



Republic of the Philippines  
Department of Health  
**OFFICE OF THE SECRETARY**

November 19, 2020

**DEPARTMENT CIRCULAR**

No. 2020- 0383

TO : **ALL REGIONAL DIRECTORS, CHIEFS OF THE HEALTH FACILITIES AND SERVICES REGULATORY BUREAU AND THE CENTERS FOR HEALTH DEVELOPMENT – REGULATION, LICENSING AND ENFORCEMENT DIVISION, MINISTRY OF HEALTH OF THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO (MOH-BARMM), REGULATORY OFFICERS, HEADS OF HOSPITALS AND OTHER HEALTH FACILITIES AND OTHER STAKEHOLDERS CONCERNED**

SUBJECT : **Advisory on Health Facilities Offering COVID-19 Testing Services**

In order to ensure the safe and quality service of COVID-19 testing laboratories, the Department issued Administrative Order No. 2020-0014 titled "Guidelines in Securing a License to Operate a COVID-19 Testing Laboratory in the Philippines," which states that COVID-19 testing shall only be done in a Department of Health (DOH) licensed COVID-19 testing laboratory.

However, various reports on health facilities that advertise COVID-19 testing in their unlicensed facility for COVID-19 testing have been received by the Health Facilities and Services Regulatory Bureau (HFSRB).

Hence, to provide guidance and reminder to all health facilities, the following issuances are reiterated:

1. Department of Health Administrative Order (DOH-AO) No. 2020-0014 : Guidelines in Securing a License to Operate a COVID-19 Testing Laboratory in the Philippines, dated April 7, 2020, which provides that:

***Section V.A.I.*** Covid-19 testing shall only be done in a DOH licensed COVID-19 laboratory.

2. DOH-AO No. 2007-0027: Revised Rules and Regulations Governing the Licensure and Regulation of Clinical Laboratories in the Philippines, dated August 22, 2007, for the process of Investigation of Complaints as well as the Penalties for Violators, to wit:

***Section X. Investigation of Complaints***

- (a) The **BHFS or the CHD Director or his authorized representative(s) shall investigate the complaint** and verify if the laboratory concerned or any of its personnel is accountable for an alleged violation.

(b) The CHD Director or his authorized representative(s), **after investigation, shall suspend, cancel or revoke for a determined period of time the LTO of licensees who are found violating the provisions of R.A. 4688 or this Order, without prejudice to taking the case to judicial authority for criminal action.** The CHD shall seek the assistance of any law enforcement agency to execute the closure of any erring clinical laboratory, when necessary.

***Section IX.k.** “Performing and reporting tests in a specialty or subspecialty in which the laboratory is not licensed”*

***Section XI Penalty.** “Any person who operates a clinical laboratory without proper license from the DOH shall **upon conviction** be subject to imprisonment for not less than one (1) month or a fine of not less than Php 1,000.00 and not more than Php 5,000 or both **at the discretion of the court.** Provided however, that if the offender is a firm or corporation, the managing head and/or owner(s) thereof shall be liable to the penalty imposed herein”.*

### 3. Under Republic Act (RA) 7394: The Consumer Act of the Philippines

***Chapter VI. Article 110. False, Deceptive or Misleading Advertisement.** – It shall be unlawful for any person to disseminate or to cause the dissemination of any false, deceptive or misleading advertisement by Philippine mail or in commerce by print, radio, television, outdoor advertisement or other medium for the purpose of inducing or which likely to induce directly or indirectly the purchase of consumer products and services.*

***Article 123 Penalties.** a. Any person, association, partnership or corporation who shall violate any of the provisions shall upon conviction, be subject to a fine of not less than Five Hundred Pesos (Php 500.00) but not more than Five Thousand Pesos (Php 5,000.000) or an imprisonment of not less than (1) month and not more than six (6) months or both upon the discretion of the court.*

In view of the foregoing, health facilities that are not licensed as COVID-19 Testing Laboratories are strongly advised to refrain from advertising or offering COVID-19 testing services in any newsprint, signages, television, social media, or text/picture messages. Health facilities that violate this provision on false advertisement shall be liable under the relevant DOH rules and regulations which may result to the suspension or revocation of the DOH LTO.

This serves as STERN WARNING to ALL health facilities. HFSRB or the Center for Health Development (CHDs) shall investigate all complaints **or motu proprio** verify the alleged violations of health facilities. All violators shall be dealt with accordingly. The penalties for violations may be suspension, cancellation or revocation of License to Operate (LTOs) or Certificate of Accreditation (COAs).

For strict compliance and dissemination.

By Authority of the Secretary of Health:

**DR. MARIA ROSARIO S. VERGEIRE, MPH, CESO IV**  
OIC - Undersecretary of Health  
Health Regulation Team