

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



'16 FEB -1 P3 20

SENATE
S. No. 3198

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
REQUIRING THE EXPRESS, WRITTEN CONSENT OF A PATIENT OR HIS
AUTHORIZED REPRESENTATIVE TO AUTHORIZE THE PRESENCE OF NON-
MEDICAL PERSONNEL DURING SURGERY

EXPLANATORY NOTE

The Constitution, Article 2, Section 11 provides that:

The State values the dignity of every human person and guarantees full respect for human rights.

With this value in mind, the rules on evidence even disqualify certain persons from testifying in court by reason of privileged communication to protect the dignity of individuals. Health personnel are one such group of individuals who cannot in a civil case, without the consent of the patient, be examined as to any advice or treatment given by him or any information which he may have acquired in attending such patient in a professional capacity, which information was necessary to enable him to act in capacity, and which would blacken the reputation of the patient.

Even with the protection given under the law, there are still instances where a patient's dignity and privacy are violated. Most of these violations happen inside the surgery or operating room where the patient is unable to prevent people from watching the operation because he or she is unconscious.

This bill aims to give the surgical patient additional protection from individuals who violate his right to privacy and dignity inside the operating room during surgery when he is most vulnerable.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
77

¹ This bill was originally filed during the Fourteenth Congress, First Regular Session.



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

'16 FEB -1 P3 20

SENATE
S. No. 3198

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

AN ACT
REQUIRING THE EXPRESS, WRITTEN CONSENT OF A PATIENT OR HIS
AUTHORIZED REPRESENTATIVE TO AUTHORIZE THE PRESENCE OF NON-
MEDICAL PERSONNEL DURING SURGERY

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Operating Room
2 Privacy Act.”

3 SECTION 2. *Declaration of Policy.* – The state values the privacy and dignity of
4 every person. In line with this, the Act guarantees every surgical patient that only
5 authorized persons will be allowed to participate in surgical operations.

6 SECTION 3. *Persons Authorized in Operating Rooms.* – No person, other than
7 duly licensed health care professionals specifically assigned to handle the specified
8 patient's case, persons training to become such a professional who were required by the
9 health professionals present to observe the operation, emergency medical technicians,
10 additional medical personnel aiding the health care professionals assigned and members
11 of the patient's immediate family, shall be present in any room in which surgery is being
12 conducted.

13 SECTION 4. *Strategic Plan. Required Written Consent.* – The provisions of
14 Section 1 shall only be waived upon the express written consent of the surgical patient or
15 his authorized representative. Such consent shall be signed by such patient or his

1 authorized representative and the surgeon assigned to the surgical patient and shall
2 specifically name the otherwise unauthorized persons who are to be permitted to be
3 present during surgery.

4 SECTION 5. *Penalties.* – Any person who violates any provision of this Act shall
5 be punished by one year imprisonment or fine not exceeding Fifty Thousand Pesos
6 (P50,000) or both in the discretion of the court. Both the unauthorized person and the
7 health personnel who allowed access to the unauthorized person inside the operating
8 room shall be punished under this Act.

9 SECTION 6. *Implementing Rules and Regulations.* – The Secretary of Health shall
10 promulgate any rules and regulations necessary to implement the provisions of this Act.

11 SECTION 7. *Separability Clause.* – If any provision or part hereof is held invalid
12 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
13 remain valid and subsisting.

14 SECTION 8. *Repealing Clause.* – Any law, presidential decree or issuance,
15 executive order, letter of instruction, administrative order, rule or regulation contrary to
16 or inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
17 accordingly.

18 SECTION 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
19 its publication in the *Official Gazette* or in at least two (2) newspapers of general
20 circulation.

Approved,

/ersmg24Nov2015