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SENATE

S. No 3103

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

The Constitution puts emphasis on an integrated and comprehensive approach to health development that endeavors to make essential goods, health and other social services available to all the people at affordable cost. It stated that the needs of the under-privileged, sick, elderly, disabled, women, and children should be prioritized.

The PCSO, with its mandate to raise and provide funds for health programs, medical assistance and services, and charities of national character, has been stretching its resources particularly to purchase ambulance units. These units are intended to be donated to hospitals, local government units (LGUs), government agencies, non-government organizations (NGOs) and non-government health institutions/center¹. Being able to transport seriously sick or injured patients who are in need of immediate medical treatment to a medical facility, ambulances have played a vital role in the society.

However, it has been observed that government ambulances are often misused to the detriment of the public. With this kind of situation, the very purpose of government ambulances is obviously defeated. In result, sick constituents are deprived of their use as they are often unavailable when the need arises.

This bill aims to prevent abuses in the use of government ambulances and to ensure that these emergency vehicles are available to respond to emergencies at any time without discrimination.

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


ANTONIO "SONNY" F. TRILLANES IV
Senator

¹ Health Committee hears briefing by DOH, PCSO. Data retrieved at www.congress.gov.ph/ on 16 February 2009

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S. No. 3103

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
REGULATING THE USE OF GOVERNMENT AMBULANCES, PROVIDING
PENALTIES THEREFOR AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Definition of Terms.*** – As used in this Act, the following terms shall mean:

2 a) "Government ambulance" refers to a vehicle equipped with emergency life-saving
3 devices and equipment and properly designated as such, used to carry or transport
4 seriously sick or injured persons or patients in emergency situations requiring
5 immediate medical treatment to a medical facility or from one medical facility to
6 another; or for diagnostic, therapeutic or rehabilitative treatment where, by the nature
7 of the patient's sickness or injury, conveyance by ambulance is necessary. It may be
8 acquired using government funds or donated for government use, regardless of
9 source;

10 b) "Emergency" refers to a condition or state of patient wherein, based on the objective
11 findings of a prudent medical officer on duty for the day, there is immediate danger
12 on the life of the patient where delay in initial support and treatment may cause loss
13 of life or permanent disability to the patient.

14
15 **SEC. 2. *Joint Custody of Government Ambulances Assigned or Donated to Local***
16 ***Government Units.*** – Any government ambulance assigned or donated to local government units

1 shall be under the joint custody of the local chief executive and the health officer concerned.
2 Each shall be jointly liable for any violation of the provisions of this Act committed by the other.

3 Upon the end of the local chief executive's term of office or in case he is disqualified or
4 removed from office for whatever cause, he shall turn over the custody of the ambulance to the
5 proper authority within fifteen (15) days from his last day in office. In the same manner, in case
6 the health officer of the local government unit retires, is separated or disqualified from office, he
7 shall turn over the said custody to the proper authority within fifteen (15) days from his last day
8 in office.

9

10 **SEC. 3 . Duties of Local Chief Executive.** – a) It shall be the duty of any local chief
11 executive having temporary custody of any government ambulance, donated or otherwise, to
12 deliver or cause the delivery of the same to the intended beneficiary without unnecessary delay.

13 (b) It shall also be the duty of local chief executives assigned with any government ambulance to
14 appoint at least one (1) regular driver for each ambulance and ensure that a sufficient amount for
15 gasoline and the maintenance of their ambulance is appropriated every year.

16

17 **SEC. 4. Prohibited Acts.** – The following acts are hereby prohibited:

18 a) It shall be unlawful for any public official or employee to use any government
19 ambulance as office service vehicle, for recreation or for personal use or for any other
20 purpose whatsoever inconsistent with the purposes of a government ambulance as
21 defined in Section 1 of this Act;

22 b) It shall be unlawful for any public official or employee to use any government
23 ambulance in the transportation of patients not in emergency situation unless another
24 ambulance is available to respond to any emergency; or when no other means of
25 transportation is available which non-availability is jointly certified under oath by the
26 patient or any of his/her relatives or guardians and the responsible officer-in-charge of
27 the ambulance other than the driver; or when the nature of the patient's sickness or

1 injury, though not life threatening, makes necessary his/her transportation by
2 ambulance;

3 c) It shall be unlawful for any public officer or employee to allow the use of any
4 government ambulance by individuals or entities for private use, whether or not for a
5 fee;

6 d) It shall be unlawful for any public officer or employee to refuse the use of any
7 government ambulance by any patient entitled to the use of the same as provided in
8 this Act due to the patient's inability to pay any fee collected for its use; or
9 discriminate in its use on account of religious beliefs, gender, economic status,
10 political affiliations or whatever cause contrary to law, public policy or good
11 customs;

12 e) It shall be unlawful for any public officer or employee to paint over or allow the
13 painting over of any government ambulance to circumvent the provisions of this Act;
14 and;

15 f) It shall be unlawful to use deceptive measures such as sirens or printing the word
16 "ambulance" on the vehicle's body of any privately-owned or government-owned
17 vehicle to make it appear as an ambulance.

18
19 **SEC. 5. *Exceptions to the Prohibited Acts.*** -- The provisions of Section 4
20 notwithstanding, the following use of any government ambulance in nonemergency cases may be
21 allowed:

22 a) Medical outreach missions; and

23 b) Other activities strictly and solely related to hospital operations.

24
25 **SEC. 6. *Penalty Clause.*** -- Violations of Section 2, paragraph 2 hereof shall be punished
26 by perpetual disqualification from public service with forfeiture of retirement benefits.
27 Violations for Section 3 and any of the prohibited acts enumerated in Section 4 hereof shall be
28 penalized by suspension from office without pay for thirty (30) days for the first offense; six (6)

1 months without pay for the second offense; and termination from service with forfeiture of
2 retirement benefits and perpetual disqualification from public service for the third offense.

3 If any violation of any of the prohibited acts be committed with the knowledge or
4 participation of the local chief executive and/or the responsible health officer in case of local
5 government units or the head of hospital in case of government hospitals, the said officials shall
6 also be penalized with the same penalty provided in this Act for the offense.

7
8 **SEC. 7. *Implementing Rules and Regulations.*** – The Secretary of the Interior and Local
9 Government, in consultation with the secretaries of Health and Transportation and
10 Communications and concerned sectors, shall issue such guidelines, orders or rules and
11 regulations as may be necessary to carry out the provisions of this Act.

12
13 **SEC. 8. *Separability Clause.*** – If any provision of this Act shall at any time be found to
14 be unconstitutional or invalid, the remainder thereof not affected by such declaration shall
15 remain in full force and effect.

16 **SEC. 9 . *Repealing Clause.*** – All laws, decrees, rules or regulations inconsistent with the
17 provisions of this Act are hereby repealed or modified accordingly.

18
19 **SEC. 10 . *Effectivity Clause.*** – This Act shall take effect after fifteen (15) days following
20 its complete publication in two (2) newspapers of general circulation.

Approved,