

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**NINETEENTH CONGRESS
Second Regular Session**

House Bill No. 9563



Introduced by Honorable Dan S. Fernandez

EXPLANATORY NOTE

In the wake of the crisis caused by the COVID-19 pandemic, the World Health Organization (WHO) initiated a “reform process” which will bring about significant changes to all 194 member-states of the WHO. Commencing in 2021, negotiations have been ongoing for the crafting of two (2) legal instruments, namely, (1) a new Pandemic Treaty; and (2) significant amendments to the already existing International Health Regulations (IHR). The drafting of these international legal documents are about to be finalized with final vote thereon expected sometime in May 2024 and with the same taking effect a year after in May 2025.

Claiming ultimate expertise and power in all aspects of pandemic prevention, pandemic preparedness and response, the WHO is arrogating unto itself absolute and non-questionable leadership in all health matters of this nature. Aiming for its advice to become legally “binding” on the part of member-states, the WHO is not only seeking the right to declare recommendations by several health experts as mandatory but also the power to impose on the people all kinds of access restrictions, lockdowns, surveillance and experimental treatments. The WHO further reserves and assumes the right to define various health situations and to control all information related to health, including the right to censorship and interfere in social communication, with no provisions for a mechanism that will allow member-states to challenge WHO’s assessments when it comes to public health emergencies of international concern and the measures to be undertaken therefor.

The process of adoption of the two legal instruments have been shrouded in secrecy, with the negotiations taking place behind closed doors and at tremendous speed, and with their existence not being reported or discussed in our newspapers, in national parliaments, universities nor in society in general. Such recent developments do not bode well not only for health but also for democracy. Some sectors have observed that this “medical martial law”, is an uncanny characteristic of a possible dystopian dictatorial future, and that such “power grab” by the WHO, presents a clear and present danger to national sovereignty, the right to self-determination and to our people’s right to informed consent.

Some national jurisdictions (e.g., the United States), however, are convinced that the WHO was guilty of mismanagement of the COVID-19 outbreak as shown, for example, by the

following facts: (1) unjustified delays in informing member states about a potentially serious disease outbreak in Wuhan, China, and (2) repeated grossly inaccurate or misleading claims about the transmissibility of the virus and about the Government of China's handling of the outbreak. Further, there has been an unexplained large increase in excess mortality ("excess deaths") globally at the height of the pandemic – which reached a total of around 14.9 million from 2020 to 2021. In the Philippines alone, a total of 213,984 excess deaths was recorded in 2021. WHO has yet to explain why this excess mortality figure exists at all at a time when free mass vaccination of the populations was already in progress. Theoretically at least, the hundreds of thousands of excess deaths could have been caused either by the COVID-19 virus or the vaccines themselves!

In view of the strong lingering doubts as to the competence or integrity of the WHO and of its recent drive to be granted almost unbridled authority or supranational power to handle future pandemics, there is a compelling need to require any and all international health covenants, agreements or regulations to pass through the scrutiny of our Senate. Section 21, Article VII of the 1987 Philippine Constitution provides that "No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate."

In view of all the foregoing, the approval of this bill, at the earliest possible time, is earnestly recommended.



DAN S. FERNANDEZ
Lone District of Santa Rosa City

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AN ACT
REQUIRING ANY CONVENTION, AGREEMENT, REGULATIONS OR OTHER
INTERNATIONAL INSTRUMENT ON PANDEMIC PREVENTION, PREPAREDNESS,
AND RESPONSE REACHED BY THE WORLD HEALTH ASSEMBLY (WHA) AND/OR
TO BE IMPLEMENTED BY THE WORLD HEALTH ORGANIZATION (WHO) TO BE
DEEMED A TREATY SUBJECT TO PHILIPPINE SENATE RATIFICATION

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

SECTION 1. *Title.* - This Act shall be known and cited as the "*No WHO Pandemic Preparedness Treaty Without Senate Approval Act.*"

SEC. 2. *Any Convention, Agreement, Regulations or Other International Instrument on Pandemic Prevention, Preparedness, And Response Reached by the World Health Assembly (WHA) and/or To Be Implemented by the World Health Organization (WHO) To Be Deemed A Treaty Subject to Concurrence by the Philippine Senate.* -

Notwithstanding any other provision of law to the contrary, any convention, agreement, regulations or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly (WHA) and/or to be implemented by the World Health Organization (WHO) shall be deemed a treaty that is subject to the concurrence by the Philippine Senate.

SEC. 3. *Criteria In Determining Whether An International Agreement Should Be Brought Into Force as a Treaty.* -

In determining whether any international agreement should be brought into force as a treaty, the utmost care is to be exercised to avoid any invasion or compromise of the constitutional powers of the President, the Senate, and the Congress as a whole, and includes the following criteria to be considered when determining whether an international agreement should take the form of a treaty or an executive agreement:

- (A) The extent to which the agreement involves commitments or risks affecting the nation as a whole.
- (B) Whether the agreement is intended to affect state laws.

- (C) Whether the agreement can be given effect without the enactment of subsequent legislation by the Congress.
- (D) Past Philippine practice as to similar agreements.
- (E) The preference of the Congress as to a particular type of agreement.
- (F) The degree of formality desired for the agreement.
- (G) The proposed duration of the agreement, the need for prompt conclusion of an agreement, and the desirability of concluding a routine or short-term agreement.
- (H) The general international practice as to similar agreements.

SEC. 4. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Secretary of Foreign Affairs, in consultation with the Secretary of Health, shall promulgate the rules and regulations necessary to ensure the effective implementation of this Act.

SEC. 5. *Repealing Clause.* - All laws, presidential decrees, executive orders and their implementing rules, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 6. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in one (1) national newspapers of general circulation.

Approved,