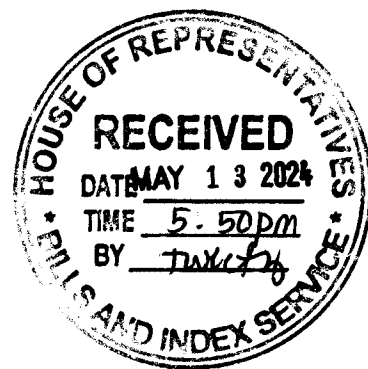


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 10395



Introduced by: **Hon. Margarita Ignacia B. Nograles**

Explanatory Note

Article 152 of Act No. 3185 or the Revised Penal Code defines a 'Person in Authority' as "any person directly vested with jurisdiction, whether as an individual or as a member of some court or governmental corporation, board or commission." Presidential Decree 299 which took effect on September 19, 1973 and amended Article 152 of the RPC specifically provides that barrio captain, barangay chairman, teachers, professors, and persons charged with the supervision of public or duly recognized private schools, colleges, and universities shall be deemed persons in authority. Meanwhile, Batas Pambansa Blg. 873, which was approved on June 12, 1985, further amended Article 152 by providing that lawyers in the actual performance of their professional duties or on the occasion of such performance are deemed persons in authority.

This bill seeks to broaden the scope of persons in authority by including a profession crucial to the overall welfare and well-being of the public: the healthcare professionals. Doctors hold positions of trust and responsibility within society. They are entrusted with the health and well-being of individuals, making their role akin to that of other persons in authority provided by law, such as law enforcement officers and government officials. Meanwhile, nurses also act as one of the foundations of the medical community. They spend a lot of time with the patient making sure the latter is being well-taken care of. The authority vested in doctors and nurses by virtue of their profession warrants similar legal protections as those afforded to other authority figures.

During the previous Community Quarantine, we saw an alarming rise of violence against healthcare professionals. On March 27, 2020, a nurse from the province of Sultan Kudarat was assaulted by five (5) men by throwing bleach in the nurse's eyes.¹ On February 3, 2024, a government physician at the Sultan Kudarat Provincial Hospital was seriously injured in an ambush that took place in a remote area of Maguindanao del Sur.²

¹ "Nurse who was attacked in Sultan Kudarat seeks justice". GMA News Online.

<https://www.gmanetwork.com/news/topstories/regions/731793/nurse-who-was-attacked-in-sultan-kudarat-seeks-justice/story/>.

² <https://www.philstar.com/nation/2024/02/04/2330897/government-physician-hurt-maguindanao-del-sur-ambush>

Senate Minority Leader Aquilino “Koko” Pimentel III in a press release strongly condemned the ambush and called for swift action to bring the perpetrators to justice and ensure the safety of medical professionals. “Let us put an end to the senseless violence against our doctors. It is time to prioritize the protection of our healthcare professionals,” Pimentel stressed.³ Although both of these attacks happened while the said healthcare workers were off-duty, we must be proactive by promoting a legislation which shall discourage would be assailants while our healthcare workers are on-duty.

Acts of violence or aggression against doctors and nurses not only jeopardize the safety and well-being of individual practitioners but also pose a broader threat to public health. Violence or intimidation against doctors can create a chilling effect, deterring healthcare professionals from providing necessary care or intervening in critical situations, thereby compromising the overall quality and accessibility of healthcare services.

In an open letter posted online⁴, the Philippine Medical Association (PMA) publicly condemns violence against physicians. PMA stated that “some individuals have recently chosen to express their discontent or frustration through violence, jeopardizing not only the safety and well-being of physicians but also undermining the very fabric of our healthcare system.” Thus, PMA “implore(s) law enforcement agencies, legislators, and healthcare institutions to take strong and decisive action to protect our physicians. Increased security measures, strict enforcement of laws protecting medical professionals, and comprehensive support systems are necessary to ensure the safety of those who selflessly devote their lives to the betterment of our health and well-being.”

Explicitly including doctors as persons in authority and nurses as agents of such person in authority would serve as a deterrent against acts of violence or aggression towards healthcare professionals. It would also facilitate the prosecution and accountability of individuals who engage in such conduct, sending a clear message that violence against doctors will not be tolerated and will be met with legal consequences. On the other hand, nurses, who in a lot of times aide doctors, deserve to be protected as an agent of such person in authority.

Hence, approval of this bill is earnestly sought.


HON. MARGARITA A. MIGS B. NOGRALES
PBA Party-list Representative

³ https://legacy.senate.gov.ph/press_release/2024/0212_pimentel1.asp

⁴ <https://www.philippinemedicalassociation.org/an-open-letter-condemning-violence-against-physicians-taking-a-stand-for-respect-and-safety/>

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AN ACT
INCLUDING DOCTORS AS PERSONS IN AUTHORITY AND NURSES AS
AGENTS OF SUCH PERSONS IN AUTHORITY, AMENDING FOR THE PURPOSE
ARTICLE 152 OF ACT NO. 3185 OR THE "REVISED PENAL CODE OF THE
PHILIPPINES"

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

SECTION 1. Article 152 of Act No. 3185 is hereby amended to read as follows:

Persons in authority and agents of persons in authority; Who shall be deemed as such. - In applying the provisions of the preceding and other articles of this Code, any person directly vested with jurisdiction, whether as an individual or as a member of some court or governmental corporation, board, or commission, shall be deemed a person in authority. A barrio captain and a barangay chairman shall also be deemed a person in authority.

A person who, by direct provision of law or by election or by appointment by competent authority, is charged with the maintenance of public order and the protection and security of life and property, such as a barrio councilman, barrio policeman and barangay leader and any person who comes to the aid of persons in authority, **SUCH AS NURSES ON-DUTY**, shall be deemed an agent of a person in authority.

In applying the provisions of Articles 148 and 151 of this Code, **DOCTORS**, teachers, professors and persons charged with the supervision of public or duly recognized private schools, colleges and universities, and lawyers in the actual performance of their

professional duties or on the occasion of such performance, shall be deemed persons in authority.

SECTION 2. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations and other issuances, or any part thereof, inconsistent with this Act are hereby repealed, modified or amended accordingly.

SECTION 3. *Effectivity Clause.* – 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,