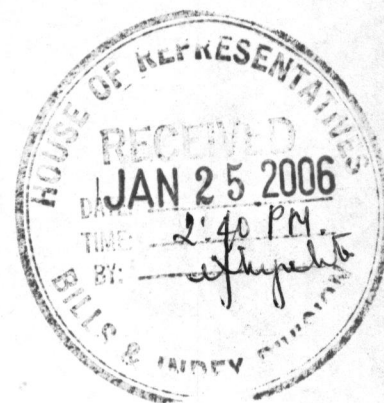


**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila**

THIRTEENTH CONGRESS

Second Regular Session

HOUSE BILL NO. 5028



Introduced by **Rep. HERMILANDO I. MANDANAS**

EXPLANATORY NOTE

It is increasingly becoming a norm for doctors, nurses and other medical or health workers, employees and students, both public and private, to be expected to provide products and services despite their personal views and opinions about these products and services. In drug stores or in health clinics, birth control pills, condoms or intra-uterine devices may be available for sale, yet some health providers may be averse to participate in their sale due to their moral, ethical or religious beliefs.

The Constitution enshrines the value placed by the State on the dignity of every human person and the guarantee of full respect for human rights. The State thus respects and protects the fundamental right of conscience of all individuals who provide health care services.

The civil right of conscience must be recognized and protected for all individual and institutional doctors, nurses and other health workers and employees, and students. Individuals do not lose their right to exercise their religion and conscience once they enter a health care profession. Too many health professionals and workers, especially pharmacists and medical students, are at risk of having their right of conscience violated. For example, pharmacists may be fired, harassed, or demoted for refusing to dispense birth control pills or "emergency contraceptives." It is not farfetched to imagine that pharmacists will be told to dispense what they in conscience do not wish to dispense, or for health care providers, including doctors, to be required to perform sterilization or ligation, or to provide information on birth control, suicide, or abortion, despite their beliefs. Nor is it farfetched to imagine that public officials may be required by law to deliver or cause to deliver artificial birth control devices or products despite their conscientious objections.

Without comprehensive protection, rights of conscience may be violated in various ways, such as harassment, demotion, salary reduction, transfer, termination, loss of staffing privileges, denial of aid or benefits, and refusal to license.

It is the purpose of this Act to protect as a basic civil right the right of all doctors, nurses, and other health workers and employees, as well as students, institutions and payers to decline to counsel, advise, pay for, provide, perform, assist, or participate in providing or performing health care services that violate their consciences. Such services may include, but are not limited to, artificial birth control, abortion, sterilization, ligation, artificial insemination, assisted reproduction, human cloning, euthanasia, human embryonic stem cell research, fetal experimentation, and physician-assisted suicide.

This Act therefore prohibits all forms of discrimination, disqualification, coercion, disability, or liability upon such health care providers, institutions and payers that decline to perform any health care service that violates their conscience. Those who do have adverse action taken against them must be able to assert a cause of action for damages and, in some cases, injunctive relief.

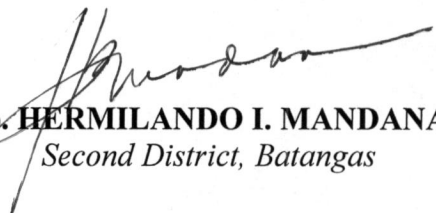
To fully protect doctors, nurses, and other health workers and employees, as well as students, institutions and payers, this civil right must extend to anyone who may have to participate in any way in a health care service to which they conscientiously object. This civil right must include the whole range of health care providers, including pharmacists, nurses' aides, students, counselors, and insurance carriers, both in the private and public sector. Moreover, "health care service" must be defined expansively to include any phase of the health care service to which a conscientious objection has been or may be raised. "Health care service" must include dispensing medication, recommendation or referral of a service or product, payment for the service or product, withdrawal of a service or product, and training in a type of service.

Public and private hospitals, too, must be able to assert their civil right of conscience. Some have argued that only individuals and private or religious hospitals may have a right of conscience. This is a myth that must be corrected.

Legal recognition of the civil rights of health care professionals, workers and students in no way infringes on the rights of patients or the quality of care that they receive. Patients have a right to receive the health care services they desire, but not a right to force someone to provide it to them. Thus, patients' ability to choose is not hampered by this legislation. Neither does this Act interfere with existing malpractice standards. The Act merely acknowledges that certain demands of patients, usually for procedures that are life-destructive and not life-saving, must not be blindly accommodated to the detriment of the rights of health care professionals, workers and students. Individuals and institutions do not lose their right to exercise their moral and religious beliefs and conscience once they decide to become health care providers. Nothing in the Act prevents others from providing the health care service to which a conscientious objection has been made. Conscientious objections are most often raised concerning elective services, such as contraception, abortion, sterilization, ligation, physician-assisted suicide, and withdrawal of nutrition and hydration, rather than necessary or life-saving services. Therefore, the lack of participation in these practices by a health care provider or institution would not endanger the lives of patients.

Finally, there is no need to argue about any loss of access to health care. There is no overriding duty to provide health care against one's conscience. Furthermore, a patient may always go to another health care provider who has no such objections.

In view thereof, approval of this bill is earnestly sought.


Rep. HERMILANDO I. MANDANAS
Second District, Batangas

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
Second Regular Session

House Bill No. 5028

Introduced by Rep. Hermilando I. Mandanas

AN ACT
PROHIBITING DISCRIMINATION AGAINST ANY DOCTOR, NURSE,
HEALTH PROFESSIONAL, WORKER, EMPLOYEE OR STUDENT, PUBLIC
OFFICIAL, OR EMPLOYER, WHO REFUSES TO PROVIDE ARTIFICIAL
BIRTH CONTROL, ABORTION, STERILIZATION, LIGATION, ARTIFICIAL
INSEMINATION, ASSISTED REPRODUCTION, HUMAN CLONING,
EUTHANASIA, HUMAN EMBRYONIC STEM CELL RESEARCH, FETAL
EXPERIMENTATION, AND PHYSICIAN-ASSISTED SUICIDE OR
INFORMATION ON SUCH SERVICES BASED ON HIS OR HER RIGHT OF
CONSCIENCE, AND PROVIDING PENALTIES FOR SUCH DISCRIMINATION

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

SECTION 1. *Title.* - This Act shall be known as "The Rights of Conscience Act
of 2006."

SEC. 2. *Definition of Terms.* -As used in this Act, the terms shall be defined as
follows:

(a) "Medical or Health Service" means any phase of patient medical care,
treatment or procedure, including, but not limited to, the following: patient
referral, counseling, therapy, testing, diagnosis or prognosis, research, instruction,
prescribing, dispensing or administering any device, drug, or medication, surgery,
or any other care or treatment rendered by health care providers or health care
institutions and such persons as "*hilot*", "*herbolario/arbolaro*" and
"*masahista*".

(b) "Medical or health worker" refers to any individual, as the case may
be, who may be asked to participate in any way in a health care service, including,
but not limited to: a physician, physician's assistant, nurse, nurses' aide, medical
assistant, hospital employee, clinic employee, pharmacist, pharmacy employee,
researcher, medical or nursing school faculty, midwife, student or employee,
counselor, social worker, public official, or any professional, paraprofessional,
masseur/masseuse, or any other person who furnishes, or assists in the furnishing

of, health care services, such as “hilot”, “herbolario/arbolaro” and “masahista”.

(c) “Health institution” means any public or private organization, corporation, partnership, sole proprietorship, association, agency, network, joint venture, or other entity that is involved in providing health care services, including but not limited to: hospitals, clinics, medical centers, ambulatory surgical centers, private physician’s offices, pharmacies, nursing homes, university medical schools and nursing schools, medical training facilities, mobile health care vehicles, health maintenance organizations or other institutions or locations wherein health services are provided to any person.

(d) “Payer” means any entity or employer that contracts for, pays for, or arranges for the payment of, in whole or in part, any health service or product, including, but not limited to health maintenance organizations, health plans, insurance companies, or management services organizations.

(e) “Employer” means any individual or entity that pays for or provides health benefits or health insurance coverage as a benefit to its employees, whether through a third party, a health maintenance organization, a program of self-insurance, or some other means.

(f) “Participate” in a health service means to counsel, advise, provide, perform, assist in, refer for, admit for purposes of providing, or participate in providing, any health care service or any form of such service.

(g) “Pay” or “payment” means pay, contract for, or otherwise arrange for the payment of, in whole or in part.

(h) “Conscience” means the religious, moral or ethical principles held by a health care provider, the health care institution or health care payer. For purposes of this Act, a health care institution or health care payer’s conscience shall be determined by reference to its existing or proposed religious, moral or ethical guidelines, mission statement, constitution, bylaws, articles of incorporation, regulations, or other relevant documents.

SEC. 3. *Rights of Conscience of Medical or Health Workers.* – The rights of health care providers shall be as follows:

(a) Rights of Conscience. A medical or health worker has the right not to participate, and no health care provider shall be required to participate in such medical or health services as artificial birth control, abortion, sterilization, ligation, artificial insemination, assisted reproduction, human cloning, euthanasia, human embryonic stem cell research, fetal experimentation, and physician-assisted suicide, or other related services that would result in such, involving complex ethical and moral issues, that violate his or her conscience.

(b) Immunity from Liability. No medical or health worker shall be civilly, criminally, or administratively liable for declining to participate in, or disseminate information about, a health care service that violates his or her conscience.

(c) Rights Against Discrimination. It shall be unlawful for any person, health care provider, health institution, public or private institution, public official, or any board which certifies competency in medical specialties to discriminate against any medical or health worker in any manner based on his or her declining to participate in, or disseminate information about, any medical or

health service that violates his or her conscience. For purposes of this Act, discrimination includes, but is not limited to: termination, transfer, refusal of staff privileges, refusal of board certification, adverse administrative action, demotion, loss of career specialty, reassignment to a different shift, reduction of wages or benefits, refusal to award any grant, contract, or other program, refusal to provide residency training opportunities, or any other penalty, disciplinary or retaliatory action.

SEC. 4. *Rights of Conscience of Medical or Health Institutions.* – The rights of health care institutions shall be as follows:

(a) Rights of Conscience. A medical or health institution has the right not to participate, and no medical or health institution shall be required to participate, in such medical or health services as artificial birth control, abortion, sterilization, ligation, artificial insemination, assisted reproduction, human cloning, euthanasia, human embryonic stem cell research, fetal experimentation, and physician-assisted suicide, or other related services that would result in such, involving complex ethical and moral issues, that violate its conscience.

(b) Immunity from Liability. A medical or health institution that declines to provide or participate in a health care service that violates its conscience shall not be civilly, criminally, or administratively liable if the institution provides a consent form to be signed by a patient before admission to the institution stating that it reserves the right to decline to provide or participate in medical or health services that violate its conscience.

(c) Rights Against Discrimination. It shall be unlawful for any person, public or private institution, or public official to discriminate against any medical or health institution, or any person, association, corporation, or other entity attempting to establish a new health care institution or operating an existing medical or health institution, in any manner, including but not limited to, any denial, deprivation or disqualification with respect to licensure; any aid assistance, benefit or privilege, including staff privileges; or any authorization, including authorization to create, expand, improve, acquire, or affiliate or merge with any health care institution, because such health care institution, or person, association, or corporation planning, proposing, or operating a medical or health institution, declines to participate in a medical or health service which violates the medical or health institution's conscience.

(d) Rights Against Denial of Aid or Benefit. It shall be unlawful for any public official, agency, institution, or entity to deny any form of aid, assistance, grants, or benefits, or in any other manner to coerce, disqualify, or discriminate against any person, association, corporation, or other entity attempting to establish a new medical or health institution or operating an existing medical or health institution because the existing or proposed medical or health institution declines to participate in a medical or health service contrary to such institution's conscience.

SEC. 5. *Rights of Conscience of Payers.* – The rights of payers shall be as follows:

(a) Rights of Conscience. A payer has the right to decline to pay, and no payer shall be required to pay for or arrange for the payment of such medical or health services as artificial birth control, abortion, sterilization, ligation, artificial insemination, assisted reproduction, human cloning, euthanasia, human embryonic stem cell research, fetal

experimentation, and physician-assisted suicide, or other related services that involve complex ethical and moral issues, that violate his or her conscience, or of any product the administration, imposition or application, that violates his or her conscience.

(b) Immunity from Liability. No payer and no person, association, corporation, or other entity that owns, operates, supervises, or manages a payer shall be civilly or criminally liable by reason of the payer's declining to pay for or arrange for the payment of any medical or health service that violates its conscience.

(c) Rights Against Discrimination. It shall be unlawful for any person, public or private institution, or public official to discriminate against any payer, or any person, association, corporation, or other entity (i) attempting to establish a new medical or health payer or (ii) operating an existing payer, in any manner, including but not limited to, any denial, deprivation, or disqualification with respect to licensure, aid, assistance, benefit, privilege, or authorization, including, but not limited to any authorization to create, expand, improve, acquire, or affiliate or merge with, any payer, because a payer, or a person, association, corporation, or other entity planning, proposing, or operating a payer declines to pay for or arrange for the payment of any medical or health service that violates its conscience.

(d) Rights Against Denial of Aid or Benefits. It shall be unlawful for any public official, agency, institution, or entity to deny any form of aid, assistance, grants, or benefits, or in any other manner to coerce, disqualify, or discriminate against any payer, or any person, association, corporation, or other entity attempting to establish a new payer or operating an existing payer because the existing or proposed payer declines to pay for, or arrange for the payment of, any health service that is contrary to its conscience.

SEC. 6. *Civil Remedies.* – Violation of any provision this Act shall entitle the injured party to have recourse to the following:

(a) A civil action for damages or injunctive relief, or both, may be brought for the violation of any provision of this Act. It shall not be a defense to any claim arising out of the violation of this Act that such violation was necessary to prevent additional burden or expense on any other health care provider, health care institution, individual, or patient. The aggrieved party shall be entitled to recover threefold the actual damages, including pain and suffering, sustained by such individual, association, corporation, entity, or health care institution, the costs of the action, and reasonable attorney's fees; but in no case shall recovery be less than One Hundred Thousand Pesos (PhP100,000.00) for each violation in addition to costs of the action and reasonable attorney's fees. These damage remedies shall be cumulative, and not exclusive of other remedies afforded under any other law.

(b) Injunctive Remedies. The court in such civil action may award injunctive relief, including, but not limited to, ordering reinstatement of a health care provider to his or her prior job position.

SEC. 7. *Implementing Rules and Regulations.* - The Secretary of the Department of Health, in coordination with the Department of the Interior and Local Government and the Department of Finance shall promulgate such rules and regulations in relation to the matters as may be necessary to implement the provisions of this Act.

SEC. 8. *Awareness Program.* - There shall be established the "Awareness Program for "The Rights of Conscience Act of 2006" which shall distribute literature relative to the rights and civil remedies established under this Act. The Awareness Program shall be administered by the Secretary of the Department of Health. As part of

this program, the Secretary shall issue pamphlets and other literature, and secure television, print and other advertisements in order to disseminate information relative to this Act.

SEC. 9. *Severability.* - The provisions of the Act are declared to be severable, and if any provision, word, phrase, or clause of the Act or the application thereof to any person shall be held invalid, such invalidity shall not affect the validity of the remaining portions of this Act.

SEC. 10. *Repealing Clause.* - All laws, presidential decrees, executive orders, presidential proclamations, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 11. *Effectivity.* - This Act shall take effect after fifteen (15) days from publication in at least two (2) newspapers of general circulation.

APPROVED.