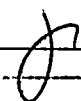


**SENATE
S.B. No. 2084**

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RECEIVED BY: 

Introduced by **SENATOR VICENTE C. SOTTO III**

**AN ACT
REQUIRING DENTISTS, DENTAL HYGIENISTS AND DENTAL
TECHNOLOGISTS TO KEEP PATIENT DENTAL RECORDS, REPEALING
FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1575, OTHERWISE
KNOWN AS THE LAW "REQUIRING PRACTITIONERS OF DENTISTRY TO
KEEP RECORDS OF THEIR PATIENTS", PROVIDING FUNDS THEREFOR
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

It is true that DNA profiling is considered to be one of the most reliable and efficient means to identify victims of crimes or natural disasters. However, in a tropical country such as ours, the acquisition of good quality post mortem samples is complicated due to the variable degree of preservation or decomposition of the remains and the high risk of DNA (cross) contamination. Another issue is the high costs associated with DNA testing. A rough estimate for a rape case that includes one victim and one unknown suspect is around forty thousand pesos (P 40,000.00) or twenty thousand pesos (P20,000.00) per testing kit. Cases with a number of suspects and numerous items to be tested require more labor and more chemicals for testing, thus increasing the costs. This obligation to pay for the tests falls upon our law enforcement agencies.

Year after year, the country faces its fair share of disasters, both natural man-made. The typhoons Ondoy, Sendong, Pablo and Yolanda caused mass fatalities and owing to the number of casualties and the lack of adequate training in forensics, the remains are no longer tagged and would often times be simply strewn about in shallow pits or in open areas. This exposure led to their further decomposition, with the rates being so prevalent that the usual modes¹ of identification could no longer be pursued. Due to the degree of their

¹ Which could be either *Visual (Physical) Identification, DNA Profiling or Fingerprinting.*

decomposition, the only viable alternative is to look into the dental features of the victims. A forensic method already being employed by other jurisdictions for similar calamities years prior. However, in our case, due to the lack or insufficiency of dentition records in the possession of concerned government agencies, the proper identification of victims is hardly ever possible.

The dental enamel is the hardest and most indestructible part of the human body. Being highly resistant to the elements, it can be destroyed only at exceedingly high temperatures. Being composed almost entirely of inorganic elements (97%), unlike organic tissue, it is not subject to the forces of decomposition. Victims of civil catastrophes, crimes, and accidental deaths are frequently identified by their teeth. More victims might be identified if a standardized method of taking, maintaining and storage of dental records were being practiced.

The comparison of a person's ante-mortem dental records with postmortem dental evidence from unknown human remains has long been recognized as the most reliable means of positive scientific identification. Though a person's dental characteristics may change over his lifetime, changes after death are extremely slow.

In this regard, the proposed measure eliminates the need to wait for ten (10) years before the National Bureau of Investigation may begin to receive and retain dentition records.² This measure will expedite the identification of victims of crime or mass fatality incidents, whether natural or man-made, thereby expediting the resolution of cases and easing the plight of the families affected by such incidents.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


VICENTE C. SOTTO III

² As provided in Presidential Decree No. 1575 (11 June 1978)

1 **Section 4. Ensuring the integrity of Dental Records** – In order to ensure
2 the integrity and reliability of patient dental records, Dental Practitioners are
3 expected to observe the following;

- 4 A. A dental record must be made at the time of the appointment or as soon
5 thereafter as practicable.
- 6 B. Entries on a dental record must be made in chronological order,
7 accurate and concise.
- 8 C. Dental records must be retrievable promptly when required.
- 9
- 10 D. Dental records must be stored securely and safeguarded against loss or
11 damage including a secure backup of electronic records.
- 12 E. The original information must also be reflected in corrected dental
13 records; *and*
- 14 F. A treating dental practitioner shall have the sole responsibility for the
15 accuracy of medical and dental information of his/her patient.

16 **Section 5. Submission of Dental Records to the NBI** – All Dental
17 Practitioners, through the Board of Dentistry or its Regional/District Offices
18 shall, at the close of every quarter, submit to the National Bureau of
19 Investigation or through its Regional/District Offices a copy of the dentition
20 records of every patient. These NBI Regional/District Offices shall in turn
21 forward such records to the Forensic Investigation Service for proper
22 recording and storage.

23 **Section 6. Access and Disclosure of Records** – Dental Practitioners shall
24 ensure and maintain the confidentiality of their patient's records. In this
25 regard, the viewing, copying, examination or disclosure of records obtained in
26 accordance with this Act shall only be allowed in the following instances;

- 27 A. In case of mass fatality incidents brought about by man-made or natural
28 disasters;
- 29 B. In connection with an on-going investigation by Agents of the National
30 Bureau of Investigation or prosecution of an offense;
- 31 C. Upon lawful order of the Court, in connection with a pending criminal
32 or civil action;
- 33 D. In cases where the identity of the perpetrator or victim of a criminal
34 offense need to be ascertained; *and*
- 35 E. Other analogous instances.

36

37 **Section 7. Retention of Dental Records** – In order to carry out the
38 provisions under this Act, Dental Practitioners are required to retain copies

1 of their patient's dental records for a period of not less than ten years,
2 reckoned from the date of the last entry.

3 **Section 8. Implementing Rules and Regulations** – Within one hundred
4 (100) days from the effectivity of this Act, the Professional Regulations
5 Commission, together with the Board of Dentistry and the National Bureau of
6 Investigation, shall promulgate such rules as may be necessary to carry out
7 the provisions of this Act.

8 **Section 9. Penalty** – Any person who violates any provision of this Act
9 shall suffer the penalties provided hereunder:

10 A. For the first conviction, a fine of not less than Thirty thousand
11 pesos but not more than Fifty thousand pesos and suspension of
12 appropriate authorization to practice Dentistry for one (1) year
13 shall be imposed;

14 B. For the second conviction, a fine of more than Fifty hundred
15 thousand pesos but not more than One hundred thousand pesos
16 and suspension of appropriate authorization to practice
17 Dentistry for three (3) years shall be imposed;

18 C. For the third and subsequent convictions, a fine of more than
19 One hundred thousand pesos but not more than Two hundred
20 thousand pesos and suspension of appropriate authorization to
21 practice Dentistry for Five (5) years shall be imposed; *and*

22 D. Any NBI official or employee who shall violate the provisions of
23 this Act shall be the subject of appropriate criminal, civil or
24 administrative action, as maybe prescribed by relevant laws,
25 rules or issuances.

26 **Section 10. Appropriation Clause** – The funding requirement for the
27 implementation of this Act shall be included in the General Appropriations
28 Act starting from the year following its enactment into law.

29 **Section 11. Separability Clause** – If any of the sections or provisions of
30 this Act is held invalid, all other provisions not affected thereby shall remain
31 valid.

32 **Section 12. Repealing Clause** – All laws, decrees, issuances, rules and
33 regulations inconsistent with the provisions of this Act are hereby repealed or
34 modified accordingly.

35 **Section 13. Effectivity** – This Act shall take effect fifteen (15) days
36 following its publication in at least two (2) newspapers of general circulation.

37 Approved;