



REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLUNGSOD
CITY OF MANDALUYONG



ORDINANCE NO. 1048, S-2026

**AN ORDINANCE MANDATING THE RECOGNITION
OF HEALTH CARE PROXIES INCLUDING
LGBTQIA+ PARTNERS BY HEALTHCARE
FACILITIES IN THE CITY OF MANDALUYONG**

WHEREAS, it is the policy of the State, under Article II, Section 11, of the 1987 Philippine Constitution, to value the dignity of every human person and guarantee full respect for human rights;

WHEREAS, the Constitution further guarantees the rights of the people declaring that “no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws”;

WHEREAS, the Constitution mandates the enactment of measures that protect and enhance the right of the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities which shall be given the highest priority;

WHEREAS, the Universal Declaration of Human Rights (UDHR), which the Philippines is a signatory, provides that everyone is entitled to all the rights and freedoms without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth and other status;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code, grants the LGUs to exercise powers necessary and appropriate to promote the general welfare of its constituents;

WHEREAS, the City of Mandaluyong passed Ordinance No. 839, S-2021, or the “Comprehensive Anti-Discrimination Ordinance of the City of Mandaluyong”, with the end objective of promoting and upholding fundamental human rights and entitlement, recognizing that every person must be given equal access to opportunities in all fields of human endeavors and to equitable sharing of social and economic benefits for them to freely exercise their rights, free from any prejudice and discrimination. The Ordinance further aims to lessen or even eradicate stigma and discrimination prevailing against LGBTQIA+, among other vulnerable communities;

WHEREAS, the City recognizes that LGBTQIA+ individuals and Common Law Husband or Wife, with respect to their partners, have limited rights and legal recognition, especially, access to their partner’s health records and to make medical decision, different from those acknowledged by law as legal guardian or next of kin;

WHEREAS, towards this end and to further promote, uphold, equalize, and recognize the fundamental human rights, ensuring equal treatment or fairness, of LGBTQIA+ and common law partners residing within the jurisdiction of Mandaluyong City, there is hereby established a mechanism for residents to designate a health care proxy or agent as defined in this Ordinance to make medical decision and access medical records on their behalf, which shall be legally recognized by all health care providers or facilities.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Mandaluyong, in session duly assembled that:

- SECTION 1. TITLE. This Ordinance shall be known and cited as the "MANDALUYONG CITY HEALTH CARE PROXY ORDINANCE OF 2026".
- SECTION 2. DECLARATION OF POLICY. It is the policy of the City Government of Mandaluyong to recognize the fundamental human rights of its constituents in upholding their right to health and equal protection, in furtherance of addressing discrimination, and to make the healthcare more accessible to and inclusive to LGBTQIA+, unmarried, and other eligible individuals by recognizing their chosen health care agent as their legally recognized representative to make medical decision on his/her behalf subject to the limitations prescribed in this Ordinance.
- SECTION 3. COVERAGE. This Ordinance shall apply to all individuals, natural or juridical, whether public or private, engaged in providing or administering medical or health care, including their agents and employees, within the territorial jurisdiction of Mandaluyong City.
- SECTION 4. DEFINITION OF TERMS. For the purpose of this Ordinance, the following terms are defined as follows:
- a. ADULT – a natural person who is eighteen (18) years of age or older capacitated to act or make legal declaration or representation.
 - b. COMMON LAW SPOUSE - a partner in a "live-in" relationship—cohabiting exclusively as husband and wife without a valid marriage ceremony but without legal impediment to marry each other.
 - c. HEALTH CARE — refers to any medical service, treatment, procedure or intervention intended to maintain, improve, or restore an individual's physical or mental well-being. This includes preventive, diagnostic, therapeutic, or mental health treatment, rehabilitative, palliative and surgical procedures provided by licensed professionals or authorized medical facilities.

- d. HEALTH CARE DECISION — refers to any choice, determination, or directive made regarding medical treatment, services, procedures, or interventions that directly affect a qualified PRINCIPAL's physical or mental well-being. Such decisions may include consent to, refusal of, or selection among various health care options.
- e. HEALTH CARE PARTNER/AGENT — refers to a natural person, of legal age, live-in partner or common law spouse, and a resident of Mandaluyong City, who has been authorized by a qualified PRINCIPAL to make health care decisions on their behalf through the execution of a HEALTH CARE PROXY.
- f. HEALTH CARE PROVIDER OR FACILITY — refers to an individual, natural or juridical, that has been certified, licensed or otherwise permitted by law to administer or provide health or medical care in the ordinary course of business or practice, which includes their agents and employee under this Ordinance.
- g. HEALTH CARE PROXY — refers to a document in which a PRINCIPAL authorizes or delegates to a HEALTH CARE PARTNER the right to make health care decisions and access medical records in the PRINCIPAL's behalf.
- h. INCAPACITY – refers to the inability of the PRINCIPAL to understand and appreciate the nature and consequences of health care decisions as determined during the exercise of the authority by the HEALTH CARE PARTNER/AGENT.
- i. PRINCIPAL — refers to a natural person, of legal age, a resident of the City of Mandaluyong, with legal capacity or otherwise not prohibited by law, who authorizes a HEALTH CARE PARTNER/AGENT to act in their place and stead through the execution of a HEALTH CARE PROXY.

SECTION 5. HEALTH CARE PROXY FORM. The City of Mandaluyong, through the Gender and Development Department (GAD), shall develop and make available an official Health Care Proxy Form. This standardized form will be designed to guide residents in designating a HEALTH CARE PARTNER/AGENT, ensuring clarity and legal sufficiency in accordance with this Ordinance. The GAD shall disseminate the form in all health care facilities within the City and provide assistance to individuals seeking to execute a HEALTH CARE PROXY and Special Power of Attorney (SPA).

Should applicants provide their own HEALTH CARE PROXIES, the GAD shall ensure that such documents were executed by duly competent PRINCIPAL freely and voluntarily, and should clearly identify the:

- (a) **identity of the PRINCIPAL and the HEALTH CARE PARTNER;**
- (b) **identity of not less than two (2) witnesses' of legal age and with legal capacity to stand as witnesses;**
- (c) **express intention of the PRINCIPAL for the HEALTH CARE PARTNER to have authority to make HEALTH CARE DECISIONS on his/her behalf through the execution of an SPA and/or any other mode as the GAD may deem it proper; and**
- (d) **Contact numbers and Addresses of the Principal and the partner/agent.**

SECTION 6. **MANDALUYONG CITY HEALTH PROXY CARD (HPC).** The Mandaluyong HPC is a City-issued card that validates the execution and registration of Health Care Proxy by the PRINCIPAL to the Health Care Partner/Agent with the specific period, conditions, and identified health care decisions that were expressly authorized for the Health Care Provider/Facility to rely on as provided in this Ordinance.

SECTION 7. **HEALTH CARE PARTNER/AGENT.** A HEALTH CARE PARTNER/AGENT designated in the Health Proxy shall, on behalf of the PRINCIPAL named therein, have the authority for the following:

- a. **Scope of Authority - Subject to the express limitations provided in the HEALTH CARE PROXY, a HEALTH CARE PARTNER shall have the authority to make any and all HEALTH CARE DECISIONS on the PRINCIPAL's behalf that the PRINCIPAL could personally make IF it were not for their inability or incapacity to make said HEALTH CARE DECISIONS, including but not limited to the following:**
 - i. **Authority to provide or give consent to bedside and nursing care services;**
 - ii. **Authority to give consent to perform or administer emergency medical and/or management;**
 - iii. **Authority to give consent to hook to lifesaving devices such as but not limited to a ventilator;**
 - iv. **Authority to give consent to declare Do Not Resuscitate (DNR); and**
 - v. **Authority to give consent to intubate.**
- b. **Disclosure of Information - the authority shall include the right to receive medical information and records necessary to make informed decisions regarding the PRINCIPAL's health care.**

The HEALTH CARE DECISION of the HEALTH CARE PARTNER shall take precedence over decisions by any other person, except as otherwise stated in the HEALTH CARE PROXY. Such authority shall be limited to the medical treatment or procedure expressly provided in the proxy, however, this shall not in any way construed to affect succession rights under the Civil Code, the provisions of the Family Code, jurisprudence, and other applicable laws giving preferential right to the immediate relative/s.

Further, the Health Care Partner/Agent is under the duty to uphold the confidentiality of the information or records pertaining to the Principal's medical treatment or procedure and shall not use the same for other purposes, other than to make the necessary Health Care Decision that he/she is expressly allowed under the Health Care Proxy.

- SECTION 8. CAPACITY. The Health Care Partner/Agent's authority to make Health Care Decision for the PRINCIPAL shall commence upon due determination, in accordance with applicable laws, rules, or regulations, medical practice and procedure, that the PRINCIPAL is incapacitated to make Health Care Decisions. In the event that there is due determination that the PRINCIPAL has regained his/her capacity, the authority of the Health Care Partner/Agent to make Health Care Decisions shall cease, but shall recommence if the PRINCIPAL loses capacity, unless otherwise revoked prior to the incapacity.

The foregoing notwithstanding, where the PRINCIPAL objects to the determination of incapacity or to a Health Care Decision made by the Health Care Partner/Agent, the Principal's objection or decision shall prevail unless the Principal is determined by a court of competent jurisdiction that he/she lacks capacity to make Health Care Decisions.

- SECTION 9. MANDALUYONG CITY HEALTH PROXY CARD (HPC). The Mandaluyong HPC is a City-issued card that validates the execution and registration of Health Care Proxy by the PRINCIPAL to the Health Care Partner/Agent with the specific period, conditions, and identified health care decisions that were expressly authorized for the Health Care Provider/Facility to rely on as provided in this Ordinance.

- a. ISSUANCE – Subject to the explicit provisions of this Ordinance and the conditions set forth herein and those which the City may require, the GAD shall issue the Health Proxy Cards to qualified applicants, provided that the Principal and/or the Health Care Partner/Agent are residents of Mandaluyong City.

- b. Form – the Proxy Card shall be issued in both physical and digital copies, either of which shall be deemed as valid and relied on by the Health Care Providers/Facilities in the City.
- c. Contents –
 - i. the names, signatures, addresses, and appropriate contact details of both the Principal and the Partner/Agent.
 - ii. a quick response (“QR”) Code, or any other code or means, which directs to a digital copy of the Health Care Proxy kept in the City-Owned or controlled digital storage.
 - iii. such other information including the Scope of Authority, validity period, and conditions or designs, as may be deemed fit by the City.

SECTION 10. EXPIRATION AND REVOCATION. – A Health Care Proxy, subject to the discretion of the PRINCIPAL, may provide for a period or condition for which the same expires or automatically revoked, otherwise, the Proxy shall be deemed to remain effective until expressly revoked.

The issuance or execution of a new Health Proxy Card (HPC), SPA, and/or Health Care Proxy, simultaneously or whichever comes first, by the PRINCIPAL or GAD shall be deemed as an automatic revocation of a previously issued or executed card, SPA, or proxy regardless of any period or condition specified therein. The PRINCIPAL shall be required to expressly notify the City, through the GAD Department, of any expiration, revocation, or modification of their Health Care Proxies, notwithstanding any period or condition for such expiration, revocation, or modification stated therein.

SECTION 11. HEALTH CARE PROVIDER OR FACILITY OBLIGATIONS. – Health Care Providers and/or Facilities within the jurisdiction of the Mandaluyong City are hereby required to observe the following:

- a. A Health Care Provider/Facility who is presented with the Health Care Proxy on the person of the Principal-patient, shall recognize and be charged with due notice and knowledge that a Health Care Proxy has been executed by the Principal-patient.

In the event that the Principal-patient is unaccompanied by the Health Care Partner/Agent designated in the Health Care Proxy, the Health Care Provider/Facility shall exert reasonable and diligent efforts to notify such partner/agent through the details provided in the Proxy of the circumstance by which the Principal-patient is under their care.

- b. The Health Care Provider shall comply with the Health Care Decisions made by the designated partner/agent in good faith under the Health Care Proxy to the same extent as if such decisions had been made by the Principal-patient, subject to the limitations in the Health Care Proxy and in this Ordinance.
- c. The Principal-patient may revoke a Health Care Proxy by notifying the Health Care Provider orally or in writing or by any other act evidencing a specific intent to revoke such proxy. In such cases, the Health Care Provider/Facility shall record such revocation in the Principal-patient's medical records, and notify its relevant agents and employees, and the Health Care Partner/Agent of such revocation.

SECTION 12. IMMUNITY. Health Care Providers/Facilities, or any of its agents or employees, shall be free from any liability for honoring in good faith a Health Care Decision by the Health Care Agent, or any representation or other actions taken in good faith pursuant to this Ordinance.

Furthermore, the Health Care Partner/Agent who acted in good faith in making the Health Care Decision and within the granted authority shall be free from any liability for doing such within the provision of this Ordinance.

Provided, further, nothing in this Section to be construed as prejudicial to the right of the Principal, his/her heirs, assigns, or predecessor in interest, to initiate any action against the Health Care Partner/Agent or Health Care Provider/Facilities, or vice versa, for an act or omission causing damage or injury to his/her person or otherwise in contravention to the provisions of laws, rules, and regulations.

SECTION 13. HEALTH CARE COST. The liability for the cost of the Health Care provided pursuant to a Health Care Agent's Health Care Decision shall be the same as if the Health Care were provided pursuant to the Principal-patient's Health Care Decisions.

SECTION 14. ALLIED SERVICES. – Subject to existing laws, rules, regulations, medical processes and procedures, no person may require or prohibit the execution of a Health Care Proxy as a condition for providing Health Care services or insurance to an individual.

SECTION 15. **NON-LIMITATION.** Nothing in this Ordinance creates, expands, diminishes, impairs or supersedes any authority that a Principal may have under the law to make or express decisions, wishes, or instructions regarding health care, whether or not express in a Health Care Proxy. Provided, further, that nothing herein shall be construed to permit a Health Care Agent to consent to any act or omission to which the Principal could not consent under the law.

SECTION 16. **EXTRATERRITORIAL RECOGNITION.** – A Health Care Proxy or similar instrument executed in another Local Government Unit in accordance with and in compliance to the Ordinance of the other city concerned, shall be considered validly executed and recognized for the purpose of this Ordinance.

SECTION 17. **PENALTIES.** A fine of Five Thousand Pesos (Php5,000.00) or imprisonment of not more than six (6) months, or both at the discretion of the court, shall be imposed to both the Health Care Provider/Facility, and any of its agents and employees, in violation of the provisions of this Ordinance.

Provided, further, that if the Health Care Provider/Facility, or its agents or employees, are owned, controlled, or otherwise employed by the City Government of Mandaluyong, such violator shall be held administratively liable in accordance with applicable civil service rules and regulations.

Provided, finally, that violations committed by a Health Care Provider, or its agents, or employees, shall be reported to the Department of Health.

SECTION 18. **APPROPRIATIONS.** The fund for the implementation of this Ordinance shall be sourced from the current program and projects of the Mandaluyong City Gender and Development Department (GAD). The GAD is directed to include in their budget appropriations in the succeeding years upon the effectivity of this Ordinance.

SECTION 19. **SEPARABILITY CLAUSE.** If any provision of this Ordinance is declared unconstitutional or invalid, the provisions that are not affected thereby shall continue to be in force and effect.

SECTION 20. **REPEALING CLAUSE.** All previous issuances, ordinances, rules and regulations or parts thereof which are inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.


SECTION 21. **EFFECTIVITY.** This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation in Mandaluyong.

ENACTED on this 11th day of May 2026, in the City of Mandaluyong.

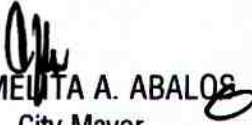
I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE
WAS ENACTED BY THE SANGGUNIANG PANLUNGSOD
OF MANDALUYONG IN A REGULAR SESSION HELD ON
THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:


ANTONIO DLS. SUVA, JR.
City Vice Mayor
& Presiding Officer

APPROVED BY:


CARMELITA A. ABALOS
City Mayor

Date: MAY 19 2026

DISTRICT I


CHARISSE MARIE ABALOS-VARGAS
Councilor


ANJELO ELTON P. YAP
Councilor


DANILO L. DE GUZMAN
Councilor


CARISSA MARIZ S. MANALO
Councilor


GRACE MARIE V. ANTONIO
Councilor


ESTANISLAO Y. ALIM III
Councilor


DARWIN A. FERNANDEZ
LnB President


CHERILYN V. MINA
SK Federation President

DISTRICT II


BENJAMIN A. ABALOS III
Councilor

VACATION LEAVE
ALEXANDER C. STA. MARIA
Councilor


MICHAEL ERIC G. CUEVO
Councilor


FERNANDO S. OCAMPO
Councilor

SICK LEAVE
REGINALD S. ANTIOJO
Councilor

VACATION LEAVE
LESLIE F. CRUZ
Councilor