


10 JUL 21 P4:32

SENATE
S. No. 1769

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Art. 2, Section 15 provides:

The State shall protect and promote the right to health of the people and instill health consciousness among them.

The Constitution, Art. 13, Section 11 also provides:

The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the under-privileged, sick, elderly, disabled, women, and children. The State shall endeavor to provide free medical care to paupers.

According to several studies, the diseases with the highest mortality rate in the Philippines are heart diseases, vascular system diseases, cancer, pneumonia, tuberculosis, chronic lower respiratory diseases, diabetes, and perinatal conditions.

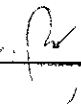
An integrated and comprehensive approach to health development is needed in order to prevent and control the diseases with the highest mortality rate in the country. This bill which establishes a national registry of diseases becomes important to (a) collect and maintain information on the above diseases that have been diagnosed and treated in the country; (b) compile and publish statistics on the epidemiology, management, and outcomes of these diseases; and (c) provide information for national public health policies, healthcare services, and programs.¹


MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the third regular session of the 14th Congress.

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SENATE
S. No. 1769

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 ESTABLISHING A NATIONAL REGISTRY OF DISEASES

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

3 SECTION 1. *Short Title.* – This Act shall be known as the “National Registry of Diseases
4 Act.”

5 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
6 protect and promote the right to health of the people and instill health consciousness among
7 them. Towards this end, the National Registry of Diseases is established to use as a basis for the
8 direction of programs for disease prevention and control.

9 SECTION 3. *Definitions.* – In this Act, the term –

10 (a) “anonymized,” when used to describe information pertaining to an individual,
11 means that the identity of that individual has been concealed or protected, whether by presenting
12 such information in a statistical form or otherwise, such that it cannot be readily discovered or
13 ascertained from that information;

14 (b) “disease” means any physical or mental ailment, disorder, defect, or morbid
15 condition (whether of sudden onset or gradual development), or the recurrence of any such
16 ailment, disorder, defect, or morbid condition;

17 (c) “healthcare institution” means any public or private hospital, medical clinic,
18 clinical laboratory, or healthcare establishments licensed under existing laws.

1 (d) “individually identifiable,” when used to describe information pertaining to an
2 individual, means that the identity of that individual can be readily discovered or ascertained
3 from that information;

4 (e) “manager,” in relation to a healthcare institution, means the person having the
5 management or control of the healthcare institution;

6 (f) “reportable disease” means a disease that is specified in the Schedule;

7 (g) “requisite consent” means –

8 (1) the consent, given in the prescribed form and manner, of the person whose
9 individually identifiable information is to be disclosed under this Act; or

10 (2) where the person referred in the preceding paragraph is unable to give his
11 or her own consent because of his or her age, infirmity of mind or body or
12 any other cause, the consent, given in the prescribed form and manner, of
13 such other person who is authorized by the regulations to give such
14 consent for and on his behalf; and

15 (h) “Secretary” means the Secretary of Health.

16 SECTION 4. *National Registry of Diseases.* – There shall be a National Registry of
17 Diseases, the functions of which are –

18 (a) To collect information on reportable diseases that have been diagnosed and
19 treated in the Philippines;

20 (b) To establish, keep, and maintain for each reportable disease a register containing
21 individually identifiable information obtained under this Act;

22 (c) To compile and publish statistics on the epidemiology, management, and
23 outcomes of reportable diseases;

24 (d) To provide information for the purpose of supporting –

25 (1) health services that are being provided by healthcare institutions to the
26 patients thereof who are suffering from an reportable disease; and

27 (2) national public health policies, initiatives, programs, and related studies
28 concerning any reportable disease; and

1 (e) Generally to do all such acts, matters, and things as are necessary to be carried out
2 under this Act.

3 SECTION 5. *Appointment of Registrar.* – (a) The Secretary of Health shall appoint a
4 Registrar who shall be responsible for the administration of the Registry.

5 (b) The Secretary may also appoint a Deputy Registrar, one or more Assistant
6 Registrars, and such other Registry officers as he or she may consider necessary to assist the
7 Registrar in the administration of the Registry.

8 SECTION 6. *Registers.* – (a) The Registrar shall keep and maintain for each reportable
9 disease a register containing individually identifiable information of each person who is
10 diagnosed with and treated for that disease in the Philippines.

11 (b) The registers kept and maintained under subsection (a) shall not be open for
12 inspection by the public.

13 SECTION 7. *Duty to Notify Registrar of Reportable Diseases.* – (a) Where a person is
14 diagnosed with or undergoes treatment for a reportable disease at a healthcare institution, the
15 manager of the healthcare institution shall, in such form and within such time as may be
16 prescribed, notify the Registrar of that fact.

17 (b) Any manager of a healthcare institution who –

18 (1) without reasonable excuse, fails to comply with the requirements of subsection
19 (a); or

20 (2) in compliance or purported compliance with subsection (a), furnishes as true
21 information which he or she knows or has reason to believe to be false, shall be guilty of an
22 offense and shall be liable on conviction to a fine not exceeding twenty thousand pesos
23 (P20,000.00).

24 (c) A certificate under the hand of the Registrar stating that a notification required
25 under subsection (a) has not been furnished or is incorrect shall be prima facie evidence of the
26 facts stated in the certificate.

1 SECTION 8. *Collection of Information.* – (a) Upon notification being made to the
2 Registrar under section 7, the Registrar or an authorized Registry officer may require the
3 manager of the healthcare institution who made the notification to provide such additional
4 information as may be prescribed concerning the person to whom the notification relates.

5 (b) For the purpose of subsection (a), the Registrar or authorized Registry officer may
6 require the manager of the healthcare institution –

7 (1) to furnish the prescribed additional information to any Registry officer; or

8 (2) to produce to the Registrar or any Registry officer for inspection any medical
9 record, book, or document which contains or may contain the prescribed
10 additional information.

11 (c) Any manager of a healthcare institution who –

12 (1) without reasonable excuse, fails to comply with the requirement of the Registrar
13 or authorized Registry officer under this section; or

14 (2) in compliance or purported compliance with this section, furnishes as true
15 information which he knows or has reason to believe to be false,

16 shall be guilty of an offense and shall be liable on conviction to a fine not exceeding twenty
17 thousand pesos (P20,000.00).

18 (d) A certificate under the hand of the Registrar stating that the additional information
19 required under subsection (a) has not been furnished or is incorrect shall be prima facie evidence
20 of the facts stated in the certificate.

21 SECTION 9. *Confidentiality.* – (a) Except in the case of a prosecution for an offense
22 under this Act, the Registrar, a Registry officer, or any other person who acts under the direction
23 of the Secretary or Registrar for any purpose related to the Registry shall not be compellable in
24 any proceedings to give evidence in respect of, or to produce any document containing, any
25 individually identifiable information which has been obtained under this Act.

26 (b) Except as otherwise provided by this act, the Registrar, a Registry officer, or any
27 other person who acts under the direction of the Secretary or Registrar for any purpose related to
28 the Registry shall not disclose the contents of any register or any individually identifiable

1 information which may have come to his or her knowledge in the course of performing any duty
2 or function under this Act or carrying out any act in relation to the Registry.

3 (c) Any person who fails to comply with subsection (b) shall be guilty of an offense
4 and shall be liable on conviction to a fine not exceeding thirty thousand pesos (P30,000.00) or to
5 imprisonment for a term not exceeding one (1) year or to both.

6 SECTION 10. *Disclosure and Publication of Anonymized Information.* – The Registrar –

7 (a) may, on a request by any person and

8 (i) upon payment by such person of the prescribed fee; and

9 (ii) subject to such conditions as the Registrar may impose, and

10 (b) shall, on a request by the Secretary,

11 disclose or publish any information held by the Registry in an anonymized form.

12 SECTION 11. *National Public Health Programs.* – (a) The Registrar may, with the
13 approval of the Secretary, disclose individually identifiable information held by the Registry to
14 any public officer or any other person for the purpose of conducting national public health
15 programs concerning any reportable disease.

16 (b) In determining whether to approve such disclosure under subsection (a), the
17 Secretary shall, subject to subsection (c), have regard to –

18 (1) the aims and objectives of the national public health program, including any
19 public health benefits to the country;

20 (2) the identity of the public officers or persons involved in the program to whom the
21 individually identifiable information held by the Registry will be disclosed;

22 (3) the use to which the individually identifiable information will or may be put; and

23 (4) the measures that will be put in place under the national public health program to
24 protect the individually identifiable information from unauthorized disclosure.

25 (c) The Secretary shall not approve any disclosure under subsection (a) unless he or
26 she is satisfied that the national public health program cannot be carried out with anonymized
27 information.

1 (d) The Secretary may, when granting approval under subsection (a), impose such
2 conditions as he or she considers necessary with respect to –

3 (1) the identities of the public officers or persons, or class of public officers or
4 persons who are authorized to receive or handle the individually identifiable
5 information;

6 (2) the use to which the individually identifiable information is or may be put; and

7 (3) the measures that must be put in place under the national public health program to
8 protect the individually identifiable information from unauthorized disclosure.

9 (e) The Secretary may, at any time, vary or revoke any of the existing conditions
10 imposed under subsection (d) or impose new conditions.

11 (f) The Secretary may, at any time, revoke the approval given under subsection (a).

12 (g) Any person who fails to comply with any condition imposed under subsection (d)
13 or any new condition imposed under subsection (e) shall be guilty of an offense and shall be
14 liable on conviction to a fine not exceeding twenty thousand pesos (P20,000.00) or to
15 imprisonment for a term not exceeding twelve (12) months or to both.

16 SECTION 12. *Medical Treatment.* – The Registrar may, if he or she thinks fit, disclose to
17 a medical practitioner any individually identifiable information of a medical nature held by the
18 Registry concerning a person suffering from a reportable disease if the Registrar is satisfied that –

19 (a) the medical practitioner is responsible for the treatment and care of that person;

20 (b) the disclosure is necessary for the proper treatment of that person; and

21 (c) the requisite consent has been given for such disclosure.

22 SECTION 13. *Public Health Research.* – (a) A person who requires any individually
23 identifiable information held by the Registry for the purpose of carrying out any medical,
24 epidemiological, or other form of public health research concerning any reportable disease may
25 apply to the Registrar in the prescribed form for the disclosure of such information.

1 (b) The Registrar may, subject to such conditions as he or she thinks fit to impose and
2 upon the payment by the researcher of such fees as may be prescribed, disclose to the researcher
3 such individually identifiable information if the Registrar is satisfied that --

4 (1) the research cannot be carried out with anonymized information;

5 (2) the requisite consent has been given for such individually identifiable information
6 to be disclosed to the researcher for the purpose of the research;

7 (3) the research may --

8 (i) improve the quality of health services provided for patients suffering from
9 any reportable disease in the country; or

10 (ii) support any national public health policy, initiative, or program
11 concerning any reportable disease; and

12 (4) the researcher and the research comply with such conditions as may have been
13 prescribed.

14 (c) A researcher to whom the individually identifiable information of any person has
15 been disclosed under subsection (b) shall not --

16 (1) use such individually identifiable information for any purpose other than the
17 purpose approved by the Registrar; and

18 (2) disclose the name or any other individually identifiable information of that person
19 unless the requisite consent has been given for the disclosure.

20 (d) A researcher to whom the individually identifiable information of any person has
21 been disclosed under subsection (b) shall not disclose --

22 (1) the name or any other information leading to the identification of the healthcare
23 institution in which that person has been diagnosed with, or has been or is being
24 examined or treated for, a reportable disease unless the manager of that healthcare
25 institution has given his or her consent for the disclosure in the prescribed form
26 and manner; or

27 (2) the name or any other information leading to the identification of the person who
28 provided the individually identifiable information to the Registrar under this Act,

1 unless that person has given his or her consent for the disclosure in the prescribed
2 form and manner.

3 (e) Before making any decision on an application under subsection (b), the Registrar
4 may refer the application to a national research advisory committee comprising not less than
5 three (3) and not more than five (5) members appointed by the Secretary and, in making his or
6 her decision, the Registrar shall have regard to any report made to him or her by the national
7 research advisory committee.

8 (f) Where a researcher to whom any individually identifiable information of any
9 person has been disclosed under subsection (b) contravenes subsection (c) or (d) or any condition
10 imposed under subsection (b), he or she shall be guilty of an offense and shall be liable on
11 conviction to a fine not exceeding twenty thousand pesos (P20,000.00) or to imprisonment for a
12 term not exceeding twelve (12) months or to both.

13 SECTION 14. *Offenses by Corporations, Partnerships, and Associations.* – Where an
14 offense under this Act committed by a corporation, partnership, or association is proved –

15 (a) to have been committed with the consent or connivance of a director, officer,
16 partner, or any other responsible officer; or

17 (b) to be attributable to any neglect on his or her part,
18 the officer as well as the corporation, partnership, or association shall be guilty of the offense and
19 shall be liable to be proceeded against and punished accordingly.

20 SECTION 15. *Obstructing the Registrar or Registry Officer in Execution of Duty.* – Any
21 person who obstructs, hinders, or impedes the Registrar or a Registry officer in the performance
22 or execution of his or her duty or anything which he or she is authorized, empowered, or required
23 to do under this Act shall be guilty of an offense and shall be liable on conviction to a fine not
24 exceeding ten thousand pesos (P10,000.00) or to imprisonment for a term not exceeding six (6)
25 months or to both.

1 SECTION 16. *Schedule.* – (a) The Schedule specifies the diseases which are reportable
2 under the Act. The Secretary shall prescribe, by order, the schedule of diseases.

3 (b) The Secretary may, from time to time, by order amend the Schedule.

4 SECTION 17. *Rules and Regulations.* – Not later than one hundred twenty (120) days
5 after the date of the enactment of this Act, the Secretary of Health shall promulgate rules and
6 regulations to implement this Act.

7 SECTION 18. *Authorization of Appropriations.* – To carry out the provisions of this Act,
8 there are authorized to be appropriated such sums as may be necessary for each fiscal year.

9 SECTION 19. *Separability Clause.* – If any provision, or part of this Act is held invalid
10 or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
11 valid and subsisting.

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

15 SECTION 21. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
16 publication in at least two (2) newspapers of general circulation.

Approved,