

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

**EIGHTEENTH CONGRESS**  
**Second Regular Session**

House Bill No. 8285



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**Introduced by REP. JOEY SARTE SALCEDA**

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**AN ACT**  
**PROVIDING MECHANISMS NECESSARY FOR THE IMMEDIATE**  
**PROCUREMENT DISTRIBUTION, AND ADMINISTRATION OF COVID-19**  
**VACCINES, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

The COVID-19 vaccine is the single most efficient weapon against this unprecedented global pandemic. Once the vaccine is administered, it dramatically reduces the risk of getting infected, or of infecting others. Administered to enough members of a population, the vaccine can provide 'herd immunity.' There should be no delay in procuring the vaccines, especially since they are now available globally. All channels – political, diplomatic, commercial – should be used to procure them expeditiously and without undue delay.

The costs of each day of not having the vaccine are staggering. The National Economic and Development Authority (NEDA) estimates that every week of ECQ/MECQ in NCR and its adjacent regions alone shaves off 0.28 percentage points from GDP growth. This is equivalent to around 2.1 billion pesos in lost wages a day. The amount during GCQ is lower at around 700 million pesos a day, but is nonetheless a major blow to household incomes, particularly during this period of economic hardship, where involuntary hunger has reached unmatched heights in the country's recent history.

Furthermore, the country can no longer absorb the economic losses of any further restriction in economic activity. The NEDA estimates that GDP fell by 16.9 percent and the unemployment rate increased to 17.7 percent during the peak of quarantine restrictions. On the other hand, the gradual reopening of the economy helped improve national output, lowering economic losses to -11.5 percent in the third quarter and leading to a decrease in the unemployment rate to 8.7 percent in the fourth quarter. This representation estimates the economic losses to every day under the "new normal" to be up to P85 billion pesos.

The Department of Finance meanwhile has given the public assurance that funds are available for the procurement of vaccines. The Finance Secretary says that the government has accessed P73 billion in funds for COVID-19 vaccines for at least 20 million persons. The diplomatic channels have also been opened. The Foreign Affairs Secretary has made known to the public talks with counterparts in the international community about procuring the vaccine.

The levers of government, and the prerequisites to procuring the vaccine, in other words, are already available. The costs of not having the vaccine are staggering. With these, no undue delay must be tolerated.

To expedite the procurement and administration of the COVID-19 vaccine and related supplies, this Act:

1. Exempts vaccine procurement from circuitous procurement laws;
2. Sets forth a mandatory vaccination program for health care workers;
3. Assumes health care workers' medical bills due to COVID-19, including side effects of the vaccine;
4. Engages the Philippine Red Cross in rolling out the vaccine;
5. Liberalizes the grant of tax incentives for importation of the COVID-19 vaccine;
6. Creates savings from unutilized appropriations, and directs them towards vaccine procurement;
7. Allows the President to allocate funds held by GOCCs and national government agencies towards COVID-19 procurement;
8. Accelerates private sector requests for authorization to import COVID-19 vaccines;
9. Facilitates LGU requests to import COVID-19 vaccines, provided that these requests do not compete with the government's efforts to procure such vaccines;
10. Waives the Phase IV requirement for vaccine approval, under certain conditions;
11. Authorizes the FDA to approve vaccines that have already been tested successfully on Filipinos abroad;
12. Empowers the Foreign Affairs Secretary to explore diplomatic channels to accelerate vaccine procurement;
13. Identifies sources of funding for vaccine procurement; and
14. Creates a congressional oversight committee to ensure that the Executive faithfully and expeditiously implements this Act.

In view of the foregoing, the approval of this bill is urgently sought.



JOEY SARTE SALCEDA



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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 may be cited as the “Bayanihan sa Bakuna Act.”

**SEC. 2. *Declaration of policy.*** – It is hereby declared the policy of the State to promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty, particularly in the aftermath of natural and man-made disasters, through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all. Towards this end, and in cognizance of the adverse impact of the 2019 Coronavirus Disease (COVID-19) pandemic to the Philippine economy and society, the State shall likewise establish mechanisms to ensure that the COVID-19 vaccine is procured and administered in an expeditious, effective, efficient, and equitable manner.

**SEC. 3. *Authorized Powers.*** – The President is hereby authorized to exercise the following powers that are necessary and proper to implement the COVID-19 response and recovery interventions and expedite the procurement and administration of COVID-19 vaccines:

(a) Procure of COVID-19 vaccines and other supplies necessary for its effective and efficient storage, distribution, transport, and administration, as the need arises, in the most judicious, economical and expeditious manner, as exemptions from the provisions on bidding process required under Republic Act No. 9184 or the “Government Procurement Reform Act” and other relevant laws: wherein the Government Procurement Policy Board (GPPB) is authorized to issue the special procurement rules. The special procurement rules shall be valid for implementation only until 31 December 2021 unless extended by Congress: *Provided:* that the Department of Health (DOH) shall complete the initial list of such supplies within thirty (30) days upon the effectivity of this Act; *Provided further:* that the DOH may continue to update the list as the need arises;



(b) Ensure that donation, acceptance and distribution of health products intended to address the COVID-19 pandemic are not unnecessarily delayed and that health products for donation duly certified by the regulatory agency or their accredited third party from countries with established regulation shall automatically be cleared: *Provided*, that this shall not apply to health products which do not require a certification or clearance from the Food and Drug Administration (FDA);

(c) Implement a mandatory COVID-19 vaccination of public and private health workers directly engaged in COVID-19 treatment and testing to ensure their protection;

(d) Assume all medical expenses of public and private health workers in case of exposure to COVID-19 or any work-related injury or disease, including immediate side effects that may be suffered from the vaccine, for the duration of the pandemic;

(e) Engage the services of the Philippine Red Cross, as the primary humanitarian agency that is auxiliary to the government in giving aid to the people, subject to reimbursement, in the administration of COVID-19 vaccines;

(f) Liberalize the grant of incentives, including tax and customs duties exemptions, for the manufacture or importation of COVID-19 vaccines and other supplies necessary for its effective and efficient storage, distribution, transport, and administration, as identified in the list prepared by the DOH pursuant to Section 3 (a) of this Act;

(g) Notwithstanding any law to the contrary, direct the discontinuance of unutilized automatic appropriations for debt service and available appropriations for redemption of maturing government securities and use the savings generated therefrom to augment the allocation for any item necessary for the purposes identified in this Act. All amounts so reprogrammed, reallocated, or realigned shall be deemed automatically appropriated for the said purposes: *Provided*, That, for interest payment, the savings will be generated from the unused appropriations after actual payment of interest per monthly interest payment submitted by the Bureau of the Treasury (BTr) to the Department of Budget and Management (DBM); *Provided further*, That, for principal repayment, the savings will be generated from the funds freed up as a result of a debt exchange by the BTr.

(h) Notwithstanding any law to the contrary, the President is hereby authorized to allocate cash, funds, investments, including unutilized or unreleased subsidies and transfers, held by any government-owned or -controlled corporation (GOCC) or any national government agency in order to address the COVID-19 pandemic;

(i) Expedite the processing and approval of requests of the private sector to procure, import, and administer COVID-19 vaccines; and

(j) Facilitate the request of local government units to procure, import, and administer COVID-19 vaccines, *Provided* that such efforts shall not compete with the efforts of the national government.

**SEC. 4. Procurement of COVID-19 Drugs and Vaccines.** – Notwithstanding any law to the contrary, the requirement of Phase IV trials for COVID-19 medication and vaccines stipulated in the Universal Healthcare Law is hereby waived to expedite the procurement and



distribution of said medication and vaccine: *Provided*, That the following minimum safeguards are in place:

- (1) The medication or vaccine is recommended and approved by the World Health Organization (WHO) and/or other internationally recognized health agencies or international medical community;
- (2) Conduct of safety and effectiveness surveillance, aligned with surveillance reporting systems from other countries' regulatory authorities;
- (3) Risk communication on the benefits and risks of the vaccine;
- (4) Informed consent and assent to vaccine recipients; and
- (5) Conduct of community engagement activities.

The Food and Drug Administration (FDA) and other relevant agencies shall also expedite authorizations for vaccines for which trials have been conducted successfully on Filipinos without serious adverse effects, as certified by counterparts in other countries.

The Secretary of Foreign Affairs, at the direction of the President, shall explore and engage such diplomatic channels as may be necessary to enhance the government and the private sector's efforts to procure COVID-19 vaccines.

*SEC. 5. Sources of Funding.* – The enumerated subsidy and stimulus measures, as well as all other measures to address the COVID-19 pandemic, shall be funded from the following:

- (a) Savings pursuant to Section 3 (g) of this Act;
  - (b) Excess revenue collections in any one of the identified tax or non-tax revenue sources from its corresponding revenue collection target, as provided in the FY 2020 and FY 2021 Budget of Expenditures and Sources of Financing (BESF);
  - (c) New revenue collections or those arising from new tax or non-tax sources which are not part of nor included in the original sources included in the FY 2020 and/or 2021 BESF;
  - (d) All amounts derived from the cash, funds, and investments held by any GOCC or any national government agency pursuant to Section 3 (h) of this Act;
  - (e) Amounts derived from the five percent (5%) franchise tax on all gross gaming revenue (GGR) per month or the minimum amount of gaming tax imposable for a month (minimum guarantee fee or MGF) per each license type, whichever is higher, earned by offshore gaming licensees, including gaming operators, gaming agents, service providers and gaming support providers;
- For the above purpose, the Philippine Amusement and Gaming Corporation (PAGCOR) shall furnish the BIR with a Certification under oath indicating the GGR per month or the minimum amount of gaming tax imposable per month of each offshore gaming licensee or operator (Philippine-based and foreign-based); and
- (f) Income tax, VAT, withholding taxes and other applicable taxes on income from non-gaming operations earned by offshore gaming licensees or operators (Philippine-based and foreign-based), gaming agents, service providers and support providers;

By January 1, 2022 or upon a determination that the threat of COVID-19 has been successfully contained or abated, whichever comes first, the revenue derived under paragraphs (e) and (f) shall accrue to the General Fund of the government.

*SEC. 6. Reports to Congress and Creation of an Oversight Committee.* – The President, every first Monday of the month, shall submit a report to Congress of all acts performed pursuant to this Act during the immediately preceding month, including therein the targets and actual accomplishments of government programs, strategies, plans, and efforts relative to procurement and administration of the COVID-19 vaccine.

For this purpose, the Congress shall establish a Joint Congressional Oversight Committee composed of four (4) members, including a member from the Minority, from each House to be respectively appointed by the Senate President and the Speaker of the House of Representatives. This Joint Committee shall determine whether such acts, orders, rules and regulations are within the restrictions provided herein.

*SEC. 7. Construction or Interpretation.* – Nothing herein shall be construed as an impairment, restriction, or modification of the provisions of the Constitution. In case the exercise of the powers herein granted conflicts with other statutes, orders, rules or regulations, the provisions of this Act shall prevail.

*SEC. 8. Implementing Rules and Regulations.* – Unless otherwise provided herein, the implementing rules and regulations necessary for this Act shall be issued by the implementing agencies within fifteen (15) days upon the effectivity of this Act.

*SEC. 9. Separability.* – If any provision of this Act or the application of such provision to any person or circumstance is declared invalid, the remainder of this Act or the application of such provision to any other person or circumstance shall not be affected by such declaration.

*SEC. 10. Repealing Clause.* – All other laws, acts, decrees, executive orders, issuances, and rules and regulations or parts thereof which are contrary to or inconsistent with this Act are hereby repealed, amended, or modified accordingly.

*SEC. 11. Sunset Clause.* – Except as otherwise specifically provided herein, this Act shall be in full force and effect until December 31, 2021.

*SEC. 12. Effectivity.* – This Act shall take effect upon its publication in the *Official Gazette* or in one newspaper of general circulation.

Approved,