



## HOUSE OF REPRESENTATIVES

H. No. 6809

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BY REPRESENTATIVES VILLAFUERTE, CALIMBAS-VILLAROSA, CAJAYON AND  
MARAÑON, PER COMMITTEE REPORT NO. 2579

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### AN ACT PROHIBITING THE PRACTICE OF GHOST SURGERY OR GHOST ANESTHESIA BY MEDICAL DOCTORS AND HOSPITALS

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

1           SECTION 1. This Act shall be known as "The Ghost Surgery or Ghost  
2 Anesthesia Act".

3           SEC. 2. *Declaration of Policy.* – The State recognizes the need to  
4 establish safeguards to protect its citizens from the dangerous practice of  
5 certain surgeons and anesthesiologists to delegate a medical procedure to  
6 another doctor whom the patient does not know or has never met before or of  
7 informing a patient of the substitute or surrogate surgeon or anesthesiologist  
8 only after the operation. Popularly known as "ghost surgery" or "ghost  
9 anesthesia", these practices are potentially life-threatening and may inflict  
10 further damage to a patient's condition. The State hereby declares the practice  
11 of "ghost surgery" or "ghost anesthesia" a prohibited and an unlawful act.

1           The State also recognizes the patient's right to opt out, to be permitted  
2 to acquiesce in or refuse to accept the substitution and to demand that the  
3 surgeon or anesthesiologist contracted for shall actually perform the intended  
4 medical procedure. Even if the "ghost surgeon" or the "ghost anesthesiologist"  
5 performed skillfully and to the benefit of the patient, even if there was no  
6 "malice" and "intent to injure", the practice of "ghost surgery" or "ghost  
7 anesthesia" in itself implies deception and dishonesty which are hereby  
8 declared as *mala prohibita*. There is no excuse for not letting a patient know  
9 that another doctor other than the one the patient recognizes and authorizes  
10 will actually perform the surgery or administer anesthesia.

11           The State further recognizes that the practice of "ghost surgery" or  
12 "ghost anesthesia" is an intentional invasion of another person's rights. Thus,  
13 a patient's choice of a surgeon or anesthesiologist is as important as the  
14 informed consent to the surgery or administration of anesthesia.

15           To have another physician operate on one's patient or apply anesthesia  
16 without the patient's written consent is deceitful and to intentionally mislead  
17 the patient about the surgeon's or anesthesiologist's identity is fraudulent and  
18 unethical.

19           SEC. 3. *Definition of Terms.* -- For the purpose of this Act, the  
20 following terms are defined as follows:

21           (a) *Ghost anesthesiologist* shall refer to a consultant anesthesiologist or  
22 anesthesia resident-in-training who performs or administers general, regional  
23 and local anesthesia to a patient who contracted another anesthesiologist to  
24 carry out the medical procedure.

25           (b) *Ghost surgeon* shall refer to a surgeon who operates on:

26           (1) A patient who contracted the services of another surgeon; and

27           (2) A patient who contracted the services of another doctor who is not a  
28 surgeon.

1           In both instances, the patient is unaware of the substitution and is  
2 deliberately not informed of the practice.

3           (c) *Hospital* shall refer to a place devoted primarily to the maintenance  
4 and operation of health facilities for the diagnosis, treatment and care of  
5 individuals suffering from illness, disease, injury or deformity or in need of  
6 obstetrical or other surgical, medical and nursing care. It shall be construed as  
7 any institution, building or place where there are installed beds, cribs or  
8 bassinets for twenty-four (24)-hour use or longer by patients in the treatment of  
9 diseases.

10           SEC. 4. *Scope.* – Application of this Act shall be guided by the  
11 following:

12           (a) This Act shall apply to doctors who, and hospitals that intentionally  
13 perform surgeries or apply anesthesia on patients without the patients'  
14 knowledge and consent, whether or not splitting of fees between the doctor  
15 whom the patient originally contracted for and the one who actually performed  
16 the medical procedure occurs.

17           (b) This Act shall not cover or apply to:

18           (1) Teaching institutions under supervised operation by experienced  
19 surgeons. Teaching the next generation of medical doctors and the necessity of  
20 hands-on experience is a must in such a situation. The inexperience of  
21 “student doctors” under this situation of “supervised operation” is for the most  
22 part backed up by experienced medical doctors teaching them, so no harm  
23 comes to the patient.

24           (2) Under special arrangements with private patients, and with  
25 reference to the usual form of consent to operation, the surgeon may use the  
26 services of assisting residents or other assisting surgeons when the operation  
27 reasonably requires the employment of such assistance with the patient's  
28 consent and approval.

1           SEC. 5. *Penal Provisions.* – The Professional Regulation Commission  
2 (PRC) shall have the power, upon proper notice and hearing, to suspend the  
3 practice of profession of a physician, revoke the physician's certificate of  
4 registration, or issue a reprimand, for any of the following grounds/causes:

5           (a) Performing surgery or administration of anesthesia to a patient  
6 without the patient's written consent;

7           (b) Misrepresentation of a physician's identity;

8           (c) Violation of any provision of the Code of Ethics for Physicians as  
9 prescribed by the Professional Regulatory Board for Medicine, and subject to  
10 the approval by the Commission.

11           A hospital or medical facility that commits any violation of this Act  
12 shall be punished with a fine of not less than Fifty thousand pesos (P50,000.00)  
13 but not more than One hundred thousand pesos (P100,000.00) or suspension of  
14 their license to operate, or both, at the discretion of the court.

15           SEC. 6. *Implementing Rules and Regulations.* – The Secretary of  
16 Health, in coordination with the Philippine Medical Association, the PRC and  
17 other agencies, shall issue the rules and regulations necessary to carry out the  
18 purpose of this Act.

19           SEC. 7. *Separability Clause.* – If any provision or part hereof is held  
20 invalid or unconstitutional, the remainder of this Act or the provision not  
21 otherwise affected shall remain valid and subsisting.

22           SEC. 8. *Effectivity Clause.* – This Act shall take effect fifteen (15)  
23 days after its publication in any national newspaper of general circulation.

Approved,

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