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SENATE

S. No. **3022**

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

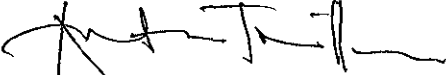
EXPLANATORY NOTE

According to the World Health Organization, diseases were determined as major causes of morbidity. In 2005, specifically, it has been reported that sixty percent (60%) of all deaths in the Philippines are due to chronic diseases.

However, studies show that the burden of diseases as major causes of death has diminished due to improved health technology and health care delivery systems. But then again, much still needs to be done to better reduce the occurrence of illnesses through the application of health measures which could prevent widespread diseases.¹ In this light, an effective and feasible intervention from the government that aims to address health problems in the country is auspiciously significant.

This bill proposes for the establishment of the National Registry of Diseases which will provide a compilation of information on the incidence of certain diseases. This compilation will serve as a basis for the direction of programs for disease prevention and control.

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


ANTONIO "SONNY" F. TRILLANES IV
Senator

¹ Elio-Villa, Luningning. 2006. *Exploring Fresh Collaborative Initiatives for Combating Infectious Disease in the Philippines. Tropical Medicine and Health*. The Japanese Society of Tropical Medicine. Vol. 34, No.4. Data retrieved at http://www.jstage.jst.go.jp/article/tmh/34/4/153/_pdf on July 7, 2008

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**AN ACT
ESTABLISHING THE NATIONAL REGISTRY OF DISEASES AND FOR OTHER
PURPOSES**

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

ARTICLE I

TITLE

SECTION 1. Title. – This Act shall be known as the "*National Registry of Diseases Act of 2009*".

SEC. 2. Definition of Terms. – As used in this Act, the following terms shall have the following definitions:

- a. "agent of the Registry" means any public officer or employee of any statutory body who is appointed by the Secretary under Section 3 (3) to be an agent of the Registry;
- b. "anonymized", when used to describe information pertaining to an individual, means that the identity of that individual has been concealed or protected, whether by presenting such information in a statistical form or otherwise, such that it cannot be readily discovered or ascertained from that information;
- c. "authorized Registry officer" means any Registry officer who is duly authorized by the Registrar in writing to carry out any particular function or to exercise any particular power under this Act;

- 1 d. "disclose", in relation to any information held by the Registry, includes to grant to
2 any person access to such information;
- 3 e. "disease" means any physical or mental ailment, disorder, defect or morbid
4 condition (whether of sudden onset or gradual development), or the recurrence of
5 any such ailment, disorder, defect or morbid condition;
- 6 f. "healthcare institution" means —
- 7 i. any licensed private hospital, medical clinic, clinical laboratory or
8 healthcare establishment; or
- 9 ii. any facility, premises or conveyance which is declared to be a
10 healthcare institution for the purposes of this Act;
- 11 g. "individually-identifiable", when used to describe information pertaining to an
12 individual, means that the identity of that individual can be readily discovered or
13 ascertained from that information;
- 14 h. "investigation officer" means any public officer who is appointed under Section 13
15 to be an investigation officer for the purposes of this Act;
- 16 i. "manager", in relation to a healthcare institution, means the person having the
17 management or control of the healthcare institution;
- 18 j. "medical practitioner" means a registered medical practitioner and who holds a
19 valid practising certificate;
- 20 k. "register" means a register kept and maintained by the Registrar under Section 5;
- 21 l. "Registrar" means the person appointed by the Secretary under Section 3 to be the
22 Registrar of the Registry and includes a Deputy Registrar and an Assistant
23 Registrar;
- 24 m. "Registry" means the National Registry of Diseases established under Section 4;
- 25 n. "Registry officer" means any person who is appointed by the Secretary under
26 Section 3 to be an officer of the Registry;
- 27 o. "regulations" means regulations made under Section 19;

- 1 p. "reportable disease" means a report on the incidence of certain disease;
- 2 q. "requisite consent", for the purposes of Section 11 or 12, means —
- 3 i. the consent, given in the prescribed form and manner, of the
- 4 person whose individually-identifiable information is to be disclosed under that
- 5 section; or
- 6 ii. where the person referred to in paragraph (i) is unable to give his
- 7 own consent because of his age, infirmity of mind or body or any other cause, the
- 8 consent, given in the prescribed form and manner, of such other person who is
- 9 authorized by the regulations to give such consent for and on his behalf.
- 10 r. "Secretary" means the Secretary of the Department of Health;
- 11 s. for purposes of Section 16, —
- 12 i. "body corporate" includes a limited liability partnership;
- 13 ii. "officer" —
- 14 (a) in relation to a body corporate, means any director, partner,
- 15 member of the committee of management, chief executive, manager,
- 16 secretary or other similar officer of the body corporate and includes any
- 17 person purporting to act in any such capacity; or
- 18 (b) in relation to an unincorporated association (other than a
- 19 partnership), means the president, the secretary, or any member of the
- 20 committee of the unincorporated association, or any person holding a
- 21 position analogous to that of president, secretary or member of a
- 22 committee and includes any person purporting to act in any such capacity;
- 23 iii. "partner" includes a person purporting to act as a partner.

24

25 **ARTICLE II**

26 **NATIONAL REGISTRY OF DISEASES**

27 **SEC. 3. *Appointment of Registrar.* —**

1 (1) The Secretary shall appoint a Registrar who shall be responsible for the
2 administration of the Registry.

3 (2) The Secretary may appoint —

4 (a) a Deputy Registrar;

5 (b) one or more Assistant Registrars; and

6 (c) such other Registry officers as he may consider necessary, to assist the
7 Registrar in the administration of the Registry.

8 (3) The Secretary may appoint any public officer or employee of any statutory body to
9 be an agent of the Registry to assist in the collection and collation of any information under this
10 Act, subject to such conditions and limitations as the Secretary may specify.

11 (4) The Registrar, Deputy Registrar, Assistant Registrars, Registry officers and agents of
12 the Registry shall be deemed to be public servants.

13

14 **SEC. 4. *National Registry of Diseases.*** – There shall be a National Registry of Diseases,
15 the functions of which are —

16 (a) to collect information on reportable diseases that have been diagnosed and treated in
17 the country;

18 (b) to establish, keep and maintain for each reportable disease a register containing
19 individually-identifiable information obtained under this Act;

20 (c) to compile and publish statistics on the epidemiology, management and outcomes of
21 reportable diseases;

22 (d) to provide information for the purpose of supporting —

23 (i) health services that are being provided by healthcare institutions to the patients
24 thereof who are suffering from any reportable disease; and

25 (ii) national public health policies, initiatives, programs and related studies
26 concerning any reportable disease; and

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

3
4 **SEC. 5. Registers. –**

5 (1) The Registrar shall keep and maintain for each reportable disease a register
6 containing individually-identifiable information of each person who is diagnosed with and
7 treated for that disease in the country.

8 (2) The registers kept and maintained under subsection (1) shall not be open for
9 inspection by the public.

10
11 **ARTICLE III**

12 **NOTIFICATION OF REPORTABLE DISEASES**

13 **SEC. 6. Duty to Notify Registrar of Reportable Diseases. –**

14 (1) Where a person is diagnosed with or undergoes treatment for a reportable disease at
15 a healthcare institution, the manager of the healthcare institution shall, in such form and within
16 such time as may be prescribed, notify the Registrar of that fact.

17 (2) Any manager of a healthcare institution who —

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

19 (1); or

20 (b) in compliance or purported compliance with subsection (1), furnishes as true

21 information which he knows or has reason to believe to be false, shall be

22 guilty of an offence and shall be liable on conviction to a fine not exceeding

23 Eighty Thousand Pesos (P80,000.00).

24 (3) A certificate under the hand of the Registrar stating that a notification required under
25 subsection (1) has not been furnished or is incorrect shall be *prima facie* evidence of the facts
26 stated in the certificate.

1 **SEC. 7. Collection of Information. —**

2 (1) Upon a notification being made to the Registrar under Section 6, the Registrar or an
3 authorized Registry officer may require the manager of the healthcare institution who made the
4 notification to provide such additional information as may be prescribed concerning the person
5 to whom the notification relates.

6 (2) For the purpose of subsection (1), the Registrar or authorized Registry officer may
7 require the manager of the healthcare institution —

8 (a) to furnish the prescribed additional information to any Registry officer or
9 agent of the Registry; or

10 (b) to produce to the Registrar or any Registry officer or agent of the Registry for
11 inspection any medical record, book or document which contains or may contain the
12 prescribed additional information.

13 (3) Any manager of a healthcare institution who —

14 (a) without reasonable excuse, fails to comply with the requirement of the
15 Registrar or an authorized Registry officer under this section; or

16 (b) in compliance or purported compliance with this section, furnishes as true
17 information which he knows or has reason to believe to be false, shall be guilty of an
18 offence and shall be liable on conviction to a fine not exceeding Eighty Thousand Pesos
19 (P80,000.00).

20 (4) A certificate under the hand of the Registrar stating that the additional information
21 required under subsection (1) has not been furnished or is incorrect shall be *prima facie* evidence
22 of the facts stated in the certificate.

23
24 **ARTICLE IV**

25 **CONFIDENTIALITY AND DISCLOSURE**

26 **SEC. 8. Confidentiality. —**

1 (1) Except in the case of a prosecution for an offence under this Act, the Registrar, a
2 Registry officer, an agent of the Registry or any other person who acts under the direction of the
3 Secretary or Registrar for any purpose related to the Registry shall not be compellable in any
4 proceedings to give evidence in respect of, or to produce any document containing, any
5 individually-identifiable information which has been obtained under this Act.

6 (2) Except as otherwise provided by this Act, the Registrar, a Registry officer, an agent
7 of the Registry or any other person who acts under the direction of the Secretary or Registrar for
8 any purpose related to the Registry shall not disclose the contents of any register or any
9 individually-identifiable information which may have come to his knowledge in the course of
10 performing any duty or function under this Act or carrying out any act in relation to the Registry.

11 (3) Any person who fails to comply with subsection (2) shall be guilty of an offence and
12 shall be liable on conviction to a fine not exceeding Four Hundred Thousand Pesos
13 (P400,000.00) or to imprisonment for a term not exceeding twelve (12) months or to both.

14
15 **SEC. 9. Disclosure and Publication of Anonymized Information. —**

16 (1) The Registrar —

17 (a) may, on a request by any person and —

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

19 (ii) subject to such conditions as the Registrar may impose; and

20 (b) shall, on a request by the Secretary, disclose or publish any information held by the
21 Registry in an anonymized form.

22 (2) Any person who fails to comply with any condition imposed under subsection (1) shall be
23 guilty of an offence and shall be liable on conviction to a fine not exceeding Two Hundred
24 Thousand Pesos (P200,000.00) or to imprisonment for a term not exceeding six (6) months or to
25 both.

26
27 **SEC. 10. National Public Health Programs. —**

1 (1) The Registrar may, with the approval of the Secretary, disclose individually-
2 identifiable information held by the Registry to any public officer or any other person for the
3 purpose of conducting national public health programs concerning any reportable disease.

4 (2) In determining whether to approve such disclosure under subsection (1), the
5 Secretary shall, subject to subsection (3), have regard to —

6 (a) the aims and objectives of the national public health program, including any
7 public health benefits to the country;

8 (b) the identity of the public officers or persons involved in the program to whom
9 the individually-identifiable information held by the Registry will be disclosed;

10 (c) the use to which the individually-identifiable information will or may be put;

11 and

12 (d) the measures that will be put in place under the national public health program
13 to protect the individually-identifiable information from unauthorized disclosure.

14 (3) The Secretary shall not approve any disclosure under subsection (1) unless he is
15 satisfied that the national public health program cannot be carried out with anonymized
16 information.

17 (4) The Secretary may, when granting approval under subsection (1), impose such
18 conditions as he considers necessary with respect to —

19 (a) the identities of the public officers or persons, or class of public officers or
20 persons who are authorized to receive or handle the individually-identifiable information;

21 (b) the use to which the individually-identifiable information is to or may be put;

22 and

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

26 (5) The Secretary may, at any time, vary or revoke any of the existing conditions
27 imposed under subsection (4) or impose new conditions.

1 (6) The Secretary may, at any time, revoke the approval given under subsection (1).

2 (7) Any person who fails to comply with any condition imposed under subsection (4) or
3 any new condition imposed under subsection (5) shall be guilty of an offence and shall be liable
4 on conviction to a fine not exceeding Four Hundred Thousand Pesos (P400,000.00) or to
5 imprisonment for a term not exceeding twelve (12) months or to both.

6
7 **SEC. 11. *Medical Treatment.*** – The Registrar may, if he thinks fit, disclose to a medical
8 practitioner any individually-identifiable information of a medical nature held by the Registry
9 concerning a person suffering from a reportable disease if the Registrar is satisfied that —

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

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

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

13
14 **SEC. 12. *Disclosure of Individually-Identifiable Information for Public Health***
15 ***Research.*** —

16 (1) A person, referred to in this section as the researcher, who requires any individually-
17 identifiable information held by the Registry for the purpose of carrying out any medical,
18 epidemiological or other form of public health research concerning any reportable disease may
19 apply to the Registrar in the prescribed form for the disclosure of such information.

20 (2) The Registrar may, subject to such conditions as he thinks fit to impose and upon the
21 payment by the researcher of such fees as may be prescribed, disclose to the researcher such
22 individually-identifiable information if the Registrar is satisfied that —

23 (a) the research cannot be carried out with anonymized information;

24 (b) the requisite consent has been given for such individually-identifiable
25 information to be disclosed to the researcher for the purpose of the research;

26 (c) the research may —

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

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

5 (d) the researcher and the research comply with such conditions as may have been
6 prescribed.

7 (3) A researcher to whom the individually-identifiable information of any person has
8 been disclosed under subsection (2) shall not —

9 (a) use such individually-identifiable information for any purpose other than the
10 purpose approved by the Registrar; or

11 (b) disclose the name or any other individually-identifiable information of that
12 person unless the requisite consent has been given for the disclosure.

13 (4) A researcher to whom the individually-identifiable information of any person has
14 been disclosed under subsection (2) shall not disclose —

15 (a) the name or any other information leading to the identification of the
16 healthcare institution in which that person has been diagnosed with, or has been or is
17 being examined or treated for, a reportable disease unless the manager of that healthcare
18 institution has given his consent for the disclosure in the prescribed form and manner; or

19 (b) the name or any other information leading to the identification of the person
20 who provided the individually-identifiable information to the Registrar under this Act,
21 unless that person has given his consent for the disclosure in the prescribed form and
22 manner.

23 (5) Before making any decision on an application under subsection (2), the Registrar
24 may refer the application to a national research advisory committee comprising not less than 3
25 and not more than five (5) members appointed by the Secretary and, in making his decision, the
26 Registrar shall have regard to any report made to him by the national research advisory
27 committee.

1 (6) Where a researcher to whom any individually-identifiable information of any person
2 has been disclosed under subsection (2) contravenes subsection (3) or (4) or any condition
3 imposed under subsection (2), he shall be guilty of an offence and shall be liable on conviction to
4 a fine not exceeding Four Hundred Thousand Pesos (P400,000.00) or to imprisonment for a term
5 not exceeding twelve (12) months or to both.

7 **ARTICLE V**

8 **ENFORCEMENT POWERS**

9 **SEC. 13. *Appointment of Investigation Officers.* —**

10 (1) The Secretary may, in writing, appoint any public officer to be an investigation
11 officer for the purpose of conducting an investigation into any offence under this Act.

12 (2) Every investigation officer, when exercising any of his powers under this Act, shall,
13 if not in uniform, declare his office and shall, on demand, produce to any person affected by the
14 exercise of that power such identification card as the Secretary may direct to be carried by the
15 investigation officer when exercising such power.

16 **SEC. 14. *Powers of Entry, Inspection, Search, and Seizure.* —**

17 (1) An investigation officer shall, for the purposes of investigating any offence under
18 this Act, have power to do any or all of the following:

19 (a) to enter, inspect and search, without warrant at any reasonable time, any place
20 which he has reason to believe contains evidence relating to or connected with an offence
21 under this Act;

22 (b) for the purposes of paragraph (a) —

23 (i) to inspect and make copies of and take extracts from, or require the
24 occupier or any person having the management or control of any place mentioned
25 in that paragraph to provide copies of or extracts from, any book, document,
26 record or electronic material;
27

1 (ii) to inspect and make copies of and take extracts from, or require the
2 occupier or any person having the management or control of any place mentioned
3 in that paragraph to provide copies of or extracts from, any medical record of any
4 person who has been or who is being treated or examined at that place,
5 notwithstanding that the prior consent of such person has not been obtained;

6 (iii) to seize and remove from any place mentioned in that paragraph any
7 book, record, document, material, article or thing which the investigation officer
8 reasonably believes to be the subject-matter of, or to be connected with the
9 commission of, an offence under this Act; and

10 (iv) to make such examination or inquiry as may be necessary to ascertain
11 whether the provisions of this Act have been complied with;

12 (c) to require any person, by way of an order in writing, to produce any book,
13 document, record, electronic material, article or thing that the investigation officer
14 considers is necessary or desirable for the purposes of an investigation under this Act.

15 (2) The occupier or any person having the management and control of, or who is found
16 in, any place mentioned in subsection (1) (a) shall render all necessary assistance and co-
17 operation to the investigation officer as are necessary for an entry, inspection, examination,
18 inquiry or otherwise for the exercise of his powers under this Act in relation to that place.

19 (3) Any person who —

20 (a) obstructs, hinders or impedes an investigation officer in the exercise of his
21 power under this section; or

22 (b) fails to comply with any order or requirement of an investigation officer under
23 this section or to produce any book, document, record, electronic material, article or thing
24 which he is required by or under this Act to produce to an investigation officer, shall be
25 guilty of an offence and shall be liable on conviction to a fine not exceeding Two
26 Hundred Thousand Pesos (P200,000.00) or to imprisonment for a term not exceeding six
27 (6) months or to both.

1 (2) Where the affairs of a body corporate are managed by its members, subsection (1)
2 shall apply in relation to the acts and defaults of a member in connection with his functions of
3 management as if he were a director of the body corporate.

4 (3) Where an offence under this Act committed by a partnership is proved —

5 (a) to have been committed with the consent or connivance of a partner; or

6 (b) to be attributable to any neglect on his part, the partner as well as the
7 partnership shall be guilty of the offence and shall be liable to be proceeded against and
8 punished accordingly.

9 (4) Where an offence under this Act committed by an unincorporated association other
10 than a partnership is proved —

11 (a) to have been committed with the consent or connivance of an officer of the
12 unincorporated association or a member of its governing body; or

13 (b) to be attributable to any neglect on the part of such officer or member, the
14 officer or member as well as the unincorporated association shall be guilty of the offence
15 and shall be liable to be proceeded against and punished accordingly.

16
17 **SEC. 17. *Protection from Liability.* —**

18 (1) No action, suit or other legal proceedings shall lie against the government or
19 personally against the Secretary, the Registrar, a Registry officer, an agent of the Registry, an
20 investigation officer or any other person for anything which is done or omitted to be done in
21 good faith in the course of or in connection with —

22 (a) the exercise or purported exercise of any power under this Act;

23 (b) the performance or purported performance of any function or the discharge or
24 purported discharge of any duty under this Act; or

25 (c) the compliance or purported compliance with this Act.

26 (2) A person who makes a notification to the Registrar under Section 6 or who
27 otherwise makes available to the Registrar, a Registry officer, an agent of the Registry or an

1 investigation officer any document or other information for the purpose of complying with the
2 requirements of this Act, shall not, by virtue of doing so —

3 (a) be liable to any suit or other legal proceedings for breach of confidence; or

4 (b) be held in any proceedings before any court or tribunal or in any other respect
5 to have breached any code of professional etiquette or ethics, or to have departed from
6 any accepted form of professional conduct.

7 (3) Where pursuant to this Act the Registrar discloses to any person any information that
8 is held by the Registry, neither the Registrar nor any Registry officer involved in the disclosure
9 of such information shall be liable for any loss or damage suffered by that person or by any other
10 person by reason of any error or omission of whatever nature appearing in the information
11 disclosed or however caused if the error or omission was made in good faith and in the ordinary
12 course of the discharge of the duties of the Registrar or Registry officer.

13
14 **SEC. 18. *Obstructing Registrar and Registry Officer in Execution of Duty.*** — Any
15 person who obstructs, hinders or impedes the Registrar, a Registry officer or an agent of the
16 Registry in the performance or execution of his duty or anything which he is authorized,
17 empowered or required to do under this Act shall be guilty of an offence and shall be liable on
18 conviction to a fine not exceeding Two Hundred Thousand Pesos (P200,000.00) or to
19 imprisonment for a term not exceeding six (6) months or to both.

20
21 **SEC. 19. *Regulations.*** —

22 (1) The Department may make regulations for carrying out the purposes and provisions
23 of this Act.

24 (2) Without prejudice to the generality of subsection (1), the Department may make
25 regulations with respect to any or all of the following matters:

1 (a) the circumstances under which, and the manner in which, individually-
2 identifiable information held by the Registry may be anonymized for the purposes of
3 disclosure and publication under Section 9;

4 (b) the circumstances under and the manner in which persons whose individually-
5 identifiable information is held by the Registry or the next-of kin of such persons may be
6 contacted for the purposes of any national public health program referred to in Section
7 10;

8 (c) the circumstances under and the manner in which individually-identifiable
9 information held by the Registry may be disclosed for the purposes of any medical,
10 epidemiological or other form of public health research referred to in Section 12;

11 (d) the circumstances under and the manner in which a person may obtain
12 certified extracts of individually-identifiable information relating to himself;

13 (e) the forms to be used for the purposes of this Act;

14 (f) the fees and charges payable under or for the purposes of this Act;

15 (g) any other matter as may be necessary or expedient to be prescribed for
16 carrying out the provisions of this Act.

17 (3) In making any regulations any contravention of or failure to comply with any
18 regulation shall be an offence punishable with a fine not exceeding Four Hundred Thousand
19 Pesos (P400,000.00) or with imprisonment for a term not exceeding six (6) months or with both.

20
21 **SEC. 20. *Saving Provision for Personal Information Previously Collected.* —**

22 (1) As from the date on which any disease becomes a reportable disease for the purposes
23 of this Act —

24 (a) any personal information that had already been collected by a specified entity
25 before that date pertaining to a person who had been diagnosed with or who had
26 undergone treatment for that disease for the purposes of a national disease registry shall

1 be deemed to be personal information that has been collected under and for the purposes
2 of this Act in relation to that reportable disease; and

3 (b) any person who had made a notification of any such personal information to
4 the specified entity before that date shall be entitled to the same protection from liability
5 under Section 17 (2) as if he had made the notification under Section 6 on or after that
6 date.

7
8 **SEC. 21. *Funding Provision.*** – The Secretary of the Department shall immediately
9 hereinafter include in the Department’s programs the prompt implementation of this Act, funding
10 of which shall be provided for in the General Appropriations Act.

11
12 **SEC. 22. *Enforcement.*** – It shall be the duty of all duly constituted law enforcement
13 agencies and officers of national, provincial, city, or municipal governments to uphold and
14 enforce the provisions of this Act and to investigate and prosecute or cause the investigation and
15 prosecution of any person violating the same.

16
17 **SEC. 23. *Implementing Rules and Regulations.*** – Within ninety (90) days after the
18 approval of this Act, the Department shall promulgate the necessary implementing rules and
19 regulations to implement the provisions of this Act.

20
21 **SEC. 24. *Separability Clause.*** – If any provision of this Act shall at any time be found to
22 be unconstitutional or invalid, the remainder thereof not affected by such declaration shall
23 remain in full force and effect.

24
25 **SEC. 25. *Repealing Clause.*** – All laws, decrees, rules or regulations inconsistent with
26 the provisions of this Act are hereby repealed or modified accordingly.

1 **SEC. 26. *Effectivity Clause.*** – This Act shall take effect after fifteen (15) days following
2 its complete publication in two (2) newspapers of general circulation.

Approved,