vaccination Program Act of 2021", the falsification of a vaccine card shall be punishable under Act No. 3185, as amended, otherwise known as "The Revised Penal Code". However, the falsification of vaccination cards is but one of the many issues that challenge the proper delivery of health services during this pandemic. Vaccine hoarding and unauthorized vaccinations have jeopardized the proper delivery of public health services and the welfare of every Filipino who has been deprived of the opportunity to be protected from the corona virus.

In response to recent reports of vaccine hoarding and unauthorized inoculation of vaccines in the National Capital Region, often through individuals lying about getting fully-vaccinated in hopes of receiving third shots as booster shots, the Metro Manila Council (MMC,) consisting of all 17 mayors of Metro Manila, unanimously approved Resolution No. 21-18,

which called for penalties against individuals who would be found responsible for unauthorized inoculations.

Vaccine hoarding and the unauthorized vaccination in times of public health emergencies are selfish and detrimental to the collective recovery and protection of the Filipino people. These acts are inimical to the public health system and the overall welfare of the public, thus, must be penalized.

This bill seeks to define and criminalize the act of vaccine hoarding, unauthorized vaccination, and over-vaccination in times of public health emergencies. To prohibit these unacceptable acts, this measure proposes to provide a penalty of imprisonment for fifteen (15) days to sixty (60) days and a fine of One Hundred Thousand Pesos (Php 100,000.00) to Five Hundred Thousand Pesos (Php 500,000.00).

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



ALFRED VARGAS

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

SECTION 1. *Short Title.* – This Act shall be known as the “*Anti-Vaccine Hoarding Act.*”

SECTION 2. *Declaration of Policy.*–The State shall endeavor to efficiently and immediately address all potential and actual public health emergencies for the promotion of the general welfare of the people.

While considering national sovereignty, territorial integrity, national interest and the right to self-determination, in its relations with other states, the State shall, at all times, give paramount importance to the health of its citizens whether in the country or overseas. Towards this end, the State shall ensure that science and evidence-based plans and preparations shall be observed and that guidelines especially on vaccination programs shall be strictly implemented and complied with.

SECTION 3. *Definition of Terms.* – As used in this Act:

- (a) ***Immunization*** refers to the process by which a person becomes protected against a disease through vaccination. This term is often used interchangeably with vaccination or inoculation.
- (b) ***Pandemic*** refers to an epidemic occurring worldwide, or over every wide area, crossing international boundaries, affecting a large number of people;

- (c) **Public Health Emergency** refers to an occurrence or imminent threat of an illness or health condition as specifically defined under Section 3(l) of Republic Act No. 11332, otherwise as the “Law on Reporting of Communicable Diseases”;
- (d) **Vaccine** refers to a product that stimulates a person’s immune system to produce immunity to a specific disease, protecting the person from that disease. Vaccines are usually administered through needle injections, but can also be administered by mouth or sprayed into the nose.
- (e) **Vaccination** refers to the act of introducing a vaccine into the body to produce immunity to a specific disease.

SECTION 4. Prohibited Acts.—The following acts are prohibited:

- (a) **Vaccine hoarding**— The undue accumulation by a person or combination of persons of vaccines beyond their normal inventory levels as determined by the Department of Health; or the unreasonable limitation of distribution or refusal to dispose of, the stocks of vaccines to the general public; or the unjustified withdrawal of vaccines from the channels of production, trade, commerce and industry; or any other analogous acts as provided by Republic Act No. 7581, otherwise known as the Price Act, that are inimical to the interests of the people during public health emergencies.
- (b) **Unauthorized vaccination** – The administration of a vaccine by persons who are not authorized under the guidelines set by the Department of Health (DOH) and other rules and regulations relevant to the implementation of vaccination programs during public health emergencies.
- (c) **Over-vaccination** – Receiving vaccination by any person or group of persons beyond the approved vaccine dosage set by the DOH and other rules and regulations relevant to the implementation of vaccination programs during public health emergencies.

SECTION 5. Penalties. – The following penalties shall be imposed upon those who have violated this Act:

- (a) Any person or entity who shall violate Section 4 of this Act shall be punished by imprisonment of fifteen (15) days to sixty (60) days or a fine of One Hundred Thousand Pesos (Php 100,000.00) to Five Hundred Thousand Pesos (Php 500,000.00), at the discretion of the court; *Provided*, That if the offender is a public official and the offender has taken advantage of his public position, the maximum penalty shall be imposed;

- (b) If the offender is a corporation, association, partnership or any other juridical person, the penalty shall be imposed upon the president, directors, managers, managing partners, as the case may be, who participated in the commission of the offense or who shall have knowingly permitted or failed to prevent the commission of the same.

SECTION 6. *Implementing guidelines, Rules, and Regulations.* – Within sixty (60) days from the effectivity of this Act, the Secretary of the Department of Health and other stakeholders shall approve and issue the necessary rules and regulations for the effective implementation of this Act.

SECTION 7. *Separability Clause.* – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts are provisions not affected so continue to be in full force and effect.

SECTION 8. *Repealing Clause.* – All laws, executive orders, and administrative orders or parts thereof inconsistent with any provision of this act are hereby repealed or amended accordingly.

SECTION 9. *Effectivity.*– This Act shall take effect fifteen (15) days after following its publication in the online version of the *Official Gazette* or in two (2) newspapers of general circulation or with established Internet website presence.

Approved,