

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 10340



Introduced by Representative FREDERICK W. SIAO

EXPLANATORY NOTE

The International Labour Organization (ILO) has observed that the world of work is profoundly affected by the COVID-19 pandemic as it threatened not only public health but also economic and social sectors thereby affecting the livelihoods and well-being of millions of people around the globe. Specifically, in its *World Employment and Social Outlook: Trends 2021* report¹, released in June 2021, the ILO found that the pandemic has inflicted lasting damage to the job market, with 8.8 percent of total working hours – the equivalent of the hours worked in one year by 255 million full-time workers, were lost in 2020. It was likewise observed that the slower-than-expected vaccine rollouts and the resurgence of coronavirus variants have dampened the global jobs recovery forecast, with 220 million forecast to be unemployed in 2021— above the 187-million recorded in 2019 before the coronavirus crisis struck.

In the Philippines, the latest Labor Survey conducted by the Philippine Statistics Authority showed that the unemployment rate in April 2021 rose to 8.7 percent—which translates to roughly 4.14 million unemployed Filipinos. This figure is higher compared to the 7.1 percent reported in March 2021. A number of factors, including the strict community lockdowns, belief that no work is available, awaiting results of previous job application and waiting for job recall, have driven the increasing unemployment rate in the country.² While more Filipinos are looking for employment to augment their financial situation, some jobseekers reported that they had to incur additional costs for COVID-19 testing being required by the employers, which in turn hindered them from pursuing their application and continuing with their job search.

The government through the Department of Labor and Employment (DOLE) and the Department of Trade Industry (DTI) has clarified through Joint Memorandum Circular (JMC) No. 20-04A issued on 15 August 2020, that RT-PCR or antibody-based test is not recommended nor required for asymptomatic employees returning to work. However,

¹ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_795453.pdf

² <https://psa.gov.ph/statistics/survey/labor-and-employment/labor-force->

said JMC does not explicitly prohibit companies in requiring jobseekers to submit a COVID-19 test result as part of the pre-employment process.

Further, while the PhilHealth has a free COVID-19 testing program for its members, the coverage, however, is only limited to at-risk individuals or groups including patients with severe symptoms and mild symptoms but with travel history or contact; health care workers; senior citizens; returning overseas Filipino workers, among others, as identified by the Department of Health (DOH) pursuant to Department Memorandum Nos. 2020-0528 issued on 29 May 2020 and 2020-0258-A issued on 6 July 2020.

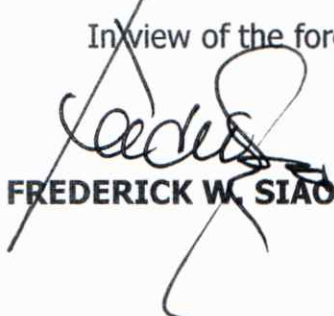
Considering the imperative for the national government to ensure the labor market's recovery, there is a need for a human-centered policy that actually encourages people to go back to work while cognizant of many changes brought about by the pandemic.

To realize this objective, this bill seeks to provide free COVID-19 testing for all jobseekers. Through this proposed measure, the government by covering the additional pre-employment costs born from COVID-19 tests, promotes the safety of jobseekers and ensures the sustainability of businesses and jobs in the country by subsidizing the COVID-19 testing especially for the micro, small and medium enterprises (MSMEs).

Through this policy, we are not only recognizing the importance of ensuring the safety and health of our entire workforce but we are also providing equal employment opportunities for younger cohorts and those who became unemployed during the pandemic to enter the labor market.

This bill was originally filed by Senator Sonny Angara as Senate Bill No. 2291 and will serve as the House version.

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



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AN ACT
PROVIDING FOR FREE COVID-19 TESTING FOR ALL JOBSEEKERS AND
APPROPRIATING FUNDS THEREFOR

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

SECTION. 1. Short Title. – This Act shall be known as the "*Free COVID-19 Testing for Jobseekers Act.*"

SEC. 2. Declaration of Policy. – It is the policy of the State to afford full protection to labor, promote full employment, and guarantee that no person shall be denied access to equal employment opportunities.

In cognizance of the adverse impact of the COVID-19 pandemic to the Philippine economy and society and the need to adapt to the new normal, the State shall assist jobseekers, including but not limited to first-time jobseekers and displaced workers, in finding employment. By subsidizing the cost of COVID-19 testing as part of the pre-employment process, the State ensures the safety and health of our entire workforce in their respective workplaces including their customers and clients as well as the families in their abode as we continue to work on identifying and determining the carriers of the virus who show no symptoms at all, and remain to be a serious threat to our society.

SEC. 3. Coronavirus Diseases-2019 (COVID-19) Free Testing For All Jobseekers. – The Department of Health (DOH), in full cooperation with the Department of Interior and Local Government (DILG), the Department of Labor and Employment (DOLE), and the Department of Trade and Industry (DTI), shall provide for free and accessible COVID-19 testing for Filipino jobseekers nationwide: *Provided, That the COVID-19 test shall not be considered as an additional mandatory requirement for employment.*

SEC. 4. Coverage. – This Act shall apply to jobseekers who are finding employment in the Philippines during the state of national emergency as declared by the President. For purposes of this Act, "jobseeker" means a Filipino citizen who satisfies any of the following criteria:

- (1) A young person who is finding employment for the first time;

- (2) An unemployed person who is actively seeking employment; and
- (3) A displaced worker whose employment was permanently terminated for authorized reasons or other causes arising from the COVID-19 pandemic.

The benefits provided under this Act shall be available to all jobseekers at all phases of the job application process.

SEC. 5. *Testing Allocation in COVID-19 Testing Centers.* – Immediately after the approval of this Act, COVID-19 Testing Centers shall allocate a percentage of their daily testing capacity specifically for the testing of jobseekers covered under this Act.

SEC. 6. *Implementing Rules and Regulations.* – The DOH shall be primarily responsible in implementing the provisions of this Act. The DOH, in consultation with PhilHealth, DILG, DOLE, and DTI shall promulgate the necessary implementing rules and regulations within thirty (30) days upon the effectivity of this Act.

SEC. 7. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the funds of the Philippine Health Insurance Corporation. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 8. *Separability Clause.* – If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall continue to be in full force and effect.

SEC. 9. *Repealing Clause.* – All other laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 10. *Effectivity.* – This Act shall take effect immediately after its publication in the *Official Gazette* or in a newspaper of general circulation and shall be in full force and effect during the period of the state of national emergency as declared by the President.

Approved,