

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

EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. **10671**



INTRODUCED BY
REP. ALFRED VARGAS

AN ACT
PROVIDING FOR FREE COVID-19 TESTING FOR ALL JOBSEEKERS,
WORKERS IN MICRO, SMALL, AND MEDIUM ENTERPRISES, AND
INFORMAL SECTOR WORKERS AND APPROPRIATING
FUNDS THEREFOR

EXPLANATORY NOTE

The COVID-19 pandemic has resulted to historical levels of unemployment and economic displacement worldwide, with the Philippine labor sector facing what the Asian Development Bank (ADB) describes as “a crisis like no other.”¹

Mobility restrictions, workplace closures, international demand fluctuations, and supply chain disruptions have resulted to a disproportionate amount of job losses, especially for workers in micro, small, and medium enterprises (MSMEs) and the informal sector. The Department of Labor and Employment (DOLE) characterized the country’s pandemic-related unemployment and underemployment rates as “unprecedented.”²

One lost job is not just a number.

Unemployment rates are not just figures. For many of our fellow Filipinos, losing work means losing a home, leaving the dinner table empty,

¹ ADB. *COVID-19 and Labor Markets in Southeast Asia—Evidence from Indonesia, Malaysia, The Philippines, Thailand, and Viet Nam* (December 2021).

² Department of Labor and Employment Bureau of Local Employment. *How the Pandemic is Reshaping the Philippine Labor Market* (November 2020).

reluctantly stopping a child's education, leaving lingering sickness unattended, and, for a desperate few, putting the law into their own hands. Labor, the Constitution consciously declares, is "a primary social economic force" as the welfare of our Filipino workers is the welfare of the Filipino nation as a whole.

Congress has recognized the vulnerability of many Filipino employees and workers and while it has been proactive in protecting them under the successive Bayanihan to Heal as One Act and Bayanihan to Recover as One Act, among other laws and policies, more needs to be done to more meaningfully effectuate the State's duty of affording full protection to labor, especially amidst this global pandemic.

This measure fills a gap in social welfare and pro-labor policy by providing workers in our most vulnerable labor and business sectors with a crucial resource in today's unpredictable and dynamic public health situation.

Since the beginning of this health crisis, the World Health Organization (WHO) has emphasized the importance of COVID-19 testing and it has been a cornerstone of many governments' response. In view of the importance of this public health tool and strategy, many employers in the private sector have adopted a negative COVID-19 test result from jobseekers as a condition for hiring.

Many prospective employers even require the conduct of an RT-PCR test taken by professional healthcare providers at accredited facilities and analyzed by specialized laboratories.

The Department of Health (DOH) has affirmed that the RT-PCR test is the "gold standard" in confirming the presence of SARS-CoV-2 virus, the causative agent of COVID-19. Requiring the laboratory-confirmed result, however, despite reasonableness from management's view, often leaves out the fact that many jobseekers, displaced Filipino workers, minimum wage earners, among millions, could not personally access and afford undergoing the test.

The constantly changing nature of the pandemic because of newer, more virulent variants such as Omicron adds further strain to workers. For many of them in the retail, services, and food sectors, for instance, the need for regular COVID-19 testing is a difficult reality due to exposures in their line of duty.

Workers in MSMEs and self-employed workers—productive members of our labor force who serve as the backbone of our country’s economy—are particularly affected. While PhilHealth does offer subsidized COVID-19 testing, the scope and coverage of existing benefit packages still exclude many prospective jobseekers, MSME workers, self-employed workers, and informal sector workers, who may need to undergo regular clinical testing.

By providing free and accessible COVID-19 testing for these members of the Filipino labor force, and institutionalizing legislative policies aimed at protecting workers against discrimination and unjust practices, this measure hopes to promote the safety and welfare of our hardworking fellow Filipinos and ensure the sustainability of the businesses that lift up our nation from this economic downturn.

The COVID-19 pandemic has affected all Filipino families, but its impact is worse for those who already had to live by humble means even before all the surges and lockdowns. Our laws, like this bill, must look after those who have less in life. With the passage of this measure, Congress demonstrates that the spirits of *bayanihan* and *damayan* are alive and well and that the State continues to be proactive in realizing its preambular mission of building a just and humane society that promotes the common good.

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 “Free COVID-19 Testing to Promote Labor Act.”

SECTION 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 safe and equal employment opportunities.

The State recognizes the adverse impact of the COVID-19 pandemic to the Philippine economy and society, and promotes measures that adapt to a new normal, where jobseekers, including first-time jobseekers and displaced workers, are meaningfully supported in finding employment.

The State shall ensure the safety and well-being of micro, small, and medium enterprises (MSMEs) and workers in the informal economy in the pursuit of their livelihood.

SECTION 3. Coronavirus Disease-2019 (COVID-19) Free Testing for Vulnerable Workers. – 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, workers in MSMEs, and informal sector workers nationwide: *provided*, That a person's COVID-19 test result shall not be used to discriminate against employment or continuing employment, or circumvent or defeat protections for labor.

SECTION 4. Coverage. – This Act shall apply to jobseekers, employees in MSMEs, and informal sector workers in the Philippines, as defined or certified by the DOLE, during the state of national emergency as declared by the President. For purposes of this Act, the coverage of the COVID-19 Free Testing shall include:

- (a) A young person who is finding employment for the first time;
- (b) An unemployed person who is actively seeking employment;
- (c) A worker in the micro, small, and medium enterprises or industry;
- (d) An independent, self-employed, small-scale worker; and
- (e) A displaced worker whose employment was permanently terminated for authorized reasons or other causes directly arising from the COVID-19 pandemic.

SECTION 5. Testing Allocation in COVID-19 Testing Centers. – Immediately after the effectivity of this Act, public COVID-19 Testing Centers shall allocate a percentage of their daily testing capacity specifically for the testing of jobseekers, MSMEs, and informal sector workers covered under this Act. The DOH shall develop and implement programmatic incentives for accredited private COVID-19 Testing Centers that allocate a similar proportion of their daily testing capacity for covered workers.

SECTION 6. Appropriations. – The amount necessary for the initial implementation of this Act shall be charged against the funds of the Philippine Health Insurance Corporation (PhilHealth). Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations.

SECTION 7. Implementing Rules and Regulations. – The DOH and DOLE shall be primarily responsible in implementing the provisions of this Act. The DOH and DOLE, in consultation with the PhilHealth, DILG, and DTI shall jointly promulgate the necessary implementing rules and regulations within thirty (30) days upon the effectivity of this Act.

SECTION 8. Separability Clause. – If any provision is held invalid or unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid and subsisting.

SECTION 9. *Non-Impairment Clause.* – Nothing in this Act shall be construed as to diminish, impair, or repeal rights recognized, granted, or made available to disadvantaged, marginalized, or specific sectors under existing laws.

SECTION 10. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule, or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspaper of general circulation.

Approved,