

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



Senate
Office of the Secretary

'16 FEB -1 P3:19

SENATE
S. No. 3195

RECEIVED BY: *J*

Introduced by Senator Miriam Defensor Santiago

AN ACT
DIRECTING THE SECRETARY OF HEALTH TO DEVELOP AND IMPLEMENT A
NATIONAL PUBLIC EDUCATION CAMPAIGN ON THE IMPORTANCE OF
ADVANCE CARE PLANNING AND OF AN INDIVIDUAL'S RIGHT TO DIRECT
AND PARTICIPATE IN HIS OR HER HEALTH CARE DECISIONS

EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides:

Section 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

According to the National Health Institute of the University of the Philippines, six out of ten Filipinos who succumb to sickness die without ever seeing a doctor.¹ Hence, it is time for Filipinos to discuss and learn about future health care decisions for themselves and their family, and possibly start thinking about options that can help them with these choices, like advance directives.

Advance directives are decisions that can be written down prior to medical treatment, so the family can carry out a person's wishes for health care if this person is unable to communicate them.

Thus, this bill directs the Secretary of Health, directly or through grants, contracts, or interagency agreements, to develop a national campaign to inform the public of the importance of advance care planning and of an individual's right to direct and participate

¹ <http://newsinfo.inquirer.net/inquirerhedlines/nation/view/20100413-263926/Health-care-beyond-reach-of-poor-say-critics>

in his, or her health care decisions. The comprehensive public education campaign shall raise awareness of the importance of planning for care near the end of life.²

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
RP

² This bill was originally filed during the Fifteenth Congress, First Regular Session.

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

1 SECTION 1. *Short Title.* – This law shall be known as the "Advance Directives
2 Education Act".

3 SECTION 2. *Definition of Terms.* – For purposes of this Act, the term:

4 (a) "Advance care planning" means the process of:

5 (1) determining an individual's priorities, values and goals for care in
6 the future when the individual is no longer able to express his or her
7 wishes;

8 (2) engaging family members, health care proxies, and health care
9 providers in an ongoing dialogue about:

10 (i) the individual's wishes for care;

11 (ii) what the future may hold for people with serious illnesses or
12 injuries;

13 (iii) how individuals, their health care proxies, and family
14 members want their beliefs and preferences to guide care
15 decisions; and

1 (iv) the steps that individuals and family members can take
2 regarding, and the resources available to help with, finances,
3 family matters, spiritual questions, and other issues that
4 impact seriously ill or dying patients and their families; and

5 (3) executing and updating advance directives and appointing a health
6 care proxy.

7 (b) "Advance directive" means a will, medical directive, health care power of
8 attorney, or other written statement by a competent individual that is recognized under
9 existing laws and indicates the individual's wishes regarding medical treatment in the
10 event of future incompetence.

11 (c) "End-of-life care" means all aspects of care of a patient with a potentially
12 fatal condition, and includes care that is focused on specific preparations for an
13 impending death.

14 (d) "Health care power of attorney" means a legal document that identifies a
15 health care proxy or decision maker for a patient who has the authority to act on the
16 patient's behalf when the patient is unable to communicate his or her wishes for medical
17 care on matters that the patient specifies when he or she is competent. Such term includes
18 a special power of attorney that relates to medical care.

19 (e) "Secretary" means the Secretary of the Department of Health.

20 (f) "Will" means any legal document, with formalities prescribed by law,
21 which is used to specify the type of medical care, including any type of medical
22 treatment, including life-sustaining procedures if that person becomes permanently
23 unconscious or is otherwise dying, that an individual wants provided or withheld in the
24 event the individual cannot speak for himself or herself and cannot express his or her
25 wishes; and that requires a physician to honor its provisions upon receipt or to transfer

1 the care of the individual covered by the document to another physician that will honor
2 such provisions.

3 **SECTION 3. *National Public Education Campaign.* –**

4 (a) In general. – Not later than 1 January 2017, the Secretary, shall, directly or
5 through grants, contracts, or interagency agreements, develop and implement a national
6 campaign to inform the public of the importance of advance care planning and of all
7 individual's right to direct and participate in their health care decisions.

8 (b) Content of educational campaign. – The national public education campaign
9 established under paragraph (a) shall:

- 10 (1) employ the use of various media, including regularly televised
11 public service announcements;
- 12 (2) provide culturally and linguistically appropriate information;
- 13 (3) be conducted continuously over a period of not less than 5 years;
- 14 (4) identify and promote the advance care planning information
15 available on the Department of Health, as well as any other relevant
16 government advance care planning resources;
- 17 (5) raise public awareness of the consequences that may result if an
18 individual is no longer able to express or communicate their health care
19 decisions;
- 20 (6) address the importance of individuals speaking to family members,
21 health care proxies, and health care providers as part of an ongoing
22 dialogue regarding their health care choices;
- 23 (7) address the need for individuals to obtain readily available legal
24 documents that express their health care decisions through advance
25 directives (including wills, comfort care orders, and powers of attorney for
26 health care);

1 (8) raise public awareness regarding the availability of hospice and
2 palliative care; and

3 (9) encourage individuals to speak with their physicians about their
4 options and intentions for end-of-life care.

5 (c) Evaluation. –

6 (1) In general. – Not later than 1 July 2018, the Secretary, shall conduct
7 a nationwide survey to evaluate whether the national campaign conducted
8 under this Act has achieved its goal of changing public awareness,
9 attitudes, and behaviors regarding advance care planning.

10 (2) Baseline survey. – In order to evaluate the effectiveness of the
11 national campaign, the Secretary shall conduct a baseline survey prior to
12 implementation of the campaign.

13 (3) Reporting requirement. – Not later than 31 December 2016, the
14 Secretary shall report the findings of such survey, as well as any
15 recommendations that the Secretary determines appropriate regarding the
16 need for continuation or legislative or administrative changes to facilitate
17 changing public awareness, attitudes, and behaviors regarding advance care
18 planning, to the appropriate committees of the Congress.

19 SECTION 4. *Separability Clause.* – If any provision of this Act is held invalid or
20 unconstitutional, the same shall not affect the validity and effectivity of the other
21 provisions hereof.

22 SECTION 5. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
23 portions thereof, which are inconsistent with the provisions of this Act, are hereby
24 repealed, amended or modified accordingly.

1 SECTION 6. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
2 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,

/clr7Dec2015