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ADMINISTRATIVE ORDER

No. 2007 - 0017

Subject: Guidelines on the Acceptance and Processing of Foreign and Local Donations During Emergency and Disaster Situations

I. Rationale

The Department of Health (DOH), with other agencies, plays a vital role in accepting foreign and local donations in times of disasters, calamities and other emergencies. Donations, in terms of health and medical related goods or articles to address the cited situations, are main responsibilities of the Department.

Unprecedented events have necessitated DOH to review its policies regarding foreign and local donations during emergency and disaster situations. There have been instances when accepted donations turn out to be inappropriate to address the needs with regard emergency and disaster situations. Donation acceptance and distribution are plagued by unnecessary delays that, more often than not, render the donated items outmoded for addressing the emergency and disaster needs. Such delays are mostly brought about by the fact that concerned DOH offices have no set procedures and protocols for handling and administering donations under the cited circumstances. This policy laps also account for questionable actions and decisions related to donations for purposes of cited situations. Current government programs seemingly fail to anticipate the service requirement necessary to address the overall consequences of emergencies and disasters. Worst is that the current system does not provide enough information to ascertain whether donated items reach desired beneficiaries.

Emergency and disaster situations are among governmental concerns that has no prescribed intervention in law or otherwise. This holds true especially with regard donations for the purpose of addressing the consequences of such situations. Since the health of victims constitute the primordial concern in times of emergency and disaster situations, the DOH has assumed the responsibility of defining the policy parameters for managing the donations for such eventualities. Such undertaking derives mandate from the residual powers of the President, as defined under Book III, Chapter 7, Section 20 of E.O. 292, otherwise known as the "Administrative Code of 1987". The Secretary of Health hereby invokes such power as "alter ego" of the President with regard the health welfare of all Filipinos.

In consideration of the foregoing, the Department is taking the initiative to institute the proper policy reforms in the aspect of health emergency management. This is in consonance with the current health reform agenda known as Fourmula One (F1) for Health. With this Administrative Order, service delivery in times of disasters, calamities and other emergencies shall be improved. Furthermore, a monitoring and evaluation scheme shall be established to ensure that the policies to be instituted shall address the dynamic requirements of emergency and disaster situations.

II. Objective

This Administrative Order shall provide a rational and systematic procedure for the acceptance, processing and distribution of foreign and local donations that are exclusively for unforeseen, impending, occurring and experienced emergency and disaster situations.

III. Scope

This Order shall apply to all Government instrumentalities that are concerned in the management and administration of donations, which are necessary to address the consequences of emergencies and disaster situations.

IV. Definition of Terms

A. For purposes of this Order, the following terms shall be defined as follows:

1. *Acute Emergency* – shall refer to the sudden onset of any actual threat to public threat to public safety.
2. *DOH Package List for Emergencies and Disasters* – shall refer to a listing of items for donation, such as, drugs/medicines, medical supplies, medical equipment, processed foodstuff, micronutrients, environmental supplies, and others. Such list shall be issued by the DOH, in consultation with other Government agencies, NGOs, GOs, and other concerned entities.
3. *Donation* – shall refer to the act of liberality whereby a foreign or local donor disposes gratuitously of cash, goods or articles, including health and medical-related items to address unforeseen, impending, occurring or experienced emergency and disaster situations, in favor of the Government of the Philippines, which accepts them.
4. *Donor* – shall refer to the all persons, countries or agencies that may contract and dispose of cash, goods or articles, including health and medical-related items to address unforeseen, impending, occurring or experienced emergency and disaster situations.
5. *Formal Acceptance* – shall refer to an instrument, a Deed of Acceptance, issued by the Secretary of Health or his designated representative that acknowledges the consummation of the donation and the transfer of the ownership or interest over the donated item to the DOH.

6. *Packing List* – shall refer to a shipping document that includes: Information on the contents of each numbered carton by INN; Dosage form; Quantity; Batch number; Expiry date; Volume; Weight; and Any special storage condition. This also includes brochures or literatures, invoices and plan of distribution of the item inside the package,
 7. *Processed Food* – shall refer to food that has been subjected to some degree of processing like milling, drying, concentrating, canning or addition of some ingredients which changes partially or completely the physio-chemical and/or sensory characteristics of the raw material thereof.
 8. *Report of Analysis/Assay for Active Ingredients* – shall refer to the examination result report with regard the active ingredients in a drug or medicine, which is required by BFAD.
 9. UN List of Emergency Relief Items – shall refer to the Compendium of Basic Specifications, a product of international collaboration involving United Nation organizations, such as, WHO and UNICEF.
- B. The acronyms used in this Order stands for the following agencies:
1. BFAD – Bureau of Food and Drugs of the DOH
 2. BHDT – Bureau of Health Devices and Technology of the DOH
 3. BIHC – Bureau of International Health Cooperation of the DOH
 4. BOD – Bureau of Customs
 5. CHD – Center for Health Development of the DOH
 6. COA – Commission on Audit
 7. DFA – Department of Foreign Affairs
 8. DOH – Department of Health
 9. DBM – Department of Budget and Management
 10. HEMS – Health Emergency Management Staff of the DOH
 11. MMD – Materials and Management Division of HEMS, DOH
 12. NDCC – National Disaster Coordinating Council
 13. INN – Individual Non-proprietary Name
 14. UN – United Nations

V. General Guidelines

- A. There shall be no donation for purposes of emergencies and disaster situations, whether from international or local source, unless a formal acceptance for the purpose is issued by the Secretary of Health or his designated representative. DOH shall not be responsible nor incur liabilities for unaccepted donations.
- B. The need for formal acceptance shall only be waived in situations of acute emergencies, provided that, the items for donations are well within the UN List of Emergency Relief Items.

- C. Items for donation may be in any form, such as, drugs/medicines, medical supplies, medical equipment, processed foodstuff, micronutrients, environmental supplies, and others that may be substantial in addressing emergencies and disaster situations. A “DOH Package List for Emergencies and Disasters” which contain the drugs and medicines which in accordance to the Philippine National Drug Formulary (PNDF) shall be the basis of determining the acceptability of items for donation for purposes of emergencies and disaster situations. However, drugs and medicines which are not included in the PNDP list maybe accepted after thorough evaluation of the BFAD, on a case to case basis.
- D. Cash donations shall be used for procuring items that are necessary for addressing all phases of emergencies and disaster situations, including recovery and rehabilitation, subject to the rules and guidelines of COA and DBM.
- E. A certain quantity of the items for donation specifically drugs and medicines shall be retain and kept within a certain period of time as a reference samples for validation and further testing purposes in cases problems will arise in the medication of patients.

VI. Guidelines for Acceptance

- A. The DOH shall limit its monetary obligation to the payment of logistics for the transfer of donated items to emergency and disaster areas. Custom duties, brokerage fees, handling fees, warehousing fees, and others shall be borne by the Donor.
- B. Acceptance of donations for emergencies and disaster situations shall be based on the expressed need of the beneficiaries and be relevant to the disease pattern and health concerns that are prevailing in the affected areas.
- C. Infant formula, breast-milk substitute, feeding bottles, artificial nipples, and teats shall not be items for donation. No acceptance of donation shall be issued for any of the enumerated items.
- D. Acceptance of donation in foodstuffs for purposes of emergency and disaster situations should have a shelf life of at least three (3) months from the time of arrival to the Philippines.
- E. Acceptance of donation in drugs/medicines for purposes of emergency and disaster situations should comply with the following minimum criteria:
 1. Shelf life of at least twelve (12) months from the time of arrival to the Philippines;
 2. Labeling with English translation or in a language that is understood by Philippine health professionals;
 3. Packaging that complies to international shipping regulations accompanied by a detailed packing list that specifies: The n;
 4. Weight per carton does not exceed 50 kilograms;
 5. Exclusive packaging with regard other supplies;
 6. Documentary proof of compliance to applicable quality standards; and,
 7. Documentary proof that the items were obtained from reliable sources.

- F. Acceptance of donation in medical equipment for purposes of emergency and disaster situations should comply with the following minimum criteria:
 - 1. Attached manual of instructions for installation and operation that is written or translated in English; and,
 - 2. Accompanied by a list of service centers in the Philippines where services and spare parts are available.

VII. Guidelines for Distribution

- A. The DOH shall distribute the donated items to emergency and disaster affected areas. The distribution of such items for election purposes shall not be allowed nor the re-packaging thereof in consideration of elective or appointive government officials.
- B. The DOH reserves the right to distribute and utilize excesses in donated items that results from:
 - 1. Situations wherein the donation exceeds the requirement to address the needs of beneficiaries and affected areas; and
 - 2. Delays in the arrival of donated items to the Philippines.

VIII. Roles and Functions of DOH Instrumentalities

A. Pre-Disaster/Emergency Phase

- 1. HEMS shall:
 - (a) Evaluate and facilitate the formal acceptance of donations from local donors for purposes of emergency and disaster situations;
 - (b) Develop, in coordination with pertinent bureaus, national centers and other offices of the DOH and stakeholders, the “DOH Package List for Emergencies and Disasters”;
 - (c) Undertake periodic updating of the list and ensure dissemination thereof to the members of the NDCC and pharmaceutical companies;
 - (d) Manage and administer, through its MMD, the transportation of donated items to target beneficiaries and affected areas; and,
 - (e) Develop procedures for monitoring local donations.
- 2. BIHC shall:
 - (a) Evaluate and facilitate the formal acceptance of donations from foreign donors for purposes of emergency and disaster situations;
 - (b) Ensure that the “DOH Package List for Emergencies and Disasters” and other DOH issuances related to foreign donations be forwarded to the DFA for dissemination to all foreign embassies; and,
 - (c) Develop procedures for monitoring foreign donations.

3. BFAD shall promulgate guidelines and develop mechanisms for the expedient identification of registered and clearance for unregistered drugs that are items of donation for purposes of emergency and disaster situations.
4. For purposes of emergency and disaster situations, the concerned CHD shall refer foreign donors to the BHIC and local donors to the HEMS.

B. During Emergency/Disaster

1. HEMS shall:
 - (a) Review, evaluate and facilitate the formal acceptance of donations from both local and foreign donors;
 - (b) Ensure that the proposed donation is evaluated based on the "DOH Package List for Emergencies and Disasters", provided that, items not on the list shall be evaluated based on the needs of the beneficiaries and affected areas; and,
 - (c) Prepare the allocation list that will be implemented by its MMD.
2. BHIC shall:
 - (a) Officially request assistance from different foreign donors;
 - (b) Receive and coordinate donation proposals from foreign donors;
 - (c) Forward foreign donation proposals to HEMS for review, evaluation and facilitation of possible formal acceptance;
 - (d) Continuously coordinate with donors and update concerned DOH offices regarding the details of formally accepted donations, such as, delivery date and others;
 - (e) Coordinate with necessary DOH offices regarding the issuance of pertinent clearances and reports, which shall ascertain the compliance to the minimum Philippine standards for such donated items;
 - (f) Forward to HEMS the pertinent clearances and reports for donated items for proper disposition, such as but not limited to the facilitation of the release thereof from the BOC.
3. BHDT shall expediently evaluate and, thereafter, issue the pertinent clearance for donated medical equipment and health technology in order to meet the exigencies of the emergency and disaster situation.
4. BFAD shall expediently review and evaluate the donated items that fall within its jurisdiction and forward the "Report of Analysis/Assay for Active Ingredients" to the BIHC. Due to the exigencies of the emergency and disaster situation, BFAD is expected to issue the report within forty eight (48) hours from the time of submission of the donated items for review and evaluation.
5. The concerned CHD shall oversee the distribution and utilization of donated items in the affected areas and, thereafter, submit a utilization report thereof to HEMS.

C. Post Emergency/Disaster

1. HEMS shall:

- (a) Evaluate the utilization of donated items and formalize the same in a written report. The report shall be forwarded to the donor, in case of local donation, or to the BIHC, in case of international donation; and
- (b) Annually review, together with all concerned offices, all donations entered into by the DOH for purposes of emergency and disaster situations and the policy instruments that have been issued pursuant thereto.

2. BIHC shall receive the utilization report with respect to international donation and forward the same, through necessary communications, to the respective donors.

IX. Repealing Clause

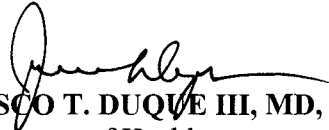
All orders, rules and regulations or any provision(s) thereof inconsistent with this Order are hereby deemed repealed and modified accordingly.

X. Separability Clause

In the event that any provision or part of this Administrative Order be declared unauthorized or rendered invalid by any court of law or competent authority, those provisions not affected by such declaration shall remain valid and effective.

XI. Effectivity Clause

This Order shall take effect immediately.


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Secretary of Health