

AMENDING PRESIDENTIAL DECREE NO. 169

EXECUTIVE ORDER NO. 212, July 10, 1987

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WHEREAS, Presidential Decree No. 169 requires medical practitioners to report the treatment of patients for serious and less serious physical injuries as defined in Articles 262, 263, 264, and 265 of the Revised Penal Code to the nearest Philippine Constabulary unit either personally or by the fastest means possible, under pain of penal and administrative sanctions;

WHEREAS, the said requirement was imposed during martial law to enable law enforcement agencies to keep track of all violent crimes, conduct timely investigation thereon and effect the immediate arrest of the perpetrators thereof;

WHEREAS, Presidential Decree No. 169, being premised on the existence of martial law, must yield to the people's mandate to restore democracy and to maintain the supremacy of civilian authority over the military;

WHEREAS, the duty to maintain peace and order in the community principally belongs to the law enforcement agencies, and although the cooperation of the citizenry, particularly medical practitioners, may be enlisted for the common good, it would encroach upon their freedoms to compel them, under pain of penal and administrative sanctions, to make certain reports to the Philippine Constabulary, an entity that has no functional or administrative control or supervision or even regulatory powers over them;

WHEREAS, a requirement to report such treatment, but no civilian authorities, is needed to keep track of violent crimes;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, do hereby order:

SECTION 1. Presidential Decree No. 169, dated April 4, 1973, is hereby amended as follows:

"SECTION 1. The attending physician of any hospital, medical clinic, sanitarium or other medical establishments, or any other medical practitioner, who has treated any person for serious or less serious physical injuries as these injuries are defined in Articles 262, 263, 264 and 265 of the Revised Penal Code shall report the fact of such treatment promptly to the nearest government health authority: Provided, That no fee shall be charged for the transmission of such report through government communication facilities: Provided, further, That records of the reports kept by said health authorities shall, upon written request, be made available to law enforcement agencies.

"SEC. 2. The report called for in this Decree shall indicate, when practicable, the following:

a)

the name, age and address of the patient;

b)

the name and address of the nearest of kin of the patient;

c)

the name and address of the person who brought the patient for medical treatment;

d)

the nature and probable cause of the patient's injury;

e)

the approximate time and date when the injury was sustained;

f)

the place where the injury was sustained;

g)

the time, date and nature of the treatment; and

h)

the diagnosis, the prognosis and/or desposition of the patient.

"SEC. 3. The Secretary of Health, in consultation with the Philippine Constabulary, shall promulgate the rules and regulations necessary to carry out the purposes of this Act.

"SEC. 4. Any violation of this Act of the aforesaid rules and regulations issued by the Secretary of Health, in consultations with the Philippine Constabulary, shall be punished administratively with a fine that shall not be less than one hundred pesos (P100.00) nor more than five hundred pesos (P500.00). In addition, the license or permit of the attending physician shall be cancelled upon the third violation of this Act or of its implementing rules and regulations.

The Board of Medicine shall have the original and exclusive jurisdiction to investigate, hear and decide, upon due notice, all cases of violations of this Act or of its implementing rules and regulations, subject to review by the Professional Regulation Commission when seasonably appealed thereto."

SEC. 2. All laws, decrees, proclamations and instructions or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

SEC. 3. This Executive Order shall take effect immediately.

DONE in the City of Manila, this 10th day of July, in the year of Our Lord, nineteen hundred and eighty-seven.

CORAZON C. AQUINO

President of the Philippines

By the President:

JOKER P. ARROYO

Executive Secretary

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