

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5104



Introduced by **HON. GUS S. TAMBUNTING**

**AN ACT
ESTABLISHING THE GOVERNMENT VACCINE INDEMNIFICATION PROGRAM, PROVIDING
FUNDS THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

One of the more challenging parts of government vaccination programs is to encourage an adequate number of the population to be vaccinated to ensure the effectiveness of a vaccine in containing the disease, preventing community transmission, and creating herd immunity. Reports of alleged vaccine-related fatalities in other countries, coupled with misinformation and the speed at which the vaccine was developed, people are getting more reluctant to be vaccinated. This poses a problem as vaccination hesitancy reverses any progress towards the elimination of vaccine-preventable diseases. In 2019, it was declared to be the Top Ten Priority for the World Health Organization. Locally, the Department of Health points to vaccine hesitancy as one of the reasons behind the 2019 measles outbreak in the country, which was one of the worst outbreaks with more than 33,000 cases and 466 deaths.

As WHO pointed out, vaccine hesitancy is a complex matter. It is determined by numerous variables such as confidence, complacency, and convenience. In the case of the Philippines, one of the biggest issues is confidence, especially following the Dengvaxia controversy in 2017.

This measure is proposed with the end view of increasing the public's confidence in government vaccination programs by ensuring that the public is protected from vaccine-related injuries or any adverse effects resulting from vaccination. This measure shall establish a government vaccine indemnification program, which shall be subsidized by pharmaceutical companies that supply the government with vaccines for public immunization programs, which shall be exclusively used for compensation or indemnification of those who sustained vaccine-related injuries. This effectively allows the public to pursue claims for vaccine injuries without the long, drawn-out, and expensive court litigations.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. GUS S. TAMBUNTING
2nd District, Parañaque City

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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 "Vaccine Indemnification Fund Act".

SEC. 2. Declaration of Policy. – It is the policy of the State to protect and promote the right to the health of the people and instill health consciousness among them. Likewise, it is the State's responsibility to establish and maintain an effective drug regulatory system and undertake appropriate policies that are responsive to the country's health needs and problems.

Consistent with these Constitutional mandates, the State shall implement a system for vaccine-related injury indemnification to serve as a fair, efficient, and stable mechanism for individuals to obtain compensation upon the occurrence of verified vaccine-related adverse events without the need to attribute fault or negligence to vaccine manufacturers or suppliers. This shall be the primary mode of compensation and an alternative to long-drawn, expensive court litigations that constrain vaccine recipients from pursuing bona fide claims for vaccine-related injuries.

SEC. 3. Sources of the Fund. – The Government Vaccine Indemnification Fund (The "Fund") shall be subsidized by pharmaceutical companies that supply the government with vaccines for public immunization programs. Pharmaceutical companies participating in public tenders and are awarded government contracts for the supply of such vaccines shall reserve at least one percent (1 %) of the contract price which shall form part of the Fund. The reserved amount shall be deposited with the Bureau of Treasury of the Department of Budget and Management.

SEC. 4. Use of the Fund. – The Fund shall be earmarked exclusively to compensate and indemnify identified vaccine recipients who sustain an injury in connection with the use of vaccines and where adverse effects are attributable to the vaccination.

SEC. 5. Management of the Fund. – The Fund shall be managed by the Vaccines Compensation Board (the "Board") composed of the following:

1. Secretary of Justice - Chairperson
2. Secretary of Health - Vice-Chairperson
3. Secretary of Budget and Management - Member
4. Secretary of Finance - Member
5. Sectoral representative from the healthcare industry - Member
6. Sectoral representative from the patient advocacy groups - Member

7. Sectoral representative from the medical societies – Member

The sectoral representatives shall have a term of office of three (3) years. The President of the Philippines shall appoint from among a list of three (3) candidates upon the favorable recommendation by the organizations of their respective sectors. Upon approval of this Act, the sectoral representative from the healthcare industry shall have an initial term of one (1) year and the sectoral representative from patient advocacy groups shall have an initial term of two (2) years. Thereafter, the three-year term shall apply to all subsequent appointments. No sectoral representative who has served a full term shall be eligible for reappointment to the Board.

SEC. 6. Powers and Functions of the Board. – The Board shall have the following powers and functions.

- (a) Provide overall strategic direction and guidance in the implementation of this Act including, but not limited to the administration and utilization of the Fund, eligibility requirements, rules on filing claims for injury or death and the decision-making process, standard of proof required, elements of compensation and litigation rights of the parties involved;
- (b) Exercise original and exclusive jurisdiction on verified bona fide claims compensation or indemnification on vaccine-related injuries or death;
- (c) Establish an efficient system for reporting and periodic reviews on the use and management of the Fund through stringent internal controls and information systems; and,
- (d) Such other powers as may be proper and necessary to perform their duties and responsibilities effectively and with full transparency taking into consideration the best interests of all relevant stakeholders.

SEC. 7. Appropriations. – The amount needed for the initial implementation of this Act shall be charged against the appropriations of the Department of Health (DOH) in the current and subsequent General Appropriations Act. Thereafter, the amount needed for the continued implementation of this Act shall be taken from the Fund. In case the Fund, after careful assessment and projected utilization, shall be insufficient to answer for potential claims, the DOH shall subsidize such amount in the supplemental budget to be included in the annual General Appropriations.

SEC. 8 Implementing Rules and Regulations (IRR). – Within six (6) months from the approval of this Act, the Department of Justice (DOJ), the Department of Health (DOH), the Department of Budget and Management (DBM), and the Department of Finance (DOF) in coordination with other implementing agencies, shall formulate rules and guidelines as may be necessary for the proper implementation and enforcement of this Act.

SEC. 9. Oversight Committee. – There is hereby created a Joint Congressional Oversight Committee (JCOC) to oversee, monitor, and evaluate the implementation of this Act. The JCOC shall be composed of five (5) members from the Senate and five (5) members from the House of Representatives, to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. It shall be jointly chaired by the Chairpersons of the Senate Committee on Health and Demography and the House of Representatives Committee on Health.

SEC. 10. Separability Clause. – If any provision of this Act is held invalid or unconstitutional, the other provisions not so declared shall remain in force and effect.

SEC. 11. Repealing Clause. – All laws, rules, regulations, orders, circulars, and memoranda inconsistent with any provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 12. Effectivity Clause. – Notwithstanding the non-issuance of the IRR, this Act shall take effect fifteen (15) days after its publication in the Official Gazette or at least two (2) newspapers of general circulation.

Approved,