

EIGHTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

House Bill No. 5236

Introduced by Representative Victor A. Yap

EXPLANATORY NOTE

It is the constitutional mandate of the state to promote and preserve the right to health of all persons regardless of their social and economic status. Likewise, the rights of patients who are incapacitated to pay their medical bills must be upheld and dutifully protected.

In furtherance to the state policy, Republic Act No. 9439 entitled “An Act Prohibiting the Detention of Patients in Hospitals and Medical Clinics on Grounds of Nonpayment of Hospital Bills or Medical Expenses” was enacted to prevent hospitals from detaining, directly or indirectly, patients who are unable to pay full or partial payment for their medical expenses. The law also prohibits the undesirable practice of refusing to release to their families the body of a deceased patient with unpaid bills.

While the law intends the protection of patients and their families from the curtailment of their right to liberty despite their financial incapacities, it suffers from significant inadequacies. First, the law disqualifies patients admitted to private rooms without exception. Thus, it fails to anticipate situations wherein a patient, due to the extreme urgency of immediate medical attention is compelled to agree to be admitted to a private room. Second, deceased patients admitted to private rooms are denied the immediate release of the necessary documents required for their interment. This has resulted in the undue delay of burials and further suffering of the families of the deceased. Lastly, while the law penalizes medical personnel in violation of the law, it merely imposes an insubstantial fine that can be abused by erring medical officials and institutions.

This measure seeks to address these deficiencies by strengthening the rights of patients and their families against improper detention and providing stricter penalties on all hospitals and medical facilities continuing this unjust practice.

In view of the foregoing, the passage of this bill is earnestly sought.



VICTOR A. YAP

Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

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AN ACT
INCREASING THE PENALTIES FOR THE DETENTION OF PATIENTS AND
CADAVERS IN HOSPITALS, MEDICAL CLINICS, OR ANY OTHER SIMILAR
FACILITIES ON GROUNDS OF NONPAYMENT OF HOSPITAL BILLS OR MEDICAL
EXPENSES AMENDING FOR THE PURPOSE REPUBLIC ACT 9439, ENTITLED "AN
ACT PROHIBITING THE DETENTION OF PATIENTS IN HOSPITALS AND MEDICAL
CLINICS ON GROUNDS OF NONPAYMENT OF HOSPITAL BILLS OR MEDICAL
EXPENSES

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

- 1 **SECTION 1.** Section 1 of Republic Act 9439 is hereby amended to read as follows:
2
3 "SECTION 1. It shall be unlawful for any hospital or medical clinic, **OR ANY**
4 **OTHER SIMILAR FACILITY** in the country to detain or to otherwise cause,
5 directly or indirectly, the detention of patients who have fully or partially
6 recovered, have been adequately attended to, **DUE FOR DISCHARGE**, or who
7 may have died, for reasons of non-payment in part or in full of hospital bills,
8 medical expenses."
9
10 **SEC. 2.** Section 2 of Republic Act 9439 is hereby amended to read as follows:
11
12 "SECTION 2. Patients who have fully or partially recovered and who already wish
13 to leave the hospital or medical clinic but are financially incapable to settle, in part
14 or in full, their hospitalization expenses, including professional fees and medicines,
15 shall be allowed to leave the hospital or medical clinic, with a right to demand the
16 issuance of the corresponding medical certificate and other pertinent papers
17 required for the release of the patient from the hospital or medical clinic upon the
18 execution of a promissory note covering the unpaid obligation. The promissory note
19 shall be secured by either a mortgage or by a guarantee of a co-maker, who will be
20 jointly and severally liable with the patient for the unpaid obligation **SHOULD**
21 **THE PRINCIPAL FAILED TO SETTLE THE SAME:PROVIDED,**
22 **HOWEVER THAT A PATIENT ADMITTED TO A PRIVATE ROOM**
23 **SHALL NOT BE COVERED BY THIS ACT, UNLESS THE SAID PATIENT,**
24 **NOTWITHSTANDING HIS OR HER EXPRESSED DESIRE TO BE**
25 **ADMITTED TO A NON-PRIVATE ROOM, WAS ADMITTED TO A**
26 **PRIVATE ROOM FOR THE FOLLOWING REASONS:**
27
28 a. **NO NON-PRIVATE ROOM IN THE HOSPITAL OR MEDICAL**
29 **CLINIC WAS AVAILABLE AND THE PATIENT WAS COMPELLED**

1 TO BE ADMITTED TO A PRIVATE ROOM DUE TO THE URGENCY
2 OF HIS OR HER CASE;

- 3
4 b. THE PHYSICIAN OR OTHER MEDICAL PROFESSIONALS OF THE
5 HOSPITAL OR MEDICAL CLINIC DEEMED IT TO BE IN THE
6 BEST INTEREST OF THE PATIENT TO BE ADMITTED TO A
7 PRIVATE ROOM FOR PURPOSES OF INTENSIVE CARE,
8 ISOLATION, QUARANTINE OR OTHER COMPELLING
9 CIRCUMSTANCES;

10
11 *PROVIDED, FURTHER,* THAT CASES WHERE A PATIENT IS
12 ADMITTED FOR THE ABOVE-STATED REASONS, THE HOSPITAL OR
13 MEDICAL CLINIC SHALL ISSUE TO THE PATIENT A CERTIFICATION
14 THAT THE SAID ADMISSION TO A PRIVATE ROOM WAS DUE TO
15 ANY OF THE AFOREMENTIONED REASONS: *PROVIDED, FURTHER,*
16 THAT THE FAILURE OR REFUSAL OF THE HOSPITAL OR MEDICAL
17 CLINIC TO ADMIT A PATIENT TO A PRIVATE ROOM DESPITE THE
18 URGENCY OF THE CONDITION OF THE PATIENT AND THE
19 UNAVAILABILITY OF A NON-PRIVATE ROOM SHALL BE
20 CONSIDERED A VIOLATION OF THIS ACT: *PROVIDED, FURTHER,*
21 THAT IN THE CASE OF A DECEASED PATIENT, THE HOSPITAL OR
22 MEDICAL CLINIC SHALL RELEASE THE BODY AND THE
23 CORRESPONDING DEATH CERTIFICATE AND OTHER DOCUMENTS
24 REQUIRED FOR THE INTERMENT TO THE SURVIVING SPOUSE
25 AND/OR OTHER RELATIVES REQUESTING FOR THE SAME UPON
26 THE EXECUTION OF A PROMISSORY NOTE SECURED BY A
27 MORTGAGE OR A GUARANTEE REGARDLESS OF THE NATURE OF
28 THE ROOM TO WHICH THE PATIENT WAS ADMITTED FOR CARE,
29 TREATMENT OR HOSPITALIZATION. THE DEATH CERTIFICATE
30 AND OTHER PERTINENT DOCUMENTS SHALL BE RELEASED
31 WITHIN THREE (3) WORKING DAYS FROM THE DEMAND OF THE
32 AFOREMENTIONED DOCUMENTS.

33
34 IF THE PATIENT IS AN ACTIVE MEMBER OF EITHER THE SOCIAL
35 SECURITY SYSTEM (SSS), GOVERNMENT SERVICE INSURANCE
36 SYSTEM (GSIS), OR THE PHILIPPINE HEALTH INSURANCE
37 CORPORATION (PHILHEALTH), A GUARANTEE LETTER FROM ANY
38 OF THESE AGENCIES MAY BE PRESENTED WITH THE PROMISSORY
39 NOTE IN LIEU OF A MORTGAGE OR GUARANTEE BY A CO-MAKER.
40 IF THE PATIENT IS AN INDIGENT, A GUARANTEE LETTER FROM
41 THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT
42 (DSWD) SHALL SUFFICE. In the case of a deceased patient, the CADAVER
43 SHALL BE RELEASED BY THE HOSPITAL, MEDICAL CLINIC OR ANY
44 OTHER SIMILAR FACILITY TO THE RELATIVES AND THE
45 CORRESPONDING DEATH CERTIFICATE AND OTHER DOCUMENTS
46 REQUIRED FOR INTERMENT, CLAIMS FOR SOCIAL SECURITY, OR
47 THE INSTITUTION OF CRIMINAL PROCEEDINGS SHALL BE
48 PROMPTLY ISSUED. *PROVIDED, HOWEVER,* THAT FOR PURPOSES
49 SUCH AS PRIVATE INSURANCE OR SETTLEMENT OF ESTATE,
50 SECURED PROMISSORY NOTE OR DEED OF ASSIGNMENT OF

1 **PROCEEDS SHALL BE REQUIRED BEFORE THE ISSUANCE OF THE**
2 **APPROPRIATE CERTIFICATE AND DOCUMENTS FOR SUCH**
3 **PURPOSES, PROVIDED FURTHER, THAT A GUARANTEE LETTER**
4 **FROM EITHER THE SSS, GSIS, OR PHILHEALTH IF THE DECEASED**
5 **WAS A MEMBER OF THE SAID AGENCIES, OR THE DSWD IF THE**
6 **DECEASED WAS AN INDIGENT MAY TAKE THE PLACE OF THE**
7 **PROMISSORY NOTE** [corresponding death certificate and other documents
8 required for interment and other purposes shall be released to any of his surviving
9 relatives requesting for the same: — Provided, however, That patients who stayed
10 in private rooms shall not be covered by this Act].”

11
12 **SEC. 3.** Section 3 of R.A. 9349, entitled "An Act Prohibiting the Detention of Patients in
13 Hospitals and Medical Clinics on Grounds of Nonpayment of Hospital Bills or Medical
14 Expenses" is hereby amended to read:

15
16 "SECTION 3. Any officer or employee of the hospital or medical clinic responsible
17 for releasing patients, who violates the provisions of this Act shall [be punished by
18 a fine of not less than Twenty thousand pesos (P20,000.00), but not more than Fifty
19 thousand pesos (P 50,000.00), or imprisonment of not less than one month, but not
20 more than six months, or both such fine and imprisonment, at the discretion of the
21 proper court.] **UPON CONVICTION BY FINAL JUDGMENT, BE PUNISHED**
22 **BY IMPRISONMENT OF NOT LESS THAN SIX (6) MONTHS AND ONE**
23 **(1) DAY BUT NOT MORE THAN TWO (2) YEARS AND FOUR (4)**
24 **MONTHS, OR A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND**
25 **PESOS (P 100,000.00), BUT NOT MORE THAN THREE HUNDRED**
26 **THOUSAND PESOS (P 300,000.00) OR BOTH, AT THE DISCRETION OF**
27 **THE COURT: PROVIDED, HOWEVER, THAT IF SUCH VIOLATION**
28 **WAS COMMITTED PURSUANT TO AN ESTABLISHED POLICY OF**
29 **THE HOSPITAL OR CLINIC OR UPON INSTRUCTION OF ITS**
30 **MANAGEMENT, THE DIRECTOR OR OFFICER OF SUCH HOSPITAL**
31 **OR CLINIC RESPONSIBLE FOR THE FORMULATION AND**
32 **IMPLEMENTATION OF SUCH POLICY SHALL, UPON CONVICTION**
33 **BY FINAL JUDGMENT, SUFFER IMPRISONMENT OF FOUR (4) TO SIX**
34 **(6) YEARS, OR A FINE OF NOT LESS THAN FIVE HUNDRED**
35 **THOUSAND PESOS (P 500,000.00), BUT NOT MORE THAN ONE**
36 **MILLION PESOS (P 1,000,000.00) OR BOTH, AT THE DISCRETION OF**
37 **THE COURT. FURTHER, UPON THREE REPEATED VIOLATIONS**
38 **COMMITTED PURSUANT TO AN ESTABLISHED POLICY OF THE**
39 **HOSPITAL OR CLINIC OR UPON THE INSTRUCTION OF ITS**
40 **MANAGEMENT, THE HEALTH FACILITY'S LICENSE TO OPERATE**
41 **SHALL BE REVOKED BY THE DEPARTMENT OF HEALTH (DOH)."**

42
43 **SEC. 4. Anti-Hospital Detention Assistance Fund.** - There is hereby created an Anti-
44 Hospital Detention Assistance Fund amounting to One Hundred Million (P 100,000,000.00) to
45 be managed by the DOH. This fund shall be used to partly cover unpaid promissory notes issued
46 by poor and indigent patients.

47
48 The amount necessary for the initial implementation of this Act shall be charged against
49 the current appropriations of the DOH who shall set up an Anti-Hospital Detention Assistance

1 Fund for patients. Thereafter, the funds necessary to carry out the provisions of this Act shall be
2 sourced from the Philippine Charity Sweepstakes Office.

3
4 **SEC. 5. *Implementing Rules and Regulations.*** — The Department of Health, jointly with
5 the Department of Social Welfare and Development, the Government Service Insurance System,
6 Social Security System, Philippine Charity Sweepstakes Office, and the Philippine Health
7 Insurance Corporation shall, within six (6) months from the effectivity of this Act, promulgate
8 the rules and regulations necessary for the proper implementation of this Act.

9
10 **SEC. 6. *Separability Clause.*** - If any provision of this Act is declared unconstitutional or
11 invalid, other provisions not otherwise affected shall remain in full force and effect.

12
13 **SEC. 7. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations or parts
14 thereof which are inconsistent with this Act are hereby repealed or amended accordingly.

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16 **SEC 8. *Effectivity Clause.*** - This Act shall take effect upon its publication in the Official
17 Gazette or in a newspaper of general circulation.

Approved,