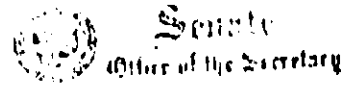


SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



16 JAN 12 P3:01

SENATE
S. No. 3072

RECEIVED BY: *J.*

Introduced by Senator Miriam Defensor Santiago

AN ACT
REQUIRING HOSPITALS TO INSTALL CLOSED CIRCUIT TELEVISION (CCTV)
CAMERAS IN SELECTED PORTIONS OF THE HOSPITAL AND PENALIZING THE
PUBLICATION OF THE VIDEO TAKEN BY THIS CAMERAS WITHOUT A COURT
ORDER

EXPLANATORY NOTE

Many countries require closed circuit television (CCTV) cameras in their hospitals, For instance, hospitals in Vietnam are required to have CCTV cameras in their hospitals to catch corrupt medical staff. In Malaysia, CCTV cameras are used to protect patients undergoing medical operations.

Putting CCTV cameras in selected portions of the hospital has many advantages. First, now that CCTV cameras are required in operating rooms, patients and doctors now have additional security that their whole operation is being recorded so that in case of medical malpractice, both patient and doctor can rely on the video taken from the CCTV cameras to prove their respective cases. Second, since this Act also intends to require hospitals to have cameras in their delivery rooms and nurseries, baby switching will now be minimized if not totally avoided. Third, since CCTV cameras are now also required to be installed in hospital exits and entrances, an additional security is now provided patients and doctors alike.

With all its benefits, some quarters will still have second thoughts on having their operation videotaped because of fear that the footage might appear on the internet or in

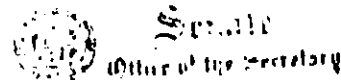
other people's mobile phones like the case of "Danilo", the victim of the Vicente Sotto Memorial Medical Center Scandal.

This bill makes it criminal for any person to leak footages captured by the hospital CCTV camera without a court order thereby giving assurance to patients that their privacy will be protected.¹


MIRIAM DEFENSOR SANTIAGO
78

¹ This bill was originally filed during the Fifteenth Congress, First Regular Session

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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. *Short Title.* – This Act shall be known as the "Hospital CCTV Act."

2 SECTION 2. *Declaration of Policy.* – It is the policy of the state to protect and
3 promote the right to health of the people and instill health consciousness among them.
4 Likewise, it is also the declared policy of the state to respect the privacy of individuals. In
5 this regard, Closed Circuit Television (CCTV) cameras will be required in selected
6 portions of a hospital but to ensure that the privacy of individuals concerned are
7 protected, the video taken by these cameras cannot be released without a court order.

8 SECTION 3. *Installation of Closed Circuit Television Cameras (CCTV) in*
9 *Hospitals.* – All hospitals in the Philippines should install CCTV cameras in all their
10 entrance and exits, operating rooms, delivery rooms, intensive care units and nurseries.

11 SECTION 4. *Privacy Request Paramount.* – Notwithstanding Section 3, a patient
12 or his legal guardian can request that the CCTV camera be turned off during his stay in
13 the rooms mentioned in Section 3. In addition, in rooms with multiple occupants, a
14 majority of the occupants should make the request to turn the CCTV camera off during

1 their stay provided that whenever possible, the patient who does not want to be caught on
2 CCTV camera may stay in a portion of the room not covered by the CCTV camera.

3 SECTION 5. *Authorized Operator.* – Only the authorized operator and the
4 hospital director or his authorized representative is allowed access to the room where the
5 footage of the CCTV cameras are monitored and stored.

6 SECTION 6. *Prohibition on Unauthorized Publication.* – Before any still photo or
7 video caught by the CCTV cameras can be made public, a publication order from the
8 Regional Trial Court having jurisdiction over the hospital should be obtained. A photo or
9 video is considered as published when it is shown or made known to someone other than
10 the proper administrative, law enforcement or judicial authorities.

11 SECTION 7. *Penalties.* – Any person who violates any provision of this Act will
12 be punished by a minimum of five years and a maximum of ten years imprisonment and a
13 fine of Fifty Thousand Pesos (P50,000.00).

14 SECTION 8. *Implementing Rules and Regulations.* – The Department of Health
15 shall prescribe the necessary rules and regulations to implement this act.

16 SECTION 9. *Separability Clause.* – If any provision, or part hereof is held invalid
17 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
18 remain valid and subsisting.

19 SECTION 10. *Repealing Clause.* – Any law, presidential decree or issuance,
20 executive order, letter of instruction, administrative order, rule or regulation contrary to
21 or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
22 accordingly.

1 SECTION 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
2 after its publication in the *Official Gazette* or in two (2) newspapers of general
3 circulation.

Approved,

/s/ 24Nov2015