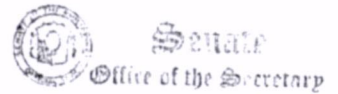


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

'19 JUL -4 A9 :27

S. No. 229

RECEIVED BY: _____

Introduced by SENATOR RONALD "BATO" DELA ROSA

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

EXPLANATORY NOTE

Article II, Section 15 of the 1987 Philippine Constitution provides that:

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

One of the essential health services in the delivery of pre-and post-hospital care to emergency patients is the provision of ambulance service. The ambulance are designed to transport critically sick or injured persons.

Memorandum Circular No. 107, series of 1989, issued by the Department of Health, provides for the guidelines in restricting the use of government ambulances for purposes only for the transporting of patient, save in cases wherein there is no other motor vehicle available which could be utilized for the purpose of withdrawing money from the bank, transport of personnel on night duty to and from pick-up/drop-in centers and for medical outreach missions.

However, several complaints have been received regarding the misuse of government ambulances; that government ambulances are being used for personal purposes and that during emergency situations patients have to pay for the gasoline expenses for these vehicles.

The unauthorized use or misuse of ambulances denies sick constituents and patients requiring immediate medical attention of its use. It must be noted that the safety and protection of the patient as well as the medical care providers shall be of primary consideration and that the vehicles must be available to respond to emergencies at all times.

The proposed measure aims to institutionalize proper utilization of government-owned ambulance, whether acquired using government funds or donated for government use, in order to protect and save the lives of patients. Government ambulances shall be under the "joint custody" of the local chief executive and health officer in the local government unit. Hence, it is within their duty to make available to the intended beneficiaries the ambulance with an appointed driver, sufficient gasoline and without unnecessary delay.

Furthermore, the bill penalizes the unlawful use and misuse of government ambulance for purposes that is inconsistent with the purposes for which it is use, the use of government ambulance for private use with a fee, and the denying a patient entitled for the use of the government ambulance. In the last Congress, the bill was filed by Senator Joseph Victor Ejercito.

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


RONALD "BATO" DELA ROSA

SENATE

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Introduced by SENATOR RONALD "BATO" DELA ROSA

AN ACT
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PENALTIES THEREFORE AND FOR OTHER PURPOSES

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

1 SECTION 1. *Declaration of Policy.* - It is hereby declared the policy of the State
2 that the right of the people to health shall be protected and promoted. In this regard,
3 the State shall extend such assistance in the most expeditious manner where there is
4 immediate danger on the life of the people.

5 SEC 2. *Definition of Terms.* - As used in this Act, the following terms shall
6 mean:

7 a) *Government ambulance* refers to a vehicle equipped with emergency life-
8 saving devices and equipment and properly designated as such, used to
9 carry or transport seriously sick or injured persons or patients in
10 emergency situations requiring immediate medical treatment to a
11 medical facility or from one medical facility to another; or for diagnostic
12 or therapeutic treatment where, by the nature of the patient's sickness
13 or injury, conveyance by ambulance is necessary. These vehicles are
14 acquired using government funds or donated for government use,
15 regardless of source.

16
17 b) *Emergency* refers to a condition or state of patient wherein based on the
18 objective findings of a prudent medical officer on duty for the day, there

1 is immediate danger on the life of the patient where delay in initial
2 support and treatment may cause loss of life or permanent disability to
3 the patient.

4 *SEC 3. Joint Custody of Government Ambulances Assigned or Donated to Local*
5 *Government Units.* - Any government ambulance assigned or donated to Local
6 government units shall be under the joint custody of the local chief executive and the
7 health officer concerned. Each shall be jointly liable for any violation of the provisions
8 of this Act committed by the of the provisions of this Act committed by the other.

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

15 *SEC 4. Duties of Local Chief Executives.* -

16 a) It shall be the duty of any local chief executive having temporary custody
17 of any government ambulance, donated or otherwise, to deliver or cause
18 the delivery of the same to the intended beneficiary without unnecessary
19 delay.

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

24 *SEC 5. Prohibited Acts.* - The following acts are hereby prohibited:

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

29 b) It shall be unlawful for any public official or employee to use any
30 government ambulance in the transportation of patients not in
31 emergency situation unless another ambulance is available to respond to
32 any emergency; or when no other means of transportation is available

1 which non-availability is jointly certified under oath by the patient or any
2 of his / her relatives or guardians and the responsible officer in charge
3 of the ambulance other than the driver; or when the nature of the
4 patient's sickness or injury, though not life threatening, makes necessary
5 his / her transportation by ambulance;

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

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

15 e) It shall be unlawful for any public officer or employee to paint over or
16 allow the painting over of any government ambulance to circumvent the
17 provisions of this Act.

18 *Sec. 6. Exceptions to the Prohibited Acts.* - The provisions of Section 5
19 notwithstanding, the following use of any government ambulance in non-emergency
20 cases may be allowed:

- 21 a) Medical outreach missions; and,
- 22 b) Other related hospital operations.

23 *SEC 7. Penalty Clause.* - Violations of second paragraph of Section 3 hereof shall
24 be punished by perpetual disqualification from public service with forfeiture of
25 retirement benefits.

26 Violations of Section 4 and any of the prohibited acts enumerated in Section 5
27 hereof shall be penalized by suspension from office for thirty (30) days for the first
28 offense; suspension for six (6) months for the second offense; and termination from
29 service with forfeiture of retirement benefits and perpetual disqualification from public
30 service for the third offense

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

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

10 SEC 9. *Separability Clause* - If any provision of this Act or the application of such
11 provision to any person or circumstance is declared unconstitutional, the remainder of
12 this Act or the application of such provision to other persons or circumstances shall not
13 be affected by such declaration.

14 SEC 10. *Repealing Clause.* - All laws, orders, decrees, proclamations, rules and
15 regulations or parts thereof inconsistent with the provisions of this Act are hereby
16 repealed or modified accordingly.

17 SEC 11. *Effectivity Clause.* - This Act shall take effect after fifteen (15) days
18 following the completion of its publication in the Official Gazette, or in a newspaper of
19 general circulation in the Philippines.

Approved,