

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

3657
HOUSE BILL NO. _____



Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

**AN ACT INSTITUTIONALIZING HEALTH PROMOTION IN THE
PHILIPPINES BY ESTABLISHING A PHILIPPINE CENTER FOR HEALTH
PROMOTION AND DISEASE PREVENTION, PROVIDING FOR A HEALTH
PROMOTION FUND AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The Philippine Constitution enshrines the right to health of every Filipino. Article II, Section 15 specifically provides that, "The State shall protect and promote the right to health of the people and instill health consciousness among them."

The alarming increase in incidence of degenerative and lifestyle diseases is a pressing concern of the population. Based on the 2013 Philippine Health Statistics, the top 10 leading causes of death are diseases of the heart, diseases of the vascular system, malignant neoplasms, pneumonia, accidents, diabetes mellitus, chronic lower respiratory diseases, tuberculosis, nephritis, and certain conditions originating in the perinatal period. Out of 514,745 deaths registered in 2013, more than 81 percent (a total of 433,375 deaths) were attributed to the above-mentioned causes of death.

Traditionally, funds for health care have been spent more on treating the sick than in keeping the population healthy. But promoting health and preventing diseases is as important as curative treatment. As the famous Benjamin Franklin said: "An ounce of prevention is worth a pound of cure".

In line with the administration's health agenda: "All for Health towards Health for All", promoting and keeping the population healthy must be given priority. And to better assist the government in this effort, the people must be empowered and enabled to take action to improve their health. Health promotion and disease prevention would entail and require the creation of supportive environments as well as strengthening of community actions.

The concept of health promotion has been tried and tested in many countries including, but not limited to, Australia, Korea, New Zealand, Malaysia, and Thailand. Notably, since the creation of ThaiHealth in 2001, the implementation of its health promotion activities have made significant impacts on major risk factors such as smoking and alcohol consumption. Indeed it has greatly contributed to the improved health and wellness of the Thai people. This too is envisioned for the Filipino population.

Towards this end, there is a need to create a central agency with adequate and sustainable financing, as well as some degree of financial independence, in order to fully undertake health promotion activities such as health education, social mobilization and advocacy. This bill, therefore, proposes the creation of Philippine Center for Health Promotion and Disease Prevention to be funded from 5% of the remaining incremental revenues allocated for health pursuant to Republic Act 10351.

It is high time that we put health in the hands of the people by helping them make informed choices and become masters of their own destinies. Through the Philippine Center for Health Promotion and Disease Prevention, the goal of making Filipinos manage their own health will become a reality.

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


ANGELINA "HELEN" D.L. TAN, M.D.
4th District, Quezon

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

PART I
Preliminary Provisions

SECTION 1. *Short Title.* - This Act shall be known as the “Health Promotion and Disease Prevention Act.”

SEC. 2. *Declaration of Policy.* – It is hereby declared a policy of the State to protect and promote the right to health of the people and instill health consciousness among them. It shall also ensure that people are empowered to increase control over their health for purposes of improved health in general. Toward this end, the State shall endeavor to provide adequate health information and promotion that will help people improve their health.

Moreover, the State shall provide sustainable funding for health promotion activities and encourage participation, collaboration and coordination of national and local governments, civil society organizations, academe and the private sector in achieving health promotion and disease prevention goals.

SEC. 3. *Purpose.* – This Act aims to:

- a.) Establish a Philippine Center for Health Promotion and Disease Prevention to develop a national framework for health promotion and disease prevention;
- b.) Establish a Health Promotion Fund to be sourced from five percent (5%) of the remaining incremental revenues allocated for health pursuant to Republic Act 10351;
- c.) Mainstream health through population-based approaches in public policy, plans, and programs of government agencies and various sectors.

SEC. 4. *Definition of Terms.* – As used in this Act,

- a.) Board – refers to the Philippine Center for Health Promotion and Disease Prevention Board which shall be the governing board of the Center;
- b.) Center – refers to the Philippine Center for Health Promotion and Disease Prevention established under this Act;
- c.) Conflict of interest - refers to any circumstance under which a person by virtue of financial or other personal interest, past, present or potential, directly or indirectly, may be influenced or appear to be influenced by any motive or desire for personal advantage other than the interests of public health;
- d.) Disease Prevention – refers to specific and population-based interventions or measures that seek to prevent the occurrence of disease and arrest its progress. It focuses on strategies to reduce the risk of developing chronic diseases and other morbidities and includes activities designed to protect patients and the general public from actual or potential health threats and their harmful consequences;
- e.) Health Promotion – refers to any act which is aimed at the fostering of a person's physical, mental and social conditions by means of supporting personal behaviours, social conditions and environments conducive to physical strength, a firm mental condition, a long life and a good quality of life; and
- f.) Population-based approach/intervention - refers to assessing the health care needs of a specific population and making health care decisions for the population as a whole rather than for individuals. It focuses on entire population, is grounded in an assessment of community health, considers broad health determinants, emphasizes health promotion and prevention, and intervenes at multiple levels.

PART II

Establishment of the Philippine Center for Health Promotion and Disease Prevention

SEC. 5. *Establishment.* - There is hereby established a body corporate to be known as the Philippine Center for Health Promotion and Disease Prevention, hereinafter referred to as the Center. The Center shall have its principal place of business in Metro Manila and may establish branches and offices in such other places as may be deemed necessary or proper for the accomplishment and performance of its mandate. It shall be organized within 180 days from the effectivity of this Act.

SEC. 6. *Corporate Powers.* – The Center shall have the following corporate powers:

- a.) To adopt, alter, and use an official seal;
- b.) To acquire, hold and lease or own, real and personal property and sell, encumber or otherwise dispose of the same as it deems necessary and/or in relation with carrying out its purposes under this Act;
- c.) To enter into contracts of any kind and description, to enable it to carry out its purposes and functions under this Act;

- d.) To sue and be sued;
- e.) To adopt its bylaws and promulgate such rules and regulations as may be necessary or proper to implement this Act, and to amend or repeal the same;
- f.) To receive and acquire from any person and/or government and private entities, whether foreign or domestic, grants, donations and contributions consisting of such properties, real or personal, including funds and valuable effects or things, as may be useful, necessary or proper to carry out its purposes and objectives and administer the same in accordance with the terms of such grants, donations and contributions, consistent with its purposes and objectives; *Provided, however,* That grants, donations and contributions from tobacco and alcohol industry shall be rejected. *Provided, further,* That such grants, donations, and contributions shall not be used to fund personal services, capital and other operating expenditures of the Center; and
- g.) To perform any and all acts necessary, proper or incidental to the attainment of the objectives and purposes of this Act.

SEC. 7. *Functions of the Center.* – The Center shall perform the following functions:

- a.) To develop and update the national health promotion and disease prevention policy framework and action plan, through adoption of population-based approaches and employment of key strategies such as policy advocacy and research, law enforcement, information, education, mass communication/social media and social mobilization, and monitor their implementation;
- b.) To promote health and prevent illness in the Philippines;
- c.) To increase public awareness of policy, programs and plans through educational activities, advertisement, conventions, seminars, conferences, and the like on the promotion of healthy living and disease prevention;
- d.) To encourage healthy lifestyles in the community and support activities involving participation in healthy pursuits;
- e.) To create an enabling environment that shall promote broader multi-stakeholder participation;
- f.) To plan and carry out research and development activities, or encourage and support the conduct of such research and development activities in support of its objectives;
- g.) To promote and provide technical and financial support to local research and development programs and projects in relation to promoting good health, safety or prevention of diseases and accidents;
- h.) To harmonize and coordinate all health promotion and disease prevention programs and activities in the Philippines; and
- i.) To perform such other functions and duties as may be necessary to carry out the provisions of this Act.

SEC. 8. *Establishment of the Philippine Center for Health Promotion and Disease Prevention Board.* – The corporate powers of the Center shall be exercised, and

all its business, activities and properties shall be controlled by a Board of Trustees, hereinafter referred to as the Board, which shall be composed of the following:

- a.) Secretary of Health – *ex-officio* Chairperson;
- b.) Permanent Representatives of the following government offices as *ex-officio* members:
 - 1. Department of Finance
 - 2. Department of Education
 - 3. Commission on Higher Education
 - 4. Department of Science and Technology
 - 5. Department of the Interior and Local Government
 - 6. Department of Labor and Employment
 - 7. National Economic and Development Authority
 - 8. Department of Social Welfare and Development
 - 9. Department of Environment and Natural Resources
 - 10. Department of Agriculture
 - 11. Philippine Information Agency
 - 12. Philippine Sports Commission
- c.) Ten (10) Expert Representatives representing various fields and sectors, to wit:
 - 1. Academe
 - 2. Health Promotion (NGO)
 - 3. Community Development (NGO)
 - 4. Mass communication/media
 - 5. Sports
 - 6. Law
 - 7. Dentistry
 - 8. Mental Health
 - 9. Medicine
 - 10. Alternative medicine

Provided, that the expert representatives shall elect among themselves who shall act as Vice-Chairperson of the Board of Trustees.

The expert representatives must be Filipino citizens, residents of the Philippines, at least thirty five (35) years of age at the time of appointment, with at least ten (10) years experience in their respective field of expertise, and of proven honesty and integrity.

The expert representatives shall be appointed by the President of the Philippines from a list of three (3) nominees submitted by their respective groups. They shall serve for a term of three (3) years without reappointment. Appointment to any vacancy shall be only for the unexpired term of the predecessor.

Ex-officio members of the Board may designate their respective alternates who shall at least be an Assistant Secretary in rank and their acts shall be considered the acts of their principal.

SEC. 9. *Functions and Duties of the Board.* – The Philippine Center for Health Promotion and Disease Prevention Board shall perform the following functions:

- a.) To define and approve the programs, plans, policies, procedures and guidelines for the Center in accordance with its purposes and objectives, and to control the management, operation and administration of the Center;
- b.) To approve the Center's organizational structure, staffing pattern, operating and capital expenditure, and financial budgets prepared in accordance with the corporate plan of the Center;
- c.) To approve and fix the compensation, benefits, privileges, bonuses and other terms and conditions of service for all officers and employees of the Center, upon recommendation of the Executive Director;
- d.) To appoint, transfer, promote, suspend, remove or otherwise discipline any subordinate officer or employee of the Center, upon recommendation of the Executive Director;
- e.) To create such committee or committees and appoint members thereof, as may be necessary or proper for the management of the Center or for the attainment of its purposes and objectives;
- f.) To determine the priorities of the Center consistent with the framework of its purposes and objectives and in coordination with other government agencies; and
- g.) To exercise such other powers and functions as may be necessary to carry out the purposes and objectives of the Center.

SEC. 10. *Board Meetings: Quorum.* – The Board shall meet at least twice a month for the conduct of its business, or as often as may be deemed necessary, upon the call of the Chairperson. The presence of at least twelve (12) members shall constitute a quorum, and the majority vote of the members present, there being a quorum, shall be necessary for the adoption of any resolution, decision or any other act of the Board.

The Chairperson shall preside at all meetings of the Board. Provided, that in the event the Chairperson cannot preside the meeting, the Vice-Chairperson shall undertake such function.

The Center shall maintain and preserve a complete record of the proceedings/minutes of the Board which can be made available to the public.

SEC. 11. *Remuneration and Allowances.* – The members of the Board shall serve without compensation and allowances for the entire duration of their terms. However, each member of the Board shall receive for every meeting actually attended a per diem to be determined by the Board: *Provided*, That in no case will the total amount received by each attending member exceed the sum of Thirty thousand pesos (Php 30,000) for any one month.

SEC. 12. *Removal from Office.* – The following are grounds for removal of any member of the Board:

- a.) The member suffers from physical or mental incapacity that renders him or her incapable of properly discharging the duties and responsibilities of

membership in the Board and such incapacity has lasted for more than six (6) months;

- b.) The member has committed acts or operations that are shown prima facie to be fraudulent or illegal or manifestly opposed to the aims and interests of the Center;
- c.) The member no longer possesses the qualifications specified in this Act; or
- d.) The member is subsequently disqualified under the provisions of existing laws.

SEC. 13. *Executive Director and Other Officers.* – The Center shall be headed by an Executive Director who shall be a citizen of the Philippines, of good moral character, of unquestionable integrity, with at least five (5) years administrative experience in undertaking or leading health promotions activities.

The Executive Director shall be appointed by the Board from a list of at least three (3) nominees prepared by a Selection Committee created by the Board and chaired by any of its members.

The Executive Director shall be appointed for a term of five (5) years, which must be covered by a Performance Contract between the Center and the Executive Director. Said contract may be pre-terminated by the Board for failure or unsatisfactory performance of his or her responsibilities. The Executive Director may also be removed from office due to serious misconduct, gross and habitual neglect of duties, fraud or willful breach of trust, commission of a crime or offense and other causes analogous to the foregoing, as provided under the Administrative Code of 1987, the Revised Penal Code and other special laws, rules and regulations.

The Executive Director shall be assisted by such Assistant Director(s) and program managers/coordinators as the Board may determine to carry out the purposes and objectives of this Act.

SEC. 14. *Powers, Functions and Duties of the Executive Director* – The Executive Director shall have the following powers, functions and duties:

- a.) To exercise overall supervision and direction over the implementation of all programs of the Center, and to supervise and direct the management, operation and administration of the Center;
- b.) To execute contracts, including deeds that may incur obligations, acquire and dispose assets and deliver documents on behalf of the Center, within the limits of authority delegated to him by the Board;
- c.) To implement and enforce policies, decisions, orders, rules and regulations adopted by the Board;
- d.) To submit to the Board an annual report of the Center;
- e.) To submit to the Board an annual budget and such supplemental budget as may be necessary for its consideration and approval;
- f.) To submit for consideration of the Board the policies and measures which he/she believes to be necessary to carry out the purposes and provisions of this Act;
- g.) Submit quarterly reports to the Board on personnel selection, placement and training; and

- h.) To exercise such other powers and functions and perform such other duties as may be authorized or assigned by the Board.

SEC. 15. *Conflict of Interest.* – The members of the Board, the Executive Director, other officers and employees should not have any conflict of interest that may compromise his/her participation in the activities or decision of the Center.

A member of the Board who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Board must, as soon as practicable after the relevant facts have come to his or her knowledge, declare the fact and the nature and extent of the interest, in writing to the Chairperson, before the meeting of the Board and inhibit himself during the deliberations when such matter is taken up. The decision taken on the matter shall be made public and the minutes of the meeting shall reflect the disclosure made and the inhibition of the member concerned.

No Board member, Executive Director, other officers and employees of the Center should have any interaction with the tobacco and alcohol industry, in accordance with existing policies of the Civil Service Commission.

PART III The Health Promotion Fund

SEC. 16. *Health Promotion Fund.* – To implement the provisions of this Act, there is hereby created a Health Promotion Fund, which shall be used exclusively for the operations, programs, plans, projects and activities of the Center to fulfill the objectives of this Act.

SEC. 17. *Source of Fund.* - Upon the effectivity of this Act and every year thereafter, five percent (5%) of the remaining incremental revenues allocated for health pursuant to Republic Act 10351 shall be earmarked for this Fund which shall include capitalization requirements for establishing the Center and initiating its operations.

Provided, That additional funding requirements may be made in the Annual General Appropriations Act as determined by Congress.

SEC. 18. *Uses of the Fund.* – The Fund shall be used to support the health promotion plan and activities of the Center such as, but not limited to:

- a. Supporting inter-agency and inter-sectoral collaboration for preventive measures and planning;
- b. Promoting supportive environments that affect health
- c. Promoting preventive care and prevention of non-communicable diseases
- d. Research and evaluation of health promotion policies and strategies
- e. Mass media campaigns
- f. Augmenting support and resources for local health workers

Provided, That no more than 7% of the annual fund shall be allocated for personal services, operational and maintenance expenditures, equipment and capital outlay;

Provided, further, That an amount necessary for the construction of the principal place of business of the Center shall be charged in excess of the 7% annual fund as provided in the preceding paragraph;

Provided, finally, That the principal place of business of the Center be, as far as practicable, designed, constructed, operated, maintained and retrofitted using environmentally responsible materials, sustainable architecture techniques and other green building practices for the purpose of reducing the building impacts on environment and human health.

SEC. 19. *Community Participation.* - To promote social mobilization, civil society organizations not affiliated with the tobacco and alcohol industry and other commercial interests shall be encouraged to tap the health promotion fund which shall be exclusively used to monitor and report on health promotion activities, to undertake health promotion activities at the community level, and to conduct related research. The fund, however, shall not be utilized and/or expended for capital-related expenditures.

Provided, That the concerned civil society organizations meet the minimum criteria: Registration with the Securities and Exchange Commission or other national government agencies empowered by law to register organizations, financial viability, suitability of the organizational structure and competence of manpower complement, successful track record in the community and/or field of expertise, non-existence of conflict of interest and nepotism, and legitimacy and commitment to public service.

Provided, further, That compliance with rules on proper reporting and audit procedure required by existing laws and guidelines be strictly observed.

SEC. 20. *Automatic Appropriation and Release of the Fund.* - The funds referred to in Section 17 of this Act shall be appropriated in the annual General Appropriations Act and released automatically in favor of the Philippine Center for Health Promotion and Disease Prevention.

SEC. 21. *Audit.* - All funds under the management and control of the Center shall be subject to an internal and external audit to be done as follows:

- a) Internal Audit - There shall be an internal audit with respect to the finance, accounting and procurement of the Center, with a corresponding audit report for the submission to the Board, at least once a year.

For purposes of internal audit, there shall be an official of the Center acting as an internal auditor with direct accountability to the Board, in accordance with the regulations prescribed by the Board.

The Center shall prepare a financial statement, which must include at least a balance sheet and an operation account to be submitted to the auditor within one hundred and twenty days from the end of each accounting year.

- b) External Audit - At an interval of every year, the Commission on Audit shall appraise the utilization and disposition of funds and property of the Center in accordance with existing laws and guidelines.

SEC. 22. *Annual Report.* – The Board shall submit to the Office of the President, and to both Houses of Congress, within the first quarter of every year, an annual performance report and a report on the utilization of the health promotion fund.

SEC. 23. *Congressional Oversight Committee.* – Immediately after three (3) years from the effectivity of this Act, a joint Congressional Oversight Committee (COC) shall be constituted to monitor and oversee the implementation of the provisions of this Act and review the utilization of the health promotion fund. The COC shall be composed of three (3) members from the Senate and three (3) members from the House of Representatives to be appointed by the Senate President and the Speaker of the House of Representatives, respectively. The COC shall be jointly chaired by the Chairpersons of the Senate Committee on Health and Demography and the House of Representatives Committee on Health. The COC shall only be in existence for a period of three (3) years from the date of its constitution.

The Secretariat of the COC shall be drawn from the existing secretariat personnel of the standing committees comprising the Congressional Oversight Committee and its funding requirements shall be charged against the appropriations of both the House of Representatives and the Senate of the Philippines.

PART III Transitory and Miscellaneous Provisions

SEC. 24. *Implementing Rules and Regulations.* – The Board shall promulgate the IRR for this Act within ninety (90) days from its constitution. Failure to promulgate the IRR shall not affect the implementation of the self-executory provisions of this Act.

SEC. 25. *Separability Clause.* – If any section or part of this Act is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

SEC. 26. *Repealing Clause.* – All laws, executive orders, administrative rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby amended, modified, or repealed accordingly.

SEC. 27. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.