

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

**NINETEENTH CONGRESS
First Regular Session**

HOUSE BILL NO. 2813



**Introduced by Representatives
HORACIO P. SUANSING, JR. and MIKAELA ANGELA B. SUANSING**

**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"**

EXPLANATORY NOTE

This bill seeks to amend Republic Act No. 9439, otherwise known as "*An Act Prohibiting the Detention of Patients in Hospitals and Medical Clinics on the Grounds of Non-Payment of Hospital or Medical Clinics on Grounds of Non-Payment of Hospital or Medical Bills*".

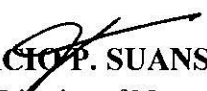
The law was enacted to prevent hospitals from directly or indirectly detaining patients who are unable to pay full or partial payment of their hospital bills and/or medical expenses. It also prohibits the undesirable practice of refusing to release the cadaver of deceased patients with unpaid bills.

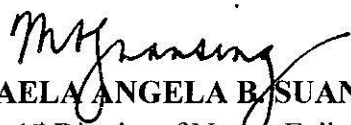
However, the present form of R.A. 9439 suffers from inadequacies. Firstly, it failed to anticipate situations where a patient is compelled to agree to be admitted in a private room due to the extreme urgency of immediate medical attention. Second, it also failed to anticipate situations where the deceased cannot be buried due to the refusal of the hospital or medical clinic to release medical records and other documents necessary for the issuance of death certificates. Lastly, while the law penalizes medical personnel in violation of the law, it merely imposes an insubstantial fine that can be abused by erring medical officers and institutions.

With the full implementation of the Universal Health Care law, the unscrupulous practice of detaining patients in healthcare institutions by reason of non-payment of hospital

bills should be put to a stop. The following measure offers expanded protection for patients from such undesirable practices, and offers them the ability to avail of guarantees for their obligations to healthcare providers. For indigent patients unable to fulfill such obligations due to short-term financial insecurity or chronic poverty, this measure also aims to establish an Anti-Hospital Detention Fund to partially cover unpaid promissory notes issued by indigent patients to healthcare providers.

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


HORACIO P. SUANSING, JR.
2nd District of Nueva Ecija


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1st District of Nueva Ecija

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*Be it enacted by the Senate and the 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 otherwise cause, directly or indirectly, the detention of patients who have fully or partially recovered, have been adequately attended to, **DUE FOR DISCHARGE**, or who may have died, for reasons of non-payment in part or in full of hospital bills, medical expenses."

SECTION 2. Section 2 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 **SHOULD THE PRINCIPAL FAIL TO**

SETTLE THE SAME: *PROVIDED, HOWEVER, THAT A PATIENT ADMITTED TO A PRIVATE ROOM SHALL NOT BE COVERED BY THIS ACT, UNLESS THE SAID PATIENT, NOTWITHSTANDING HIS OR HER EXPRESSED DESIRE TO BE ADMITTED IN A NON-PRIVATE ROOM, WAS ADMITTED TO A PRIVATE ROOM FOR THE FOLLOWING REASONS:*

- A. NO NON-PRIVATE ROOM IN THE HOSPITAL OR MEDICAL CLINIC WAS AVAILABLE AND THE PATIENT WAS COMPELLED TO BE ADMITTED TO A PRIVATE ROOM DUE TO THE URGENCY OF HIS OR HER CASE;**
- B. THE PHYSICIAN OR OTHER MEDICAL PROFESSIONALS OF THE HOSPITAL OR MEDICAL CLINIC DEEMED IT TO BE IN THE BEST INTEREST OF THE PATIENT TO BE ADMITTED TO A PRIVATE ROOM FOR PURPOSES OF INTENSIVE CARE, ISOLATION, QUARANTINE OR OTHER COMPELLING CIRCUMSTANCES;**

PROVIDED FURTHER, THAT IN CASES WHERE A PATIENT IS ADMITTED FOR THE ABOVE-STATED REASONS, THE HOSPITAL OR MEDICAL CLINIC SHALL ISSUE TO THE PATIENT A CERTIFICATION THAT THE SAID ADMISSION TO THE PRIVATE ROOM WAS DUE TO ANY OF THE AFOREMENTIONED REASONS;

PROVIDED FURTHERMORE, THAT THE FAILURE OR REFUSAL OF THE HOSPITAL OR MEDICAL CLINIC TO ADMIT A PATIENT TO A PRIVATE ROOM DESPITE THE URGENCY OF THE CONDITION OF THE PATIENT AND THE UNAVAILABILITY OF A NON-PRIVATE ROOM SHALL BE CONSIDERED A VIOLATION OF THIS ACT:

PROVIDED FINALLY, THAT IN THE CASE OF A DECEASED PATIENT, THE HOSPITAL OR MEDICAL CLINIC SHALL RELEASE THE BODY AND THE CORRERSponding DEATH CERTIFICATE AND OTHER DOCUMENTS REQUIRED FOR THE INTERMENT TO THE SUVIVING SPOUSE AND/OR OTHER RELATIVES REQUESTING FOR THE SAME UPON THE EXECUTION OF A PROMISSORY NOTE SECURED BY A MORTGAGE OR A GUARANTEE REGARDLESS OF THE NATURE OF THE ROOM TO WHICH THE PATIENT WAS ADMITTED FOR CARE, TREATMENT OR HOSPITALIZATION. THE DEATH CERTIFICATE AND OTHER PERTINENT DOCUMENTS SHALL BE RELEASED WITHIN THREE (3) WORKING DAYS FROM THE DEMAND OF THE AFOREMENTIONED DOCUMENTS.

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 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 PROMPTLY ENSUE: *PROVIDED, HOWEVER,* THAT SHOULD THE CERTIFICATE AND OTHER DOCUMENTS BE USED FOR PURPOSES OTHER THAN THOSE MENTIONED IN THE PRECEDING PARAGRAPH, SUCH AS PRIVATE INSURANCE OR SETTLEMENT OF ESTATE, A 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 FINALLY,* THAT A GUARANTEE LETTER FROM EITHER THE SSS, GSIS O 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.** [the 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 Republic Act 9439 is hereby amended to read as follows:

“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 JUDGEMENT, 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 (P 100, 000.00), BUT NOT MORE THAN THREE HUNDRED THOUSAND PESOS (P 300,000.00) 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 (P 500,000.00), BUT NOT MORE THAN ONE MILLION PESOS (P 1,000,000.00) 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 THE MANAGEMENT, THE HEALTH FACILITY'S LICENSE TO OPERATE SHALL BE 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 (P 100,000,000.00) 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.

SECTION 5. *Implementing Rules and Regulations* — The Department of Health, jointly with the Department of Social Welfare and Development, the Government Service Insurance System, the 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. *Repealing Clause.* — All laws, decrees, executive orders, and proclamations, rules, and regulations or parts thereof inconsistent with this Act are hereby repealed, amended, or modified accordingly.

SECTION 7. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

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

Approved,