

21 May 2020

REPRESENTATIVE ANGELINA D.L. TAN, M.D

Chairperson
House Defeat COVID-19 Ad-Hoc Committee
House of Representatives
Constitution Hills, Quezon City

Dear **Representative Tan**:

We are pleased to submit the Department's position on House Bill No. 6707, entitled:

An Act Encouraging a Baseline Polymerase Chain Reaction COVID-19 Testing for Vulnerable Members of Society for the Purpose of Intercepting COVID-19 Transmission

This is without prejudice to the Department's submission of additional inputs.

With my best regards.

Very truly yours,


RAMON M. LOPEZ
Secretary



OFFICE OF THE SECRETARY

DTI Position on

House Bill No. 6707

An Act Encouraging a Baseline Polymerase Chain Reaction COVID-19 Testing for Vulnerable Members of Society for the Purpose of Intercepting COVID-19 Transmission

The Department poses no objection in the conduct of a baseline polymerase chain reaction COVID-19 testing for vulnerable Filipinos to aid in the detection and management of COVID-19 cases. However, we view that the bill should ensure that no additional financial burden may be imposed upon the public, especially if the testing for asymptomatic vulnerable employees will be required.

The Department expresses its views on certain provisions of the bill, to wit:

Provisions	DTI Position
<p>Sec. 4. Coronavirus Disease – 2019 (COVID-19) Testing. – There is hereby established a protocol on the conduct of a Baseline Polymerase Chain Reaction Testing (Baseline PCR Testing) for COVID-19.</p> <p>For this purpose, the Inter-Agency Task Force (IATF) for the Management of Emerging Infectious Disease, in full cooperation with the Department of Health (DOH),</p> <p>xxx</p> <p>Department of Trade and Industry (DTI),</p> <p>xxx</p> <p>shall ensure that the COVID testing centers are available, affordable and accessible.</p>	<ul style="list-style-type: none"> • As a member of the IATF, the Department assures its full cooperation and assistance in the proposed conduct of a Baseline PCR Testing if needed and if it falls within the mandate of the DTI (e.g., ensuring unhampered movement of essential goods, coordination with the private sector for the supply of essential goods). • The DTI, through its Philippine Accreditation Bureau (PAB), also remains steadfast in its role as the national accreditation body of the Philippines.¹ The PAB stresses the importance of accreditation, particularly of inspection, testing and certifying bodies relative to COVID-19. This is to ensure continued competence and compliance to the requirements of international standards for reliable test results.²
<p>Sec. 5. Coverage. – The vulnerable members of society covered by this Act shall be:</p> <p>a. Those persons returning to work with co-morbidities such as, but not limited to: Diabetes, hypertension, pulmonary diseases, cancer, renal failure,</p>	<ul style="list-style-type: none"> • We note that the DTI and Department of Labor and Employment (DOLE) Interim Guidelines on Workplace Prevention and Control of COVID-19 mentions that testing of returning employees remains optional for employers. • Based on the Department of Health (DOH) guidelines, a person is also cleared to physically return to work if

¹ The DTI would like to clarify that the DOH only issues license to operate (LTO) to clinical laboratories to operate and conduct tests, and does not certify or accredit testing laboratories.

² "Accreditation Helps in Producing Reliable Test Results," Department of Trade and Industry. Retrieved 21 May 2020 from <https://www.dti.gov.ph/pab/pab-news/accreditation-helps-in-producing-reliable-test-results/>

<p>pregnancy, old age, obesity, and the immunocompromised; and</p> <p>b. Those persons entering the Philippine territory coming from abroad including foreign nationals.</p> <p>Provided, that the cost of testing for foreign nationals shall be at their own expense.</p> <p>xxx</p>	<p>he/she is asymptomatic within the last 14 days prior to return to work.</p> <ul style="list-style-type: none"> • In this regard, there is a need to clarify how vulnerable members of society, as defined in this bill, will be identified since targeted individuals may conceal any co-morbidities that they may have (citing concerns on data privacy) to avoid testing. • Should the bill require a proof of co-morbidity (e.g., medical clearance, etc.) from vulnerable employees prior to returning to work, it is recommended that the bill indicate whether the employee or the employer will shoulder the corresponding fees. • We recognize that at this time, there may be vulnerable persons who have already returned to work, despite restrictions.
<p>Sec. 6. COVID Testing Assistance Fund (CTAF). – There is hereby created a COVID Testing Assistance Fund (CTAF), the amount of which can be charged to the Philippine Health Insurance Corporation (PhilHealth), Department of Health Medical Assistance Program (DOH-MAP) or Department of Social Welfare and Development Medical Assistance Fund, to effectively carry out the purposes of this Act.</p> <p>Said testing subsidy shall not exceed the amount of One Thousand Seven Hundred Pesos (Php 1,700.00) for government institutions and One Thousand Eight Hundred (Php 1,800.00) for private institutions, per asymptomatic vulnerable person tested.</p>	<ul style="list-style-type: none"> • The DTI and DOLE Interim Guidelines on Workplace Prevention and Control of COVID-19 states that the cost of testing of returning employees, while not required, shall be shouldered by employers. • The bill, however, will provide a testing subsidy. In line with this, the bill should indicate whether the employee or the employer will shoulder any amount in excess of the provided government subsidy. • We note that according to the DOH Memorandum Circular No. 2020-0220,³ the cost of the test not covered by PhilHealth shall be borne by the employer. Consequently, only Filipinos who are classified eligible for testing can avail of the PhilHealth package. • The subsidy worth Php1,700-1,800 for the test should also be revisited given that the amount is only enough for one (1) testing kit and may not include other hospital/incidental charges.
<p>Sec. 7. Emergency Pandemic Leave. – If the testing yielded positive result (+), the concerned person shall undergo immediate isolation and quarantine within the suggested period.</p> <p>xxx</p>	<ul style="list-style-type: none"> • The Department notes that the provision of vacation and sick leaves customarily given to employees are not mandated by the Labor Code of the Philippines. • In this regard, we defer to the IATF on the provision of an Emergency Pandemic Leave and whether this should be a paid leave or not. We view,

³ Interim Guidelines on the Return-to-Work

<p>For this purpose, the concerned worker may avail of the Emergency Pandemic Leave covering the period of quarantine and/or treatment.</p>	<p>however, that a paid pandemic leave may cause additional financial burden to employers.</p> <ul style="list-style-type: none"> • Other options of work arrangement (e.g., paid Work from Home (WFH), if applicable) shall be explored while the employee is in quarantine/awaiting test results.
<p>Sec. 9. Whole-of-Government Approach. – In order to effectively mitigate the effect of the COVID-19 pandemic, a whole-of-government approach shall be adopted.</p> <p>xxx</p> <p>All government agencies concerned, including the following, shall implement the necessary measures and protocols in administering the RT-PCR COVID-19 Test:</p> <p>xxx</p> <p>V. Department of Trade and Industry;</p> <p>xxx</p>	<ul style="list-style-type: none"> • The Department affirms its resolute cooperation in mitigating the effect of the pandemic and will provide support on the implementation of corresponding measures and protocols if the proposed legislation will be enacted.

The Department reiterates its assent to the objective of the bill as the initiative presents an opportunity for the country to gear towards the flattening of the COVID-19 curve. We implore the consideration of our comments and recommendations to help address possible concerns of businesses and employees alike.



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