

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **7028**



Introduced by HONORABLE SCOTT DAVIES S. LANETE, M.D.

EXPLANATORY NOTE

As stated in the 1987 Philippine Constitution, it is the prime duty of the State to protect and promote the right to health of the people and instill health consciousness among them. It is also its solemn mandate to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Health is and should be the most important concern of every society. It is the primary moving factor which enables every human being to participate in society. Without it, society would be dull and unproductive.

Palliative care is an approach that improves the quality of life of patients and their families facing the problem associated with life-threatening illness, through the prevention and relief of suffering by means of early identification and impeccable assessment and treatment of pain and other problems, physical, psychosocial and spiritual.¹ Palliative care:

- provides relief from pain and other distressing symptoms;
- affirms life and regards dying as a normal process;
- intends neither to hasten or postpone death;
- integrates the psychological and spiritual aspects of patient care;
- offers a support system to help patients live as actively as possible until death;
- offers a support system to help the family cope during the patients illness and in their own bereavement;
- uses a team approach to address the needs of patients and their families, including bereavement counselling, if indicated;
- will enhance quality of life, and may also positively influence the course of illness;
- is applicable early in the course of illness, in conjunction with other therapies that are intended to prolong life, such as chemotherapy or radiation therapy, and includes those investigations needed to better understand and manage distressing clinical complications.

However, palliative care is a foreign concept in the Philippines. Terminally-ill patients and their families do not have adequate support mechanisms that could aid them in their most

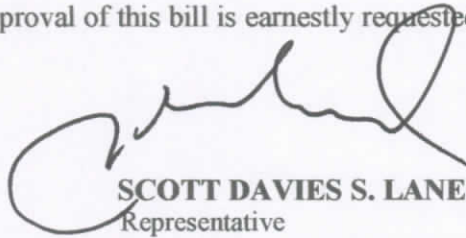
¹ See <http://www.who.int/cancer/palliative/definition/en/>

trying times. Thus, these patients and their family have no choice but to rely on each other and experience dictates that people with the same problem tend to worsen each other's woes.

There is therefore, a need to fill this gap by introducing an outsider who is not only an expert in dealing with terminally-ill patients but more importantly is readily accessible to all.

As a solution to this predicament, it is essential that the State take a proactive step by establishing a program that would devote utmost attention to the needs of terminally ill patients and their families. It is imperative that health care services, specifically palliative care, be made readily available and accessible to these people. By establishing a palliative care system and palliative care centers, the State will help ensure that terminally-ill patients and their families still get to live a meaningful and happy life.

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

A handwritten signature in black ink, appearing to read 'Scott Davies S. Lanete', with a large, stylized initial 'S'.

SCOTT DAVIES S. LANETE, M.D.

Representative

Third District, Province of Masbate

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House Bill No. **7028**

Introduced by HONORABLE SCOTT DAVIES S. LANETE, M.D.

**AN ACT MANDATING THE ESTABLISHMENT OF PALLIATIVE
CARE SYSTEM, PROVIDING FUNDS THEREFOR,
AND FOR OTHER PURPOSES**

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

Sec. 1. Short Title. This Act shall be known as "Palliative Care System Act."

Sec. 2. *Declaration of Policy.* It is hereby declared the policy of the State to protect and promote the right to health of the people and instill health consciousness among them. It is also the policy of the State to maintain honesty and integrity in the public service.

Sec. 3. *Palliative Care System.* In accordance with the foregoing declared policy, it is hereby established the Palliative Care System ("System") of the Philippines.

Sec. 4. *Access to the System.* The System shall be available to any person, regardless of age, who has been diagnosed as terminally-ill with diseases such as congestive heart failure, chronic obstructive pulmonary disease, hepatic failure, renal failure, stroke, amyotrophic lateral sclerosis, Acquired immunodeficiency syndrome, cancers, etc. Pursuant to this, the Department of Health ("DOH") shall classify the diseases that render a person as terminally-ill.

Sec. 5. *Palliative care types.* The System shall be implemented in any setting where patients receive care. This includes homes, palliative units, hospice units, etc.

Sec. 6. *Palliative care center.* It is hereby established the Palliative Care Center of the Philippines ("Center").

Sec. 7. *Board of Trustees and Officers.* The Center shall be administered by a Board of Trustees, composed of seven (7) members, six (6) of whom shall be appointed by the President of the Philippines. The Secretary of the Department of Health shall automatically sit as the seventh member. The Director of the Center shall be appointed by the Board of Trustees.

The six appointive members of the Board of Trustees shall serve without compensation for a

period of four (4) years and until their successors shall have been appointed and qualified. Any vacancy in the Board shall be filled by appointment by the President of the Philippines, and the appointee shall serve for the unexpired term. The Board of Trustees of the Center shall elect a Chairman from among themselves, who shall be presiding officer of the Board of Trustees.

The Director of the Center shall serve as Vice-Chairman of the Board. The Director shall act as the chief executive officer of the Center, with authority, among others, to appoint, remove, and fix the compensation of the personnel thereof, subject to the approval of the Board of Trustees.

Four (4) members of the Board of Trustees shall constitute a quorum to transact business and any decision of such four members on any matter duly presented to the Board of Trustees shall constitute a valid and binding act of the Center.

Sec. 8. Property of the Center. The Property of the Center shall consist of such real, personal, mixed and other type of property, now owned or reserved for, or may hereafter be given, donated, acquired, transferred or conveyed to, the Center by the Philippine Government, its branches and instrumentalities, by any foreign government, as well as by trust, foundations, corporations, or persons, alien or domestic, in order to carry out its purposes and objectives as set forth herein.

Sec. 9. Purposes and objectives. The purposes and objectives of the Center are:

- (a) To construct, establish, operate and maintain facilities for the welfare of terminally-ill patients and their families, including a specialized palliative care hospital;
- (b) To promote, encourage and engage in scientific research on palliative care and related activities, including sponsorship and conduct of relevant congresses, conventions, seminars, and conferences;
- (c) To stimulate and/or underwrite scientific researches on biological, demographic, social, economic eugenic, physiological aspects affecting terminally-ill patients and their families; and gather, compile, and publish the findings of such researches for public dissemination;
- (d) To facilitate and encourage the dissemination and exchange of ideas and information on the prevention, treatment and control of terminal diseases;
- (e) To encourage and/or undertake the training of physicians, nurses, medical technicians, health officers and social workers on the practical and scientific conduct and implementation of palliative care;
- (f) To assist universities, hospitals and research institutions in their studies of terminal diseases, to encourage advanced training on matters of, or affecting terminally-ill patients, and related fields and to support educational programs of value to general health;
- (g) To encourage the formation of other organizations on the national, provincial, city, municipal or barangay level and to coordinate their various efforts and activities for the purpose of achieving a more effective approach to the common problem relative to the objectives herein enumerated; and

(h) To extend palliative care services to the general public, to help prevent, relieve or alleviate the afflictions and maladies of people specially the poor and less fortunate in life, without regard to race, creed, color or political belief.

Sec. 9. *Powers.* For the attainment and/or furtherance of the above purposes and objectives, the Center as a body corporate, acting through its Board of Trustees shall have all the powers pertaining to a juridical person, and is therefore authorized, among other things:

(a) To acquire and hold in any manner property of whatever nature or description, and to dispose of such property under any mode of encumbrance or conveyance;

(b) To contract and be contracted with;

(c) To mortgage, lease, sell, transfer convey or otherwise dispose of its properties;

(d) To solicit and receive donations, endowments and funds in the form of contributions, whether in cash or in kind, from both the public and private sectors;

(e) To open such accounts in banks and other financial institutions, and to disburse such funds or invest the same as the Board may direct to accomplish or advance the purposes or interest of the Center;

(f) To invite foreign palliative care specialists and similar experts in the various medical fields not available in the country; to train the personnel or trainees or residents of the Center;

(g) To send the personnel of the Center to research institutes, medical institutes or universities for advance training or observation and to attend international or regional conventions, conferences, congresses, seminars as the Board may deem necessary to accomplish the purposes and objectives of the Center;

(h) To adopt a set of by-laws, rules and regulations not inconsistent with law and the provisions hereof to govern the administration and operation of the affairs of the Center; and

(i) To do all such other acts and things as are or may be necessary or incidental for the accomplishment of the purposes and objectives of the Center.

Sec. 10. *Tax exemptions, etc.* All donations, contributions or endowments which may be made by entities or persons to the Center shall be exempt from income and donor's taxes, and the same shall be further deductible in full for purposes of computing the maximum amount deductible under the National Internal Revenue Code, as amended.

The Center shall be exempt from the payment of all taxes, charges and fees imposed by the Government or any political subdivision or instrumentality thereof.

All income earned by foreign doctors who shall use the facilities of the Center shall be tax exempt.

Sec. 11. *Assistance from government offices.* The Center may call upon any ministry, bureau, office, agency or instrumentality of the Government, including government-owned or

controlled corporations, for such assistance as it may need in the pursuit of its purposes and objectives.

All individuals, entities and institutions are hereby enjoined to render full assistance and cooperation to the Center in the accomplishment of its objectives and activities.

Sec. 12. *Government contributions.* The amount of one billion pesos (P1,000,000,000.00) is hereby appropriated as contribution of the National Government for the initial operations and maintenance of the Center. The Center shall be under the Department of Health and the necessary amount to support the continued operation and maintenance of the Center shall be appropriated and released, subject to the approval of the President of the Philippines.

Sec 13. *Implementing Rules and Regulations.* The Department of Health shall have the power to promulgate the implementing rules and regulations as may be necessary to fully implement the objectives and purposes of this Act within one (1) year from the approval hereof.

Sec. 14. *Separability Clause.* – If any part or provision of this Act shall be held unconstitutional or invalid, other provisions, which are not affected thereby, shall continue to be in full force and effect.

Sec. 17. *Repealing Clause.* – All laws, issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 18. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved.