

TOPIC

Effects of Proclamation No. 929 and 922 in relation to R.A. 11332?

Republic Act No. 11332¹, otherwise known as the *Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act* (RA 11332) was enacted in 2019 pursuant to the policy of the State to protect and promote the right to health of the people and instill health consciousness among them, as enshrined under Section 15, Article II of the 1987 Philippine Constitution.

Among the objectives of RA 11332 are to ensure the establishment and maintenance of relevant, efficient and effective disease surveillance and response system at the national and local levels; and to establish effective mechanisms for strong collaboration with national and local government health agencies to ensure proper procedures are in place to promptly respond to notifiable disease reports, including case investigations, treatment, and control and containment, including follow up activities.

Under this Act, the Department of Health (“DOH”) and its local counterparts, are mandated to implement mandatory reporting of notifiable diseases and health events of public health concern, and effective response systems, including the implementation of specific activities to control further spread of infection and prevent re-occurrence, at the national and local level.

Proclamation No. 922, s. of 2020

Under Section 7 of RA 11332, the President of the Republic of the Philippines is empowered to declare a State of Public Health Emergency in the event of an epidemic of national and/or international concern which threatens national security in order to mobilize governmental and nongovernmental agencies to respond to the threat.

Thus, on 8 March 2020, acting on the confirmation of DOH Secretary Duque of a local transmission of the COVID- 19 in the Philippines, President Rodrigo Roa Duterte, through Proclamation No. 922, s. 2020, declared the country in a state of public health emergency throughout the Philippines, and thereafter imposed a community quarantine throughout Luzon.

¹ An Act Providing Policies and Prescribing Procedures on Surveillance and Response to Notifiable Diseases, Epidemics, and Health Events of Public Health Concern, and Appropriating Funds Therefor, Repealing for the Purpose Act No. 3573, Otherwise Known as the "Law on Reporting of Communicable Diseases

Proclamation No. 922, capacitated relevant government entities to facilitate the sufficient and immediate access to funding, particularly for all concerned government agencies and local government units, intensify government response and measures such as easing procurement process, mandatory reporting, and enforcing quarantine and disease control prevention measures. This proclamation enabled the government sectors to, among others, immediately act to prevent loss of life, and utilize appropriate resources to implement urgent and critical measures to contain or prevent the spread of COVID-19.

Proclamation No. 929, s. of 2020

On 16 March 2020, as the number of confirmed cases of COVID-19 continued to rise despite government intervention prompting the Code Alert System to be raised to Code Red Sublevel Two (2), President Duterte, acting on the recommendation of the DOH and the Inter-Agency Task Force for Emerging Infectious Diseases, declared the country in a state of calamity through Proclamation No. 929, s. 2020, and consequently imposed an Enhanced Community Quarantine (“ECQ”) throughout Luzon.

On the same day, the Office of the President, through a Memorandum from the Executive Secretary dated 16 March 2020, declared an Enhanced Community Quarantine (“ECQ”) throughout Luzon. Said Memorandum described the ECQ as a compliance to Proclamation No. 929, Proclamation 922, s. 2020, and RA 11332.

Proclamation No. 929 reiterated its predecessor Proclamation No. 922’s call to all government agencies and local government units to render full assistance and cooperation and mobilize the necessary resources to undertake critical, urgent, and appropriate response and measures in a timely manner to curtail and eliminate the threat of COVID-19.

Among the effects of Proclamation Nos. 922 and 929, s. of 2020, are suspension of work; suspension of domestic and international travel; declaration of state of calamity in the different parts of the Philippines; and the establishment of a system of response actions from different government sectors.²

While on the one hand, the declaration of a state of public health emergency under Proclamation No. 922 capacitated government agencies and LGUs to immediately act to prevent loss of life, utilize appropriate resources to implement urgent and critical measures to contain or prevent the spread of COVID-19, mitigate its effects and impact to the community, and prevent serious disruption of the functioning of the government and the community.

² Situational Report No. 14 re Coronavirus Disease 2019 (COVID-19) of the National Disaster Risk Reduction and Management Council and the Office of Civil Defense, dated 28 March 2020.

The declaration of a state of calamity due to COVID-19 under Proclamation No. 929, on the other, was critical in order to provide these government sectors ample latitude to utilize appropriate fund, including the Quick response Fund, in their disaster preparedness and response efforts to contain the spread of COVID-19 and to continue to provide basic services to the affected population.

In sum, the declaration of a state of public health emergency (Proclamation No. 922), as well as the declaration of a state of calamity (Proclamation No. 929) were meant to facilitate the implementation of RA 11332 to address the COVID-19 threat. These proclamations taken together sought to implement the key provisions of RA 11332 on the mandatory reporting of the COVID-19, the implementation of intensified government response measures, and the enforcement of quarantine and disease control prevention measures to contain the spread of the COVID-19.

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