

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress

First Regular Session

HOUSE BILL NO. 2339

Introduced by Hon. MARY MITZI "MITCH" L. CAJAYON

EXPLANATORY NOTE

The reasons for undergoing a facial plastic surgery are varied. Some patients who decide to undergo the procedure suffer from birth disfigurements like birthmarks, cleft palates, and congenital facial deformities. Others are victims of accidents, burns, and diseases, thus requiring reconstructive surgery.

Many choose to change, for aesthetic purposes, some of the signs of premature aging or the shape or size of a facial feature that has bothered them for years.

Still, there are those who do it to evade police detection for their crimes. One case in point is the case of the leader of the robbery gang which hit a posh mall in Makati City on October 18, 2009 who had his face changed through plastic surgery.

According to Rene Batiencela, a member of the robbery gang who survived a shootout with agents of the National Bureau of Investigation (NBI) and police, Flores' face had changed drastically since 2008, allegedly, due to plastic surgery, particularly in the eyes and nose, including a dimple procedure done in his face.

This initiative aims to curb criminality by requiring all patients of facial plastic surgery to present an NBI Clearance to help forestall the evasion of arrest.

In view thereof, the early passage of this measure is earnestly sought.



MARY MITZI "MITCH" L. CAJAYON

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AN ACT

MAKING MANDATORY THE SUBMISSION OF A VALID NATIONAL BUREAU OF INVESTIGATION (NBI) CLEARANCE BEFORE ANY FACIAL PLASTIC SURGERY PROCEDURE CAN BE PERFORMED TO ANY PERSON AND FOR OTHER PURPOSES

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

SECTION 1. No person shall be allowed to undergo a facial plastic surgery procedure unless he or she is able to present a valid clearance from the National Bureau of Investigation (NBI).

For purposes of this Act, facial plastic surgery shall cover both cosmetic and reconstructive surgery procedures which shall include, but not limited to: blepharoplasty (surgery of the eyelids), facial scar revision, forehead lifts, hair replacement, mentoplasty (surgery of the chin), submental lipectomy (surgery beneath the chin), otoplasty, (surgery of the ears), rhinoplasty (surgery of the nose), or rhytidectomy (surgery of the face).

SEC. 2. It shall be the duty of every plastic surgery practitioner to require the submission of the NBI Clearance prior to any facial plastic surgery procedure which shall form part of the patient's medical records.

SEC. 3. *Penalties.* – Any plastic surgery practitioner who shall violate any provision of this Act shall suffer the penalty graduated hereunder, viz:

- (a) For the first conviction, he shall suffer the penalty of reprimand, which shall be officially recorded in the appropriate books of the professional Regulation Commission and the Philippine Medical Association;
- (b) For the second conviction, the penalty of fine in the amount of not less than Five Thousand Pesos (P5,000);
- (c) For the third conviction, the penalty of fine in the amount of not less than Ten Thousand Pesos (P10,000) but not exceeding Twenty Thousand Pesos (P20,000) and suspension of his license to practice his profession for thirty days at the discretion of the Court;
- (d) If the offense is committed by a corporation, partnership other juridical entity duly organized in accordance with law, the chief executive officer, president, general manager, or such other officer in charge shall be liable for the commission of the offense penalized under this Act and the cancellation of its business permit and license to operate.
- (e) The Secretary of Health shall have the authority to impose administrative sanctions such as suspension or cancellation of license to practice profession to the Professional Regulation Commission, as the case may be, for the violation of this Act.

SEC. 4. *Implementing Rules and Regulations.* – The Department of Health shall promulgate and issue the necessary rules and regulations for the effective implementation of the provisions of this Act within thirty (30) days after the effectivity of this Act.

SEC. 5. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 6. *Separability Clause.* – If for any reason, a provision or part thereof is declared invalid, other provisions not affected thereby shall remain in full force and effect.

SEC. 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,