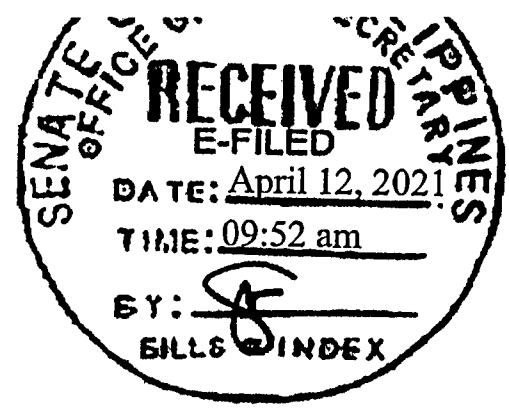


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

S. No. 2129

Introduced by SENATOR RAMON BONG REVILLA, JR.

**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

There have been many instances in the past where the remains of a person, usually victims of natural disasters, heinous crimes, or domestic strife, were not properly identified due to lack of viable samples and advanced stages of decomposition. The situation only deepens the grief and pain of the families and relatives who could not pay their last respects to their beloved kin or bring justice and closure for their loss.

This proposed bill seeks to expand the capability of our investigating authorities in identifying victims of mass fatality as a result of crime or calamity, by standardizing the data collection, systematic documentation, and providing the local framework of an already established discipline called forensic odontology. Forensic odontology is the employment of dental science to legal inquiries and investigations, primarily involving comparison of gathered evidence with the dentition records. The enamel of the human tooth is known as a hard material and highly resistant against the elements, hence providing reliable and rich source of information towards positive identification.

This measure requires the dental practitioners to regularly submit to the National Bureau of Investigation the dentition records of every patient. This is an

update from the 1978 Presidential Decree which requires dental practitioners to turn over dental records of their patients to the NBI upon the lapse of ten years from the last entry. Safeguards to preserve the integrity and confidentiality of the patient records are also provided herein.

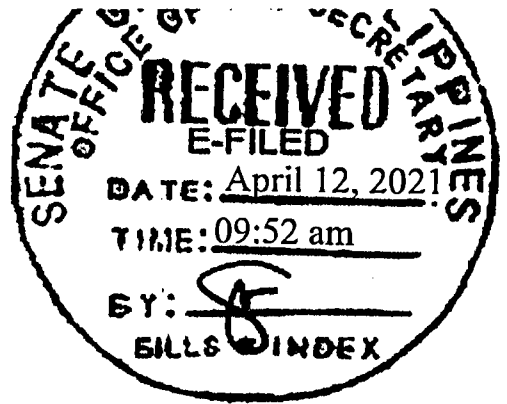
In this light, the passage of this bill is earnestly sought.


RAMON BONG REVILLA, JR.

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

1 Section 1. *Short Title.* — This Act shall be known as the "Forensic Odontology
2 Act."

3 Sec. 2. *Statement of Policy.* — It shall be the duty of all dental practitioners to
4 create and maintain accurate and complete dentition records that serve the best
5 interests of their patients and that contribute to the safety and continuity of the
6 community onto which they practice their trade. These records shall include the history
7 and description of the patient's dentition and the treatments made thereon.

8 Sec. 3. *Coverage.* — This Act shall cover all dental practitioners and professionals
9 which refer to the dentists, dental hygienists, and dental technologists, as defined
10 under the Republic Act No. 9484 or "The Philippine Dental Act of 2007."

11 Sec. 4. *Duty of all Dental Practitioners.* — Dental practitioners shall have the
12 professional and legal responsibility to:

- 13 a) Keep as confidential the information they collect and record about their
14 patients;

- 1 b) Assist their patients to make well-informed decisions about treatment
2 procedures; and
- 3 c) Retain, transfer, dispose of, correct and provide access to dental records in
4 accordance with the requirements of similar laws or issuances of the
5 Professional Regulation Commission (PRC), Board of Dentistry (BOD), or the
6 National Bureau of Investigation (NBI).

7 *Sec. 5. Ensuring the Integrity of Dental Records.* – In order to ensure the
8 integrity and reliability of patient dental records, Dental Practitioners are expected to
9 observe the following:

- 10 a) A dental record must be made at the time of the appointment or as soon
11 thereafter as practicable;
- 12 b) Entries on a dental record must be made in chronological order, accurate
13 and concise;
- 14 c) Dental records must be retrievable promptly when required;
- 15 d) Dental records must be stored securely and safeguarded against loss or
16 damage including a secure backup of electronic records;
- 17 e) Corrections made to records must not remove the original information; and
- 18 f) A treating dental practitioner must not delegate responsibility for the
19 accuracy of medical and dental information to another person.

20 *Sec. 6. Submission of Dental Records to the NBI.* – All Dental Practitioners,
21 through the Board of Dentistry or its Regional/District Offices shall, at the close of
22 every quarter, submit to the National Bureau of Investigation or through its
23 Regional/District Offices a copy of the dentition records of every patient. These NBI
24 Regional/District Offices shall in turn forward such records to the Forensic
25 Investigation Service for proper recording and storage.

26 *Sec. 7. Creation of an Electronic Database.* - The NBI shall endeavor to organize
27 the dentition records and files into a computerized or electronic database, or maintain
28 and translate those records into appropriate formats and documentation so as to
29 facilitate a reliable, scientific and expeditious process of cross matching, examination,
30 and identification.

31 *Sec. 8. Access and Disclosure of Records.* – Dental Practitioners shall ensure
32 and maintain the confidentiality of their patient's records. In this regard, the viewing,

1 copying, examination or disclosure of records obtained in accordance with this Act
2 shall only be allowed in the following instances:

- 3 a) In case of mass fatality incidents brought about by man-made or natural
4 disasters;
- 5 b) In connection with an ongoing investigation by Agents of the National
6 Bureau of Investigation or prosecution of an offense;
- 7 c) Upon lawful order of the Court, in connection with a pending criminal or civil
8 action;
- 9 d) In cases where the identity of the perpetrator or victim of a criminal offense
10 need to be ascertained; and
- 11 e) Other analogous instances.

12 **Sec. 9. Retention of Dental Records.** – In order to carry out the provisions under
13 this Act, Dental Practitioners are required to retain copies of their patient’s dental
14 records for a period of not less than ten (10) years, reckoned from the date of the last
15 entry.

16 **Sec. 10 Implementing Rules and Regulations.** – Within one hundred eighty days
17 (180) from the effectivity of this Act, Professional Regulation Commission, together
18 with the Board of Dentistry and the National Bureau of Investigation, shall promulgate
19 such rules as may be necessary to carry out the provisions of this Act.

20 **Sec. 11. Penalty.** – Any person who violates any provision of this Act shall suffer
21 the penalties provided hereunder:

- 22 a) For the first conviction, a fine of not less than Thirty thousand pesos
23 (P30,000.00) but not more than Fifty thousand pesos (P50,000.00) and
24 suspension of appropriate authorization to practice Dentistry for one (1)
25 year shall be imposed;
- 26 b) For the second conviction, a fine of more than Fifty thousand pesos
27 (P50,000.00) but not more than One hundred thousand pesos
28 (P100,000.00) and suspension of appropriate authorization to practice
29 Dentistry for three (3) years shall be imposed;
- 30 c) For the third and subsequent convictions, a fine of more than One hundred
31 thousand pesos (P100,000.00) but not more than Two hundred thousand

1 pesos (P200,000.00) and suspension of appropriate authorization to
2 practice Dentistry for Five (5) years shall be imposed;

3 d) Any NBI official or employee who shall violate the provisions of this Act shall
4 be the subject of appropriate criminal, civil or administrative action, as may
5 be prescribed by relevant laws, rules or issuances.

6 Sec. 12. *Appropriation Clause.* – In the case of the National Bureau of
7 Investigation, the amount necessary to carry out their mandate under this Act shall
8 be included in the General Appropriations Act starting from the year following its
9 enactment into law.

10 Sec. 13. *Separability Clause.* – If any provision or part hereof is held invalid or
11 unconstitutional, the remainder of the law or the provision or part not otherwise
12 affected shall remain valid and subsisting.

13 Sec. 14. *Repealing Clause.* – Any law, presidential decree or issuance, executive
14 order, letter of instruction, administrative order, rule, or regulation contrary to or
15 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
16 accordingly.

17 Sec. 15. *Effectivity.* – This Act shall take effect fifteen (15) days after its
18 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,