

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5286



Introduced by **Honorable Carmelo F. Lazatin**

EXPLANATORY NOTE

ALMOST everyday, we hear of complaints in newspaper, radio and television against hospitals and other medical institutions that detain patients or even cadavers of deceased patients due to unpaid medical bills.

In addition, some funeral parlors and morgues, are into this practice as well, keeping cadavers to force relatives of the deceased individual to cough up with the payment for burial services.

Congress has enacted RA 9439 to discourage practice of detaining patients with unpaid medical bills. However, the bill has been found wanting due to the fact that many of these patients are ordinary employees or indigents who cannot afford to give a promissory note, which according to law, should be accompanied by mortgage or guarantee.

As solution, the Government Service Insurance System (GSIS), Social Security System (SSS), Philhealth and the Department of Social Welfare and Development (DSWD) are encouraged to come up with special programs to help their members who cannot afford to pay medical or funeral bills.

Aside from this, the law needs amendment to expand its scope to funeral parlors and other institutions that follow this inhuman practice.

This measure is to ensure that rights of all individuals, living or otherwise, are protected.

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


CARMELO F. LAZATIN
First District, Pampanga

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**AN ACT PROHIBITING THE DETENTION OF PATIENTS AND/OR THEIR CADAVER BY
HOSPITALS AND OTHER INSTITUTIONS, AMENDING FOR THE PURPOSE REPUBLIC
ACT 9439, OTHERWISE KNOWN AS THE PATIENTS ILLEGAL DETENTION ACT**

BE it enacted in the Senate and the House of Representatives in Congress assembled:

Sec. 1. Title: This act shall be known as "Expanded Patients Illegal Detention Act of 2011".

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

Sec. 1: It shall be unlawful for any hospital or medical clinic, FUNERAL PARLORS AND MORGUES 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, medical AND FUNERAL expenses.

Sec. 3. Section 2 of Republic Act 9439 is hereby amended to read as follows:

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 OR DECEASED PATIENT IS A MEMBER OF THE SOCIAL SECURITY SYSTEM, GOVERNMENT SERVICE INSURANCE SYSTEM AND PHILIPPINE HEALTH INSURANCE CORPORATION, A PROMISSORY NOTE FROM EITHER OF THE AGENCIES WOULD SUFFICE. IN THE CASE OF AN INDIGENT PATIENT, A CERTIFICATION AND/OR GUARANTEE FROM THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT IS SUFFICIENT ENOUGH. In the case of a deceased patient, the CADAVER, corresponding death certificate and other documents required for interment and other purposes shall be released by the HOSPITAL OR ANY MEDICAL INSTITUTION, FUNERAL PARLOR OR

MORGUES to any of his surviving relatives requesting for the same, PROVIDED THEY PRESENT A PROMISSORY NOTE FROM THE SSS, GSIS OR DSWD. Provided, however, that patients who stayed in private rooms shall not be covered by this Act.

Sec. 4: Section 3 of Republic Act 9439 is hereby amended to read as follows:

SEC. 3. Any officer or employee of the hospital or medical clinic, FUNERAL PARLOR OR MORGUES responsible for releasing patients AND/OR ITS CADAVER, who violates the provisions of this Act shall be punished by a fine of not less than TWO HUNDRED THOUSAND PESOS (P200,000.00), or imprisonment of TWO YEARS, or both such fine and imprisonment, at the discretion of the proper court.

Sec. 5. Appropriation – The amount needed for the initial implementation of this Act shall be taken from the current appropriations of the Department of Social Welfare and Development, GSIS, Philhealth and SSS. Thereafter, the fund necessary to carry out the provisions of this Act shall be included in the Annual General Appropriations Act.

Sec. 6. Implementing Rules and Regulations – Within six (6) months from the effectivity of this Act, the Department of Social Welfare and Development, the Department of Health, the Government Service Insurance System, Social Security System and the Philippine Health Insurance Corporation and other agencies concerned shall promulgate rules and guidelines as may be necessary for the proper implementation of this Act.

Sec. 7. Separability Clause. -- If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

Sec. 8. Repealing Clause. — All laws, executive orders or issuances, or any parts thereof which are inconsistent herewith are hereby repealed or amended accordingly.

Sec. 9. Effectivity Clause. — This Act shall take effect upon its publication in at least two (2) newspapers of general circulation.

Approved,