




23 JAN 12 P3:32

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

RECEIVED BY: 

**SENATE**  
S.B. No. 1664

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT**  
**PENALIZING PERSONS WHO SHALL COMMIT PROHIBITED ACTS**  
**DURING A STATE OF PUBLIC HEALTH EMERGENCY, AND FOR OTHER**  
**PURPOSES**

EXPLANATORY NOTE

Article II, Section 15 of the 1987 Constitution provides that "the State shall protect and promote the right to health of the people and instill health consciousness among them."

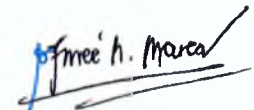
On 8 March 2020, former President Rodrigo Duterte issued Presidential Proclamation No. 922, declaring the entire country under a state of public health emergency due to the COVID-19 pandemic. Section 5 of the Proclamation provides that "the state of public health emergency shall remain in force and effect until lifted or withdrawn by the President." On 8 August 2022, President Ferdinand Marcos Jr. announced that he is extending the effectivity of the Proclamation as the international medical community, the World Health Organization among them, is more inclined to send in medical supplies and vaccines while the country is in a state of emergency. Pursuant to said Presidential Proclamation, various measures have been adopted by the government in an effort to decrease the risk of transfer of the deadly virus.

The Congress, for its part, enacted Republic Act No. 11469 or the "Bayanihan to Heal as One Act," granting stand-by powers to the President to carry out effectively the national policy of stopping the spread of the coronavirus. It also contained provisions indicating punishable acts that a person may be held liable for during its effectivity, or until 25 June 2020.

Thereafter, the Congress passed into law Republic Act No. 11494 or the "Bayanihan to Recover as One Act" which was effective until 19 December 2020. However, unlike Republic Act No. 11469, it did not include punishable acts that a person may be held liable for but may be inclined to do due to the peculiar circumstances brought about by the pandemic.

Thus, this bill seeks to reinstate as punishable the acts mentioned in Republic Act No. 11469 in order to serve as a legal basis for the arrest and/or imposition of sanctions on persons who commit prohibited acts during the state of public health emergency, following the basic principle in criminal law, "*nullum crimen, nulla poena sine lege*" translated as "*there is no crime if there is no law punishing it.*"

Given the abovementioned circumstances, the immediate passage of this bill is necessary.

A handwritten signature in blue ink that reads "Imee R. Marcos". The signature is written in a cursive style with a checkmark at the end.

**IMEE R. MARCOS**



23 JAN 12 P3:33

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

RECEIVED BY: 

**SENATE**

S.B. No. 1664

Introduced by **SENATOR IMEE R. MARCOS**

**AN ACT  
PENALIZING PERSONS WHO SHALL COMMIT PROHIBITED ACTS  
DURING A STATE OF PUBLIC HEALTH EMERGENCY, AND FOR OTHER  
PURPOSES**

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

1           **SECTION 1. Unlawful Acts.** – It shall be unlawful for any individual or  
2 corporation, whether from the public or private sector, to do the following acts:

- 3
- 4           1) Disobeying national government policies or directives in regard to quarantine
- 5           impositions;
- 6
- 7           2) For privately-owned hospitals, medical and health facilities including passenger
- 8           vessels and other establishments, unjustifiably refusing to operate pursuant to the
- 9           directive of the President;
- 10
- 11          3) Engaging in hoarding, profiteering, injurious speculations, manipulation of prices,
- 12          product deceptions and cartels, monopolies or other combinations in restraint of
- 13          trade or other pernicious practices affecting the supply, distribution of the following
- 14          goods and items, as required in agriculture, industry and other essential services,
- 15          and other articles of prime necessity, whether imported or locally produced or
- 16          manufactured, including:
- 17                i. Food;
- 18                ii. Clothing;
- 19                iii. Hygiene and sanitation products;
- 20                iv. Medicine and medical supplies;
- 21

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

- v. Fuel;
- vi. Fertilizers;
- vii. Chemicals;
- viii. Building materials;
- ix. Implements;
- x. Machinery equipment;
- xi. Spare parts;

- 4) Refusing to prioritize and accept contracts for materials and services necessary to promote the declared national policy;
- 5) For public or private banks, quasi-banks, financing companies, lending companies and other financial institutions, refusing to implement a minimum thirty (30)-day grace period for payment of all loans falling due within the period of any subsequently-declared enhanced community quarantine without incurring interests, penalties, fees or other charges;
- 6) Creating, perpetrating, or spreading false information regarding the crisis on social media and other platforms, such information having no valid or beneficial effect on the population, and are clearly geared to promote chaos, panic, anarchy, fear, or confusion; and those participating in cyber incidents that make use or take advantage of the current crisis situation to prey on the public through scams, phishing, fraudulent emails, or other similar acts;
- 7) Failing to comply with reasonable limitations on the operation of certain transportation sectors or sectors, whether land, sea or air, be it private or public; and
- 8) Impeding access to roads, streets and bridges; putting up prohibited encroachments or obstacles; and maintenance of illegal constructions in public places that have been ordered to be removed.

*Provided*, That if the offender is a corporation, association, partnership or any other juridical person, the penalty shall be imposed upon the president, directors, managers, managing partners, as the case may be, who participated in the commission of the offense or who shall have knowingly permitted or failed to prevent the commission of the same. If the offender is an alien, he shall, in addition to the penalties herein prescribed, be deported without further proceedings: *Provided, further*, That if the offender is a public official or employee, he shall, in addition to the penalties prescribed herein, suffer perpetual or temporary absolute disqualification from office, as the case may be.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

**SEC. 2. *Penalty.*** – Any individual found violating this Act shall suffer the penalty of two (2) months or a fine of not less than Ten thousand pesos (Php 10,000.00) but not more than One Million Pesos (Php 1,000,000.00) or both, at the discretion of the court.

**SEC. 3. *Separability Clause.*** – Should any provision herein be declared unconstitutional, the same shall not affect the validity of other provisions of this Act.

**SEC. 4. *Repealing Clause.*** – All laws, decrees, orders, rules, and regulations or other issuances of parts inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SEC. 5. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines and shall be in full force and effect until the state of public health emergency has been lifted, pursuant to Presidential Proclamation No. 922, series of 2020.

*Approved,*