

SENATE

Senate Bill No. 538

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

An ambulance is a vehicle basically intended to transport seriously sick or injured patients requiring immediate medical treatment to a medical facility or from a medical facility to another and is sufficiently equipped for this purpose and designated as such. In emergency cases, this vehicle plays a vital role in saving lives.

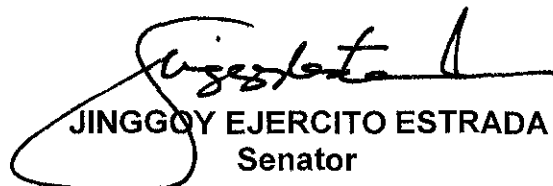
Owing to its importance, the government has been trying very hard to provide enough number of ambulances despite its chronic budgetary constraints and other pressing problems requiring prompt action and response.

However, it is observed that government ambulances are often misused, to the detriment of the public. The sight of government ambulances in recreation areas and other places where they are not supposed to be is becoming usual and tolerated. Worse, there are instances where fees are collected for their use, or their use is refused for political considerations or other reasons that defeat the very purpose of their acquisition.

By devoting government ambulances to other purpose, sick constituents are deprived of their use as they are often unavailable when needs arise. More deplorable, the denial of their use by patients requiring immediate medical attention for whatever reason is contrary to law and public policy, hence, must be penalized.

It is on these premises that the importance of this measure is underscored. This not only aims to prevent abuses in the use of government ambulances but also to ensure that these emergency vehicles are available to respond to emergencies at any time without discrimination.

In view thereof, the immediate approval of this bill is requested.


JINGGOY EJERCITO ESTRADA
Senator

SENATE

Senate Bill No. 538

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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

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

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

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

- (a) "Government ambulance" refers to a vehicle equipped with emergency life-saving devices and equipment and properly designated as such, used to carry or transport seriously sick or injured persons or patients in emergency situations requiring immediate medical treatment to a medical facility or from one medical facility to another; or for diagnostic or therapeutic treatment where, by the nature of the patient's sickness or injury, conveyance by ambulance is necessary. These vehicles are acquired using government funds or donated for government use, regardless of source.
- (b) "Emergency" refers to a condition or state of patient wherein based on the objective findings of a prudent medical officer on duty for the day, there is immediate danger on the life of the patient where delay in initial support and treatment may cause loss of life or permanent disability to the patient.

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

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

SEC 4. Duties of Local Chief Executives. –

- (a) It shall be the duty of any local chief executive having temporary custody of any government ambulance, donated or otherwise, to deliver or cause the delivery of the same to the intended beneficiary without unnecessary delay.
- (b) It shall also be the duty of local chief executives assigned with any government ambulance to appoint at least one regular driver for each ambulance and ensure that a sufficient amount for gasoline and the maintenance of their ambulance is appropriated every year.

SEC 5. Prohibited Acts. – The following acts are hereby prohibited:

- (a) It shall be unlawful for any public official or employee to use any government ambulance as office service vehicle, for recreation or for personal use or for any other purpose whatsoever inconsistent with the purposes of a government ambulance as defined in Section 1 of this Act;
- (b) It shall be unlawful for any public official or employee to use any government ambulance in the transportation of patients not in emergency situation unless another ambulance is available to respond to any emergency; or when no other means of transportation is available which non-availability is jointly certified under oath by the patient or any of his / her relatives or guardians and the responsible officer in charge of the ambulance other than the driver; or when the nature of the patient's sickness or injury, though not life threatening, makes necessary his / her transportation by ambulance;
- (c) It shall be unlawful for any public officer or employee to allow the use of any government ambulance by individuals or entities for private use, for a fee or not;
- (d) It shall be unlawful for any public officer or employee to refuse the use of any government ambulance by any patient entitled to the use of the same as provided in this Act due to the patient's inability to pay any fee collected for its use; or discriminate in its use on account of religious beliefs, gender, economic status, political affiliations or whatever cause contrary to law, public policy or good customs;
- (e) It shall be unlawful for any public officer or employee to paint over or allow the painting over of any government ambulance to circumvent the provisions of this Act.

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

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

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

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

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

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

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

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

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

Approved,