

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9230



Introduced by Representatives
**Eduardo “Bro. Eddie” C. Villanueva, Bienvenido M. Abante, Jr.,
Bernadette Herrera-Dy, Michael L. Romero, PhD, Allan Benedict S. Reyes
and Domingo C. Rivera**

EXPLANATORY NOTE

“Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives.”
[Section 1, Article XI, 1987 Constitution]

No less than the Constitution of the country mandates that public officers and employees should, at all times, be responsive to the needs of the people, be accountable to them and serve them with utmost responsibility and efficiency. The call to efficient and effective public service is equally indispensable with the call to honest and transparent governance. The State should not only penalize acts of corruption, bribery and/or plunder but also prohibit acts that are manifest and imbued with gross negligence, irresponsibility, inefficiency and lack of vision. Public officers and employees should neither be corrupt nor negligent because if government officials are characterized by any of such, the public will suffer a great deal of undeserving disservice.

The foregoing is glaringly true during a state of public health emergency such as the COVID-19 pandemic. In such times of war against any novel disease or public threat, acting with swiftness and efficiency and having a clear policy direction are the names of the game by which the government must adhere to. Or else, many lives will suffer and public funds will just be devoured by rent-seeking and scrupulous individuals at the back of the people who are desperately grappling for survival and waiting for the government's speedy intervention. Worst, inaction and negligence on the part of the government might cost lives – many lives – an asset that will never be recouped anymore.

This bill seeks to penalize acts of government negligence, inaction and irresponsibility during a state of public health emergency. It also provides for stiffer penalties for certain graft and corrupt practices committed during a public health emergency. This measure helps to raise the bar of public service during such time of crisis and difficulty so that people will not be left at the mercies of unperforming, unresponsive, negligent and, worst, corrupt public officers and employees.

With the foregoing, immediate approval of this bill is sought.

Thank you and may God bless the Philippines!


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BIENVENIDO M. ABANTE, JR.


BERNADETTE HERRERA-DY


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DOMINGO C. RIVERA


ALLAN BENEDICT S. REYES

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**AN ACT PROVIDING FOR STIFFER PENALTIES TO CERTAIN ACTS OF
NEGLIGENCE AND CORRUPTION DURING A STATE OF PUBLIC HEALTH
EMERGENCY IN THE COUNTRY AND MANDATING THE OFFICE OF THE
OMBUDSMAN TO PROSECUTE SUCH OFFENSES WITH EXPEDIENCY**

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

1 **Section 1. Short Title.** This Act shall be known as “*Public Health Emergency*
2 *Anti-Negligent and Corrupt Practices Act.*”

3
4 **Section 2. Declaration of Policy.** The Constitution mandates that public
5 officers and employees should, at all times, be responsive to the needs of the people,
6 accountable to them and serve them with utmost responsibility and efficiency even
7 and much more during times of public health emergency. Toward this end, it is hereby
8 declared a policy of the State to denounce, prohibit and penalize during state of public

1 health emergency acts of negligence, inaction, inefficiency and corruption by public
2 officers, government employees as well as private persons which endanger public
3 health, aggravate public health threats and deny the people of their right to health.

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6 **Section 3. Definition of Terms.** As used in this Act,

- 7
8 a. *Epidemiological Data* refers to any data, statistics, information or report
9 relative to the incidence, prevalence, extent, source, mode of transmission,
10 causation of, and other information pertinent to a disease occurrence;
11
12 b. *Public Health Emergency* refers to an occurrence or imminent threat of an
13 illness or health condition, as defined under Republic Act 11332 otherwise
14 known as the "*Mandatory Reporting of Notifiable Diseases and Health*
15 *Events of Public Health Concern Act*," that:

16
17 (1) is caused by any of the following:

- 18 (i) Bio terrorism;
19 (ii) Appearance of a novel or previously controlled or eradicated
20 infectious agent or biological toxin;
21 (iii) A natural disaster;
22 (iv) A chemical attack or accidental release;
23 (v) A nuclear attack or accident; or
24 (vi) An attack or accidental release of radioactive materials; and

25
26 (2) poses a high probability of any of the following:

- 27 (i) a large number of deaths in the affected population;
28 (ii) a large number of serious injuries or long-term disabilities in
29 the affected population;
30 (iii) widespread exposure to an infectious or toxic agent that
31 poses a significant risk of substantial harm to a large number
32 of people in the affected population;
33 (iv) International exposure to an infectious or toxic agent that
34 poses a significant risk to the health of citizens of other
35 countries; or
36 (v) Trade and travel restrictions;

37
38 c. *Public health threat* refers to any situation or factor that may represent a
39 danger to the health of the people.

40
41 d. *Response* refers to the implementation of specific government programs,
42 projects or activities aimed to control further spread of infection, outbreaks

1 or epidemics and prevent re-occurrence. It includes verification, contact
2 tracing, rapid risk assessment, case measures, treatment of patients, risk
3 communication, conduct of prevention activities, and rehabilitation.
4

- 5 e. *Standard health protocols* refers to a set of procedures or guidelines on
6 behaviors prescribed by the government during a state of public health
7 emergency in order to mitigate or prevent the furtherance of the public health
8 threat
9

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11 **Section 4. Coverage.** This Act shall only apply upon the declaration and
12 duration of a State of Public Health Emergency as provided for in Section 7 of Republic
13 Act 11332 otherwise known as the *Mandatory Reporting of Notifiable Diseases and*
14 *Health Events of Public Health Concern Act.*
15

16 Further, for the purpose of having a focus in the implementation of this Act,
17 Congress shall issue, through a Resolution of Both Houses, a list of essential and
18 priority government response programs, projects and activities that will be primarily
19 covered by this Act. However, nothing in this section shall be construed that there is
20 an exempted public officer or employee or government program or project from
21 application of this Act.
22

23
24 **Section 5. Prohibited Acts.** Without prejudice to acts or omissions of public
25 officers already penalized under existing laws, the following are hereby prohibited
26 during a State of Public Health Emergency:
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- 28 a. Negligence in crafting the necessary government response to the public
29 health emergency;
30
31 b. Neglecting or refusing, after due demand or request, without sufficient
32 justification, to act within a reasonable time on any matter pending before
33 him/her relative to any issue on public health threat;
34
35 c. Negligence in the performance of duty relative to securing needed
36 medicines, vaccines, supplies or facilities necessary in the containment or
37 eradication of public health threat;
38

- d. Delay or causing the delay in the disbursement of public funds intended for public health emergency response of the government;
- e. Failure to submit a certified report, within the time allowed, on disbursements made by a government agency or local government unit pursuant to a specific government response program or project;
- f. Tampering or non-disclosure of full and complete epidemiological data with the purpose of downplaying the real situation of the state of public health emergency;
- g. Gross violation of standard health protocols promulgated by the government;
- h. Entering, on behalf of the government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby;
- i. Directly or indirectly requesting or receiving any gift, present, share, percentage, commission or other pecuniary or material benefit, for himself/herself or for another, in connection with any contract or transaction with the government; and
- j. Other similar or analogous acts, provided that these acts were committed in the course of or during a public health emergency.

Section 6. Penalties for Violations. Any public officer or employee or private person committing any of the acts or omissions enumerated under:

- a. Section 5 (a) to 5(h) shall be penalized with imprisonment of not less than five years nor more than twenty years, perpetual disqualification from public office, and confiscation or forfeiture in favor of the government of any prohibited interest and unexplained wealth manifestly out of proportion to his salary and other lawful income;
- b. Section 5(i) shall be penalized with *reclusion perpetua* and perpetual disqualification from holding any public office if the aggregate amount or total

1 value of such gifts, presents, shares, percentages, commissions or other
2 pecuniary or material benefits is not less than one million pesos (Php
3 1,000,000.00);
4

- 5 c. Section 5 (i) shall be penalized with death, as may be provided by law, if the
6 aggregate amount or total value of such gifts, presents, shares, percentages,
7 commissions or other pecuniary or material benefits is not less than fifty
8 million pesos (Php 50,000,000.00).
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10
11 **Section 7. Competent court and mandate of the Ombudsman.** Until
12 otherwise provided by law, all prosecutions under this Act shall be within the original
13 jurisdiction of the proper Regional Trial Court (RTC), *Provided* that the case may be
14 filed in any RTC regardless of the residence of the parties or the place where the
15 elements of the act were done.

16
17 Further, the Office of the Ombudsman shall deputize a Special Officer to
18 prioritize and prosecute offenses committed under this Act and ensure its immediate
19 filing and resolution. After the lifting of the State of Public Health Emergency, the
20 Ombudsman shall submit to the President and to both Houses of Congress a report
21 of all the cases filed under this Act during the duration of the public health emergency
22 and such report shall contain the corresponding status and/or resolution of the cases
23 included therein.
24

25 **Section 8. Suspension and loss of benefits.** Any public officer or employee
26 who will be prosecuted for any violation of this Act shall be suspended from office. If
27 such public officer or employee will be convicted, by final judgment, of violation of
28 provision of this Act, such person shall lose all retirement or gratuity benefits or any
29 entitlement under any law. In case of acquittal, by final judgment, such public officer
30 or employee shall be entitled to reinstatement and to the salaries and benefits which
31 such person failed to receive during suspension, unless in the meantime
32 administrative proceedings have been filed against him.
33

34 **Section 9. Prescription of offenses.** All offenses punishable under this Act
35 shall prescribe in ten (10) years.
36
37

1 **Section 10. Resignation or Retirement Not Bar to Prosecution.** No public
2 officer or employee shall be barred or exempted from prosecution by reason of
3 resignation or retirement from service.

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6 **Section 11. Construction or Interpretation.** Nothing herein shall be construed
7 or interpreted as suspension, impairment or restriction of the application of existing
8 laws against graft, corruption and plunder. In case any provision herein conflicts with
9 other laws, decrees, orders, rules or regulations, the provision of this Act shall prevail
10 as long as the state of public health emergency is in effect.

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12
13 **Section 12. Separability Clause.** If any provision of this Act is declared invalid
14 or unconstitutional, the remainder of this Act shall not be affected.

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17 **Section 13. Repealing Clause.** The penalties for similar offenses under
18 Republic Act 3019 or the *Anti-Graft and Corrupt Practices Act*, Republic Act 6713 or
19 the *Code of Conduct and Ethical Standards for Public Officials and Employees*,
20 Republic Act 7080 or the *Act Defining and Penalizing the Crime of Plunder*, Republic
21 Act 7160 or the *Local Government Code of 1991* and Presidential Decree 807 or the
22 *Civil Service Decree of the Philippines* are hereby modified accordingly, if the offense
23 is committed during a state of public health emergency. All laws, acts, decrees,
24 executive orders, issuances and rules and regulations or parts thereof which are
25 contrary with this Act are hereby repealed, amended or modified accordingly.

26
27 **Section 14. Effectivity.** This Act shall take effect fifteen (15) days following its
28 publication in at least two (2) newspapers of general circulation.

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30
31 Approved,