

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

Seventeenth Congress  
First Regular Session

**HOUSE BILL NO. 4436**



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**Introduced by Honorable Michelle M. Antonio**

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**EXPLANATORY NOTE**

The right to health is a basic human right guaranteed and protected by our own Constitution:

*"The State shall protect and promote the right to health of the people and instill health consciousness among them." (Article II, Section 15)*

*"The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged sick, elderly, disabled, women, and children. The State shall endeavor to provide free medical care to paupers." (Article XIII, Section 11)*

In pursuance of these constitutional mandates, several laws were enacted to protect the citizens' right to avail of health services at an affordable cost. R.A. 9439 or the Anti-Hospital Detention Act was passed in 2007 to make it unlawful for any hospital or medical clinic 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.

However, the problem persists. Hospitals and other health facilities still continue to engage in the unlawful practice of detaining patients due to non-payment of hospital bills. In effect, the patients' bills keep getting bigger and bigger as each day passes, making the burden heavier for the poor patients

and their families. Even middle-class and well-off individuals and families end up becoming impoverished after they or their loved ones are hospitalized. Sadly, the worst case scenarios also happen - the patients die and the hospitals refuse to release the body of the dead patients because of the inability of the estate of the deceased or the family of the patient to pay the entire hospital bills. These poor people are prevented from being buried properly by their loved ones.

This measure seeks to increase the penalties for the detention of patients in health facilities for nonpayment of hospital bills and medical expenses. It also revokes the license of the health facilities upon three repeated violations.

With this bill in place, the true spirit behind the abovementioned constitutional mandates will be attained.

In view of the foregoing, approval of this bill is highly recommended.



**MICHELLE M. ANTONIO**

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**AN ACT INCREASING THE PENALTY FOR THE DETENTION OF  
PATIENTS IN HOSPITALS AND MEDICAL CLINICS ON GROUNDS OF  
NONPAYMENT OF HOSPITAL BILLS OR MEDICAL EXPENSES,  
THEREBY AMENDING SECTION 3 OF R.A. 9439**

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

**SECTION 1.** – 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:

“SEC. 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 Fifty thousand pesos (P50,000.00), but not more than One hundred thousand pesos (P100,000.00), 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. *Provided, however,* That if such violation was committed pursuant to an established policy of the hospital or clinic or upon instruction of its management, the director, officer of such hospital or clinic responsible for the formulation and implementation of such policy shall suffer imprisonment of four (4) to six (6) years, and/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, without prejudice to damages that may be awarded to the patient-complainant.

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 revoked by the Department of Health (DOH), The President, Chairman, Board of Directors or Trustees, and other officers of the health facility shall be solidarily liable to any damages that may be awarded to the patient-complainant."

**SECTION 2. SEPARABILITY CLAUSE** - If any provision or section of this Act or the application thereof to any person or circumstances is held invalid, the other provisions or sections of this Act shall remain valid, and the application of such remaining provisions or sections to the other persons or circumstances, shall not be affected thereby.

**SECTION 3. REPEALING CLAUSE** - All provisions of Republic Act No. 9439 and any other provisions inconsistent with the provision of this Act are hereby amended accordingly.

**SECTION 4. EFFECTIVITY**- This Act shall take effect fifteen (15) days from the date of its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,