

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
First Regular Session

HOUSE BILL No. 6672

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Introduced by REP. RUTH MARIANO-HERNANDEZ

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**EXPLANATORY NOTE**

The protection against the impairment of any person's free will and any form of detention is a basic right guaranteed under the Philippine Constitution.

Additionally, it is also a widely-accepted health care tenet that a patient has a right to make decisions regarding medical care, the right to accept or refuse treatment and the right to leave the hospital or any other health care institution regardless of his or her physical condition after being apprised of the medical consequences of his or her decision and that decision will not prejudice public health and safety.

These are the principles behind the law that guarantees that no patient shall be detained against his or her will in any health care institution on the sole basis of his failure to fully settle his financial obligation.

Republic Act 9439 titled "An Act Prohibiting the Detention of Patients in Hospitals and Medical Clinics on Grounds of Nonpayment of Hospital Bills or Medical Expenses" was enacted in 2007 to stop the unscrupulous practice of effectively detaining patients, primarily for their inability to fully or partially pay for their medical expenses. Likewise, the same law also prohibits the undesirable practice of refusing to release the body of a deceased patient with unpaid bills to their families.

However, the malevolent practice of some hospitals and clinics has persisted, even during times of epidemics and the ongoing Covid19 pandemic. There are still reports of patients who are not discharged, and/or are not able to get their medical records of their admission, if they are unable to settle their hospital bills. There are still stories of families not being able to get the bodies of their deceased kin, causing further anguish to those already in mourning. More often, it is lower-middle class and the poorest of Filipino families who are being victimized by this practice.



With the implementation of Universal Health Care in the country, the illicit practice of detaining patients in health care institutions by reason of non-payment of hospital bills should be put to a just end.

This measure also seeks to increase the penalties against institutions continuing this practice. It also expands the coverage of the law to include patients admitted in private and semi-private rooms.

Furthermore, the bill offers a policy platform of additional mechanisms for the patients to avail of guarantees for their obligations to health providers. It also aims to establish an Anti-Hospital Detention Fund to partially cover the unpaid promissory notes issued by poor and indigent patients.

In view of the foregoing, the immediate approval of this measure is earnestly requested.

Approved,



**REP. RUTH MARIANO-HERNANDEZ**  
**2<sup>nd</sup> District, Laguna**



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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 THE  
GROUNDS OF NON-PAYMENT OF HOSPITAL BILLS OR MEDICAL EXPENSES,  
AMENDING FOR THE PURPOSE 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"

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

**Section 1.** Section 1 of Republic Act 9439 is hereby amended to read as follows:

"SECTION 1. It shall be unlawful for any hospital or medical clinic, **OR ANY OTHER SIMILAR MEDICAL FACILITY** in the country to detain or to otherwise cause, directly or indirectly, the detention of patients who have fully or partially recovered or have been adequately attended to or who may have died, for reasons of non-payment in part or in full of hospital bills or medical expenses."

**Section 2.** Section 1 of Republic Act 9439 is hereby amended to read as follows:

"SECTION 2. Patients who have fully or partially recovered and who already wish to leave the hospital or medical clinic but are financially incapable to settle, in part or in full, their hospitalization expenses, including professional fees and medicines, shall be allowed to leave the hospital or medical clinic, with a right to demand the issuance of the corresponding medical certificate and other pertinent papers

required for the release of the patient from the hospital or medical clinic upon the execution of a promissory note covering the unpaid obligation. The promissory note shall be secured by either a mortgage or by a guarantee of a co-maker, who will be jointly and severally liable with the patient for the unpaid obligation. **IF THE PATIENT IS AN ACTIVE MEMBER OF EITHER THE SOCIAL SECURITY SYSTEM (SSS), GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), OR THE PHILIPPINE HEALTH INSURANCE CORPORATION (PHILHEALTH), A GUARANTEE LETTER FROM ANY OF THESE AGENCIES MAY BE PRESENTED WITH THE PROMISSORY NOTE IN LIEU OF A MORTGAGE OR GUARANTEE BY A CO-MAKER. IF THE PATIENT IS AN INDIGENT, A GUARANTEE LETTER FROM THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) SHALL SUFFICE.**

In the case of a deceased patient, the **CADAVER SHALL BE RELEASED BY THE HOSPITAL, MEDICAL CLINIC OR ANY OTHER SIMILAR FACILITY TO THE RELATIVES AND THE CORRESPONDING DEATH CERTIFICATE AND OTHER DOCUMENTS REQUIRED FOR INTERMENT, CLAIMS FOR SOCIAL SECURITY, OR THE INSTITUTION OF CRIMINAL PROCEEDINGS SHALL BE PROMPTLY ISSUED. PROVIDED THAT, FOR PURPOSES SUCH AS PRIVATE INSURANCE OR SETTLEMENT OF ESTATE, SECURED PROMISSORY NOTE OR DEED OF ASSIGNMENT OF PROCEEDS SHALL BE REQUIRED BEFORE THE ISSUANCE OF THE APPROPRIATE CERTIFICATE AND DOCUMENTS FOR SUCH PURPOSES, PROVIDED FURTHER, THAT A GUARANTEE LETTER FROM EITHER THE SSS, GSIS, OR PHILHEALTH IF THE DECEASED WAS A MEMBER OF THE SAID AGENCIES, OR THE DSWD IF THE DECEASED WAS AN INDIGENT MAY TAKE THE PLACE OF THE PROMISSORY NOTE** [corresponding death certificate and other documents required for interment and other purposes shall be released to any of his surviving relatives requesting for the same: *Provided, however*, that patients who stayed in private rooms shall not be covered by this Act]."

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

"SECTION 3. Any officer or employee of the hospital or medical clinic responsible for releasing patients, who violates the provisions of this Act shall [be punished by a fine of not less than Twenty thousand pesos (P20,000.00), but not more than Fifty thousand pesos (P50,000.00), or imprisonment of not less than one month, but not more than six months, or both such fine and imprisonment, at the discretion of the proper court.] **UPON CONVICTION BY FINAL JUDGMENT, BE PUNISHED BY IMPRISONMENT OF NOT LESS THAN SIX (6) MONTHS AND ONE (1) DAY BUT NOT MORE THAN TWO (2) YEARS AND FOUR (4) MONTHS, OR A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P100,000.00), BUT NOT MORE THAN THREE HUNDRED THOUSAND PESOS (P300,000.00) OR BOTH, AT THE DISCRETION OF THE COURT: PROVIDED THAT, IF SUCH VIOLATION WAS COMMITTED PURSUANT TO AN ESTABLISHED POLICY OF THE HOSPITAL OR**



CLINIC OR UPON INSTRUCTION OF ITS MANAGEMENT, THE DIRECTOR OR OFFICER OF SUCH HOSPITAL OR CLINIC RESPONSIBLE FOR THE FORMULATION AND IMPLEMENTATION OF SUCH POLICY SHALL, UPON CONVICTION BY FINAL JUDGMENT, SUFFER IMPRISONMENT OF FOUR (4) TO SIX (6) YEARS, OR A FINE OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00), BUT NOT MORE THAN ONE MILLION PESOS (P1,000,000.00) OR BOTH, AT THE DISCRETION OF THE COURT. FURTHER, UPON THREE REPEATED VIOLATIONS COMMITTED PURSUANT TO AN ESTABLISHED POLICY OF THE HOSPITAL OR CLINIC OR UPON THE INSTRUCTION OF ITS MANAGEMENT, THE HEALTH FACILITY'S LICENSE TO OPERATE SHALL BE IMMEDIATELY REVOKED BY THE DEPARTMENT OF HEALTH (DOH)."

**Section 4. *Anti-Hospital Detention Assistance Fund.*** - There is hereby created an Anti-Hospital Detention Assistance Fund amounting to One Hundred Million (P100,000,000.00) to be managed by the DOH. This fund shall be used to partly cover unpaid promissory notes issued by poor and indigent patients.

The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the DOH who shall set up an Anti-Hospital Detention Assistance Fund for patients. Thereafter, the funds necessary to carry out the provisions of this Act shall be sourced from the Philippine Charity Sweepstakes Office (PCSO).

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

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

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

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

*Approved,*