

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

NINETEENTH CONGRESS
1st Regular Session

House Bill No. 7896



**Introduced by Representatives PAOLO Z. DUTERTE, ERIC G. YAP, and
EDVIC G. YAP**

EXPLANATORY NOTE

The State recognizes the role of veterinary medicine in the country as a practice dedicated for the protection of the animal population through safe and proper diagnosis, treatment, and surgery of these animals. The regulation in the practice of veterinary medicine is enshrined in Republic Act No. 9268 or *The Philippine Veterinary Medicine Act of 2004*, which in addition, institutionalizes the mandate of the Professional Regulatory Board of Veterinary Medicine.

The Board has always relied in the Code of Ethics and Code Technical Standards for Doctors of Veterinary Medicines, including its other policies issued pursuant to this Republic Act No. 9268 in order to regulate the said profession, and yet the practice remains unregulated and unbridled, resulting to a number of malpractice cases against veterinarians which remain unpenalized due to lack of an enabling legislation that will hold veterinarian criminally liable for gross negligence and ignorance in exercise of their profession.

As a response, this bill seeks to institutionalize the penalties of fine, cancellation of license to practice and revocation of permit to operate to veterinarians adjudged of committing veterinary malpractice to increase deterrence in committing the said act. This measure also seeks to require veterinarians to avail of malpractice insurance to answer for any claims of damages arising from the act or omission perpetrated by them resulting to injury or loss of life to any animal.


PAOLO Z. DUTERTE


ERIC G. YAP


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AN ACT
PROTECTING ANIMAL-PATIENTS AGAINST MEDICAL MALPRACTICE OF
VETERINARY MEDICINE, PROVIDING PENALTIES THEREFOR, AND
REQUIRING VETERINARIANS TO SECURE VETERINARY MALPRACTICE
INSURANCE

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

SECTION 1. Title. - This Act shall be known as the "Anti-Veterinary Malpractice Act of 2023."

SEC. 2. Declaration of Policy. - It is the policy of the State to protect and promote the welfare of all animals in the Philippines by supervising and regulating the establishment and operations of all facilities utilized for breeding, maintaining, keeping, treating or training of all animals either as objects of trade or as household pets.

As part of fulfilling this, the State shall be able to standardize and regulate the practice of veterinary medicine that is tasked to protect the animal population in the country through safe and proper diagnosis, treatment and surgery of animals.

SEC. 3. Definition of Terms. - The following terms as used in this Act shall mean the following:

- a) *Veterinarian* is a natural person who has been registered and issued a valid Certificate of Registration and Professional Identification Card by the Professional Regulatory Board of Veterinary Medicine in accordance with this Act.
- b) *Accredited Professional Organization* refers to the professional organization of veterinarians accredited by the Board and the Commission.
- c) *Malpractice* shall refer to any physical injury, including death, caused by negligent or wrongful act or omission of any veterinary practitioner.

- d) *Patient* refers to animals, may they be objects of trade or household pets, requiring medical attention from any veterinarian.
- e) *Client* refers to any natural or juridical person who has the right of ownership over the animal patient.

SEC. 4. *Anti-Malpractice Act.* - Any veterinarian who performs any act constituting veterinary medicine malpractice or illegal surgery shall be punishable by fine and in all instances, the suspension or cancellation of the practitioner's license to practice veterinary medicine, revocation of the Certification of Registration of the registered veterinarian, or cancellation of the special permit issued on behalf of his/her practice.

Such acts include, but are not limited to the following:

- a) unprofessional and unethical conduct;
- b) gross incompetence, gross negligence, gross ignorance or any other acts of malpractice resulting in the disability, disfigurement or death of an animal;
- c) fraud or dishonesty in applying, teaching or report on any laboratory test and research findings;
- d) neglect in providing aid for animals in the state of crises, adversity, and suffering which needed monumental or medical aid in any distress, ***Provided***, that such aid includes, but are not limited to, first aid through therapy to rescue;
- e) aiding or abetting the Veterinary practice of an unlicensed individual or allowing his/her name and qualifications to be used for such purpose;
- f) failure in giving the best professional services to the patient and client and conducting himself / herself in a manner that uplift the veterinary profession;
- g) for veterinarians engaged in a commercial enterprise that directly/indirectly concerns animal health and production, the inability to conduct the business in such a manner that Veterinary ethical standards are maintained;
- h) selling biologicals to any layman without prescription;
- i) dereliction of duty to oversee and treat animal diseases, develop programs of preventive medicine, and administer a variety of regulations related to hygiene and epidemic control; and
- j) non-observance of the required husbandry and production standards, whether for livestock, pets, laboratory animals, or captive wild animals;
- k) practicing his/her profession during the period of his/her suspension from the practice of his profession;
- l) violation of other rules and regulations, Code of Ethics, Code Technical Standards and other policies of the Professional Regulatory Board of Veterinary Medicine and the Commission issued pursuant to Republic Act No. 9268.

SEC. 5. *The Complainant.* - The crime of veterinary malpractice shall be prosecuted upon the filing of a complaint by any of the following individuals:

- a) Client;
- b) Parents or legal guardians of the client;
- c) Grandparents or collateral relatives;
- d) A concerned, responsible veterinary hospital or clinic employee where the crime was committed but only if the persons in the preceding paragraph have expressly given their consent in the filing thereof.

Upon belief of veterinary malpractice, the complainant shall reserve the right to preserve the remains of his/her patient and immediately take the patient's body to another veterinarian for a necropsy.

SEC. 6. *Penalties.* - Medical malpractice on Veterinary medicine shall be punished as follows:

- a) For the first offense, a fine of Twenty Thousand (P20,000) to Fifty thousand (P50,000)
- b) For the second offense, a fine of Fifty-One Thousand (P51,000) to One Hundred and Fifty Thousand (P150,000)
- c) For the third offense, a fine of One Hundred Fifty-One Thousand (P151,000) to Two Hundred and Fifty Thousand (P250,000)

The amount of fine is discretionary to the court taking into consideration all the attending circumstances. In all of the instances aforementioned, the suspension or cancellation of the practitioner's license to practice veterinary medicine, revocation of the Certification of Registration of the registered veterinarian and his/her clinics, and/or cancellation of the special permit issued on behalf of his/her practice may also be imposed.

Any other crime committed by reason or on occasion of veterinary malpractice shall be considered as a separate offense and the rules on complex crimes shall not apply.

In no case shall veterinary malpractice be considered as a mere aggravating circumstance when it is committed by reason or on occasion of the commission of another crime.

SEC. 7. *Aggravating Circumstances.* - The following circumstances shall aggravate the crime of veterinary malpractice:

- a) Permitting motives of profit to influence the free and independent exercise of professional judgment on behalf of client;
- b) Conscious infliction of harm to the animal-patient with the malicious intent of profiting from such act

SEC. 8. Damages. - In addition to damages that may be awarded by court under existing laws, the following circumstances shall warrant the award of additional damages:

- a) Death of the animal-patient by reason or occasion of malpractice;
- b) Physical disfigurement or permanent disability of the animal-patient by reason of malpractice.

SEC. 9. Compulsory Veterinary Malpractice Insurance. - Upon approval of this Act, all veterinarians shall be required to obtain Veterinary Malpractice Insurance of no less than Fifty Thousand Pesos (P50,000) from any reputable and duly licensed insurance company to answer for any claims of damages arising from the act or omission perpetrated by the insured resulting to injury or loss of life to any animal. Failure to comply of any veterinarian from the provisions of this Act shall cause the suspension of his/her professional license and shall remain effective until he/she complied therewith.

SEC. 10. Repealing Clause. - All provisions of laws and rules inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 11. Separability Clause. - If for any reason, any section or provision of this Act is declared unconstitutional or invalid, the other sections or provisions not affected thereby shall remain in full force and effect.

SEC. 12. Effectivity Clause. - This Act shall take effect fifteen (15) days following its publication in a newspaper of general circulation.

Approved,