

Republic of the Philippines  
House of the Representatives  
Quezon City  
Eighteenth Congress  
First Regular Session

SENATE BILL NO. \_\_\_\_\_

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Introduced by:

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*AN ACT TO DECLARE THE EXISTENCE OF A NATIONAL EMERGENCY ARISING FROM THE CORONAVIRUS 2019 (COVID-19) SITUATION, A UNIFIED NATIONAL POLICY IN CONNECTION THEREWITH, AND TO AUTHORIZE 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 DECLARED 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 Act of 2020.*”

**Section 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, which imposed an Enhanced Community Quarantine throughout Luzon.

Despite government interventions and efforts, the number of confirmed cases of COVID-19 continues and is expected to rise throughout the country, as it is in the other parts of the world, giving rise to an emergency of national proportions.

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 in their means of livelihood, and the severe disruption in economic activities, a state of national emergency is hereby declared.



**Section 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: (1) minimize, if not prevent, further transmission and spread of COVID-19; (2) 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; (3) immediately and amply provide healthcare, including medical tests and treatments, to COVID-19 patients, persons under investigation (PUI), or persons under monitoring (PUM); and (4) 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 emergency powers subject to such limitations as hereinafter provided.

**Section 4. Authorized Powers.** - Pursuant to Article VI, Section 23 (2) of the Constitution, and to implement the declared national policy, the President is hereby authorized to issue such rules and regulations as may be necessary to carry out any or all of the following powers:

- (1) Continue to adopt and implement measures to prevent or minimize further transmission and spread of COVID-19;
- (2) Continue administering medical testing and observation of PUIs and PUMs and ensuring the immediate treatment of patients suffering from COVID-19;
- (3) Ensure that all Local Government Units (LGUs) are acting in line with the rules, regulations and directives issued by the National Government pursuant to this Act; are implementing standards of community quarantine that are neither more nor less restrictive than 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 and cohesive implementation of the national policy to address COVID-19;
- (4) When the public interest so requires, temporarily take over or direct the operation of any privately-owned public utility or business affected with public interest to be used in addressing the needs of the public during the COVID-19 emergency as determined by the President, including but not limited to, hotels and other similar establishments to house health workers, serve as quarantine areas, quarantine centers, medical relief and aid distribution locations or other temporary medical facilities; public transportation to ferry health, emergency, and frontline personnel and other persons; and telecommunications entities to facilitate uninterrupted communication channels between the government and



the public; and *Provided*, however, That to the extent feasible, management shall be retained by the owners of the public service or enterprise, under the direction and supervision of the President or his duly designated representative who shall render a full accounting to the President of the operations of the utility or business taken over; *Provided, further*, That whenever the President shall determine that the further use or operation by the Government of any such public service or enterprise is no longer necessary under existing conditions, the same shall be restored to the person entitled to the possession thereof; *Provided, finally*, That reasonable compensation for any additional damage or costs incurred by the owner or the possessor of the subject property solely on account of the take-over may 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;

- (5) Continue to adopt 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, 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;
- (6) 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 and other relevant laws:
  - (a) 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.
  - (b) 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;

- (c) establishment, construction, and operation of temporary medical facilities; and
  - (d) utilities, telecommunications, and other critical services in relation to operation of quarantine centers, medical relief and aid distribution centers and temporary medical facilities;
  - (e) Ancillary services related to the foregoing.
- (7) 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;
  - (8) 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;
  - (9) Require businesses to prioritize and accept contracts for materials and services necessary to promote the herein declared national policy;
  - (10) Regulate and limit the operation of transportation in the road, rail, aviation, and maritime sectors, whether private or public;
  - (11) 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;
  - (12) Continue to authorize alternative working arrangements for employees and workers in the Executive Branch, and whenever it becomes necessary, in the private sector;
  - (13) Conserve and regulate the distribution and use of power, fuel, energy and water, and ensure adequate supply of the same;
  - (14) Notwithstanding any law to the contrary, direct the cancellation of appropriated programs, projects or activities (PAP) for purposes of generating savings and reprogram, reallocate or realign savings within the Executive Department, including government-owned or -controlled corporations (GOCC), in the FYs 2019 and 2020 General Appropriations Act (GAA) which funds are unused, unspent, or allocated for discontinued projects as a result of work stoppage or



interruptions and other effects of the Enhanced Community Quarantine, to augment the allocation for any item for support operations, response measures, and other such PAP in the FY 2020 GAA or those automatically appropriated under this Act, as the President may deem necessary, beneficial or desirable in order to address the COVID-19 emergency and consistent with the herein declared national policy;

- (15) All laws which have set aside, earmarked, allotted or retained collections, receipts or shares of departments, agencies, and instrumentalities of the national government, including GOCCs, and other entities, for a specific or special purpose, for a special fund or for distribution to or as the share of other agencies, instrumentalities, or entities, other than those which are for reversion to the National Treasury, which collections or receipts, as may be identified and determined by the Department of Finance (1) remain unused, unobligated or underutilized; and (2) are not to be utilized as funding for critical and essential services or programs of such department, agency, instrumentality of the national government or GOCC, are hereby repealed. All such unspent money or funds sourced from collections or receipts, including future collections and receipts, shall be utilized for the purposes stated in this Act;
- (16) Notwithstanding any law to the contrary, reprogram, reallocate, and realign any appropriation in the FY 2020 GAA for whatever purpose the President may deem necessary and desirable to fund measures to address and respond to the COVID-19 emergency, including the recovery and rehabilitation therefrom. All amounts so reprogrammed, reallocated or realigned shall be deemed automatically appropriated for such COVID-19 measures;
- (17) Direct all GOCCs and LGUs to revisit their annual budgets and reprogram their priorities in accordance with existing laws, rules and regulations, to be able to address the urgent requirements of the COVID-19 emergency; and
- (18) Undertake such other measures as may be reasonable and necessary to enable the President to carry out the declared national policy subject to the Bill of Rights and other constitutional guarantees.

**Section 5. Reports to Congress and Creation of an Oversight Committee. -**

The President, within ten (10) days from the issuance of any of the executive acts, orders, rules and regulations promulgated and issued under the powers herein granted shall report to Congress the issuance thereof and the justification therefor: *Provided*, That within the first ten (10) days of every month, the President shall likewise submit a monthly report to Congress of all acts performed pursuant to this Act during the preceding month. For this purpose, the Congress shall establish an Oversight



Committee to determine whether such acts, orders, rules and regulations fall within the restrictions provided herein.

**Section 6. Penalties.** - Any violation of the rules, regulations and directives of the National Government issued pursuant hereto, shall be punishable with imprisonment of two (2) months or a fine of not less than Ten Thousand Pesos but not more than One Million Pesos, or both such imprisonment and fine at the discretion of the court: *Provided*, however, 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.

**Section 7. Construction or Interpretation.** - Nothing in this Act shall be construed or interpreted as a restriction of the Bill of Rights or of the Constitution. In case of conflict of exercise of the powers herein granted with other laws, this Act shall prevail.

**Section 8. Separability Clause.** - If any provision of this Act or the application of such provision to any person or circumstance is declared invalid, the remainder of this Act or the application of such provision to any other person or circumstances shall not be affected by such declaration.

**Section 9. Effectivity.** - This Act shall take effect upon its publication in a newspaper of general circulation or in the Official Gazette and shall be in full force and effect only for two (2) months or longer if the calamity will persist, without prejudice to the powers that the President may continue to exercise under the Constitution or other laws. *Provided*, further, That the powers granted under this Act may be withdrawn sooner by means of a concurrent resolution of Congress or ended by Presidential Proclamation. All laws repealed, whether expressly or impliedly, by virtue of this Act shall automatically be revived within fifteen (15) days upon withdrawal of the herein emergency powers of the President, or the lifting of the State of Calamity on account of COVID-19, whichever is earlier.

Approved,