



REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Manila

FIFTEENTH CONGRESS
SECOND REGULAR SESSION



COMMITTEE REPORT NO. 1758

Submitted by the Committee on Health on 30 JAN 2012

Re : House Bill No. 5751

Recommending its approval in substitution of House Bill No. 366

Sponsors : Reps. Alfredo D. Marañon III and Mary Mitzi "Mitch" L. Cajayon

Mr. Speaker:

The Committee on Health to which was referred House Bill No. 366 introduced by Rep. Mary Mitzi "Mitch" L. Cajayon, entitled:

"AN ACT
PROVIDING FOR THE MANDATORY PREGNANCY TESTING OF ALL WOMEN OF
CHILBEARING AGE WHO WILL UNDERGO COSMETIC SURGERY, PROVIDING
PENALTIES THEREFOR AND FOR OTHER PURPOSES."

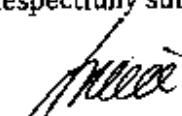
5751

has considered the same and recommends that the attached House Bill No. _____, entitled:

"AN ACT
PROVIDING FOR THE MANDATORY PREGNANCY TESTING OF ALL WOMEN OF
CHILBEARING AGE WHO WILL UNDERGO COSMETIC SURGERY, PROVIDING
PENALTIES THEREFOR AND FOR OTHER PURPOSES."

be approved in substitution of House Bill No. 366 with Rep. Mary Mitzi "Mitch" L. Cajayon as author thereof.

Respectfully submitted,


HON. ALFREDO D. MARAÑON
Chairman
Committee on Health

THE HONORABLE SPEAKER
House of Representatives
Quezon City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon city

Fifteenth Congress
Second Regular Session

HOUSE BILL NO. **5751**

Introduced by Hon. **MARY MITZI "Mitch" L. CAJAYON**

AN ACT
PROVIDING FOR THE MANDATORY PREGNANCY TESTING OF ALL
WOMEN OF CHILDBEARING AGE WHO WILL UNDERGO COSMETIC
SURGERY, PROVIDING PENALTIES THEREFOR AND FOR OTHER
PURPOSES

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

1 **SECTION 1. Declaration of Policy.** – It is hereby declared the policy of the
2 State to ensure the well-being of patients, especially the protection of
3 pregnant women and the right to life of a child from conception to birth,
4 against the potential dangers of cosmetic surgery procedures.

5
6 **SEC. 2. Objectives.** – Towards this end, the State shall provide for the
7 mandatory pregnancy testing of all women of childbearing age who will
8 undergo cosmetic surgeries and shall ensure the safety of all patients from
9 the harmful effects that may be caused by cosmetic surgery procedures
10 through a disclosure requirement on the potential dangers of such
11 procedures.

12
13 **SEC. 3. Definition of Terms.** – For the purpose of this Act, the following terms
14 shall be defined as follows:

15
16 (a) *Childbearing age* shall refer to the age group during which period a female
17 is capable of procreation.

18
19 (b) *Cosmetic surgery* shall refer to a subspecialty of medicine and surgery that
20 distinctly restricts itself to the enhancement of appearance through surgical
21 and medical techniques and is primarily concerned with maintaining normal
22 appearance, restoring it or enhancing it beyond the average level toward
23 some aesthetic ideal. It is a multidisciplinary approach that is directed to all
24 areas of the head, neck and body.

25
26 (c) *Cosmetic surgery practitioner* shall refer to a registered physician or a
27 medical associate duly licensed by the Board of Medicine of the Professional
28 Regulation Commission (PRC) offering expertise in a broad range of cosmetic
29 surgery services.

1 (d) *Human Chorionic Gonadotrophin (HCG)* shall refer to the hormone
2 produced during pregnancy which appears in the blood and urine of pregnant
3 women as early as ten (10) days after conception.

4
5 (e) *Medical practitioner* shall refer to any physician, nurse, or a midwife who is
6 duly registered by the respective Boards of the PRC and who is capable of
7 administering accurate pregnancy testing

8
9 (f) *Pregnancy* shall refer to the period from conception to birth. It shall begin
10 when the egg is fertilized by a sperm, implanted in the lining of the uterus,
11 grows into an embryo, develops into a placenta, and culminates into a fetus.

12
13 (g) *Pregnancy test* shall refer to the procedure in which the hormone called
14 Human Chorionic Gonadotrophin (HCG) is measured.

15
16 (h) *Unborn* shall refer to an offspring of human beings that is still existing in
17 the mother's womb.

18
19 **SEC. 4. Mandatory Pregnancy Testing.** – The State shall, in the interest of
20 ensuring the well-being of pregnant women and protecting the welfare of the
21 unborn, require all cosmetic surgery practitioners to subject women of
22 childbearing age who shall undergo cosmetic surgery procedures that may be
23 harmful to pregnant women and the unborn, to a mandatory pregnancy
24 testing. The test shall be administered by the cosmetic surgery practitioner or
25 any medical practitioner who shall certify to the veracity or authenticity of the
26 test. *Provided, however,* That women who have been found to be infertile or
27 incapable to reproduce based on objective criteria as may be supported by a
28 certified medical record shall be exempt from the provisions of this Act.
29 Objective criteria for ruling out potential pregnancy include total hysterectomy,
30 bilateral tubal ligation or the passage of at least one (1) year without
31 menstruation or menopause. Potentially harmful types of cosmetic surgery
32 include those that require the administration of general anesthesia using
33 inhalational anesthetic gases and other types of sedating drugs given
34 intravenously or orally to patients to induce anesthesia, and those that will
35 require the use of post medications that may be harmful to pregnant women
36 which would include, but not limited to: liposuction of the abdomen, arms,
37 thighs, submental areas, a combination thereof or involving the whole body,
38 tummy tuck or abdominoplasty, breast augmentation, mastopexy and butt
39 augmentation.

40
41 **SEC. 5. Conduct of Pregnancy Testing.** – The test shall be administered,
42 primarily for the purpose of determining pregnancy by collecting or extracting
43 blood serum from the woman. Pregnancy testing may be qualitative in order
44 to determine the presence of HCG hormone, or quantitative in order to
45 measure the extent of HCG present in the body.

46
47 **SEC. 6. Mandatory Disclosure of Potential Risks of Cosmetic Surgery**
48 **Procedures.** – It shall be the obligation of the cosmetic surgery practitioner to
49 make a reasonable disclosure of available choices with respect to a cosmetic
50 procedure and to inform the patient of the precise and potential dangers
51 associated with the procedure and the possible dangers of undergoing such

1 procedure when a woman is pregnant. The cosmetic surgery practitioner shall
2 explicitly advise in lay terms or in a manner that the patient can give an
3 informed or intelligent consent to such procedure. An Informed Consent Form
4 shall thereafter be signed by the patient before undergoing a cosmetic surgery
5 procedure.

6
7 **SEC. 7. Prohibited Acts.** – The following acts shall constitute an offense
8 punishable under this Act:

9
10 (a) Failure of the cosmetic surgery practitioner to inform the patient of the
11 potential dangers of cosmetic surgery procedures as prescribed under
12 Section 6 of this Act;

13
14 (b) Performing cosmetic surgery procedure on any woman of childbearing age
15 without the required pregnancy test; and

16
17 (c) Performing cosmetic surgery procedure on any woman who has been
18 positively found to be pregnant even when there is full disclosure or signed
19 waiver of the right to sue over a denied and undetected pregnancy on the part
20 of the woman.

21
22 **SEC. 8. Penalties.** – Any person who shall violate any provision of this Act
23 shall suffer the penalties as graduated hereunder:

24
25 (a) For the first conviction, he shall suffer the penalty of reprimand, which shall
26 be officially recorded in the appropriate books of the PRC and the Philippine
27 Medical Association;

28
29 (b) For the second conviction, the penalty of fine in the amount of not less
30 than Five Thousand Pesos (P5,000.00) but not exceeding Ten Thousand
31 Pesos (P10,000.00) at the discretion of the court;

32
33 (c) For the third conviction, the penalty of fine in the amount of not less than
34 Ten Thousand Pesos (P10,000.00) but not exceeding Twenty Thousand
35 Pesos (P20,000.00) at the discretion of the court and suspension of the
36 license to practice the profession for ninety (90) days; and

37
38 (d) For the fourth and subsequent convictions, the penalty of fine of not less
39 than Twenty Thousand Pesos (P20,000.00) but not exceeding Thirty
40 Thousand Pesos (P30,000.00) at the discretion of the court and suspension
41 of the license to practice the profession for one (1) year.

42
43 In case of conviction resulting in the death of the mother or miscarriage of the
44 unborn, a fine of not less than Thirty Thousand Pesos (P30,000.00) but not
45 exceeding Fifty Thousand Pesos (P50,000.00) and a penalty of suspension of
46 the license to practice the profession for not less than two (2) years but not
47 exceeding five (5) years at the discretion of the court.

48
49 If the cosmetic surgery practitioner is affiliated, associated, or connected to
50 any firm, partnership, corporation or other juridical entity offering expertise in a

1 broad range of cosmetic services wherein the procedure was performed
2 within its premises, such entity shall suffer the following penalties:

- 3 i. For the first conviction, a penalty of fine in the amount of Ten
4 Thousand Pesos (P10,000.00) but not exceeding Twenty
5 Thousand Pesos, at the discretion of the court;
- 6 ii. For the second and third convictions, a penalty of fine in the
7 amount of Twenty Thousand Pesos (P20,000.00) but not
8 exceeding Thirty Thousand Pesos (P30,000.00) at the discretion
9 of the court; and
- 10 iii. For the fourth and subsequent convictions, a penalty of fine in
11 the amount of Thirty Thousand Pesos (P30,000.00) but not
12 exceeding Fifty Thousand Pesos (P50,000.00), at the discretion
13 of the court and three (3) months suspension of business permit
14 and the license to operate.

15
16 The penalties imposed under this Act shall be without prejudice to other
17 penalties imposable under the Revised Penal Code and other applicable laws.

18
19 **SEC. 9. *Implementing Rules and Regulations.*** – The Department of Health
20 shall issue the necessary rules and regulations for the implementation of the
21 provisions of this Act within thirty (30) days after the effectivity of this Act.

22
23 **SEC. 10. *Separability Clause.*** – If, for any reason, a provision or part hereof is
24 declared invalid, the other provisions not affected thereby shall remain in full
25 force and effect.

26
27 **SEC. 11. *Repealing Clause.*** – All laws, decrees, executive orders, rules and
28 regulations or parts thereof inconsistent with the provisions of this Act are
29 hereby repealed, amended or modified accordingly.

30
31 **SEC. 12. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
32 its publication in any newspaper of general circulation.

33
34 Approved,

FACT SHEET

House Bill No. **5751**

in substitution of HB No. 366

(As Approved on by the Committee on August 24, 2011)

AN ACT PROVIDING FOR THE MANDATORY PREGNANCY TESTING OF ALL WOMEN OF CHILDBEARING AGE WHO WILL UNDERGO COSMETIC SURGERY, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

Introduced by: **REP. MARY MITZI L. CAJAYON AND ALFREDO D. MARAÑON III**

Committee Referral: **COMMITTEE ON HEALTH**

Committee Chairperson: **HON. ALFREDO D. MARAÑON III**

OBJECTIVE:

- To ensure the well being of the mother and to prevent the unborn from the harmful effects that cosmetic surgery may cause

KEY PROVISIONS:

- Requires all cosmetic surgery practitioners to subject women of childbearing age, who will undergo cosmetic surgery procedure, to a mandatory pregnancy testing to be administered by a medical practitioner who is capable of determining accurate pregnancy testing
- Exempts from the conduct of pregnancy testing those women who have been found to be infertile or incapable to reproduce based on objective criteria
- Mandates the cosmetic surgery practitioner to make a reasonable disclosure of available choices with respect to a cosmetic procedure and inform the patient of the precise and potential risks and the possible dangers of undergoing the same when a woman is pregnant
- Enumerates the prohibited acts that constitute offenses punishable under this Act
- Provides for a graduated penalty for the offender, natural or juridical person.
- Holds the chief executive officer, president, general manager, managing partner and other officer-in-charge liable for offenses committed by corporation, partnership, or other juridical entity duly organized in accordance with law
- Mandates the Department of Health to promulgate and issue the necessary rules and regulations for effective implementation within thirty (30) days upon its approval.

RELATED LAW

- The Revised Penal Code (Article 263)