

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES }
First Regular Session

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SENATE

S. No. 588

INTRODUCED BY HON. MANUEL B. VILLAR JR.

EXPLANATORY NOTE


There are increasing complaints of medical malpractice. The Professional Regulatory Commission (PRC) says over a hundred have been reported to them as early as 1993. The Center for People's Health Watch, a Cebu-based non-governmental organization has documented 53 cases of medical malpractice from 1992 to 1996 in Visayas alone. The cases include lack of skills, foresight and diligence, misdiagnosis, wrong medication, wrong blood transfusion, adverse effects of anesthesia and medicine prescribed and administered by health care providers. If cases of those injured and denied admission and emergency treatment due to their inability to pay the required deposit in hospitals are to be included, the rate would soar to thousands.

Scores of cases have been filed in the courts, at the Department of Health, and at the PRC. Yet there are still undocumented cases where patients and their families simply accept with resignation the medical tragedy they find themselves in.

There is a need therefore for a law that will protect, promote and defend the rights of patients.

It is imperative that health authorities, hospital owners and health care providers recognize and promote patients rights, among which are: the right to health care and humane treatment; to have access to competent and best treatment regardless of age, sex, ethnic origin, religion, and social class; the right to privacy and to be treated with care, consideration, respect and dignity without discrimination; to be informed of any proposed medical procedure including possible risks and outcomes; the right not to be abandoned and to be provided continuing care; to choose his/her physician; to refuse in medical research; and the right to participate with health care professionals in decision-making affecting their health.

The passage of this bill is earnestly sought.


MANUEL B. VILLAR, JR.
Senator

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AN ACT
DECLARING THE RIGHTS OF PATIENTS AND PRESCRIBING PENALTIES
FOR
VIOLATIONS THEREOF

*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 “Magna Carta of
2 Patients’ Rights.”
3

4 **SECTION 2. *Declaration of Policy*** – The Philippine Constitution, in Section 1,
5 Article XIII, states that the Congress shall give the highest priority to the enactment of
6 measures that protect and enhance the right of all people to human dignity. Towards this
7 end, it is hereby declared that the policy of the State to ensure and protect the rights of
8 patient to decent, humane and quality health care.
9

10 **SECTION 3. *Definition of Terms*** – As used in this Act, the following terms are
11 defined as follows:

12 (1) **Advance Directive** – a duly notarized document executed by a person of age
13 and of sound mind, upon consultation with a physician and family members,
14 which directs health care providers to refrain from providing prolonged life
15 support when the situation arises that the person who executed such directive
16 suffers a condition with little or no hope of reasonable recovery.
17

18 (2) **Communicable Disease** – an illness due to a specific infectious agent or its
19 toxic products, arising through transmission of that agent or its products from
20 reservoir to susceptible host, either directly as from infected person or animal,
21 or indirectly through the agency of an intermediate plant or animal host, a
22 vector, or the inanimate environment.
23

24 (3) **Diagnostic Procedure** – any method used to establish the presence of the
25 diseases, and the nature and extent of such disease.
26

27 (4) **Emergency** – an unforeseen combination of circumstances which calls for
28 immediate action to preserve the life of a person.
29

- 1 (5) **Health Care** – measures taken by a health care provider or that are taken in a
2 health care institution in order to determine a patient's state of health or to
3 restore or maintain it:
- 4 (6) **Health Care Institutions** - a site developed primarily to the maintenance and
5 operation of such facilities for the diagnosis, treatment, and care of
6 individuals suffering from illness, disease, injury, or deformity, if in need of
7 obstetrical or other medical and nursing care. It shall also be construed as any
8 institution, building or place where there are installed beds, or cribs, or
9 bassinets for twenty four hour use or longer by patients in the treatment of the
10 diseases, injuries, deformities, or abnormal physical and mental states,
11 maternity cases or sanatorial care, or infirmaries, nurseries, dispensaries, and
12 such other similar names by which they may be designated.
- 13
- 14 (7) **Health Care Professional or Medical Practitioner** – refers to any doctor,
15 dentist, nurse, pharmacist or paramedical and other supporting personnel
16 including medial and dental technician and technologist, nursing aids and
17 therapist who is trained in health care an/or duly licensed to practice in the
18 Philippines.
- 19
- 20
- 21 (8) **Health Maintenance Organization** – an entity that provides, offers, or
22 arranges for coverage or designated health services needed by plan members
23 for a fixed prepaid premium.
- 24
- 25 (9) **Human Experimentation** – the physicians departure from standard medical
26 practice of treatment of the purpose of obtaining new knowledge or testing a
27 scientific hypothesis on human subjects.
- 28
- 29 (10) **Informed Consent** – the voluntary agreement of a person to undergo or be
30 subjected to a procedure based on his understanding of the relevant
31 consequences of receiving a particular treatment, as clearly explained by the
32 health care provider. Such permission may be written, conveyed verbally, or
33 expressed indirectly through an over act.
- 34
- 35 (11) **Medical Necessary** – a service or procedure which is appropriate and
36 consistent with diagnosis and which, using accepted standards or medical
37 practice, could not be omitted without adversely affecting the patient's
38 condition.
- 39
- 40 (12) **Patient** – a person who avails of health and medical care services or is
41 otherwise the subject of such services.
- 42
- 43 (13) **Public Health and Safety** – the state of well being of the population in
44 general, the protection of which may require the curtailment or suspension of
45 certain rights of patients.
- 46
- 47 (14) **Serious Physical Injury** – a condition which, if left medically unattended,
48 could lead to permanent disability.
- 49
- 50 (15) **Treatment Procedure** – any scientifically accepted method to remove the
51 symptoms and cause of a disease.
- 52

53 **SECTION 4. *The Rights of Patients*** - The following rights of the patient shall
54 be respected by all those involved in his care:
55

1 **1. Right to Medical Care and Humane Treatment**

2 Every person has a right to health and medical care corresponding to his state
3 of health, without any discrimination and within the limits of the resources
4 available for health and medical care at the relevant time.

5
6 The patient has the right to health and medical care of good quality. In the
7 course of such care, his human dignity, convictions and integrity shall be
8 respected. His individual needs and culture shall be likewise respected.

9
10 If any person cannot immediately be given treatment that is medically
11 necessary he shall, depending on his state of health, either be directed to wait
12 for care, or be referred or sent for treatment elsewhere, where the appropriate
13 care can be provided. If the patient has to wait for care, he shall be informed
14 of the reason for the delay and the estimated waiting time.

15
16 Patients in emergency who are in danger of dying and/or may have
17 suffered serious physical injuries shall be extended immediate medical care
18 and treatment without any deposit, pledge, or mortgage or any form of
19 advance payment for the confinement of treatment.

20
21 **2. Right to Informed Consent**

22 The patient has a right to clear explanation, in lay person's terms, all
23 proposed procedures, whether diagnostic or therapeutic, including the identity
24 of the person who will perform the said procedure, possibilities of any risk or
25 mortality or serious side effects, problems related to recuperation, and
26 probability of risks involved, and he will not be subjected to any procedure
27 without his informed consent. Provided, That in cases of emergency, when
28 the patient is unconscious and/or incapable of giving consent and there is no
29 one who can give consent in his behalf, then the physician can perform any
30 diagnostic or treatment procedure as good practice of medicine dictates
31 without such consent; Provided further, that when the law makes it
32 compulsory for everyone to submit procedure, a consent is not necessary.

33
34 Informed consent shall be obtained from a patient concerned if he is of
35 legal age and of sound mind, from the next kin in the case the patient is
36 incapable of giving consent, or from the parents or legal guardian in the case
37 of minor or mentally incapacitated individual, Provided, That if his parents or
38 legal guardian refuses to give consent to a medical or surgical procedure
39 necessary to save his life, the court upon petition of the physician or any
40 person interested in the welfare of the child, may issue an order giving such
41 consent.

42
43 **3. The Right of Privacy**

44 The patient has the right to be left alone when this will not prejudice the
45 provision of necessary medical care.

46
47 The patient has the right to be free from unwarranted publicity, except in
48 the following cases; (a) when his mental or physical condition is in
49 controversy and the appropriate court in its discretion orders him to submit to
50 a physical or mental examination by a physician; (b) when the public health
51 and safety so demand; and (c) when the patient waived his right.

52
53 **4. Right to Information**

54 The patient has the right to clear, complete, and accurate evaluation of the
55 nature and extent of his disease, the contemplated medical treatment and

1 surgical procedure including the medicines to be administered and their
2 generic counterparts and its probable outcome, economic costs, impact on
3 lifestyle and work including side effects and after effects of the treatment,
4 possible complications and other pertinent facts regarding his illness.
5 However, if the disclosure of the information to the patient will cause mental
6 suffering and further impair in his health, or cause the patient not to submit to
7 medically necessary treatment, such disclosure may be withheld or deferred to
8 some future opportune time upon due consultation with the patients next of
9 kin.

10
11 The patient has the right to know the name and credentials of the physician
12 responsible for his care or for coordinating such care. He may likewise
13 request for similarly relevant information about any other health care provider
14 directly involved in his care.

15
16 The patient has the right to examine and be given an itemized bill for
17 services rendered in the facility or by his physician and by other health care
18 providers, regardless of the manner and source of payment. He is entitled to a
19 thorough explanation of such bill should he find this incomprehensible.

20 21 **5. Right of Privileged Communication**

22 The patient has the right to demand that all information, communication
23 and records pertaining to his care be treated as confidential. A physician is not
24 authorized to divulge any information to a third party who has no concern with
25 the care and welfare of the patient, except; (a) when such disclosure will
26 benefit public health and safety; (b) when it is in the interest of justice; and (c)
27 when the patients waives the confidential nature of such information.

28 29 **6. Right to Choose Physician**

30 The patient is free to choose the physician to serve him except when; (a)
31 he is confined in a charity ward; and (b) he has entered into a contract with a
32 health maintenance organization or any other health insurance organization
33 which stipulates that the patient can only be served by a physician affiliated
34 with the organization.

35 36 **7. Right to Self-Determination**

37 The patient has the right to refuse diagnostic and treatment procedures.
38 Provided, That (a) he is of age and of sound mind; (b) he is informed of the
39 medical consequences of his refusal; (c) he releases those involved in his care
40 from any obligation relative to the consequences of his decision; and (d) his
41 refusal will not jeopardize public health and safety.

42
43 An adult with a sound mind may execute an advance directive for
44 physicians not to put him on prolonged life support if, in the future, his
45 condition is such that there is little or no hope of reasonable recovery. The
46 qualifications listed as a, b, and c of the preceding paragraph shall be
47 considered as satisfied if a patient whose condition makes him unable to
48 express his will has executed an advance directive.

49 50 **8. The Right to Religious Belief**

51 The patient has the right to refuse medical treatment which may be
52 contrary to his religious beliefs, subject to the limitations described in the
53 preceding subsection. Provided, that such a right shall not be imposed by
54 parents upon their children who have not reached the age of legal discretion.

1 **9. Right to Medical Records**

2 The patient is entitled to a summary of his medical history condition which
3 shall be accomplished by the attending physician. He has the right to view the
4 content of his medical records with the attending physician explaining
5 contents thereof. At his expense and upon discharge of patient, he may obtain
6 from the health care institution a reproduction of the same record, whether or
7 not he has fully settled his financial obligations with the physician or
8 institution concerned.

9
10 The health care institution shall ensure and safeguard the integrity and
11 authenticity of then medical records.

12
13 The health care institution shall issue medical certificate, free of charge, to
14 the patient upon discharge from the institution. Any other document that the
15 patient may require for insurance claims shall also be made available to him
16 within reasonable period of time.

17
18 **10. The Right to Leave**

19 The patient has the right to leave the hospital or any other health care
20 institution regardless of his physical condition, Provided, That the
21 qualifications listed in the first paragraph of Subsection 7 hereof are satisfied.

22
23 No patient shall be detained against his will in any health care institution
24 on the sole basis of his failure to fully settle his financial obligations with the
25 physician or the health care institution.

26
27 **11. The Right to Refuse Participation in Medical Research**

28 The patient has the right to be advised if the health care provider plans to
29 involve him in medical research, including but not limited to human
30 experimentation that may affect his care or treatment. Such human
31 experimentation may be performed only with the written informed consent of
32 the patient.

33
34 **12. The Right to Correspondence and Receive Visitors**

35 The patient has the right to communicate with relatives and other persons
36 and to receive visitors subject to reasonable limits prescribed the rules and
37 regulations of the health care institution.

38
39 **13. Right to Express Grievances**

40 The patient has the right to express the grievances about the care and
41 services received. The Secretary of Health, in consultation with health care
42 providers, consumer groups and other concerned agencies, shall establish a
43 grievance system wherein a patient may seek redress of their grievances. Such
44 a system shall afford all parties concerned with the opportunity to settle
45 amicably all grievances.

46
47 **14. Right to be Informed of His Rights and Obligations as a Patient**

48 Every person has the right to be informed of his rights and obligations as a
49 patient. The Department of Health, in coordination with health care providers,
50 professional and civic groups, the media, health insurance corporations,
51 people's organizations, local government units and other government agencies
52 and non-government organizations, shall launch and sustain a nationwide
53 information and education campaign to make to people their rights as patients,
54 as declared in this Act.

1 It shall be the duty of health care institutions to inform patients of their
2 rights as well of the institutions rules and regulations that apply to the product
3 of the patient while in the care of such an institution
4

5 The provision of this Act shall be incorporated in medical and medical-
6 related (e.g. nursing, dentistry, dental technology, medical technology,
7 physical therapy) school curriculum and licensure examinations.
8

9 **SECTION 5. Penalties** – Any person found guilty violating this rights shall be
10 punished by a fine not less than Ten Thousand Pesos (P10,000.00) but not more than
11 Fifty Thousand Pesos (50,000.00), and/or by imprisonment, at the discretion of the court.
12 Administrative sanctions, including the suspension or revocation of the violator's license
13 to practice his profession, shall be imposed in addition to the penalties provided herein.
14

15 If the punishable act or omission is committed by an association, partnership,
16 corporation, or any other institution, its managing directors, partners, president, general
17 manager, or other persons responsible for the offense shall be liable for penalties
18 provided for in this Act.
19

20 **SECTION 6. Rules and Regulations** – The Secretary of Health, in consultation
21 with the Philippine Medical Association, the Philippine Hospital Association, and
22 concerned private agencies, non-governmental organizations and people's organizations
23 shall promulgate within 180 days from the effectivity of this Act such rules and
24 regulations as may be necessary for its implementation.
25

26 The Implementing Rules and Regulations of this Act shall identify specific
27 conditions under which the individual rights of patients, as stipulated in Subsections
28 3,5,7, and 8 of Section 4 hereof, may be curtailed or suspended in the interest of public
29 health and safety.
30

31 **SECTION 7. Repealing Clause** – All acts, executive orders, rules and
32 regulations, or parts thereof that are inconsistent with the provisions of this Act are
33 hereby repealed or modified accordingly.
34

35 **SECTION 8. Effectivity** – This Act shall take effect after fifteen (15) days
36 following its publication in the least two (2) major newspapers of national circulation.
37

38 Approved,