



Republic of the Philippines
Province of Laguna
Municipality of Los Baños
Special Science and Nature City
OFFICE OF THE SANGGUNIANG BAYAN

BAGONG LOS BAÑOS
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EXCERPTS FROM THE MINUTES OF THE FIFTH (5TH) REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD ON FEBRUARY 3, 2025, AT THE SANGGUNIANG BAYAN SESSION HALL, NATIONAL HIGHWAY, BRGY. TIMUGAN, LOS BAÑOS, LAGUNA.

Present: Vice Mayor Josephine H. Sumangil-Evangelista
S.B. Member Leren Mae M. Bautista
S.B. Member Marlo PJ A. Alipon
S.B. Member Jonathan Bryan S. Siytiap
S.B. Member Miko C. Pelegrina
S.B. Member Benedicto S. Alborida
S.B. Member Jerwin A. Moliñawe
S.B. Member Muriel Laisa B. Dizon
S.B. Member Gaudencio P. Macatangay, Liga President
S.B. Member Samantha Nicole A. Banasihan-Ortega, SK Federation President
Ms. Dona T. Alborida-Dizon, Secretary to the Sangguniang Bayan
Ms. Felomina I. Lincallo, Computer Operator IV

Absent : S.B. Member Mike Dexter A. Concio (O.B)

Visitors : None

ORDINANCE NO. 2025-2413

AN ORDINANCE ADOPTING AND FURTHER STRENGTHENING 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" AND ITS IMPLEMENTING RULES AND REGULATIONS FOR LOCAL IMPLEMENTATION IN THE MUNICIPALITY OF LOS BAÑOS, PROVINCE OF LAGUNA, WHICH SHALL BE KNOWN AS THE "ANTI-HOSPITAL DETENTION FOR NONPAYMENT OF HOSPITAL BILLS AND MEDICAL EXPENSES ORDINANCE."

Author:  Councilor Jonathan Bryan S. Siytiap

WHEREAS, under the 1987 Constitution of the Philippines, the State shall protect and promote the right to health of the people and instill health consciousness among them;

WHEREAS, reports from constituents in Los Baños, Laguna indicate that some hospitals continue to refuse the release of patients or cadavers due to nonpayment of hospital bills or medical expenses;

WHEREAS, the Municipal Government of Los Baños recognizes the importance of the health of its constituents and strives to make healthcare services comprehensive, accessible, and effective for all residents, ensuring their well-being and quality of life;



NOW THEREFORE, on motion of Councilor Jonathan Bryan S. Siytiap, duly seconded by Councilor Benedicto S. Alborida, and concurred by all members present;

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF LOS BAÑOS, LAGUNA, in session assembled, **THAT**:

SECTION 1. TITLE. This Ordinance shall be known as the “**Anti-Hospital Detention for Nonpayment of Hospital Bills and Medical Expenses Ordinance**”

SECTION 2. DECLARATION OF POLICY ON THE PROTECTION AND PROMOTION OF THE RIGHT TO HEALTH. It shall be the policy of the Municipality to actively protect, promote, and uphold the right to health of its constituents. This includes ensuring equitable access to quality healthcare services, safeguarding the well-being of individuals and communities, and addressing the health needs of all.

SECTION 3. DECLARATION OF POLICY AGAINST THE UNLAWFUL DETENTION OF PATIENTS DUE TO NONPAYMENT OF MEDICAL BILLS. It shall be the policy of the Municipality to ensure that no patient shall be unlawfully detained in any hospital or medical clinic due to nonpayment of hospital bills or medical expenses. The Municipality is committed to upholding the rights and dignity of all individuals by ensuring timely discharge and access to necessary medical care.

SECTION 4. ADOPTION. The provisions of Republic Act No. 9439 and Department of Health Administrative Order No. 2008-0001 are hereby adopted and incorporated into this ordinance and shall be read as follows:

SECTION 4.1. DEFINITION OF TERMS.

- a. **‘Co-Maker’** - a person, natural or juridical, who binds himself jointly and severally to pay the unpaid hospital bills or medical expenses/hospitalization expenses of the patient.
- b. **‘Complaint’** - a sworn written statement of ultimate facts, filed by the patient, charging the official or employee of the hospital or medical clinic with any violation of Republic Act 9439 and its implementing rules and regulations.
- c. **‘Detention’** - an act of restraining a person from leaving the hospital premises for nonpayment of hospital bills or medical expenses in part or in full.
- d. **‘Guarantee’** - an expressed assurance by the co-maker to the hospital or medical clinic that certain facts or conditions are true and/or will happen. The hospital or medical clinic is permitted to rely on that assurance and seek appropriate action if it is not true and/or followed.
- e. **‘Hospital’** - a health facility for the diagnosis, treatment and other forms of health care of individuals suffering from deformity, ^{or}

disease, illness or injury, or in need of surgical, obstetrical, medical or nursing care. It is an institution where there are installed bassinets or beds for 24-hour use or longer by patients in the management of deformities, diseases, injuries, abnormal physical and mental conditions, and maternity cases.

- f. ***'Hospital Bills or Medical Expenses/ Hospitalization Expenses'*** - costs of diagnosis, treatment and other forms of health care of patients, which include, but not limited to, doctor's fees, amount owing for clinical and ancillary services rendered, charges for room, meals, medical supplies, drugs and medicines, and payments for use of equipment.
- g. ***'Medical Clinic'*** - a health facility that satisfies the above definition of a hospital but uses the phrase "medical clinic" in its business name.
- h. ***'Mortgage'*** - a method of using real property (land) or personal property (other physical possessions) as security for the payment of a debt.
- i. ***'Officer or Employee of a hospital or medical clinic'*** - a person acting in behalf of a hospital or medical clinic responsible for releasing patients in accordance with written policies and procedures of the hospital or medical clinic.
- j. ***'Patient'*** - for the purposes of R.A. No. 9439 and these implementing rules and regulations, a person who is already admitted and availed of health care services in a hospital or medical clinic.
- k. ***'Private Room'*** - a single occupancy room or a ward type room divided by either a permanent or semi-permanent partition (except curtains) not to exceed 4 patients per room who are admitted for diagnosis, treatment and other forms of health care maintenance.
- l. ***'Promissory Note'*** - an unconditional promise in writing made by the patient and/or his/ her next of kin to the hospital or medical clinic, engaging to pay on demand, or at a fixed or determinable future time, a sum certain in money to order or to bearer.

SECTION 4.2.

PROHIBITION AGAINST DETENTION OF PATIENTS. It shall be unlawful for any hospital or medical clinic 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 nonpayment in part or in full of hospital bills or medical expenses.

SECTION 4.3

POLICIES AND GUIDELINES. The policies and guidelines set forth in Department of Health Administrative Order No. 2008-0001

are hereby adopted and incorporated into this ordinance, and shall be read as follows:

GENERAL POLICIES

- 4.3.1** Patients, except those who stay in private rooms, who are partially or fully recovered and who wish to leave the hospital or medical clinic but are incapable to pay, in part or in full, their hospital bills or medical expenses/ hospitalization expenses shall be allowed to leave the hospital or medical clinic and shall be issued the corresponding medical certificate and other pertinent documents for their release from the hospital or medical clinic upon execution of a promissory note covering the unpaid obligations. The promissory note shall be secured by either a mortgage, or a guarantee of a co-maker who shall be jointly and severally liable for the unpaid obligations.
- 4.3.2** In the case of a deceased patient, any of his/ her surviving relatives shall be issued the corresponding death certificate and other pertinent documents for interment purpose only. For other purposes, such documents shall be issued only upon execution of a promissory note covering the unpaid obligations by any of the surviving relatives. The promissory note shall be secured by either a mortgage, or a guarantee of a co-maker who shall be jointly and severally liable for the unpaid obligations. In the event the documents will be needed for purposes of getting the benefits from the Social Security System, Government Service Insurance System, Philippine Health Insurance Corporation, insurance policies or pre-need plans, the hospital may require the execution of an assignment of proceeds up to the extent of the hospital bills or medical expenses/ hospitalization expenses.
- 4.3.3** In the case of a deceased patient, any of his/ her surviving relatives who refuse to execute a promissory note shall be allowed to claim the cadaver and can demand the issuance of death certificate and other pertinent documents for interment purposes. Documents for other purposes shall be released only after execution of a promissory note.
- 4.3.4** Any hospital or medical clinic detaining or causing, directly or indirectly, the detention of patient for reason of nonpayment, in part or in full, of hospital bills or medical expenses/ hospitalization expenses shall be held accountable for such unlawful act. Detention occurs when all of the following are present:
- a.** The patient who is partially or fully recovered has expressed his/ her intention to leave the hospital or medical clinic, or the attending physician has issued a discharge order;



- b. The patient is not confined in a private room and is financially incapable to settle in part or in full the corresponding hospital bills or medical expenses/ hospitalization expenses;
- c. Patient has executed a promissory note covering the unpaid hospital bills or medical expenses/ hospitalization expenses; and
- d. The officer or employee of the hospital or medical clinic responsible for releasing the patient has restrained him from leaving the hospital premises.

4.3.5 In the case of a deceased patient, any hospital or medical clinic refusing to release the cadaver for reason of nonpayment, in part or in full, of hospital bills or medical expenses/ hospitalization expenses shall be held accountable for such unlawful act. Detention occurs when all of the following are present:

- a. The medical officer has made the pronouncement of death;
- b. Any of the surviving relatives is incapable to pay the corresponding hospital bills or medical expenses/ hospitalization expenses;
- c. Any of the surviving relatives has executed a promissory note covering the unpaid hospital bills or medical expenses/hospitalization expenses; and
- d. The officer or employee of the hospital or medical clinic responsible for releasing the deceased patient has refused to release the cadaver and/ or relevant documents.

SPECIFIC GUIDELINES

4.3.6 Classification, Admission and Discharge of Patients

To minimize, if not prevent, incidence of patients being unable to pay, and hospitals or medical clinics detaining patients for reason of nonpayment of hospital bills or medical expenses/ hospitalization expenses, patients and hospitals or medical clinics alike may institute and observe the following:

- a. Government hospitals or medical clinics shall classify patients in terms of their capacity to pay according to the guidelines set by the DOH in Administrative Order No. 51-A s. 2000: Implementing Guidelines on Classification of Patients and on Availment of Medical Social Services in Government Hospitals, dated October 12, 2001.



- b. Private hospitals or medical clinics shall have written policies and procedures to classify patients in terms of their capacity to pay. For this purpose, private hospitals or medical clinics may refer to AO No. 51-A s. 2000.
- c. The DOH, government and private hospitals or medical clinics shall, as far as practicable, assist patients in looking for financial assistance from government and non-government sources to settle the unpaid hospital bills or medical expenses/hospitalization expenses. Toward this end, the DOH shall work closely with financial institutions like, but not limited to, Philippine Health Insurance Corporation, Philippine Charity Sweepstakes Office, Philippine Amusement and Gaming Corporation, Local Government Units, as well as, Congress, to provide funds for this
- d. All hospitals or medical clinics shall establish billing and collection procedures subject to current accounting and auditing rules and regulations.
- e. All hospitals or medical clinics shall have written policies and procedures for admitting and releasing patients, including identifying the officer/s or employee/s responsible for releasing patients.

4.3.7 Execution of Promissory Note

- a. Except those who stay in private rooms, patients who are partially or fully recovered and who wish to leave the hospital or medical clinic but are incapable to pay, in part or in full, their hospital bills or medical expenses/ hospitalization expenses are obliged to execute a promissory note secured by either a mortgage, or a guarantee of a co-maker.
- b. In the case of a deceased patient, any of his surviving relatives is obliged to execute a promissory note secured by either a mortgage, or a guarantee of a co-maker.
- c. Hospitals or medical clinics shall have written policies and procedures for execution of promissory notes secured by either a mortgage, or a guarantee of a co-maker.

SECTION 4.4.

PENALTIES. Any officer or employee of a hospital or medical clinic responsible for releasing patients who has been found to commit any violation of R.A. No. 9439 and its implementing rules and regulations shall be punished by either a fine of not less than Twenty Thousand Pesos (P20,000) but not more than Fifty Thousand Pesos (P50,000), or imprisonment of not less than one (1) month but not more than six (6) months, or both such fine and imprisonment, at the discretion of the proper court. ^{aw}



SECTION 5. CREATION OF PATIENT PROTECTION AND ASSISTANCE TASK FORCE. A Patient Protection and Assistance Task Force shall be created by the Local Chief Executive within the Municipality of Los Baños, Laguna.

SECTION 6. COMPOSITION OF PATIENT PROTECTION AND ASSISTANCE TASK FORCE. The Patient Protection and Assistance Task Force shall be composed of the Municipal Health Office, the Municipal Social Welfare and Development Office, among other members to be determined at the discretion of the Local Chief Executive.

SECTION 7. FUNCTIONS OF THE PATIENT PROTECTION AND ASSISTANCE TASK FORCE. This task force shall be tasked with guiding patients who wish to file complaints against health facilities for violations of Republic Act No. 9439 and Department of Health Administrative Order No. 2008-0001.

Patients may file complaints directly with the proper court or may seek guidance from the Patient Protection and Assistance Task Force. The task force will only guide patients through the complaint process.

In cases where patients raise complaints and seek guidance from the task force, the task force shall visit the hospital in question to verify the concerns, assess the situation in detail, and gather relevant information from both the patients and hospital to understand the full scope of the issue. This thorough assessment shall allow the task force to identify any underlying problems and ensure that appropriate measures are taken to address the concerns effectively.

Additionally, the task force may assist and support patients in seeking financial assistance by guiding them through the process and connecting them with the appropriate resources and government agencies.

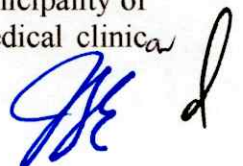
SECTION 8. HELP DESK. A help desk shall be established at the Municipal Hall of the Municipal Government of Los Baños, operated and managed by the Patient Protection and Assistance Task Force. This help desk will serve as a point of contact for patients and/or their representatives who have complaints or inquiries regarding health facilities within the Municipality of Los Baños.

The help desk will promptly address concerns, offer immediate assistance, and guide individuals through the necessary procedures to resolve issues related to their complaints or inquiries.

Additionally, the help desk will provide general support, such as answering questions, offering relevant information, and directing individuals to the appropriate departments or resources to ensure efficient and effective resolution of their concerns.

SECTION 9. POSTING. This Ordinance and a signage, a template of which shall be provided by the Municipal Government of Los Baños, shall be consistently and prominently posted by all hospitals and medical clinics within the jurisdiction of Los Baños, Laguna, in highly visible and conspicuous locations within their facilities, which shall form part of their respective business permit approval or renewal.

SECTION 10. INSPECTION. Before the approval or renewal of the business permit, the Business Permit and Licensing Department (BPLD) of the Municipality of Los Baños is required to take photos of the hospital and medical clinics



premises where the ordinance and signage are posted. The BPLD shall also conduct regular inspections at hospitals and medical clinics to ensure compliance with the required posting.

Moreover, the Patient Protection and Assistance Task Force shall conduct regular inspections of hospitals and medical clinics within the Municipality of Los Baños to ensure their full compliance with the provisions set forth in this Ordinance. These inspections will specifically ensure that healthcare facilities adhere to the regulations and standards outlined in the Ordinance, as well as comply with the relevant national laws and policies that have been adopted and integrated into the Ordinance to ensure proper patient care and safety.

SECTION 11. INSPECTION. Before the approval or renewal of the business permit, the Business Permit and Licensing Department (BPLD) of the Municipality of Los Baños is required to take photos of the hospital and medical clinic premises where the ordinance and signage are posted. The BPLD shall also conduct regular inspections at hospitals and medical clinics to ensure compliance with the required posting.


SECTION 12. FUNDING. The funding for the implementation of this Ordinance, including any associated activities and programs, shall be subject to the availability of funds and resources from the Municipal Government of Los Baños.

SECTION 13. SEPARABILITY CLAUSE. If any part or provision of this Ordinance is declared unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue to be in full force and effect.


SECTION 14. EFFECTIVITY. This Ordinance shall take effect on the day following its publication, or at the end of the period of posting, whichever occurs later. *aw*

ENACTED: February 3, 2025


I HEREBY CERTIFY to the correctness of the above-quoted Ordinance.


DONA T. ALBORIDA-DIZON
Secretary to the Sangguniang Bayan

CERTIFIED ENACTED:


HON. JOSEPHINE H. SUMANGIL-EVANGELISTA
Vice Mayor / Presiding Officer

APPROVED:


HON. ANTHONY F. GENUINO
Mayor