

## Should Treated Cases of Physical Injuries be Reported to Police Authorities?

Atty. Rodel V. Capule M.D.\*

Physicians have always recognized their duty to keep confidential the health information of their patients. However, on some occasions breaching that duty (of confidentiality) is the right thing to do. The duty to breach confidentiality becomes compelling and privacy interest takes a backseat under specific laws. It does not require a police initiated request before a physician should comply with his reportorial duty to do so. But the question of course is - should a physician report to police authority cases of physical injuries he has treated?

P.D. 169, as amended, states that "[t]he 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."<sup>1</sup> Article 262 refers to "Mutilation", article 263 to "Serious physical injuries", article 264 "Administering injurious substances or beverages" and article 25 to "Less serious physical injuries". Take note that "Slight physical injuries" in article 266 is not reportable.

The report<sup>2</sup> 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 disposition of the patient. The report should be made promptly to the nearest government health authority or "official or employee responsible for the application of a prescribed health measure in a local political subdivision. For a province, the local health authority is the governor and for a city or municipality, the local health authority is the mayor."<sup>3</sup>

Originally, mandatory reporting of physical injury cases "enable(s) law enforcement agencies to keep track of all violent crimes, conduct timely investigation thereon and effect the immediate arrest of the perpetrators thereof."<sup>4</sup> However, the amendments of PD 169 easily shows that the reporting must be done, not to law enforcement agencies, but only to civilian authorities. Although the law recognizes that "the duty to maintain peace and order in the community

principally belongs to the law enforcement agencies", "cooperation of the citizenry, particularly the medical practitioners, may be enlisted for the common good." But to compel medical practitioners, under pain of penal and administrative sanctions, to report treated cases of physical injuries to the Philippine Constabulary (or police authority) is to encroach upon their freedoms. The law rationalizes that police authority has no functional or administrative control or supervision or even regulatory powers over medical practitioners.<sup>5</sup>

When it comes to a maltreated or abused child (which obviously results to physical injuries), "private physicians providing treatment shall, within 48 hours from knowledge of the case, report in writing to the city or provincial fiscal or to the Local Council for the Protection of Children or to the nearest unit of the Department of Social Welfare."<sup>6</sup> Even cases of violence against women and their children shall be confidential and all private clinics or hospitals shall respect the right to privacy of the victim.<sup>7</sup> However, when it comes to deceased patient the Code of Sanitation states that "if the physician who issues a death certificate has reasons to believe or suspect that the cause of death was due to violence or crime, he shall notify immediately the local authorities concerned."<sup>8</sup>

Gleaned from the above mentioned laws, there is no mention of mandatory reporting of treated cases of physical injuries or injuries arising from violence to "police authorities". At times though there is a tendency to equate "local authorities" with "police authorities." Nonetheless, it cannot be gainsaid that in some cases the most prudent thing to do is to report the case to the nearest police authority.

### References

1. **Section 1** "Requiring Doctors, Hospitals, Clinics, etc. to Report Treatment of Physical Injuries", P.D. 169, amended by E.O. no. 212, July 10, 1987
2. **Section 2, id.**
3. **IV. Definition of terms (14)**, Revised Implementing Rules and Regulation of PD 856, DOH A.O. no. 2010 – 0033
4. **Statement of policies**, "Requiring Doctors, Hospitals, Clinics, etc. to Report Treatment of Physical Injuries", P.D. 169, 1973
5. **Statement of policies**, "Requiring Doctors, Hospitals, Clinics, etc. to Report Treatment of Physical Injuries", P.D. 169, as amended by E.O. no. 212, 1987
6. **Article 166**, "The Child and Youth Welfare Code", P.D. 603, December 10, 1974
7. **Section 44**, "Anti-Violence Against Women and Their Children Act of 2004", R.A. 9262
8. **Section 91(f)**, "Code of Sanitation", P.D. 856, 1975

\*Dr. R.V. Capule is an attorney specializing in medical malpractice, physical injuries and food torts. He is a law professor of Legal Medicine at Arellano University School of Law and a consultant in Legal Medicine at Adventist Medical Center-Manila and Makati Medical Center.