


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



22 OCT -4 P1:10

SENATE
S. No. 1363

RECEIVED BY: 

Introduced by Senator Robinhood Padilla

AN ACT
ESTABLISHING THE PHILIPPINE INSTITUTE OF VIROLOGY

EXPLANATORY NOTE

The impact of the Coronavirus Disease 2019 (COVID-19), a global pandemic caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV2), has become the greatest global health crisis of our recent time. It presents the vulnerabilities and gaps in our health systems and results in widespread social and economic crises which have caught us unprepared.

Novel, emerging, and reemerging viruses cause great personal and societal distress. Virus diseases in livestock and plants have periodically emerged as threat to ecological balance and human lives. African swine fever (ASF) is one of the most severe viral diseases in the country. AIDS, caused by human immunodeficiency virus type 1 (HIV-1), remains as the defining epidemic of our time. Although the severe acute respiratory syndrome (SARS) epidemic was brief, dengue and West Nile viruses continue to smolder, and Chikungunya virus, monkeypox virus, Zika virus, Ebola and other hemorrhagic fever viruses crouch in the darkness. H5N1 avian influenza virus continues to sporadically infect humans in Southeast Asia and elsewhere.

In a bid to strengthen our response to current and future epidemics and pandemics, particularly on clinical and public health management, we must harness research and development. Health resiliency, as the priority thrust of the government's National Unified Health Research Agenda 2017-2022, shall be fulfilled by ensuring that

we have in place a premier research institute in the field of virology encompassing all areas in viruses and viral diseases in humans, plants, and animals.

The establishment of a research and development institute under the Department of Science and Technology (DOST) is a priority agenda to undertake diagnostics, therapeutics and vaccines, among others. It shall engage the services of Balik Scientists and foreign experts who shall work together with our local scientists and pundits. The institute shall promote and undertake the transfer of the results of scientific research and development to concerned government agencies, industry, and academe. Through this Institute, we will ensure that the government and society at large, are in concert against threats and impacts of health crises.

In light of the foregoing, the passage of this bill is most earnestly sought.



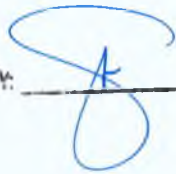
ROBINHOOD PADILLA
Senator

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AN ACT
ESTABLISHING THE PHILIPPINE INSTITUTE OF VIROLOGY

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 the "Philippine Institute of
2 Virology Act".

3 Sec. 2. *Declaration of Policy.* — It is the policy of the State to protect and
4 promote the right to health of the people and instill health consciousness among them.
5 The State recognizes that science and technology is essential for national development
6 and progress.

7 The State shall formulate and implement policies that shall address current
8 health issues, such as the quality and adequacy of health and medical human
9 resources, health institutions, and delivery of health services, and shall give priority to
10 research, the development and promotion of innovations in both technology and
11 services, the use of safe and indigenous health-promoting practices, and their
12 appropriate utilization by the health sector.

13 The State shall prioritize the establishment of an institute that will conduct in-
14 depth studies on viruses and their potential disease-causing agents that affect people,
15 plants, and animals, in order to provide the scientific bases for the treatment of viral
16 diseases, and for the formulation of policies that shall prevent the transmission of
17 these diseases within the community and national context.

1 Sec. 3. *Definition of Terms.* — As used in this Act:

- 2 a) *Bacteriophage* refers to any group of viruses that infect specific bacteria,
3 usually causing their disintegration or dissolution;
- 4 b) *Biosafety* refers to a condition in which the probability of harm, injury,
5 and damage resulting from the intentional and unintentional introduction
6 or use of a regulated article is within acceptable and manageable levels;
- 7 c) *Biosecurity* refers to the strategic and integrated approach to analyzing
8 and managing relevant risks to plant, animal and human life, and health
9 and associated risks for the environment. It is based on recognition of
10 the critical linkages between sectors and the potential for hazards to
11 move within and between sectors, with system-wide consequences;
- 12 d) *Diagnostics* refer to methods, tests, techniques, and tools in viral
13 diagnosis for plants, animals and humans;
- 14 e) *Therapeutics* refer to anti-viral, bacteriophages, nanotechnology
15 treatment approach, nucleic acid-based treatment, remedial agents,
16 drugs for the treatment of viral diseases and infections of plants, animals
17 and humans;
- 18 f) *Vaccine* refers to a product that induces or stimulates active acquired
19 immunity by producing antibodies to a specific infectious agent. It helps
20 the body's immune system to recognize and fight pathogens like viruses
21 or bacteria; and
- 22 g) *Virology* refers to the scientific discipline concerned with the study of the
23 biology of viruses and viral diseases of plant, animal, and human medical
24 importance and pandemic potential, including the distribution,
25 pathogenicity, viral cytopathicity, biochemistry, physiology, molecular
26 biology, biotechnology, ecology, tropism, spillover or interspecies
27 transmission, evolution, and clinical aspects of viruses.

28 Sec. 4. *Philippine Institute of Virology.* — The Philippine Institute of Virology
29 (PIV) is hereby created and shall serve as virology research and development institute.
30 It shall be attached to the Department of Science and Technology (DOST).

31 Sec. 5. *Powers and Functions.* — The PIV shall have the following powers and
32 functions:

- 1 a) Implement policies, plans, programs, activities, and projects for the
2 research and development of virology science and technology;
- 3 b) Serve as the lead convener for the formulation of the National Virology
4 Research Agenda, as part of the National Unified Research Agenda, in
5 consultation with all concerned stakeholders, that will encompass
6 researches involving viruses of plant, animal and humans;
- 7 c) Promote scientific and technological activities for both the public and
8 private sectors;
- 9 d) Conduct product research and development in the areas of diagnostics,
10 therapeutics, and vaccines in cooperation with the private sector and
11 concerned government agencies;
- 12 e) Promote, advocate, and oversee virology research ethics, biosafety, and
13 biosecurity;
- 14 f) Develop and maintain an information and data system on virology
15 science and technology;
- 16 g) Develop and implement programs, together with other entities
17 concerned, to strengthen scientific and technological capabilities in
18 virology and relevant disciplines;
- 19 h) Undertake policy research, technology assessment, and other related
20 studies on virology;
- 21 i) Promote and undertake the transfer of results of scientific research and
22 development in collaboration with government agencies, industry, and
23 the academe;
- 24 j) Provide laboratory and technical services on virology;
- 25 k) Promote and advocate the national programs on virology science and
26 technology;
- 27 l) Establish an editorial office of a refereed journal of virology and a library
28 which shall collect and preserve books, journals and other reference
29 materials in the field of virology;
- 30 m) Establish linkages with local and international partners and serve as a
31 venue for scientists, research institutes and other organizations in the

1 Philippines and abroad, to work collaboratively to study viruses of
2 agricultural, industrial, clinical, and environmental importance;

3 n) Engage the services of Balik Scientists under the legal framework of
4 Republic Act No. 11035 otherwise known as Balik Scientist Program Act;
5 and

6 o) Establish strategic partnerships with the world's leading scientists,
7 virology centers and institutes, and conduct innovative and pioneering
8 research that will advance the frontiers of virology in the country.

9 *Sec. 6. Organizational Structure.* — The PIV shall be headed by a Director and
10 shall exercise overall responsibility over the activities of the PIV including the
11 supervision over PIV staff.

12 The Director shall be assisted by two (2) Deputy Directors, as namely: Deputy
13 Director for Research and Development shall oversee the operations of the Virus
14 Research, Diagnostics and Therapeutics Research, and Vaccines Research Divisions;
15 and Deputy Director for Support, Policy, and Linkages shall oversee the operations of
16 the Technical Services and Training, Policy, Planning, and Linkages, and Finance and
17 Administration Divisions.

18 The PIV shall be supported by the following administrative organs:

- 19 a) Virus Research;
20 b) Diagnostics and Therapeutics Research;
21 c) Vaccines Research;
22 d) Technical Services and Training;
23 e) Policy, Planning, and Linkages; and
24 f) Finance and Administration.

25 In consultation with the Department of Budget and Management (DBM),
26 determine the necessary position qualifications and standards for its personnel
27 following civil service laws, rules, and regulations.

28 *Sec. 7. Qualifications of Director and Deputy Directors.* — Upon the
29 recommendation of the Governing Board, the President of the Philippines shall appoint
30 the Director who must possess a bachelor's degree in the field of microbiology and a
31 postgraduate degree in virology, and should have at least three (3) years experience
32 in the field of diagnostic virology. The Director shall have the rank of Director IV,

1 Salary Grade (SG)-28. The Director shall report to the President of the Republic of the
2 Philippines and the Secretary of the Department of Science and Technology the results
3 of the various diagnostic assays and research studies undertaken by the PIV.

4 Each of the Deputy Directors of the PIV shall have a rank of Director III, SG-
5 27. Each must possess a Bachelor's Degree in Microbiology or in a similar field and at
6 least a Master's Degree in Virology.

7 *Sec. 8. Governing Board.* — The PIV shall have a Governing Board which shall
8 be the policy-making body composed of the following:

9 Chairperson:

10 Secretary of the DOST;

11 Co-Chairpersons:

12 a) Secretary of the Department of Health (DOH); and

13 b) Secretary of the Department of Agriculture;

14 Members:

15 a) Undersecretary of the Department of Environment and Natural
16 Resources;

17 b) Undersecretary for Technology for Research and Development of the
18 DOST;

19 c) Undersecretary of the Department of Foreign Affairs (DFA) for
20 International Economic Relations;

21 d) Chairperson of the Commission on Higher Education (CHED);

22 e) Director of the Research Institute for Tropical Medical Medicine (RITM);

23 f) Director General of the Food and Drug Administration;

24 g) Director of PIV;

25 h) Executive Director of University of the Philippines-National Institute of
26 Health;

27 i) Representative from the National Academy of Science and Technology;

28 j) Representative from the National Research Council of the Philippines;
29 and

30 k) Three (3) representatives from the private sector appointed by the
31 President of the Philippines, as nominated by the Governing Board.

32 These representatives shall have distinguished themselves in the fields

1 of medical virology, genomics, plant virology, animal virology,
2 epidemiology, genetic engineering and other related disciplines.

3 *Sec. 9. Powers and Functions of the Governing Board.* — The Governing Board
4 shall have the following powers and functions:

5 a) Promulgate rules and regulations regarding the management and
6 operation of the PIV;

7 b) Provide grants, research fund, materials and equipment for the conduct
8 of virology researches by both public and private higher education
9 institutions; and

10 c) Perform such other related activities as may be assigned by the DOST
11 Secretary.

12 *Sec. 10. Private-Public Partnerships (PPPs).* — The Department of Trade and
13 Industry (DTI), the DOH, Public-Private Partnership Center, the DOST, and other
14 agencies shall collaborate in seeking Private-Public Partnerships (PPPs) for the
15 development of new industries, products and services where the PIV shall be the main
16 research and development unit. The DOST may also request the assistance of other
17 national and local government agencies in seeking PPPs where the PIV shall be the
18 main research and development unit.

19 *Sec. 11. Protection of PIV-developed Intellectual Property.* — The Governing
20 Board of the PIV shall ensure that all technologies developed exclusively by the PIV
21 with full funding from Filipino taxpayers shall be protected by intellectual property laws
22 in accordance with Republic Act No. 10055 or the "Technology Transfer Act of 2009"
23 and other applicable laws.

24 Any patent or property right award granted to the PIV shall be held by and in
25 the name of the Philippine Government. In the case of partnerships, where the PIV is
26 a collaborating research partner, the Governing Board shall ensure that technologies
27 co-developed by the PIV shall also be co-attributed to the Philippine Government, with
28 the corresponding intellectual protection.

29 *Sec. 12. Official Site of PIV.* — The Bases Conversion and Development
30 Authority (BCDA) shall allocate at least five (5) hectares of land within the New Clark
31 Economic Zone, Tarlac Province for the exclusive use of PIV. The biosafety
32 infrastructure shall be designed based on risk assessment for handling specific

1 pathogens following the World Health Organization (WHO) guidelines on the
2 establishment of a virology laboratory in developing countries.

3 Sec. 13. *Entitlement to Magna Carta Benefits.* — Qualified employees of the
4 PIV shall be covered by Republic Act No. 8439, otherwise known as "Magna Carta for
5 Scientists, Engineers, Researchers and Other Science and Technology Personnel in
6 Government".

7 Sec. 14. *Virology Research Fund.* — All donations, contributions, grants,
8 bequests, or gifts, in cash or in-kind, received by the PIV from various sources shall
9 be placed into a fund, to be known as the Virology Research Fund and such donations
10 shall be exempt from donor's tax: *Provided, That,* acceptance of grants, bequests,
11 contributions, and donations from foreign governments shall be subject to the
12 approval of the President of the Philippines, upon the recommendation of the
13 Secretary of DOST and the Secretary of DFA.

14 Sec. 15. *Tax Exemptions.* — Donations, grants, gifts, endowments, legacies,
15 and contributions used actually, directly and exclusively for the purpose of the PIV
16 shall be exempt from donor's tax and the same shall be considered as allowable
17 deduction from gross income for purposes of computing the taxable income of the
18 donor, in accordance with Sec. 34 (H) (2) (a) of the National Internal Revenue Code
19 of 1997, as amended. Likewise, such other transfers of ownership and/ or possession
20 of real or personal properties of all kinds shall be exempt from all taxes.

21 Sec. 16. *Authority to Solicit, Negotiate, and Receive Donations, Grants, Gifts,*
22 *Legacies, Endowments, and Contributions.* — The PIV may solicit, negotiate with, and
23 receive from any public or private domestic or foreign sources legacies, gifts,
24 donations, grants, endowments, contributions or other transfers of ownership and/ or
25 possession of real or personal properties of all kinds in favor and for the benefit of the
26 PIV, which shall all be part of the special account in the general fund.

27 Sec. 17. *Transfer of Units, Offices and Functions.* — All offices and units under
28 the DOST system whose functions are related to virology shall be transferred to the
29 PIV.

30 All powers, functions, assets, capital, records, funds, receivables, equipment
31 and facilities of the DOST units or its division shall be transferred to the PIV. The DOST
32 shall conduct an audit and inventory of assets, liabilities and human resources of the

1 transferred offices and units under the DOST system to the PIV. All transferred and
2 new employees under the DOST System shall be subject to the qualification standards
3 provided for in the laws, rules and regulations of the Civil Service Commission.

4 Sec. 18. *Annual Report.* — The PIV shall submit its annual report to the
5 President and to the Committees on Science and Technology in both Houses of
6 Congress not later than the 30th of March of every year following the effectivity of
7 this Act. The annual report shall provide a full and detailed account of the status of
8 the implementation of this Act and policy recommendations.

9 Sec. 19. *Joint Congressional Oversight Committee.* — There shall be a Joint
10 Congressional Oversight Committee on the implementation of this Act, which shall be
11 jointly chaired by the Chairpersons of the Committees on Science and Technology of
12 the Senate and House of Representatives. It shall be composed of the Chairpersons
13 of the Senate Committees on Health and Demography, and Agriculture, Food and
14 Agrarian Reform, the Chairpersons of the Committees on Health and Agriculture and
15 Food of the House of Representatives, and two (2) Members from each House
16 representing the minority who shall be appointed by the Senate President and the
17 Speaker of the House of Representatives.

18 Sec. 20. *Appropriations.* — The initial amount for the implementation of this
19 Act shall be charged against the current year's appropriations of the DOST. Thereafter,
20 the funding of which shall be included in the annual General Appropriations Act.

21 Sec. 21. *Transitory Provisions.* — Upon the establishment of the PIV, the
22 functions and assets of the concerned government units shall be transferred to the
23 PIV without need of conveyance, transfer of assignment.

24 a) For the year, during which this Act was approved, the unexpended
25 portion of the budget of the offices and units transferred shall be utilized
26 for establishing the PIV and initiating its operations, including the
27 formulation of the rules and regulations necessary for the
28 implementation of this Act.

29 b) To the greatest extent possible and in accordance with existing laws, all
30 employees of the affected offices, agencies and units shall be absorbed
31 by the PIV. Personnel hired on a permanent basis and with
32 appointments attested by the CSC who may be affected by the transition

1 of DOST units to PIV, or who will not be absorbed in the new positions
2 of the new staffing pattern of the different offices in the PIV, shall have
3 the option to:

- 4 i. Be transferred to other units or offices within the DOST without
5 reduction in pay; or
- 6 ii. Avail of the applicable retirement benefits and separation
7 incentives as provided by existing laws.

8 c) Incumbent DOST officials and employees of affected DOST offices shall
9 be eligible to appointment subject to merit and fitness under the CSC
10 rules and regulations.

11 d) Research acquired grants related to this Act acquired during the
12 transition period shall be utilized solely for the grants' intended purposes
13 for each of the affected units or offices.

14 e) Existing contracts and agreements entered into by the affected offices
15 with third parties prior to the enactment of this Act shall remain valid.

16 *Sec. 22. Implementing Rules and Regulations.* — The DOST Secretary shall, in
17 consultation with DBM, DOH, Civil Service Commission, and other relevant government
18 agencies, promulgate the necessary rules and regulations within one hundred twenty
19 (120) days from the effectivity of this Act.

20 *Sec. 23. Separability Clause.* — If any portion or provision of this Act is declared
21 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
22 remain in force and effect.

23 *Sec. 24. Repealing Clause.* — Any law, presidential decree or issuance,
24 executive order, letter of instruction, rule or regulation inconsistent with the provisions
25 of this Act is hereby repealed or modified accordingly.

26 *Sec. 25. Effectivity.* — This Act shall take effect after fifteen (15) days following
27 its complete publication in the Official Gazette or a newspaper of general circulation.

Approved,