

## [ REPUBLIC ACT NO. 11469, March 24, 2020 ]

### **AN ACT DECLARING THE EXISTENCE OF A NATIONAL EMERGENCY ARISING FROM THE CORONAVIRUS DISEASE 2019 (COVID-19) SITUATION AND A NATIONAL POLICY IN CONNECTION THEREWITH, AND AUTHORIZING THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES FOR A LIMITED PERIOD AND SUBJECT TO RESTRICTIONS, TO EXERCISE POWERS NECESSARY AND PROPER TO CARRY OUT THE DECIDED NATIONAL POLICY AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title*. - This Act shall be known and cited as "**Bayanihan** to Heal As One Act".

SEC. 2. *State of National Emergency*. - Presidential Proclamation No. 922 s. 2020, was issued declaring a State of Public Health Emergency throughout the Philippines due to the Coronavirus Disease 2019 (COVID-19) and the Code Alert System for COVID-19 was raised to Code Red Sublevel Two (2) in accordance with the recommendation of the Department of Health (DOH) and the Inter-Agency Task Force for the Management of Emerging Infectious Diseases. Further Presidential Proclamation No. 929, s. 2020, was issued declaring a State of Calamity throughout the Philippines and imposed an Enhanced Community Quarantine throughout Luzon.

In view of the continuing rise of confirmed cases of COVID-19, the serious threat to the health, safety, security, and lives of our countrymen, the long-term adverse effects on their means of livelihood, and the severe disruption of economic activities, a state of national emergency is hereby declared over the entire country.

SEC. 3. *Declaration of Policy*. - The COVID-19 pandemic has greatly affected nations worldwide, including the Philippines, and has caused and is continuing to cause loss of lives and disruption to the economy. Thus, there is an urgent need to: (a) mitigate, if not contain, the transmission of COVID-19; (b) immediately mobilize assistance in the provision of basic necessities to families and individuals affected by the imposition of Community Quarantine, especially indigents and their families; (c) undertake measures that will prevent the overburdening of the healthcare system; (d) immediately and amply provide healthcare, including medical tests and treatments, to COVID-19 patients, persons under investigation (PUIs), or persons under monitoring (PUMs); (e) undertake a program for recovery and rehabilitation, including a social amelioration program and provision of safety nets to all affected sectors; (f) ensure that there is sufficient, adequate and readily available funding to undertake the foregoing; (g) partner with the private sector and other stakeholders to deliver these measures and programs quickly and efficiently; and (h) promote and protect the collective interests of all Filipinos in these challenging times. By reason thereof, and in order to optimize the efforts of the President to carry out the

tasks needed to implement the aforementioned : policy, it is imperative to grant him authority subject to limitations as hereinafter provided.

SEC 4 *Authorized Powers.* - Pursuant to Article VI. *action* 23 (2) of the Constitution, the President is hereby authorized to exercise powers that are necessary and proper to carry out the declared national policy. The President shall have the power to adopt the following temporary emergency measures to respond to crisis brought by the pandemic:

(a) Following World Health Organization guidelines and best practices, adopt and implement measures to prevent or suppress further transmission and spread of COVID-19 through effective education, detection, protection, and treatment;

(b) Expedite and streamline the accreditation of testing kits and facilitate prompt testing by public and designated private institutions of PUIs and PUMs 5 and the compulsory and immediate isolation and treatment of patients: *Provided*, That the cost of treatment for COVID-19 patients shall be covered under the National Health Insurance Program of the Philippine Health Insurance Corporation;

(c) Provide an emergency subsidy to around eighteen (18) million low income households: *Provided*, That the subsidy shall amount to a minimum of Five thousand pesos (P5,000.00) to a maximum of Eight thousand pesos (P8,000.00) a month for two (2) months; *Provided, further*, That the subsidy shall be computed based on the prevailing regional minimum wage rates: *Provided, finally*, That the subsidy received from the current conditional cash transfer program and rice subsidy shall be taken into consideration in the computation of the emergency subsidy as provided for in this Act;

(d) Ensure that all public health workers are protected by providing them with a "COVID-19 special risk allowance", in addition to the hazard pay granted under the Magna Carta of public Health Workers or Republic Act No. 7305;

(e) Direct the Philippine Health Insurance Corporation (PhilHealth) to shoulder all medical expenses of public and private health workers in case of exposure to COVID-19 or any work-related injury or disease during the duration of the emergency;

(f) Provide compensation of One hundred thousand pesos (P100,000.00) to public and private health workers who may contract severe COVID-19 infection while in the line of duty *Provided, further*, That a compensation of One million pesos (P1,000,000.00) shall be given to public and private health workers, who may die while fighting the COVID-19 pandemic *Provided, finally*, That this shall have retroactive application from February 1, 2020;

(g) Ensure that all Local Government Units (LGUs) are acting within the letter and spirit of all the rules, regulations and directives issued by the National Government pursuant to this Act; are implementing standards of Community Quarantine consistent with what the National Government has laid down for the subject area, while allowing LGUs to continue exercising their autonomy in matters undefined by the National Government or are within the parameters it has set; and are fully cooperating towards a unified, cohesive and orderly implementation of the national policy to address COVID-19: *Provided*, That all LGUs shall be authorized to utilize more than five percent (5%) of the amount allocated for their calamity fund subject to additional funding and support from the National Government;

(h) Consistent with Section 17, Article XII of the Constitution, when the public interest so requires, direct the operation of any privately-owned hospitals and medical and health facilities including passenger vessels and, other establishments, to house health workers, serve as quarantine areas, quarantine centers, medical relief and aid distribution locations, or other temporary medical facilities; and public transportation to ferry health, emergency, and frontline personnel and other persons: *Provided, however,* That the management and operation of the foregoing enterprises shall be retained by the owners of the enterprise, who shall render a full accounting to the President or his duly authorized representative of the operations of the utility or business as basis for appropriate compensation: *Provided, further,* That reasonable compensation for any additional damage or co incurred by the owner or the possessor of the subject P rOP solely on account of complying with the directive shall be given to the person entitled to the possession of such private properties or businesses after the situation has stabilized or at the soonest time practicable: *Provided, finally,* That if the foregoing enterprises unjustifiably refuse or signify that they are no longer capable of operating their enterprises for the purpose stated herein, the President may take over their operations subject to the limits and safeguards enshrined in the Constitution;

(i) Continue to enforce measures to protect the people from hoarding, profiteering, injurious speculations, manipulation of prices, product deceptions, and cartels, monopolies or other combinations in restraint of trade, or other pernicious practices affecting the supply, distribution and movement of food, clothing, hygiene and sanitation products, medicine and medical supplies, fuel, fertilizers, chemicals, building materials, implements, machinery equipment and spare parts required in agriculture, industry and other essential services, and other articles of prime necessity, whether imported or locally produced or manufactured;

(j) Ensure that donation, acceptance and distribution of health products intended to address the COVID-19 public health emergency are not unnecessarily delayed and that health products for donation duly certified by the regulatory agency or their accredited third party from countries with established regulation shall automatically be cleared: *Provided,* That this shall not apply to health products which do not require a certification or clearance from Food and Drug Administration (FDA);

(k) Undertake the procurement of the following as the need arises, in the most expeditious manner, as exemptions from the provisions of Republic Act No. 9184 or the "Government Procurement Reform Act" and other relevant laws:

(1) Goods, which may include personal protective equipment such as gloves, gowns, masks, goggles, face shields; Surgical equipment and supplies: laboratory equipment and its reagents; medical equipment and devices; support and maintenance for laboratory and medical equipment, surgical equipment and supplies; medical supplies, tools, and consumables such as alcohol, sanitizers, tissue, thermometers, hand soap, detergent, sodium hydrochloride, cleaning materials, povidone iodine, common medicines (e.g., paracetamol tablet and suspension, mefenamic acid, vitamins tablet and suspension, hyoscine tablet and suspension, oral rehydration solution, and cetirizine tablet and suspension); testing kits, and such other supplies or equipment as may be determined by the DOH and other relevant government agencies: *Provided,* That the DOH shall prioritize the allocation and distribution of the aforesaid goods, supplies and other resources to the following:

- i. Public health facilities in the regions, provinces, or cities, that are designated as COVID-19 referral hospitals, such as, but not limited to, Philippine General Hospital, Lung Center of the Philippines, and Dr. Jose N. Rodriguez Memorial Hospital;
  - ii. Private hospitals which have existing capacities to provide support care and treatment to COVID-19 patients; and
  - iii. Public and private laboratories that have existing capacities to test suspected COVID-19 patients.
- (2) Goods and services for social amelioration measures in favor of affected communities;
- (3) Lease of real property or venue for use to house health workers or serve as quarantine centers, medical relief and aid distribution locations, or temporary medical facilities;
- (4) Establishment, construction, and operation of temporary medical facilities;
- (5) Utilities, telecommunications, and other critical services in relation to operation of quarantine centers, medical and aid distribution centers and temporary medical facilities; and
- (6) Ancillary services related to the foregoing.
- (l) Partner with the Philippine Red Cross, as the primary humanitarian agency that is auxiliary to the government in giving aid to the people, subject to reimbursement, in the distribution of goods and services incidental in the fight against COVID-19;
- (m) Engage temporary Human Resources for Health (HRH) such as medical and allied medical staff to complement for supplement the current health workforce or to man the temporary medical facilities to be established in accordance with Section 4 k(4) of this Act: *Provided*, That HRH to be hired on temporary basis shall receive the appropriate compensation and allowances: *Provided, further*, That all HRH serving in the front line during the state of calamity due to COVID-19, shall receive an actual hazard duty pay from the government;
- (n) Ensure the availability of credit to the productive sectors of the economy especially in the countryside through measures such as ; but not limited to, lowering the effective lending rates of interest and reserve requirements of lending institutions;
- (o) Liberalize the grant of incentives for the manufacture or importation of critical or needed equipment or supplies for the carrying-out of the policy declared herein, including healthcare equipment and supplies: *Provided*, That importation of these equipment and supplies shaD be exempt from import duties, taxes and other fees;
- (p) Ensure the availability of essential goods, in particular food and medicine, by adopting measures as may reasonably be necessary to facilitate and/or minimize disruption to the su Pply chain, especially for basic commodities and services to the maximum extent possible;
- (q) Require businesses to prioritize and accept contracts, object to fair and reasonable terms, for materials and services necessary to promote the herein declared national policy;

(r) Regulate and limit the operation of all sectors of transportation through land, sea or air ; whether private or public;

(s) Regulate traffic on all roads, streets, and bridges, and access thereto; prohibit putting up of encroachments or obstacles; authorize the removal of encroachments and illegal constructions in public places; and perform all other related acts;

(t) Continue to authorize alternative working arrangements for employees and workers in the Executive Branch, and whenever It becomes necessary, in other independent branches of government and constitutional bodies, and the private sector;

(u) Conserve and regulate the distribution and use of power, fuel, energy and water, and ensure adequate supply of the same;

(v) Notwithstanding any law to the contrary, direct the discontinuance of appropriated programs, projects or activities (P/A/P) of any agency of the Executive Department, including government-owned or -controlled corporations (GOCCs), in the FYs 2019 and 2020 General Appropriations Act (GAA), whether released or unreleased, the allotments for which remain unobligated, and utilize the savings generated therefrom to augment the allocation for any item directly related to support operations and response measures, which are necessary or beneficial in order to address the COYID-19 emergency, consistent with the herein declared national policy: *Provided, however,* That the following items in the budget shall be prioritized for augmentation:

(1) Under the Department of Health - operational budgets of government hospitals, primarily those identified for treatment of COV1D-19; prevention and control of other infectious diseases; emergency preparedness and response; quick response fund;

(2) Under the University of the Philippines - the operational budget of the Philippine General Hospital;

(3) The National Disaster Risk Reduction Fund or calamity fund;

(4) Programs of the Department of Labor and Employment, such as but not limited to Tulong Panghanapbuhay sa Ating Disadvantaged/Displaced Workers and COVID-19 Adjustment Measures Program (CAMP);

(5) Under the Department of Trade and Industry - Livelihood Seeding Program and Negosyo Serbisyo sa Barangay;

(6) Under the Department of Agriculture - Rice Farmers Financial Assistance Program;

(7) Under the Department of Education - School-Based Feeding Program;

(8) Under various Department of Social Welfare and Development programs, such as but not limited to Assistance to Individuals in Crisis Situations (AICS), distribution of food and non-food items, livelihood assistance grants, and supplemental feeding program for daycare children;

(9) Under allocations to local government units;