

HOUSE OF REPRESENTATIVES

H. No. 8648

BY REPRESENTATIVES VELASCO, ROMUALDEZ, PADUANO, CUA, YAP (E.), SALCEDA, DALIPE, ARENAS, ESCUDERO, GARCIA (P.J.), SINGSON-MEEHAN, REVILLA, RODRIGUEZ, SAVELLANO, ALONTE, AGABAS, DE VENECIA, FARIÑAS (R.C.), MACAPAGAL ARROYO, ERMITA-BUHAIN, BIAZON, BAUTISTA-BANDIGAN, CALDERON, CAMPOS, Co (A.N.), CUARESMA, FRASCO, DAZA, GARCIA (J.E.), GASATAYA, Go (E.C.), GONZALEZ, HARESCO, JALOSJOS, LIMKAICHONG, MATUGAS, MOMO, NUÑEZ-MALANYAON, SAGARBARRIA, SUANSING (H.), SUAREZ (D.), TEJADA, VARGAS, VIOLAGO, ZUBIRI, BALINDONG, BASCUG, BERNOS, BORDADO, BRAVO, CARI, DAGOOC, DALOG, DY (F.M.C.), ESPINO, FUENTEBELLA, GULLAS, LABADLABAD, LOPEZ, MACEDA, DELOSO-MONTALLA, NATIVIDAD-NAGAÑO, ONG (R.), PLAZA, REYES, ROMAN, SACDALAN, SALIMBANGON, TAMBUNTING, TAN (A.), TIANGCO, TUTOR, TY (D.), VERGARA, VILLA, CABOCHAN, CRISOLOGO, DEFENSOR (L.), EBCAS, FORTUN, GARIN (S.), GO (M.), GONZALES (A.), KHO (W.), LACSON, NIETO, NOGRALES (J.J.), OLIVAREZ, PADIERNOS, SALO, SUANSING (E.), SUNTAY, TUPAS, SARMIENTO, BENITEZ, MARIANO-HERNANDEZ, CAGAS, HERRERA-DY, CABATBAT, QUIMBO, BAGATSING, TADURAN, CASTELO, RADAZA, ROBES, VILLARICA, LEGARDA, ZAMORA (W.K.), CALIXTO, FERRER (J.M.), CANAMA, TOLENTINO, BARBA, CHATTO, AMANTE-MATBA, PANCHO, ARBISON, CUEVA, OUANO-DIZON, ALVAREZ (F.), PIMENTEL, LAGON, ARROYO, CELESTE, SAKALURAN, DY (F.), VALMAYOR, ECLEO, VALERIANO, ERIGUEL, PALMA, ALMARIO, HATAMAN, SANGCOPAN, VILLAR, KHO (E.), CHUNGALAO, LAZATIN, BAUTISTA, AGLIPAY, Co (E.), ACOP, DE JESUS, GUYA, BOLILIA, GATO, HERNANDEZ, LOYOLA, ESPINA, GUICO, CAOAGDAN, LIM, ENVERGA, LARA, ARAGONES, FERRER (L.), BONDOC, CABREDO, PACQUIAO (R.), MALAPITAN, HOFER, ANGARA, ROQUE, BABASA, BAÑAS-NOGRALES, LACSON-NOEL, SIAO, GARCIA (V.), ABU, LUSOTAN, JIMENEZ, OAMINAL, UY (J.), BUSTOS, YU, ABUNDA, GORRICETA, BIRON, MATBA, MADRONA, JAVIER, ESTRELLA, ALBANO, LEACHON, MARTINEZ, DY (I.P.), BARBERS, UY (R.), SANTOS-RECTO, TEVES (J.), PEÑA, ABELLANOSA, COLLANTES, FORTUNO, ERICE, DELOS SANTOS, TALLADO, SANCHEZ, ORTEGA, ADVINCULA, SILVERIO AND DUJALI, PER COMMITTEE REPORT NO. 758

AN ACT

EXPEDITING THE PROCUREMENT AND ADMINISTRATION OF VACCINES FOR THE PROTECTION AGAINST THE CORONAVIRUS DISEASE 2019 (COVID-19), PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.** — This Act shall be known and cited as “COVID-19
2 Vaccination Program Act of 2021”.

3 **SEC. 2. Declaration of Policy.** — It is hereby declared the policy of the State to
4 adopt an integrated approach to health development which shall endeavor to make
5 essential social services available to all people at affordable cost. For this reason, the

1 State shall undertake a COVID-19 Vaccination Program with the following
2 objectives:

- 3 (a) Address the adverse impact of COVID-19 through the procurement and
4 administration of safe and effective COVID-19 vaccines by the National
5 Government through the Department of Health (DOH) and the National
6 Task Force Against COVID-19 (NTF), and other duly constituted
7 authorities and instrumentalities in an expeditious, efficient, and equitable
8 manner;
- 9 (b) Source and procure through the DOH and NTF, either through themselves
10 jointly or in cooperation with any national government agency or
11 instrumentality or local government unit, safe and effective COVID-19
12 vaccines, regardless of source of funding;
- 13 (c) Recognize the experimental nature of COVID-19 vaccines available in the
14 market and compensate any serious adverse effects (SAE) arising from the
15 use of COVID-19 vaccine, experienced by people inoculated through the
16 COVID-19 Vaccination Program; and
- 17 (d) Create a COVID-19 National Vaccine Indemnity Fund to be administered
18 by the Philippine Health Insurance Corporation (PhilHealth) to compensate
19 persons encountering SAE pursuant to the preceding paragraph.

20 **SEC. 3. Procurement of COVID-19 Vaccines, and Ancillary Supplies and**
21 **Services by the Government.** – Notwithstanding any law to the contrary, the DOH
22 and the NTF, either through themselves jointly or in cooperation with any national
23 government agency or instrumentality or local government unit, are authorized to
24 procure COVID-19 vaccines, including ancillary supplies and services necessary for
25 their storage, transport, deployment and administration, through negotiated
26 procurement under emergency cases as defined by Section 53(b) of Republic Act No.
27 9184 and Sections 53 and 53.2 of the 2016 Revised IRR of R.A. No. 9184: *Provided*, That
28 in the procurement of COVID-19 vaccines, the DOH and NTF shall be authorized to
29 negotiate and approve the terms and conditions thereof in behalf of the LGUs and
30 other procuring entities, including but not limited to the price and payment terms to
31 ensure price uniformity and to prevent price competition: *Provided, further*, That after
32 the negotiations by DOH and NTF, the LGU and other procuring entities are
33 authorized to enter into the supply agreement, advance market commitment, advance
34 payment, research investment, purchase order or any similar arrangement or other
35 requirement as may be identified by the DOH and the NTF: *Provided, finally*, That in
36 the procurement of ancillary supplies and services necessary for the storage, transport,
37 deployment and administration, the LGU is authorized to directly negotiate through
38 negotiated procurement under emergency cases prescribed under this Section.

39 Section 338 of R.A. No. 7160, as amended, otherwise known as the "Local
40 Government Code of 1991," and Section 88 of Presidential Decree No. 1445, as
41 amended, otherwise known as the "Government Auditing Code of the Philippines"

1 and any law to the contrary notwithstanding, provinces, cities and municipalities
2 may advance payment of not more than fifty percent (50%) of the total contract price
3 if required by the supplier, manufacturer, or distributor: *Provided*, That the authority
4 to make advance payment shall be for the procurement of COVID-19 vaccines and
5 to secure other goods and services necessary for their storage, transport, deployment
6 and administration: *Provided, further*, That the deployment of vaccines in every
7 province, city and municipality must be in accordance with criteria of the interim
8 National Immunization Technical Advisory Group (NITAG).

9 This Section applies retroactively to January 1, 2021 for the procurement of
10 vaccine.

11 **SEC. 4. Procurement of COVID-19 Vaccines and Ancillary Supplies and Services**
12 **by Local Government Units.** – Provinces, cities and municipalities may procure or
13 accept donations only in cooperation with the DOH and NTF through a multiparty
14 agreement, which shall include the DOH and the relevant supplier or donor of
15 COVID-19 vaccine: *Provided*, That these LGUs shall procure no more than fifty percent
16 (50%) of their target population for vaccination: *Provided, further*, That the fifty percent
17 (50%) cap may be adjusted by the Inter-Agency Task Force (IATF) for the Management
18 of Emerging Infectious Diseases when there is sufficient supply of vaccines as
19 determined by DOH and NTF: *Provided, furthermore*, That the provision on advance
20 payment as provided in the preceding section shall apply to procurement of
21 COVID-19 vaccines and ancillary supplies and services: *Provided, finally*, That nothing
22 in this Section shall prohibit LGUs from procuring directly from manufacturers,
23 or its authorized distributors or suppliers once the COVID-19 vaccines become
24 commercially available.

25 LGUs may directly accept donation of vaccines as long as they have been
26 procured through a multiparty agreement prescribed under this Act.

27 This Section applies retroactively to January 1, 2021.

28 If the procurement of vaccine is funded by the national government, the LGU
29 shall comply with the science and evidence-based terms and conditions of
30 deployment and prioritization provided by the National Immunization Technical
31 Advisory Group (NITAG).

32 For LGU-funded vaccines, the inoculation order must, at all times, be science and
33 evidence-based, prioritizing the needs of the following special groups: frontline
34 workers in health facilities, senior citizens, and indigent persons.

35 To ensure transparency, the LGUs shall also submit to the national government
36 a master list of the names and profiles of the residents in their respective localities
37 who are eligible to receive the vaccine from the national government.

38 **SEC. 5. Procurement of COVID-19 Vaccines by Private Entities.** – Private entities
39 may procure COVID-19 vaccines only in cooperation with the DOH and NTF through
40 a multiparty agreement, which shall include the DOH and the relevant supplier of
41 COVID-19 vaccine. Any such vaccines, supplies or services procured by private

1 entities shall be for the sole and exclusive use of such companies, without prejudice to
2 the multiparty agreement: *Provided*, That in the negotiation of the terms and
3 conditions in the procurement of COVID-19 vaccines, none of the terms offered to
4 private entities is or will be more favorable to such private entities than those
5 provided to the government: *Provided, further*, That priority in the inoculation shall be
6 given to its health care workers, senior citizens, economic frontliners, and essential
7 workers: *Provided, furthermore*, That nothing in this Section shall prohibit private
8 entities from procuring directly from manufacturers, or its authorized distributors
9 or suppliers once the COVID-19 vaccines become commercially available.

10 This Section applies retroactively to November 1, 2020.

11 **SEC. 6. Transparency and Accountability in COVID-19 Vaccine Procurement.** –

12 The national government as well as local government units may only procure or
13 accept donations involving COVID-19 vaccines that are registered with the
14 Philippine Food and Drug Administration (FDA) as evidenced by a valid Certificate
15 of Product Registration or which possess an Emergency Use Authorization (EUA).
16 For purposes of transparency, the following information shall be posted in a
17 conspicuous place of the procuring entity and in the Government Procurement
18 Policy Board (GPPB) Online Portal within thirty (30) days after award or execution
19 of definitive agreement or after the effectivity of this Act, whichever is applicable:

- 20 (a) Approved budget for the contract;
- 21 (b) Name and details of the COVID-19 vaccine or ancillary service or supplies;
- 22 (c) Name of the supplier, manufacturer, or distributor; and
- 23 (d) Amount of contract as awarded.

24 **SEC. 7. Authority to Make Recommendations Based on Preliminary Data from**
25 **Phase III Clinical Trials.** – Notwithstanding any law to the contrary, the Health
26 Technology Assessment Council (HTAC) shall have the authority to make
27 recommendations to the DOH and the PhilHealth on COVID-19 vaccines based on
28 preliminary data from Phase III clinical trials and World Health Organization
29 recommendations, in the absence of completed Phase III and Phase IV clinical trials:
30 *Provided*, That the COVID-19 vaccine manufacturer has been issued an EUA by the
31 Food and Drug Administration (FDA): *Provided, further*, That the authority granted
32 to the HTAC herein shall only be valid for as long as the EUA issued by the FDA is
33 in effect, such that in the event of revocation or cancellation thereof by the FDA
34 Director General, the Health Technology Assessment process shall be terminated
35 regardless of stage, and if it has been completed, the results shall be set aside.

36 **SEC. 8. Immunity from Liability.** – Notwithstanding any law to the contrary,
37 public officials and employees, contractors, volunteers, and representatives of
38 private entities who are duly authorized to carry out and are actually carrying out
39 the COVID-19 Vaccination Program, including vaccine manufacturers shall be
40 immune from suit and liability under Philippine laws with respect to all claims
41 arising out of, related to, or resulting from the administration or use of a COVID-19

1 vaccine under the COVID-19 Vaccination Program, except those arising from willful
2 misconduct and gross negligence.

3 **SEC. 9. Administration of COVID-19 Vaccine by Pharmacists and Midwives. –**
4 Notwithstanding the provisions of Section 4 (g) of R.A. No. 10918, otherwise known
5 as the “Philippine Pharmacy Act” and Section 23 of R.A. No. 7392, otherwise known
6 as the “Philippine Midwifery Act of 1992”, licensed pharmacists and midwives duly
7 trained by the DOH may administer vaccines which are registered and issued with
8 an EUA by the FDA.

9 **SEC. 10. COVID-19 National Vaccine Indemnity Fund. –** The COVID-19
10 National Vaccine Indemnity Fund, which shall be administered by the PhilHealth, is
11 hereby established to compensate any person inoculated through the COVID-19
12 Vaccination Program, in case of death, permanent disability or hospitalization
13 confinement for any SAEs. The amount of Five hundred million pesos (P500,000,000)
14 is hereby authorized to augment the funds of PhilHealth for this purpose which shall
15 be sourced from the Contingent Fund as provided under R.A. No. 11518 or the General
16 Appropriations Act of 2021. The indemnity fund shall be valid and available for
17 release and disbursement until fully expended or terminated by the President of the
18 Philippines, upon the recommendation of the Permanent Committee created under
19 Executive Order No. 292, s. 1987, which shall regularly review and evaluate the
20 necessity for the continued existence of the fund. In case of termination, the remaining
21 balance of the fund shall revert to the National Treasury. The PhilHealth, in
22 consultation with the DOH, the NTF and the Permanent Committee, shall issue the
23 necessary guidelines for the planning, administration, and monitoring of the
24 utilization of the fund.

25 The claim for indemnification for serious adverse event directly arising from the
26 administration of COVID-19 vaccine must be filed within five (5) years from the day
27 of inoculation.

28 For this purpose, the IATF shall establish a Special Task Group composed of
29 medical and vaccine experts with proven track record who will be in charge of
30 monitoring the probable Adverse Events Following Immunization (AEFI) from
31 COVID-19. The Special Task Group shall promulgate the necessary guidelines on the
32 monitoring, evaluation, investigation and reporting mechanism to be followed by all
33 LGUs.

34 This Section shall be valid and in effect for a period of five (5) years from the
35 effectivity of this Act or until the government has declared the completion of the
36 COVID-19 Vaccination Program, whichever comes later.

37 **SEC. 11. Exemption from Import Duties, Taxes and Other Fees for the**
38 **Procurement, Deployment and Administration of COVID-19 Vaccines. –** Beginning
39 January 1, 2021 to December 31, 2023, the procurement, importation, donation,
40 storage, transport, deployment, and administration of COVID-19 vaccines through
41 the COVID-19 Vaccination Program by the government or any of its political

1 subdivisions and by private entities shall be exempt from customs duties,
2 value-added tax, excise tax, donor's tax, and other fees: *Provided*, That the vaccines
3 shall not be intended for resale or other commercial use and shall be distributed
4 without consideration from persons to be vaccinated.

5 **SEC. 12. Vaccine Passport Program.** – Subject to the provisions of R.A. No.
6 10173 or the “Data Privacy Act of 2012”, the DOH shall issue a vaccine passport to all
7 Filipinos, which shall be a record of the COVID-19 vaccinations received by an
8 individual. The vaccine passport shall take into account internationally-recognized
9 standards, and shall contain the following:

10 (a) Basic personal information such as full name, present and/or
11 permanent address, and birthdate;

12 (b) Manufacturer, brand name, and batch number or other identifier of the
13 COVID-19 vaccine;

14 (c) Date of vaccination;

15 (d) Name of the hospital, health center, or health facility where the vaccine
16 was received;

17 (e) Name, signature, and license number of the duly licensed physician,
18 nurse or other health worker administering the vaccine; and

19 (f) Such other information which may be determined as necessary by the
20 Secretary of Health or the IATF in line with the declared policy of this Act.

21 The vaccine passport program is intended to be digital, but shall remain
22 accessible through other means such as printed passports. The DOH, through the
23 Department of Information and Communications Technology, shall develop the
24 digital systems and applications that are consistent with the objectives of the
25 program while maintaining quality, safety, ease of use, and accessibility for all
26 Filipinos.

27 Individuals who have completed COVID-19 immunization may be granted
28 certain benefits or exemptions, subject to guidelines issued by the IATF, which shall
29 be clearly stated in the individual’s vaccine passport, such as, but not limited to:

30 (a) International travel, as may be allowed in foreign jurisdictions;

31 (b) Non-essential domestic travel;

32 (c) Local checkpoint and quarantine exemptions; and

33 (d) Access to business establishments allowed to operate based on IATF
34 guidelines.

35 Individuals vaccinated against COVID-19 as indicated in the vaccine passport
36 shall not be considered immune from COVID-19, unless otherwise declared by the
37 DOH based on reliable scientific evidence and consensus.

38 No fees shall be collected for the issuance, amendment, or replacement of a
39 vaccine passport. The amount needed for the initial implementation shall be charged
40 against available funds for the purpose. Thereafter, such sums as may be necessary

1 for its continued implementation shall be included in the annual General
2 Appropriations Act.

3 **SEC. 13. *Offenses and Penalties in Relation to the Issuance of a Vaccine***
4 ***Passport.*** –

5 (a) The penalty of imprisonment of not less than three (3) years, but not
6 more than ten (10) years and a fine of not less than Fifteen thousand pesos (P15,000)
7 but not more than Sixty thousand pesos (P60,000) shall be imposed upon any person
8 who shall commit the following acts:

- 9 1. Defacing, mutilating, altering, or destroying a vaccine passport; and
- 10 2. Possessing more than one valid vaccine passport.

11 (b) The penalty of imprisonment of not less than six (6) years, but not more
12 than ten (10) years and a fine of not less than Thirty thousand pesos (P30,000) but not
13 more than Ninety thousand pesos (P90,000) shall be imposed upon any person who
14 shall commit the following acts:

- 15 1. Using or attempting to use a vaccine passport issued for another
16 holder, or furnishes a vaccine passport for the use of a person other than the holder;
- 17 2. Falsifying, forging, or counterfeiting of vaccine passport;
- 18 3. Knowingly using a falsified, forged, or counterfeit vaccine passport; and
- 19 4. Distributing falsified, forged, and/or counterfeit vaccine passport.

20 **SEC. 14. *Reportorial Requirement and Creation of an Oversight Committee.***

21 – Within two (2) weeks from the effectivity of this Act, the Vaccine Czar and the
22 IATF, shall submit, every three (3) weeks, a report to Congress on the implementation
23 of the COVID-19 Vaccination Program, which shall include the agreements made by
24 procuring entities pursuant to this Act, data on the delivery, storage, and deployment
25 of vaccines, the number of persons inoculated, and other relevant information as may
26 be required by Congress. For this purpose, Congress shall establish a Joint
27 Congressional Oversight Committee composed of four (4) members of each House to
28 be appointed by the Senate President and the House Speaker, respectively. This
29 Committee shall determine whether the implementation of the COVID-19
30 Vaccination Program conforms with the provisions of this Act.

31 **SEC. 15. *Implementing Rules and Regulations.*** – Within five (5) days from
32 the effectivity of this Act, the DOH and the NTF jointly, and with prior consultation
33 with the GPPB and other stakeholders, shall issue guidelines implementing this Act.

34 The non-promulgation of the rules and regulations provided under this
35 Section shall not prevent the immediate implementation of this Act upon effectivity.

36 **SEC. 16. *Construction or Interpretation.*** – Nothing herein shall be construed
37 as an impairment, restriction, or modification of the provisions of the Constitution.
38 In case the exercise of the powers herein granted conflicts with other statutes, orders,
39 rules, or regulations, the provisions of this Act shall prevail.

1 **SEC. 17. *Separability Clause.*** – If any part, section or provision of this Act is
2 held invalid or unconstitutional, other provisions not affected thereby shall remain in
3 full force and effect.

4 **SEC. 18. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations
5 or parts thereof inconsistent with this Act are hereby repealed or amended
6 accordingly.

7 **SEC. 19. *Sunset Clause.*** – This Act shall remain in full force and effect during
8 the period of the state of calamity and public health emergency due to the COVID-19
9 pandemic or until June 30, 2022, unless the state of calamity is earlier lifted or
10 extended by the President of the Philippines.

11 **SEC. 20. *Effectivity.*** – This Act shall take effect immediately upon its
12 publication in the *Official Gazette* or in a newspaper of general circulation.

13 Approved,