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

SENATE
S. B. No. __1526__

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article XV provides:

> Section 1. The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

The child, as part of the family, is one of the most important assets of the nation. Consequently, the State should exert every effort to promote the child's welfare and enhance his opportunities for a useful and happy life.

A child, separated from his family, loses the opportunity to develop in a wholesome and harmonious atmosphere conductive to his proper upbringing, particularly with respect to his preparation for adult life and the conscientious discharge of his civic duties as a whole.

Accordingly, this bill seeks to require hospitals: a) to establish and implement security procedures to reduce the likelihood of infant patient abduction and baby switching; and b) to devise procedures for identifying all infant patients in the hospital in a manner that ensures it will be evident if infants are missing from the hospital.[*]

MIRIAM DEFENSOR SANTIAGO

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[*] This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1   AN ACT
2 REQUIRING HOSPITALS TO ESTABLISH AND IMPLEMENT SECURITY PROCEDURES
3   TO REDUCE THE POSSIBILITY OF INFANT PATIENT ABDUCTION
4   AND BABY SWITCHING

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

7   SECTION 1. *Short Title.* – This Act shall be known as the "Infant Protection and Baby

8 Switching Prevention Act."

9   SECTION 2. *Declaration of Policy.* – It is the policy of the State to protect the Filipino

10 family, strengthen its solidarity, and actively promote its total development.

11   SECTION 3. *Definition of Terms.* – For the purpose of this Act, the terms:

12   (A) "Identification Record" means a record maintained by a hospital to aid in the

13 identification of newborn patients of the hospital, including any of the following:

14   (1)   The footprint, fingerprint, or photograph of the newborn patient.

15   (2)   A written description of the infant.

16   (3)   An identification bracelet or anklet put on the newborn patient, or the

17   mother of the newborn patient, by a staff member of the hospital.

18   (B) "Secretary" means the Secretary of Health.

19   SECTION 4. *Establishment of Security Procedures.* – In the case of hospitals and critical

20 access hospitals which provide neonatal or infant care, to have in effect security procedures to

21 meet the standards established by the Secretary, in consultation with appropriate organizations,

22 to reduce the likelihood of infant patient abduction and baby switching, including standards for

1   identifying all infant patients in the hospital in a manner that ensures that it will be evident if

2   infants are missing form the hospital.

3   SECTION 5. *Regulations.* – The Secretary of Health shall —

4   (A) Consult with various organizations representing consumers, appropriate national and

5   local regulatory agencies, hospitals, and critical access hospitals;

6   (B) Take into account variations in size and location of hospitals and critical access

7   hospitals, and the percentage in size and location of hospitals and critical access hospitals that

8   neonatal care and infant care represent; and

9   (C) Promulgate specific regulations that address each size and type of hospital covered.

10   SECTION 6. *Publication.* – Not later than twelve (12) months after the date of the

11   enactment of this Act, the Secretary shall publish regulations. In order to carry out this

12   requirement in a timely manner, the Secretary may promulgate regulations that take effect on an

13   interim basis, after notice and pending opportunity for public comment.

14   SECTION 7. *Penalties.* –

15   (A) *Amount of Penalty.* – A hospital that commits a violation described in paragraph (B)

16   of this subsection is subject to a civil monetary penalty of not more than One Million Pesos

17   (P1,000,000.00), or not more than Five Hundred Thousand Pesos (P500,000.00) in the case of a

18   hospital with less than 100 beds, for such violation.

19   (B) *Violation by a Hospital.* – A hospital described in paragraph (A) commits a violation

20   for purposes of this subsection if the hospital fails to have in effect security procedures that meet

21   the standards established by the Secretary under Section 3 of this Act to reduce the likelihood of

22   infant patient abduction and baby switching, including standards for identifying all infant

23   patients in the hospital in a manner that ensures that it will be evident if infants are missing from

24   the hospital.

25   (C) *Baby Switching.* – Baby switching is committed by one who knowingly alters or

26   destroys an identification record of a newborn patient with the intention that the newborn patient

27   be misidentified by any person shall be fined not more than Fifty Thousand Pesos (P50,000.00)

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1   in the case of an individual, and not more than Five Hundred Thousand Pesos (P500,000.00), in

2   case of an organization, or imprisonment for not more than five (5) years, or both.

3   SECTION 8. *Separability Clause.* – If any provision or part hereof, is held invalid or

4   unconstitutional, the remainder of the law of the provision not otherwise affected shall remain

5   valid and subsisting.

6   SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance, executive

7   order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent

8   with, the provisions of this Act is hereby repealed, modified or amended accordingly.

9   SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its

10 publication in at least two (2) newspapers of general circulation.

11 Approved,