



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

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SENATE
SENATE BILL NO. 1379

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

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

EXPLANATORY NOTE

This measure seeks to create a Public Health Emergency Council which shall formulate a comprehensive strategy on public health emergency. It seeks to give our country a fighting chance against biological, chemical or nuclear health threats through preparation, management and disposal.

The Council shall be composed of the heads of the Departments of Health, Interior and Local Government, Trade and Industry, Justice and National Defense and the Office of the Press Secretary. Upon declaration of a state of public health emergency by the President, the Council shall be responsible for the formulation and implementation of a national public health emergency plan. This is to ensure that the national government will be able to respond immediately and effectively to actual public health emergencies.

The establishment of a set of plan to counteract the emergence or resurgence of contagions is a must. We should have an emergency plan that we can implement against new and emerging threats should an outbreak occur in our country. And with the threat of a deliberate outbreak via bio-terrorism, the urgency is even more emphasized.

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

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JOSEPH VICTOR G. EJERCITO

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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 Health
2 Powers Act of 2017".
3

4 SECTION 2. *Declaration of Policies* - The State shall protect and
5 promote the right of the people to a healthy life and environment. It is also the
6 prime duty of Government to serve and protect the people and in this pursuit
7 may require the people to cooperate in times of public health emergencies.
8

9 In light of new and emerging threats, including emergent and resurgent
10 infectious diseases and terrorist attacks involving the use of chemical,
11 biological or nuclear agents, the State shall focus on the prevention, detection,
12 management, and containment of public health emergencies.
13

14 The State shall endeavor to respond immediately and effectively to
15 potential or actual public health emergencies and in so doing, may require the
16 exercise of emergency health powers for the promotion of the common good.
17

18 SECTION 3. *Definition of Terms* - For purposes of this Act, the
19 following terms are herein defined:
20

21 a. "Biological agent" means a microorganism, virus, infectious
22 substance, naturally occurring or bioengineered product, or other biological
23 material that could cause death, disease, or other harm to a human, an animal,
24 a plant, or another living organism.
25

1 b. **"Biological Attack"** means an attack against the population with
2 the use of weapons employing biological agents.

4 c. **"Chemical agent"** means a poisonous chemical agent that has the
5 capacity to cause death, disease, or other harm to a human, an animal, a plant,
6 or another living organism.

8 d. **"Chemical Attack"** means an attack against the population with
9 the use of weapons employing chemical agents.

11 e. **"Contagious disease"** is a disease that can be transmitted from
12 person to person, animal to person, or insect to person.

14 f. **"Facility"** means any real property, building, structure, or other
15 improvement to real property or any motor vehicle, rolling stock, aircraft,
16 watercraft, or other means of transportation.

18 g. **"Health care facility"** means any institution, building, or agency or
19 portion thereof, whether public or private that is used, operated, or designed
20 to provide health services, medical treatment, nursing, rehabilitative, or
21 preventive care to any person or persons. This includes, but is not limited to,
22 ambulatory surgical facilities, health maintenance organizations, home health
23 agencies, hospices, hospitals, infirmaries, intermediate care facilities, kidney
24 treatment centers, long-term care facilities, medical assistance facilities, mental
25 health centers, outpatient facilities, public health centers, rehabilitation
26 facilities, residential treatment facilities, skilled nursing facilities, and adult
27 daycare centers. The term also includes, but is not limited to, the following
28 related properties when used for or in connection with the foregoing:
29 laboratories, research facilities, pharmacies, laundry facilities, health
30 personnel training and lodging facilities, and patient, guest, and health
31 personnel food service facilities, and offices and office buildings for persons
32 engaged in health care professions or services.

34 h. **"Health care provider"** means any person or entity that provides
35 health care services including, but not limited to, hospitals, medical clinics
36 and offices, special care facilities, medical laboratories, physicians,
37 pharmacists, dentists, physician assistants, nurses, paramedics, firefighters
38 who provide emergency medical care, emergency medical or laboratory
39 technicians, and ambulance and emergency medical workers.

41 i. **"Infectious disease"** is a disease caused by a living organism or virus.
42 An infectious disease may or may not be transmissible from person to person,
43 animal to person, or insect to person.

1 j. "**Isolation**" and "**quarantine**" mean the compulsory physical
2 separation, including restriction of movement or confinement, of individuals
3 and/or groups believed to have been exposed to, or known to have been
4 infected with a contagious disease, from individuals who are believed not to
5 have been exposed or infected in order to prevent or limit the transmission of
6 the disease to others.

7
8 k. "**Quarantine**" shall also mean compulsory physical separation,
9 including restriction of movement, of populations or groups of healthy people
10 who have been potentially exposed to a contagious disease, or to efforts to
11 segregate these persons within specified geographic areas if the situation so
12 requires.

13
14 l. "**Isolation**" shall also mean the separation and confinement of
15 individuals known or suspected via signs, symptoms, or laboratory criteria, to
16 be infected with a contagious disease to prevent them from transmitting said
17 disease to others.

18
19 m. "**Nuclear Agent**" means any radioactive material, element or
20 byproducts thereof that could cause death, disease, or other harm to a human,
21 an animal, a plant, or another living organism.

22
23 n. "**Nuclear Attack**" means an attack against the population with the
24 use of weapons employing nuclear agents.

25
26 o. "**Public health emergency**" means the occurrence or imminent risk of
27 an illness or health condition that may be caused by terrorism, epidemic or
28 pandemic disease, or an infectious, biological or chemical agent that poses a
29 substantial risk to a significant number of the population or poses a serious
30 threat to the agricultural sector, including food supply.

31
32 p. "**Radioactive material**" means a nuclear or radioactive substance that
33 has the capacity to cause injury or death to a human, an animal, a plant, or
34 another living organism.

35
36 q. "**Terrorist Attack**" means any attack against the general population
37 with the intent to deliberately cause death or harm to persons or damage to
38 property using weapons of mass destruction. Such weapons may be
39 biological, chemical or nuclear, or other conventional or improvised weapons.

40 r. "**Tests**" include, but are not limited to, any diagnostic or investigative
41 analyses necessary to prevent the spread of disease or protect the public's
42 health, safety, and welfare.

1 **SECTION 4. Public Health Emergency Council (PHEC)** - The Public Health
2 Emergency Council (PHEC), hereinafter referred to as the Council, is hereby
3 established to be composed of the following:

- 4
- 5 a. Secretary of Health, Chairman;
6 b. Secretary of Interior and Local Government, Member;
7 c. Secretary of Trade and Industry, Member;
8 d. Secretary of Justice, Member;
9 e. Secretary of National Defense, Member; and
10 f. Press Secretary, Member.

11

12 Other government agencies not under the authority or jurisdiction of
13 the standing members of the Council may be included as the need as
14 determined by the Council, arises.

15

16 The Council shall convene when a State of Public Health Emergency is
17 declared by the President and shall be responsible for the formulation and
18 implementation of the National Public Health Emergency Plan, hereinafter
19 referred to as the Plan, to address any public health emergency as defined in
20 this Act.

21

22 Within six months from the approval of this Act, the Council shall draw
23 up the Plan, and conduct a briefing for all local government units. It shall
24 serve as the framework for the government's response to any public health
25 emergency. The Council shall also advise the President on courses of action
26 outside the Plan that may be taken in the event that a public health emergency
27 occurs.

28

29 **SECTION 5. Declaration of State of Public Health Emergency** -The President,
30 upon the recommendation of the Secretary of Health, may declare a State of
31 Public Health Emergency and immediately convene the Council. The basis for
32 such a declaration shall be made public by the Council through the mass
33 media and a written report submitted to both houses of Congress.

34

35 The State of Public Health Emergency shall be for a period of sixty days
36 unless extended or terminated earlier by the Council.

37

38 **SECTION 6. Health Care Facilities and Services During State of Public
39 Health Emergency.**- During the period of the State of Public Health
40 Emergency, the Council may, within reasonable and necessary bounds for
41 emergency response to a public health emergency, require a health care
42 facility to provide services or the use of its facility; Provided, That the Council
43 may require privately owned health care facilities to provide services or use of
44 its facility only if government health institutions are unable to cope with the
45 public health emergency.

1
2 When the Council needs the use or services of the facility to isolate or
3 quarantine individuals during a public health emergency, the management
4 and supervision of the health care facility must be coordinated with the
5 Council to ensure the protection of existing patients and compliance with the
6 terms of this act.

7
8 **SECTION 7. Dangerous Facilities and Materials**, - During the state of public
9 health emergency, the Council may exercise, in coordination with national
10 government agencies, local government units, and other organizations
11 responsible for the implementation of the Plan, the following powers over
12 facilities or materials that may be considered dangerous due to contamination
13 or exposure to chemical, nuclear or biological agents or infectious disease
14 pathogens:

15 a. to close, direct and compel the evacuation of, or to decontaminate or
16 cause to be decontaminated, any facility of which there is reasonable cause to
17 believe that may endanger the public health; and

18 b. to decontaminate or cause to be decontaminated, any material of
19 which there is reasonable cause to believe that it may endanger the public
20 health.

21
22 **SECTION 8. Control of Pharmaceutical Agents or Medical Supplies** - After
23 the declaration of a public health emergency, the Council may purchase, store
24 or distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and
25 other pharmaceutical agents or medical supplies that it considers advisable in
26 the interest of preparing for or controlling a public health emergency, with the
27 right to take immediate possession thereof.

28 If a state of public health emergency results in a nationwide or regional
29 shortage or threatened shortage of any product covered by the preceding
30 paragraph, the Council may control, restrict, and regulate by rationing and
31 using quotas, prohibitions on shipments, price fixing, allocation or other
32 means, the use, sale, dispensing, distribution, or transportation of the relevant
33 product necessary to protect the health, safety, and welfare of the people. In
34 making rationing or other supply and distribution decisions, the Council must
35 give preference to health care providers, disaster response personnel, and
36 mortuary staff.

37 Nothing in this section shall be construed to allow the Council to obtain
38 antitoxins, serums, vaccines, immunizing agents, antibiotics, and other
39 pharmaceutical agents or medical supplies for the primary purpose of

1 hoarding such items or preventing their fair and equitable distribution among
2 the health care institutions and providers, both government and private.

3 **SECTION 9. *Control and Treatment of Infectious Diseases.*** - During a state of
4 public health emergency, the Council shall use every available means to
5 prevent the transmission of contagious and infectious diseases and to ensure
6 that all cases of contagious and infectious disease are subject to proper control
7 and treatment.

8 **SECTION 10. *Physical Examinations or Tests: Isolation or Quarantine of***
9 ***Persons Refusing Examination.*** - During a state of public health emergency,
10 the Council may perform voluntary physical examinations or tests as
11 necessary for the diagnosis or treatment of individuals.

12 The Council may isolate or quarantine any person whose refusal of
13 physical examination or testing results in uncertainty regardless whether said
14 person has been exposed to, or is infected with, a contagious or possibly
15 contagious disease or otherwise poses a danger to public health. Isolation and
16 quarantine shall be mandatory for persons exhibiting any symptom of an
17 infectious disease causing the public health emergency or whose physical
18 examination or test results confirm an infection.

19 **SECTION 11. *Isolation and Quarantine of Individuals or Groups; Penalty for***
20 ***Noncompliance-*** During a public health emergency, the Council may isolate or
21 quarantine an individual or groups of individuals. This includes individuals
22 or groups who have not been vaccinated, treated, tested, or examined
23 pursuant to the preceding section. The Council may also establish and
24 maintain places of isolation and quarantine, set rules and make orders in this
25 regard.

26 The Council shall adhere to the following conditions and principles
27 when placing individuals or groups of individuals under isolation or
28 quarantine:

29 a. isolation and quarantine must be by the least restrictive means
30 necessary to prevent the spread of a contagious or possibly contagious disease
31 and may include, but not limited to, confinement to private homes or other
32 private and public premises;

33 b. individuals Isolated because of objective evidence of infection or
34 contagious disease must be confined separately from quarantined
35 asymptomatic individuals;

36 c. the health status of isolated and quarantined individuals must be
37 monitored regularly;

1 d. if a quarantined individual becomes infected or is reasonably
2 believed to be infected with a contagious or possibly contagious disease, he or
3 she must be promptly isolated;

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

7 f. the needs of persons isolated and quarantined must be addressed
8 in a systematic and competent fashion including, but not limited to, providing
9 adequate food, clothing, shelter, means of communication with those outside
10 the facility, medication, and competent medical care;

11 g. facilities used for isolation and quarantine must be maintained in
12 a safe and hygienic manner and be designed to minimize the likelihood of
13 further transmission of infection or other harm.

14 Persons subject to isolation or quarantine must comply with the
15 Council's rules and orders and must not go beyond the isolation or quarantine
16 premises.

17 Only authorized physicians, health care workers, or other persons with
18 written permission from the Council shall have access to individuals in
19 isolation or quarantine to meet the needs and proper care of these individuals.

20 Failure to comply with or willful violation of this provision shall be
21 penalized with a fine of Ten Thousand Pesos or imprisonment of not more
22 than six months.

23 Facilitating, aiding or conspiring to violate these provisions shall be
24 penalized with a fine of Ten Thousand Pesos or imprisonment of not more
25 than six months.

26 Any person entering an isolation or quarantine premises with or
27 without authorization of the Council may be isolated or quarantined as
28 provided for in this act.

29 **SECTION 12. Local Government Role** - Within six months after the adoption
30 of the Plan, local government units shall draw up their respective Local Public
31 Health Emergency Plans conforming to the national plan and the provisions
32 of this Act,

33 During a state of public health emergency, local government officials
34 shall provide unconditional support and cooperation to the Council and the
35 Plan.

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

4 **SECTION 13. Powers and Duties Regarding Safe Disposal of Human**
5 **Remains.** - The Council must coordinate with hospitals and funeral
6 institutions, for such period as the state of public health emergency exists, to
7 exercise the following powers regarding the safe disposal of human remains
8 suspected or known to be a victim of an infectious disease;

9 a. to take possession or control of any human remains which cannot
10 be safely handled otherwise;

11 b. to order the disposal of human remains of a person who has died
12 of an infectious disease through burial or cremation within twenty-four hours
13 after death,

14 c. to require any business or facility authorized to embalm, bury,
15 cremate, inter, disinter, transport, and dispose of human remains under
16 existing laws to accept any human remains or provide the use of its business
17 or facility if these actions are reasonable and necessary for emergency
18 response.

19 All human remains prior to disposal must be clearly labeled with all
20 available information to identify the deceased and the circumstances of death.

21 Any human remains of a deceased person with an infectious disease
22 must have an external, clearly visible tag indicating that the human remains
23 are infected and, if known, the infectious disease.

24 Every person in charge of disposing any human remains must maintain
25 a written record of each set of human remains and all available information to
26 identify the deceased and the circumstances of death and disposal. If the
27 human remains cannot be identified prior to disposal, a qualified person
28 must, to the extent possible, take fingerprints and one or more photographs of
29 the human remains, and collect a DNA specimen. All information gathered
30 under this paragraph must be promptly forwarded to the Council.
31 Identification must be handled by the agencies that have laboratories suitable
32 for DNA identification.

33 **SECTION 14. Centralized Information** - During the State of Public Health
34 Emergency, the Council, through the Press Secretary or a designated alternate,
35 shall provide the public with daily updates, news bulletins or briefings on the
36 progress of the management and containment of the public health emergency
37 and shall endeavor to prevent or stop the spread of misinformation.

1 In this pursuit, the Council, through the Press Secretary, may request
2 the mass media to refrain from reporting or disseminating information about
3 the public health emergency that it has not cleared.

4 **SECTION 15. *Implementing Authority*** - The Secretary of the Department of
5 Health shall promulgate the implementing rules and regulations, orders and
6 other issuances as may be necessary to implement and carry out the intent,
7 objectives, purposes and provisions of this Act.

8 **SECTION 16. *Separability Clause***. - If any part, section or provision of this
9 Act is held invalid or unconstitutional, other provisions not affected thereby
10 shall remain in force and effect.

11 **SECTION 17. *Repealing Clause*** - All other laws, decrees, orders, issuances,
12 rules and regulations that are inconsistent with the provisions of this Act are
13 hereby repealed, amended or modified accordingly.

14 **SECTION 18. *Effectivity***. - This Act shall take effect fifteen (15) days after its
15 publication in the Official Gazette or in at least two (2) newspapers of general
16 circulation.

17 Approved,

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