

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL No. 11267



Introduced by: Hon. Keith Micah "Atty. Mike" D.L. Tan

AN ACT

RECOGNIZING THE RIGHT OF PATIENTS TO DESIGNATE A HEALTHCARE AGENT THROUGH A HEALTHCARE PROXY, PROMOTING ADVANCE CARE PLANNING, AND PROVIDING FOR SUPPORTED HEALTHCARE DECISION-MAKING IN THE HEALTHCARE SYSTEM

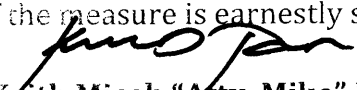
EXPLANATORY NOTE

This bill seeks to address a critical gap in the Philippine healthcare system by enshrining patient autonomy and facilitating advance care planning. Under Article II, Section 15 of the Constitution, the State is mandated to protect and promote the right to health of the people, a mandate that inherently requires recognizing health as a fundamental human right rooted in personal dignity. In contemporary medical settings, complex decisions must frequently be made when individuals temporarily or permanently lose the capacity to make or communicate informed choices. Currently, such circumstances create operational and legal uncertainty, often forcing healthcare providers to rely strictly on default family hierarchies or face ethical impasses. This bill establishes a clear legal framework that allows every individual, as a principal, to voluntarily execute a written healthcare proxy designating a natural person to make health decisions on their behalf during periods of incapacity.

The authority of the designated healthcare agent commences only upon a formal determination of the principal's incapacity by a healthcare provider and ceases immediately once decision-making capacity is regained. Furthermore, decisions made by a duly designated agent take priority over those of family members or next of kin, effectively minimizing domestic disputes and providing healthcare workers with unambiguous direction.

Finally, the bill will coordinate implementation across key executive and regulatory bodies. It will institute comprehensive policies, capacity-building programs, and public awareness campaigns. By formalizing healthcare proxies, this Act strengthens the implementation of Universal Health Care, aligns national policy with international human rights standards, and guarantees that every Filipino's healthcare preferences are respected with dignity.

In view of the foregoing, the passage of the measure is earnestly sought.


Keith Micah "Atty. Mike" D.L. Tan
4th District, Quezon

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

SECTION 1. *Short Title.* — This Act shall be known as the "Healthcare Proxy Act".

SEC. 2. *Declaration of Policy.* — The State recognizes health as a fundamental human right and affirms the dignity, autonomy, and well-being of every person in the delivery of healthcare services. It is also the declared policy of the State, under Article II, Section 15 of the Constitution, to protect and promote the right to health of the people and instill health consciousness among them. Towards this end, the State shall:

- (a) Adopt a rights-based approach to healthcare, recognizing the right of every person to participate in decisions affecting the person's health and medical care;
- (b) Promote advance care planning by enabling individuals to designate other individuals to make decisions for their healthcare needs in times of incapacity;
- (c) Strengthen universal access to healthcare services, consistent with the Universal Health Care Act and the country's commitments to the Sustainable Development Goals; and
- (d) Promote supported health decision-making that respects the rights, will, and preferences of individuals.

Pursuant thereto, the State shall provide policies for the recognition of healthcare agents and healthcare proxies, in an inclusive, non-discriminatory, and person-centered manner within the healthcare system.

SEC. 3. *Definition of Terms.* — For purposes of this Act:

- (a) Advance Directive refers to a written or recorded instruction indicating a person's preferences concerning the provision, withholding, or withdrawal of healthcare under specified conditions;

- (b) Healthcare refers to any care, treatment, service, or procedure undertaken to maintain, diagnose, monitor, or otherwise affect a person's physical or mental condition;
- (c) Healthcare Agent refers to a natural person, at least twenty-one (21) years of age, designated by a principal through a healthcare proxy to make healthcare decisions on the principal's behalf;
- (d) Healthcare Decision refers to any decision to consent to, refuse, or withdraw consent to the provision of healthcare on behalf of the principal;
- (e) Healthcare Provider refers to any individual, facility, or institution licensed, accredited, or otherwise authorized by law to provide healthcare;
- (f) Healthcare Proxy refers to a written instrument executed by a principal designating a healthcare agent to make healthcare decisions on the principal's behalf;
- (g) Incapacity refers to a temporary or permanent loss of decision-making capacity characterized by the inability of a person to understand information concerning the person's health condition; understand the consequences of decisions or actions on the person's life or health or on the life or health of others; understand information about the nature of a proposed treatment, including its methodology, effects, and possible side effects, or communicate consent to treatment or hospitalization or information regarding the person's own condition or as determined by the healthcare provider;
- (h) Next of Kin refers to the closest living relative of the principal in the following order of priority, namely, spouse, adult child, parent, adult sibling, grandparent, or other relative as determined under applicable laws;
- (i) Principal refers to a natural person who designates a Healthcare Agent through a Healthcare Proxy; and
- (j) Supported Healthcare Decision-Making refers to assistance provided by persons chosen by an individual to help the individual understand, make, or communicate decisions while respecting the individual's rights, will, and preferences.

SEC. 4. *Right to Designate a Healthcare Agent.* — Every person may designate a healthcare agent through a healthcare proxy to make healthcare decisions on the person's behalf in the event of incapacity.

The designation of healthcare agent shall be valid if it is freely and voluntarily made by the principal, executed without fraud, coercion, undue influence or misrepresentation, based on the principal's freedom of choice, and reduced into a healthcare proxy: *Provided*, That the principal may modify, replace, or revoke the healthcare proxy at any time and such designation shall not constitute a waiver of the principal's right to make healthcare decisions whenever capable of doing so.

In the absence of a healthcare proxy, healthcare decisions may be made by the next of kin, and such authority shall only apply when no healthcare agent has been designated or when the designated healthcare agent is unavailable.

SEC. 5. *Healthcare Proxy Form and Acceptance.* — A healthcare proxy may be executed in any written form at any given time and shall indicate the name of the principal and the healthcare agent, the authority of the healthcare agent to make healthcare decisions, and acceptance by the healthcare agent: *Provided*, That the acceptance may be

indicated in the healthcare proxy or made at the point of care when the healthcare agent is called upon to act.

SEC. 6. *Authority and Standards of the Healthcare Agent.* — Subject to any limitations expressly provided in the healthcare proxy or in any advance directive executed by the principal, the healthcare agent shall have the authority to make healthcare decisions on behalf of the principal within healthcare settings.

The healthcare agent shall have the right to receive relevant medical information and records necessary to make informed healthcare decisions. Disclosure of such information shall be deemed authorized for purposes of this Act.

Healthcare decisions made by the healthcare agent shall be exercised while physically present, and shall be made in accordance with the known wishes, will, and preferences of the principal, or, in the absence thereof, in the best interests of the principal.

In the event of the death of the principal, the healthcare agent may likewise make the necessary arrangements for the funeral and burial of the principal.

Healthcare decisions made by a duly designated healthcare agent shall have priority over decisions made by any other person, including members of the principal's family, except where the principal has expressly stated a contrary wish. In cases of disagreement among family members or other persons, the decision of the healthcare agent shall prevail.

A healthcare agent shall be free from liability for healthcare decisions made in good faith and in accordance with this Act.

Where neither the healthcare agent nor the next of kin is available or able to decide on behalf of the principal, the healthcare provider may determine the appropriate course of action in accordance with applicable laws, clinical practice guidelines, and institutional protocols.

Nothing in this Act shall prevent a healthcare provider from seeking ethical consultation, mediation, or judicial relief in cases involving substantial uncertainty, conflict, or allegations of abuse or bad faith in the exercise of authority by the healthcare agent.

SEC. 7. *Commencement and Termination of Authority.* — The authority of the healthcare agent shall commence upon a determination of incapacity by a healthcare provider and shall cease once the principal regains decision-making capacity and upon the revocation of the healthcare proxy.

The principal may revoke the healthcare proxy by notifying a healthcare provider orally or in writing, executing a subsequent healthcare proxy, or by any act clearly indicating the intent to revoke the designation.

SEC. 8. *Obligations of Healthcare Providers.* — Healthcare providers shall recognize a valid healthcare proxy, determine the presence or absence of incapacity in accordance with existing laws and clinical practice guidelines, make reasonable efforts to notify the healthcare agent when the principal is unable to make healthcare decisions, and comply in good faith with healthcare decisions made by the healthcare agent.

Healthcare providers shall not be held civilly, criminally, or administratively liable for actions taken in good faith reliance on healthcare decisions made by a healthcare agent under this Act.

SEC. 9. *Duties of Government Agencies.* — The following government agencies shall perform the duties provided herein:

(a) Department of Health (DOH), as the lead implementing agency, shall:

1. Develop policies, standards, and guidelines to ensure the effective recognition and implementation of healthcare proxies and the exercise of authority by healthcare agents in healthcare settings;
2. Integrate advance care planning and the recognition of healthcare proxies into hospital policies, patient rights frameworks, and clinical practice guidelines;
3. Ensure that public and private healthcare facilities establish appropriate protocols for recognizing healthcare proxies and facilitating healthcare decisions made under this Act;
4. Conduct capacity-building and training programs for healthcare providers on supported healthcare decision-making, patient autonomy, and the implementation of this Act; and
5. Monitor compliance with this Act and coordinate with appropriate regulatory bodies in enforcing administrative accountability.

(b) Philippine Health Insurance Corporation (PhilHealth) shall:

1. Establish appropriate systems for the recording and recognition of healthcare proxy designations within its membership and health information systems;
2. Ensure that healthcare decisions made pursuant to this Act are recognized in the processing of benefit claims and healthcare coverage; and
3. Support public information initiatives to promote awareness of advance care planning and the designation of healthcare agents.

(c) Department of the Interior and Local Government (DILG) and Local Government Units (LGUs) shall:

1. Support the local implementation of this Act through public education and community-based information campaigns;
2. Assist in integrating awareness of healthcare proxies and advance care planning into local health programs and services; and
3. Encourage the participation of barangay health workers and local health personnel in promoting public awareness of the rights and mechanisms provided under this Act.

- (d) Other Government Agencies. All concerned government agencies shall cooperate with the DOH in the implementation of this Act and shall adopt measures within their respective mandates to support the effective recognition of healthcare agents and healthcare providers.

SEC. 10. *Liability of Healthcare Cost.* — Healthcare provided pursuant to decisions made by a healthcare agent shall be treated as if such healthcare had been provided pursuant to the decision of the principal. The costs incurred shall remain the obligation of the principal, and unpaid healthcare costs shall form part of the obligations recoverable from the principal, subject to applicable laws. The healthcare agent shall not be personally liable for any costs incurred in the provision of healthcare under this Act.

Subject to applicable social and financial protection laws, programs, and services, the healthcare agent may apply for government assistance on behalf of the principal: *Provided*, That the healthcare agent shall not derive any financial benefit therefrom

SEC. 11. *Non-Discrimination and Non-Limitation of Rights.* — No person or entity shall require, deny, or prohibit the execution of a healthcare proxy as a condition for the provision of healthcare or related services, including, but not limited to, services provided by health management organizations, insurance companies, or other healthcare institutions.

Nothing in this Act shall create, expand, diminish, impair, or supersede any existing authority of a principal to make or express decisions, wishes, or instructions regarding healthcare, whether or not expressed in a healthcare proxy.

Nothing herein shall be construed to permit a healthcare agent to consent to any act or omission to which the principal could not consent under the law.

SEC. 12. *Penalties.* — The DOH, the Professional Regulation Commission, the PhilHealth, and any other relevant government agencies may suspend or revoke the licenses, accreditation, or certifications of healthcare providers, and any of their authorized representatives and employees, or impose other administrative liabilities for any violation of this Act.

The imposition of administrative liabilities is without prejudice to the filing of appropriate civil or criminal action that may be filed by the relevant government agency, principal, or healthcare agent.

SEC. 13. *Implementing Rules and Regulations.* — The DOH, in consultation with PhilHealth, hospital and medical associations, relevant civil society and patients organizations, and other concerned stakeholders, shall formulate the necessary rules and regulations for the implementation of this Act within ninety (90) days upon its effectivity.

SEC. 14. *Appropriations.* — The amount necessary for the implementation of this act shall be charged against the current appropriations of the DOH, DILG, PhilHealth, and LGUs.

SEC. 15. *Separability Clause* — If any Section or provision of this Act is held unconstitutional or invalid, the remaining Sections or provisions not affected thereby shall continue to be in full force and effect.

SEC. 16. *Repealing Clause*. — All laws, decrees, executive orders, rules and regulations, issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 17. *Effectivity*. — This Act shall take effect fifteen (15) days after publication in the Official Gazette or two (2) newspapers of general circulation.

Approved,