



HOUSE OF REPRESENTATIVES

H. No. 6907

BY REPRESENTATIVES BIAZON, OCAMPO, CASIÑO, BELTRAN, PINGOY,
CODILLA, VILLAROSA, GONZALES (N.) AND DE GUZMAN, PER
COMMITTEE REPORT NO. 2443

AN ACT ESTABLISHING THE PUBLIC HEALTH EMERGENCY
COUNCIL, PROVIDING POWERS THEREFOR AND FOR OTHER
PURPOSES

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

1 SECTION 1. *Title.* – This Act shall be known as the “Emergency
2 Health Powers Act”.

3 SEC. 2. *Declaration of Policy.* – The State shall protect and promote
4 the right to health of the people and instill health consciousness among them.

5 In the light of new and emerging threats, including emergent and
6 resurgent infectious diseases and terrorist attacks involving the use of
7 chemical, biological or nuclear agents, the State shall focus on the prevention,
8 detection, management and containment of public health emergencies.

9 The State shall endeavor to respond, immediately and effectively, to
10 potential or actual public health emergencies and, in responding, shall require
11 the exercise of extraordinary government functions, which may require the
12 cooperation of the people.

1 The exercise of emergency health powers shall only be for the
2 promotion of the common good.

3 SEC. 3. *Definition of Terms.* – For purposes of this Act, the following
4 terms are herein defined:

5 (a) *Biological agent* means a microorganism, virus, infectious
6 substance, naturally occurring or bioengineered product, or other biological
7 material that could cause death, disease or other harm to a human, an animal, a
8 plant or another living organism;

9 (b) *Biological attack* means an attack against the population with the
10 use of weapons employing biological agents;

11 (c) *Chemical agent* means a poisonous chemical agent that has the
12 capacity to cause death, disease or other harm to a human, an animal, a plant,
13 or another living organism;

14 (d) *Chemical attack* means an attack against the population with the
15 use of weapons employing chemical agents;

16 (e) *Contagious disease* means a disease that can be transmitted from
17 person to person, animal to person or insect to person;

18 (f) *Facility* means any real property, building, structure or other
19 improvement to real property or any motor vehicle, rolling stock, aircraft,
20 watercraft or other means of transportation;

21 (g) *Health care facility* means any institution, building or agency or
22 portion thereof, whether public or private (for profit or nonprofit) that is used,
23 operated, or designed to provide health services, medical treatment or nursing,
24 rehabilitative or preventive care to any person or persons. This includes, but is
25 not limited to, ambulatory surgical facilities, health maintenance organizations,
26 home health agencies, hospices, hospitals, infirmaries, intermediate care
27 facilities, kidney treatment centers, long-term care facilities, medical assistance
28 facilities, mental health centers, outpatient facilities, public health centers,

1 rehabilitation facilities, residential treatment facilities, skilled nursing facilities
2 and adult day care centers. The term also includes, but is not limited to, the
3 following related property when used for or in connection with the foregoing:
4 laboratories, research facilities, pharmacies, laundry facilities, health personnel
5 training and lodging facilities, and patient, guest and health personnel food
6 service facilities, and offices and office buildings for persons engaged in health
7 care professions or services;

8 (h) *Health care provider* means any person or entity who/which
9 provides health care services including, but not limited to, hospitals, medical
10 clinics and offices, special care facilities, medical laboratories, physicians,
11 pharmacists, dentists, physician assistants, nurse practitioners, registered and
12 other nurses, paramedics, firefighters who provide emergency medical care,
13 emergency medical or laboratory technicians, and ambulance and emergency
14 medical workers;

15 (i) *Infectious disease* means a disease caused by a living organism or
16 virus. An infectious disease may or may not be transmissible from person to
17 person, animal to person, or insect to person;

18 (j) *Isolation* and *quarantine* mean the compulsory physical separation
19 (including the restriction of movement or confinement) of individuals and/or
20 groups believed to have been exposed to or known to have been infected with a
21 contagious disease from individuals who are believed not to have been exposed
22 or infected, in order to prevent or limit the transmission of the disease to
23 others; if the context so requires, *quarantine* means compulsory physical
24 separation, including restriction of movement, of populations or groups of
25 healthy people who have been potentially exposed to a contagious disease, or
26 to efforts to segregate these persons within specified geographic areas.
27 *Isolation* means the separation and confinement of individuals known or

1 suspected (via signs, symptoms or laboratory criteria) to be infected with a
2 contagious disease to prevent them from transmitting disease to others;

3 (k) *Nuclear agent* means radioactive material, element or by-products
4 thereof that could cause death, disease or other harm to a human, an animal, a
5 plant or another living organism;

6 (l) *Nuclear attack* means an attack against the population with the use
7 of weapons employing nuclear agents;

8 (m) *Public health emergency* means the occurrence or imminent risk of
9 an illness or health condition that may be caused by terrorism, epidemic or
10 pandemic disease, or a novel infectious agent or biological or chemical agent
11 that poses a substantial risk of a significant number of human fatalities,
12 widespread illness or serious economic impact to the agricultural sector,
13 including food supply;

14 (n) *Radioactive material* means a nuclear or radioactive substance that
15 has the capacity to cause bodily injury or death to a human, an animal, a plant
16 or another living organism;

17 (o) *Terrorist attack* means an attack against the general population
18 with the intent to deliberately cause death or harm to persons or damage to
19 property using weapons of mass destruction or mass disruption.
20 Such weapons may be biological, chemical or nuclear, or other conventional or
21 improvised weapons; and

22 (p) *Tests* mean to include, but are not limited to, any diagnostic or
23 investigative analyses necessary to prevent the spread of disease or protect the
24 public's health, safety and welfare.

25 SEC. 4. *Public Health Emergency Council (PHEC)*. – The Public
26 Health Emergency Council (PHEC) is hereby established to be composed of
27 the following:

28 (a) The Secretary of Health as chairperson; and

- 1 (b) The Secretary of the Interior and Local Government;
- 2 (c) The Secretary of Trade and Industry;
- 3 (d) The Secretary of Justice;
- 4 (e) The Secretary of National Defense; and
- 5 (f) The Press Secretary, as members.

6 Other government agencies not under the authority or jurisdiction of the
7 standing members of the PHEC may be included in the PHEC should their
8 inclusion be determined by the same council as necessary.

9 The PHEC shall convene when a State of Public Health Emergency is
10 declared by the President and shall be responsible for the formulation and
11 implementation of a Public Health Emergency Plan (PHEP) to detect, prevent
12 the spread, contain and manage public health emergencies resulting from an
13 outbreak of highly contagious and/or infectious diseases, biological, chemical
14 or nuclear attack.

15 Within six (6) months from the approval of this Act, the PHEC shall
16 draw up the PHEP, and conduct a briefing for all local government units
17 (LGUs). The PHEP shall serve as the framework for the government's
18 response to a public health emergency.

19 The PHEC shall also advise the President on courses of action outside
20 the PHEP that may be taken in the event that a public health emergency occurs.

21 *SEC. 5. Declaration of State of Public Health Emergency.* – The
22 President, upon the recommendation of the Secretary of Health, may declare a
23 State of Public Health Emergency and immediately convene the PHEC. The
24 basis for such a declaration shall be made public by the PHEC through the
25 mass media and a written report submitted to both Houses of Congress.

26 The State of Public Health Emergency shall be for a period of sixty (60)
27 days, unless extended or terminated earlier by the PHEC.

1 SEC. 6. *Health Care Facilities and Services During State of Public*
2 *Health Emergency.* – During the period of a State of Public Health Emergency,
3 the PHEC may, within reasonable and necessary bounds for emergency
4 response to a public health emergency, require a health care facility to provide
5 services or the use of its facility: *Provided,* That the PHEC may require
6 privately-owned health care facilities to provide services or use of its facility
7 only if government health institutions are unable to cope with the public health
8 emergency.

9 When the PHEC needs the use or services of the facility to isolate or
10 quarantine individuals during a public health emergency, the management and
11 supervision of the health care facility must be coordinated with the PHEC to
12 ensure protection of existing patients and compliance with the terms of this
13 Act.

14 SEC. 7. *Dangerous Facilities and Materials.* – During a State of Public
15 Health Emergency, the PHEC may exercise, in coordination with national
16 government agencies, local governments and other organizations responsible
17 for the implementation of the PHEP, the following powers over facilities or
18 materials that may be considered dangerous due to contamination or exposure
19 to chemical, nuclear or biological agents or infectious disease pathogens:

20 (a) To close, direct and compel the evacuation of, or to decontaminate
21 or cause to be decontaminated, any facility of which there is reasonable cause
22 to believe that it may endanger the public health; and

23 (b) To decontaminate or cause to be decontaminated, any material of
24 which there is reasonable cause to believe that it may endanger public health.

1 *SEC. 8. Control of Pharmaceutical Agents or Medical Supplies. –*
2 After the declaration of a State of Public Health Emergency, the PHEC may
3 authorize concerned agencies to purchase, store or distribute anti-toxins,
4 serums, vaccines, immunizing agents, antibiotics and other pharmaceutical
5 agents or medical supplies that it considers advisable in the interest of
6 preparing for or controlling a public health emergency, with the right to take
7 immediate possession thereof.

8 If a State of Public Health Emergency results in a nationwide or regional
9 shortage or threatened shortage of any product covered by the preceding
10 paragraph, the PHEC may control, restrict and regulate the use, sale,
11 dispensing, distribution or transportation of the relevant product necessary to
12 protect the health, safety and welfare of the people by rationing and
13 implementing a quota system, prohibitions on shipments, price fixing,
14 allocation or other means. In making rationing or other supply and distribution
15 decisions, the PHEC must give preference to health care providers, disaster
16 response personnel and mortuary staff.

17 Nothing in this section shall be construed to allow the PHEC to obtain
18 anti-toxins, serums, vaccines, immunizing agents, antibiotics and other
19 pharmaceutical agents or medical supplies for the primary purpose of hoarding
20 such items or preventing their fair and equitable distribution among health care
21 institutions and providers, both government and private.

22 *SEC. 9. Control and Treatment of Infectious Disease. –* During a State
23 of Public Health Emergency, the PHEC shall use every available means to
24 prevent the transmission of contagious and infectious diseases and to ensure
25 that all cases of infectious disease are subject to proper control and treatment.

1 SEC. 10. *Physical Examinations or Tests; Isolation or Quarantine of*
2 *Persons Refusing Examination.* – During a State of Public Health Emergency,
3 the PHEC may perform voluntary physical examinations or tests as necessary
4 for the diagnosis or treatment of individuals.

5 The PHEC may isolate or quarantine any person whose refusal of
6 physical examination or testing results in uncertainty on whether he/she has
7 been exposed to or is infected with a contagious or possibly contagious disease
8 or otherwise poses a danger to public health.

9 Isolation and quarantine shall be mandatory for persons exhibiting any
10 symptom of an infectious disease causing the public health emergency or
11 whose physical examination or test results confirm an infection.

12 SEC. 11. *Isolation and Quarantine of Individuals or Groups.* –
13 During a State of Public Health Emergency, the PHEC may isolate or
14 quarantine an individual or groups of individuals. This includes individuals or
15 groups who have not been vaccinated, treated, tested or examined pursuant to
16 Section 10 of this Act. The PHEC may also establish and maintain places of
17 isolation and quarantine, and set rules and make orders.

18 The PHEC shall adhere to the following conditions and principles when
19 placing individuals or groups of individuals under isolation or quarantine:

20 (a) Isolation and quarantine must be by the least restrictive means
21 necessary to prevent the spread of a contagious or possibly contagious disease
22 to others and may include, but are not limited to, confinement to private homes
23 or other private and public premises;

24 (b) Individuals isolated because of objective evidence of infection or
25 contagious disease must be confined separately from quarantined
26 asymptomatic individuals;

27 (c) The health status of isolated and quarantined individuals must be
28 monitored regularly to determine if they require isolation or quarantine;

1 (d) If a quarantined individual becomes infected or is reasonably
2 believed to be infected with a contagious or possibly contagious disease,
3 he/she she must be promptly removed to isolation;

4 (e) Isolated and quarantined individuals must be immediately released
5 when they pose no substantial risk of transmitting a contagious or possibly
6 contagious disease to others;

7 (f) The needs of persons isolated and quarantined must be addressed in
8 a systematic and competent fashion including, but not limited to, providing
9 adequate food, clothing, shelter, means of communication with those in
10 isolation or quarantine and outside these settings, medication and competent
11 medical care;

12 (g) Premises used for isolation and quarantine must be maintained in a
13 safe and hygienic manner and be designed to minimize the likelihood of further
14 transmission of infection or harm to other persons isolated or quarantined; and

15 (h) Any person who has entered an isolation or quarantine premises
16 with or without authorization of the PHEC may be isolated or quarantined as
17 provided for in this Act.

18 SEC. 12. *Prohibited Acts.* – The following acts shall constitute an
19 offense punishable under this Act:

20 (a) Failure of person/persons placed in isolation or quarantine to
21 comply with the PHEC's rules and orders, and who went beyond the isolation
22 or quarantine premises;

23 (b) Entering isolation or quarantine premises without a written
24 permission from the PHEC; and

25 (c) Facilitating, aiding or conspiring to violate these provisions.

26 SEC. 13. *Penalty.* – Violation of any of the prohibited acts stated
27 under Section 12 of this Act shall be penalized with the imprisonment of not
28 more than six (6) months or a fine of Ten thousand pesos (P10,000.00).

1 SEC. 14. *Local Government Role.* -- Within six (6) months after the
2 adoption of a National Public Health Emergency Plan, LGUs shall draw up
3 their respective Local Public Health Emergency Plans conforming to the
4 National Public Health Emergency Plan and the provisions of this Act.

5 During a State of Public Health Emergency, local government officials
6 shall provide unconditional support and cooperation to the PHEC and the
7 National PHEP.

8 Refusal of local government officials to provide support and
9 cooperation shall constitute an offense and shall be dealt with disciplinary
10 action as provided for in the Local Government Code.

11 SEC. 15. *Powers and Duties Regarding the Safe Disposal of Human*
12 *Remains.* -- The PHEC must coordinate with hospitals and funeral institutions,
13 for such period as the State of Public Health Emergency exists, to exercise, in
14 addition to existing powers, the following powers regarding the safe disposal
15 of human remains suspected or known to be a victim of an infectious disease:

16 (a) To take possession or control of any human remains which cannot
17 be safely handled otherwise;

18 (b) To order the disposal of human remains of a person who has died of
19 an infectious disease through burial or cremation within twenty-four (24) hours
20 after death; and

21 (c) To require any business or facility authorized to embalm, bury,
22 cremate, inter, disinter, transport and dispose of human remains under existing
23 laws to accept any human remains or provide the use of its business or facility
24 if these actions are reasonable and necessary for emergency response.

25 All human remains prior to disposal must be clearly labeled with all
26 available information to identify the deceased and the circumstances of death.
27 Any human remains of a deceased person with an infectious disease must have

1 an external, clearly visible tag that the human remains are infected, indicating
2 the infectious disease if known.

3 Every person in charge of disposing of any human remains must
4 maintain a written record of each set of human remains and all available
5 information to identify the deceased and the circumstances of death and
6 disposal. If the human remains cannot be identified prior to disposal, a
7 qualified person must, to the extent possible, take fingerprints and one or more
8 photographs of the human remains, and collect a deoxyribonucleic acid (DNA)
9 specimen. All information gathered under this paragraph must be promptly
10 forwarded to the PHEC. Identification must be handled by the agencies that
11 have laboratories suitable for DNA identification.

12 *SEC. 16. Centralized Information.* – During a State of Public Health
13 Emergency, the PHEC, through the Press Secretary or a designated alternate,
14 shall provide the public with daily updates, news bulletins or briefings on the
15 progress of the management and containment of the public health emergency
16 and shall endeavor to prevent or stop the spread of misinformation.

17 In this pursuit, the PHEC, through the Press Secretary, may request the
18 mass media to refrain from reporting or disseminating information about the
19 public health emergency that has not been cleared by the PHEC.

20 *SEC. 17. Implementing Authority.* – The Secretary of the Department
21 of Health shall promulgate the implementing rules and regulations, orders and
22 other issuances as may be necessary to implement and carry out the intent,
23 objectives, purposes and provisions of this Act.

24 *SEC. 18. Separability Clause.* – If any part, section or provision of
25 this Act is held invalid or unconstitutional, the other provisions not affected
26 thereby shall remain in force and effect.

1 SEC. 19. *Repealing Clause.* – All other laws, decrees, orders,
2 issuances, rules and regulations that are inconsistent with the provisions of this
3 Act are hereby repealed, amended or modified accordingly.

4 SEC. 20. *Effectivity.* – This Act shall take effect fifteen (15) days after
5 its publication in the *Official Gazette* or in any newspaper of general
6 circulation.

Approved,

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