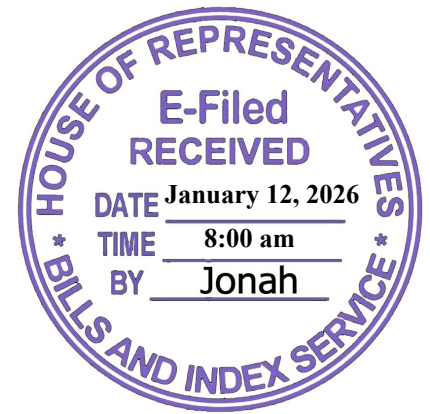


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 7068



Introduced by Representative LEILA M. DE LIMA

AN ACT
INSTITUTIONALIZING THE RECOGNITION OF HEALTH CARE PROXIES
THROUGH A NATIONWIDE “RIGHT TO CARE” SYSTEM, AND
APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

Article III, Section 1 of the 1987 Constitution guarantees the equal protection of the laws for all Filipinos. Article XIII, Section 11 further provides that, “[T]he State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health, and other social services available to all the people at affordable cost,” giving special priority to the needs of “the underprivileged, sick, elderly, disabled, women, and children.”

However, the implementation of a genuinely universal access to health care continues to face several barriers in the country. Among these barriers is the lack of legislation that takes into consideration the various social contexts and familial relationships of Filipinos, thus hindering uniform application and equal protection of the laws. In particular, according to Article 199 in relation to Article 194 of Executive Order No. 209, s. 1987, otherwise known as the Family Code of the Philippines, the responsibility of making decisions on behalf of an individual in health care settings shall fall on the following, in the specific order: (1) the legally married spouse, (2) the descendants in the nearest degree, (3) the ascendants in the nearest degree, and (4) the brothers and sisters.

Thus, the current state of Philippine law effectively alienates many adult Filipinos, such as solo parents, people in non-marital relationships, people from non-traditional households, and people in same-sex relationships, who often face discrimination and unfair treatment in health care settings and are denied access to

information and decision-making processes involving the health care of their loved ones, despite shared lives and mutual caregiving responsibilities.

This bill seeks to institutionalize the “Right to Care” Card system and allow Filipinos to submit a Health Care Proxy to designate a Health Care Agent authorized to make medical decisions on their behalf in times of incapacity. Under this bill, the Health Care Proxy shall be integrated into the PhilHealth system, with the information on the Health Care Proxy reflected on the PhilHealth ID. At the same time, the Department of Health shall establish and maintain a secure, centralized Right to Care Registry System containing all registered Health Care Proxies that shall be accessible to authorized health facilities nationwide for real-time verification. Under this measure, Filipinos are also given the option to apply for a digital or physical Right to Care Card to correspond to the Health Care Proxies in the system.

Additionally, this measure specifies the extent and scope of authority provided to the Health Care Agent and the obligations of the Health Care Provider to recognize Health Care Proxies. The bill also includes an Immunity provision to ensure that health care practitioners are not held liable nor threatened in their good faith practice of honoring Health Care Proxies and the decisions of Health Care Agents.

Ultimately, this measure seeks to ensure that all Filipinos are able to receive the best kind of health care available to them by allowing them to have a choice in who they want to be making medical decisions when they are unable, and to allow Philippine law to necessarily adapt and respond to the changing times and non-traditional contexts and relationships of Filipinos today.

In the 20th Congress, similar bills were filed by Senator Risa Hontiveros, Akbayan Representatives Percival Cendaña, Jose Manuel Diokno, and Dadah Kiram Ismula, and Representatives Kaka Bag-ao and Javier Miguel Benitez. This bill adopts several provisions from the aforementioned bills, as well as Quezon City Ordinance No. SP-3221, S-2023, otherwise known as the “Quezon City Right to Care Ordinance,” which this bill seeks to implement nationwide.

For genuine equality, universal access to health care, and people-centered legislation, early approval of this measure is sought.



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

1 SECTION. 1. *Short Title.* – This Act shall be known as the “Right to Care Act.”

2
3 SEC. 2. *Declaration of Policy.* – Consistent with the principles and norms
4 enshrined in the 1987 Philippine Constitution, the State shall ensure the equal
5 protection of laws among all persons. The Congress shall give highest priority and
6 utmost consideration to the enactment of measures that protect the right of all people
7 to human dignity, reduce social, economic and political inequalities.

8
9 In accordance with the Universal Declaration of Human Rights, the State
10 acknowledges that all human beings are born free and equal in dignity and rights,
11 regardless of gender, race, culture, religion, or any other status. Central to this dignity
12 is the inherent right of every individual to achieve the highest possible standard of
13 physical and mental health.

14
15 It is the primary obligation of the State to enact legislation and implement
16 policies that: (a) guarantee universal access to high-quality health services; (b)
17 systemically address health disparities rooted in, or related to poverty, social stigma,
18 and discrimination; and (c) foster inclusivity for individuals of diverse sexual
19 orientation, gender identity and expression, and sex characteristics (SOGIESC), as
20 well as solo parents and other eligible citizens.

1 To achieve these objectives, the State shall formally recognize a person's
2 chosen health care agent as their legally authorized representative within the
3 healthcare system, ensuring their medical preferences and care are respected.

4
5 SEC. 3. *Definition of Terms.* –
6

- 7 a) Adult – a natural person who is eighteen (18) years of age or older.
8
9 b) Health Care – any treatment, service, or procedure to assess, diagnose,
10 treat, or manage an individual's physical or mental condition.
11
12 c) Health Care Agent – the Adult authorized under a valid Health Care
13 Proxy to make health care decisions on behalf of the Principal.
14
15 d) Health Care Decision – any decision to consent or refuse to consent to
16 Health Care.
17
18 e) Health Care Provider – an individual or facility licensed, certified, or
19 otherwise authorized or permitted by law to administer or provide Health
20 Care in the ordinary course of business or practice. Unless the context
21 otherwise requires or is otherwise specified, references to Health Care
22 Provider include their agents and employees.
23
24 f) Health Care Proxy – a document in which a Principal delegates to a
25 Health Care Agent the authority to make Health Care Decisions on the
26 former's behalf.
27
28 g) Principal – any Adult, Single or Legally Separated, Solo Parent, or any
29 other eligible individual designating a Health Care Agent as their legally
30 recognized representative in the healthcare setting through a Health
31 Care Proxy.
32
33 h) Solo Parent – any individual defined as such by Republic Act. No.11861
34 or the "Expanded Solo Parents Welfare Act."
35
36 i) Right to Care Card – the physical or digital identification card issued by
37 the Department of Health, which serves as official proof of a validly
38 executed Health Care Proxy registered pursuant to this Act.
39

40 SEC. 4. *Legal Recognition of Health Care Proxies.* – All health care providers,
41 public and private, shall recognize the authority of a valid Health Care Agent
42 designated in a validly executed Health Care Proxy, consistent with the provisions of
43 this Act and its implementing rules and regulations.
44

1 The Department of Health (DOH) shall create and maintain a secure,
2 centralized Right to Care Registry System for the submission, verification, and
3 archiving of Health Care Proxies. This system shall include:

- 4
- 5 a) A *digital database* accessible to authorized health facilities nationwide
6 for real-time verification of registered Health Care Proxies;
7
- 8 b) A *physical or digital Right to Care Card* issued to the Principal, which
9 shall indicate key identifiers and a secure mechanism (e.g., QR code, or
10 unique alphanumeric code) linking to the registered Health Care Proxy:
11
- 12 c) *Protocols for submission, amendment, and revocation* of Health Care
13 Proxies, including verification procedures and consent requirements to
14 protect patient confidentiality and data privacy;
15
- 16 d) An *assistance/help desk or point-of-contact unit* within DOH to assist
17 individuals in the processing, verification, and enforcement of their
18 health care proxy designations; and
19
- 20 e) *Data protection safeguards* to ensure the confidentiality, integrity, and
21 lawful processing of personal and health information, in compliance with
22 Republic Act No. 10173 or the “Data Privacy Act of 2012,” and its
23 implementing rules and regulations. The DOH shall act as a personal
24 information controller under the said law and shall adopt appropriate
25 technical and organizational measures to secure the Right to Care
26 Registry.
27

28 SEC. 5. *Health Care Proxy.* – The Philippine Health Insurance Corporation
29 (PhilHealth) shall provide for a Health Care Proxy for every PhilHealth Member. Health
30 Care Proxies under PhilHealth shall (a) identify the Principal and the Health Care
31 Agent; (b) indicate that the Principal intends for the Health Care Agent to have
32 authority to make Health Care Decisions on behalf of the Principal; and (c) consider
33 the Health Care Agent a Dependent of the Principal.
34

35 The designation of a Health Care Agent shall be included in the PhilHealth
36 Membership Forms and shall be indicated in the PhilHealth Identification Cards.
37 Health Care Proxies shall likewise be integrated into the PhilHealth Information
38 Systems.
39

40 SEC. 6. *Right to Care Card.* – The Department of Health (DOH) shall issue a
41 Right to Care Card, upon application of the Principal-Patient and Health Care Agent,
42 to correspond to the Health Care Proxy.
43

1 A validly issued Right to Care Card shall constitute *prima facie* proof of the
2 existence and enforceability of the corresponding Health Care Proxy. It shall be given
3 full legal effect in accordance with this Act: *Provided*, That, the absence of a Right to
4 Care Card shall not in any way affect the enforceability of a Health Care Proxy nor
5 limit the scope of authority of a Health Care Agent designated in a Health Care Proxy.
6

7 SEC. 7. *Health Care Agent.* – A Health Care Agent designated in the Health
8 Care Proxy shall on behalf of the Principal named therein, have the authority for the
9 following:

- 10 a) Scope of Authority – subject to any express limitations in the Health Care
11 Proxy, a Health Care Agent shall have the authority to make any and all
12 Health Care Decisions on the Principal's behalf, including but not limited
13 to the following:
- 14 i. Authority to provide or give consent to bedside and nursing care
15 services;
 - 16 ii. Authority to give consent to perform or administer emergency
17 medical and/or management;
 - 18 iii. Authority to give consent to perform diagnostic and/or therapeutic
19 procedure;
 - 20 iv. Authority to give consent to hook to lifesaving devices such as but
21 not limited to a ventilator;
 - 22 v. Authority to give consent to declare Do Not Resuscitate (DNR);
23 and
 - 24 vi. Authority to give consent to intubate.
- 25

26 Health Care Decisions made by the Health Care Agent on the Principal's
27 behalf shall have priority over decisions by any other person. The authority of
28 the Health Care Agent shall be limited in application to the healthcare setting
29 and shall not in any way affect succession rights provided by the Civil Code.
30

- 31 b) Disclosure of Information – the Health Care Agent shall have the right to
32 demand and receive medical and health information, records and data
33 necessary to make informed decisions regarding the Principal's Health
34 Care.
35

36 SEC. 8. *Capacity.* – The authority of the Health Care Agent to make Health
37 Care Decisions shall commence upon due determination, in accordance with
38 applicable laws, rules, or regulations, that the Principal lacks capacity to make Health
39 Care Decisions. In the event that there is a due determination that the Principal has
40 regained capacity, the authority of the Health Care Agent to make Health Care
41 Decisions shall cease, but shall recommence if the Principal subsequently loses
42 capacity.
43

1 The foregoing notwithstanding, where the Principal objects to the determination
2 of incapacity or to a Health Care Decision made by the Health Care Agent, the
3 Principal's objection or decision shall prevail, unless the Principal is determined by a
4 court of competent jurisdiction to be incapacitated to make Health Care Decisions.

5
6 SEC. 9. *Expiration and Revocation.* – A Health Care Proxy shall be deemed to
7 remain in effect until revoked. If, prior to the expiration of a Health Care Proxy, the
8 authority of the Health Care Agent has commenced, the Health Care Proxy shall not
9 expire while the Principal lacks capacity.

10
11 The amendment of the Health Care Proxy in the PhilHealth Membership Forms
12 and/or issuance of a Special Power of Authority, shall be deemed as automatic
13 revocation of any Health Proxy previously issued to such Principal. Moreover, the
14 issuance of a new Right to Care Card to the same Principal shall operate as an
15 automatic revocation of any previously issued card and the proxy attached thereto,
16 regardless of any contrary provision.

17
18 SEC. 10. *Health Care Provider Obligations.* – Health Care Providers are
19 required to observe the following:

- 20
21 a) A Health Care Provider who is presented with a Right to Care Card or
22 Health Care Proxy, or who finds such card or proxy on the person of the
23 Principal-Patient, or in the PhilHealth Identification Card of the Principal-
24 Patient, shall recognize and be charged with due knowledge that a
25 Health Care Proxy has been executed by the Principal-Patient.

26
27 In the event that the Principal-Patient is unaccompanied by the Health
28 Care Agent designated in the Health Care Proxy, the Health Care Provider shall
29 exert reasonably diligent efforts to notify such Health Care Agent, through the
30 contact details provided in the PhilHealth Membership Form, of the
31 circumstances by which the Principal-Patient is under their care.

- 32
33 b) A Health Care Provider shall comply with the Health Care Decisions
34 made by the designated Health Care Agent in good faith under a Health
35 Care Proxy to the same extent as if such decisions have been made by
36 the Principal-Patient, subject to any limitations provided in this Act.

- 37
38 c) A Principal-Patient may revoke a Health Care Proxy by notifying the
39 Health Care Provider orally or in writing or by any other act evidencing a
40 specific intent to revoke such proxy. In such cases, the Health Care
41 Provider shall record such revocation in the Principal-Patient's medical
42 records, and notify its relevant agents and employees, as well as the
43 Health Care Agent of such revocation.

1 d) The Department of Health (DOH) shall issue guidelines for Health Care
2 Providers including health insurance companies, health maintenance
3 organizations (HMOs), and other facilities, institutions, and/or
4 professionals in the healthcare system to recognize the Health Care
5 Proxy of Principal-Patients, the Health Care Agents as the legally
6 recognized representative of the Principal-Patients, and to act in
7 accordance thereto.
8

9 SEC. 11. *Immunity.* – Health Care Providers, or any of its agents or employees,
10 shall be free from any liability for honoring in good faith a Health Care Decision by a
11 Health Care Agent, or for other actions taken in good faith pursuant to this Act. Further,
12 the Health Care Agent shall be free from any liability for making a Health Care Decision
13 in good faith pursuant to this Act.
14

15 SEC. 12. *Health Care Cost.* – Liability for the cost of Health Care provided
16 pursuant to a Health Care Agent's Health Care Decisions shall be the same as if the
17 Health Care were provided pursuant to the Principal's Health Care Decisions.
18

19 SEC. 13. *Non-Discrimination in Access to Health Care.* – No person shall be
20 denied access to Health Care services, insurance, or related support based on having,
21 or declining to have, a Health Care Proxy or Right to Care Card.
22

23 Likewise, no provider or insurer shall condition the provision of care, coverage,
24 or benefits on the execution of a Health Care Proxy under this Act.
25

26 SEC. 14. *Non-limitation.* – Nothing in this Act shall create, expand, diminish,
27 impair, or supersede any authority that a Principal-Patient may have under law to
28 make or express decisions, wishes, or instructions regarding health care, whether or
29 not expressed in a Health Care Proxy. Further, nothing herein shall be construed to
30 permit a Health Care Agent to consent to any act or omission to which the Principal-
31 Patient could not consent under law.
32

33 SEC. 15. *Penalties.* – The DOH, the Professional Regulation Commission
34 (PRC), the PhilHealth, and any other relevant government agencies may suspend or
35 revoke the licenses or certifications of Health Care Providers and any of its agents and
36 employees that violate the provisions of this Act.
37

38 SEC. 16. *Implementing Rules and Regulations.* – The DOH, in coordination
39 with the PhilHealth, shall formulate the necessary rules and regulations for the
40 implementation of this Act within ninety (90) days upon its effectivity.
41

42 SEC. 17. *Appropriations.* – Appropriations for the implementation of this Act
43 shall be sourced from the general appropriations of the Department of Health under
44 its Gender and Development Fund and Public Health Services Program.

1
2 SEC. 18. *Separability Clause*. – If any Section or provision of this Act is declared
3 invalid or unconstitutional, the Sections or provisions not affected thereby shall
4 continue to be in full force and effect.
5

6 SEC. 19. *Repealing Clause*. - All laws, executive orders, presidential decrees,
7 presidential proclamations, letters of instruction, rules and regulations, or parts thereof
8 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
9 accordingly.
10

11 SEC. 20. *Effectivity*. - This Act shall take effect fifteen (15) days following its
12 publication in the Official Gazette or in two (2) newspapers of general circulation in the
13 Philippines.

Approved,