



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

Nineteenth Congress
First Regular Session



HOUSE BILL NO. 1866

Introduced by **HON. MUJIV S. HATAMAN** of the Lone District of Basilan

EXPLANATORY NOTE

The right to health regardless of social or economic status is guaranteed both in international conventions and national laws.

The Preamble of the 1946 World Health Organization Constitution provides that “The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.” Article XII of the United Nations International Covenant on Economic, Social and Cultural Rights particularly emphasizes “The creation of conditions which would assure to all medical service and medical attention in the event of sickness.”

In the Philippines, the same right is enshrined and protected in the 1987 Constitution. Article II of the Constitution affirms that “the State shall protect and promote the right to health of the people and instill health consciousness among them.” Besides the constitutional guarantee, the patient’s right to health is statutorily secured by Republic Act No. 11223 or

the Universal Health Care Law. The law ensures that patients are given equitable access to quality and affordable health care goods and services, and protected against financial risk.

Despite the presence of international agreements and legal framework, it is not uncommon to hear stories of medical facilities detaining patients on account of unpaid bills. A hospital in Metro Manila reportedly refused to release a 10-month-old baby over a balance amounting to one (1) million pesos.¹ Another news report revealed that a hospital in Laguna refused to let a patient out for an unpaid bill of more than one hundred thousand pesos.² Even death failed to guarantee release – shown by cases of hospitals “hostaging” bodies of deceased patients if relatives are unable to settle the bills.

Hospital detention is a human rights violation and is inconsistent with efforts towards universal health care. Notably, Republic Act No. 9439 provides for criminal liability in case of detention of patients. However, no hospital was charged for violating the law.³

This bill seeks to repeal Republic Act No. 9439, and impose stiffer penalties against hospitals and similar facilities that detain patients and the deceased. This bill likewise recognizes the right of our Muslim brothers and sisters to bury the dead in accordance with certain religious customs and beliefs. It is an age-old tradition of Muslims who pass on to be buried within twenty-four hours of their demise. The unjust detention of Muslim people’s remains in a hospital violates not only their human rights but also their

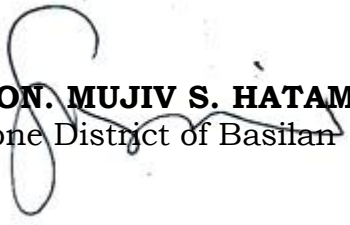
¹ <https://newsinfo.inquirer.net/1556558/baby-held-over-unpaid-bill-doh-asks-hospital-to-explain>

² <https://abogado.com.ph/lagot-guanzon-says-p3pwd-will-sue-hospitals-refusing-release-for-unpaid-bills/>

³ <https://mb.com.ph/2019/10/15/hontiveros-files-bill-to-strengthen-2007-law-no-hospital-has-been-charged-under-old-law-for-detention-of-patients/>

freedom to practice their religion. This is injustice for the deceased and the grieving family.

The passage of the bill is earnestly sought.



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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 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 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, medical expenses."

SEC. 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, HOWEVER, 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.

IN DEFERENCE TO THE CONSTITUTIONAL RIGHT TO EXPRESS RELIGIOUS PRACTICES AND BELIEFS, THE CADAVER OF A DECEASED PATIENT BELONGING TO MUSLIM OR INDIGENOUS PEOPLES GROUP SHALL BE RELEASED BY THE HOSPITAL, MEDICAL CLINIC, OR ANY OTHER SIMILAR FACILITY WITHIN TWENTY-FOUR (24) HOURS FROM THE TIME OF DEATH TO THE RELATIVES, PROVIDED THAT THE AFOREMENTIONED CONDITIONS ARE MET.

SEC. 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 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, 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 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 INSTRUCTIONS OF ITS MANAGEMENT, THE HEALTH FACILITY'S LICENSE TO OPERATE SHALL BE REVOKED BY THE DEPARTMENT OF HEALTH (DOH)."

SEC. 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 Medical Assistance for Indigent Patients (MAIP) Program Funds of the DOH.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 8. Effectivity Clause – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,