



HOUSE OF REPRESENTATIVES

House Bill No. 2864

Introduced by Representative Christian Tell A. Yap

EXPLANATORY NOTE

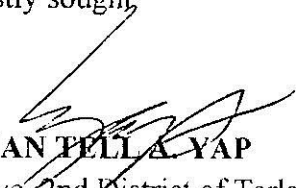
Republic Act No. 9439 entitled “An Act Prohibiting the Detention of Patients in Hospitals and Medical Clinics on Grounds of Nonpayment of Hospital Bills or Medical Expenses” was enacted to prevent hospitals from detaining, directly or indirectly, patients who are unable to pay full or partial payment for their medical expenses. The law also prohibits the undesirable practice of refusing to release to their families the body of a deceased patient with unpaid bills.

However, while the law intends the protection of patients and their families from the curtailment of their right to liberty despite their financial incapacities, it suffers from significant inadequacies.

First, the law disqualifies patients admitted to private rooms without exception. Thus, it fails to anticipate situations wherein a patient, due to the extreme urgency of immediate medical attention is compelled to agree to be admitted to a private room. Second, deceased patients admitted to private rooms are denied the immediate release of the necessary documents required for their interment. This has resulted in the undue delay of burials and further suffering of the families of the deceased. 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 officials and institutions.

This legislation seeks to strengthen the rights of patients and their families against improper detention and provides stricter penalties on all hospitals and medical facilities continuing this unjust practice.

In view of the foregoing reasons, the approval of the bill is earnestly sought.


CHRISTIAN TELL A. YAP
Representative, 2nd District of Tarlac

HOUSE OF REPRESENTATIVES

House Bill No. 2864

Introduced by Representative CHRISTIAN TELL A. YAP

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 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:

1 **SECTION 1.** Section 1 of Republic Act 9439 is hereby amended to read as follows:

2
3 "SECTION 1. It shall be unlawful for any hospital or medical clinic, **OR ANY**
4 **OTHER SIMILAR FACILITY** in the country to detain or to otherwise cause,
5 directly or indirectly, the detention of patients who have fully or partially recovered,
6 have been adequately attended to, **DUE FOR DISCHARGE**, or who may have died,
7 for reasons of non-payment in part or in full of hospital bills, medical expenses."

8
9 **SEC. 2.** Section 2 of Republic Act 9439 is hereby amended to read as follows:

10
11 "SECTION 2. Patients who have fully or partially recovered and who already wish
12 to leave the hospital or medical clinic but are financially incapable to settle, in part
13 or in full, their hospitalization expenses, including professional fees and medicines,
14 shall be allowed to leave the hospital or medical clinic, with a right to demand the
15 issuance of the corresponding medical certificate and other pertinent papers required
16 for the release of the patient from the hospital or medical clinic upon the execution
17 of a promissory note covering the unpaid obligation. The promissory note shall be
18 secured by either a mortgage or by a guarantee of a co-maker, who will be jointly
19 and severally liable with the patient for the unpaid obligation **SHOULD THE**
20 **PRINCIPAL FAILED TO SETTLE THE SAME: PROVIDED, HOWEVER**
21 **THAT A PATIENT ADMITTED TO A PRIVATE ROOM SHALL NOT BE**
22 **COVERED BY THIS ACT, UNLESS THE SAID PATIENT,**
23 **NOTWITHSTANDING HIS OR HER EXPRESSED DESIRE TO BE**
24 **ADMITTED TO A NON-PRIVATE ROM, WAS ADMITTED TO A PRIVATE**
25 **ROOM FOR THE FOLLOWING REASONS:**

26
27 a. **NO NON-PRIVATE ROOM IN THE HOSPITAL OR MEDICAL**
28 **CLINIC WAS AVAILABLE AND THE PATIENT WAS COMPELLED**

1 TO BE ADMITTED TO A PRIVATE ROOM DUE TO THE URGENCY
2 OF HIS OR HER CASE;

- 3
4 b. THE PHYSICIAN OR OTHER MEDICAL PROFESSIONALS OF THE
5 HOSPITAL OR MEDICAL CLINIC DEEMED IT TO BE IN THE BEST
6 INTEREST OF THE PATIENT TO BE ADMITTED TO A PRIVATE
7 ROOM FOR PURPOSES OF INTENSIVE CARE, ISOLATION,
8 QUARANTINE OR OTHER COMPELLING CIRCUMSTANCES;

9
10 *PROVIDED, FURTHER*, THAT CASES WHERE A PATIENT IS ADMITTED
11 FOR THE ABOVE-STATED REASONS, THE HOSPITAL OR MEDICAL
12 CLINIC SHALL ISSUE TO THE PATIENT A CERTIFICATION THAT THE
13 SAID ADMISSION TO A PRIVATE ROOM WAS DUE TO ANY OF THE
14 AFOREMENTIONED REASONS: *PROVIDED, FURTHER*, THAT THE
15 FAILURE OR REFUSAL OF THE HOSPITAL OR MEDICAL CLINIC TO
16 ADMIT A PATIENT TO A PRIVATE ROOM DESPITE THE URGENCY OF
17 THE CONDITION OF THE PATIENT AND THE UNAVAILABILITY OF A
18 NON-PRIVATE ROOM SHALL BE CONSIDERED A VIOLATION OF THIS
19 ACT: *PROVIDED, FURTHER*, THAT IN THE CASE OF A DECEASED
20 PATIENT, THE HOSPITAL OR MEDICAL CLINIC SHALL RELEASE THE
21 BODY AND THE CORRESPONDING DEATH CERTIFICATE AND OTHER
22 DOCUMENTS REQUIRED FOR THE INTERMENT TO THE SURVIVING
23 SPOUSE AND/OR OTHER RELATIVES REQUESTING FOR THE SAME
24 UPON THE EXECUTION OF A PROMISSORY NOTE SECURED BY A
25 MORTGAGE OR A GUARANTEE REGARDLESS OF THE NATURE OF
26 THE ROOM TO WHICH THE PATIENT WAS ADMITTED FOR CARE,
27 TREATMENT OR HOSPITALIZATION. THE DEATH CERTIFICATE AND
28 OTHER PERTINENT DOCUMENTS SHALL BE RELEASED WITHIN
29 THREE (3) WORKING DAYS FROM THE DEMAND OF THE
30 AFOREMENTIONED DOCUMENTS.

31
32 IF THE PATIENT IS AN ACTIVE MEMBER OF EITHER THE SOCIAL
33 SECURITY SYSTEM (SSS), GOVERNMENT SERVICE INSURANCE
34 SYSTEM (GSIS), OR THE PHILIPPINE HEALTH INSURANCE
35 CORPORATION (PHILHEALTH), A GUARANTEE LETTER FROM ANY
36 OF THESE AGENCIES MAY BE PRESENTED WITH THE PROMISSORY
37 NOTE IN LIEU OF A MORTGAGE OR GUARANTEE BY A CO-MAKER.
38 IF THE PATIENT IS AN INDIGENT, A GUARANTEE LETTER FROM THE
39 DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD)
40 SHALL SUFFICE. In the case of a deceased patient, the CADAVER SHALL BE
41 RELEASED BY THE HOSPITAL, MEDICAL CLINIC OR ANY OTHER
42 SIMILAR FACILITY TO THE RELATIVES AND THE CORRESPONDING
43 DEATH CERTIFICATE AND OTHER DOCUMENTS REQUIRED FOR
44 INTERMENT, CLAIMS FOR SOCIAL SECURITY, OR THE INSTITUTION
45 OF CRIMINAL PROCEEDINGS SHALL BE PROMPTLY ISSUED.
46 *PROVIDED, HOWEVER*, THAT FOR PURPOSES SUCH AS PRIVATE
47 INSURANCE OR SETTLEMENT OF ESTATE, SECURED PROMISSORY
48 NOTE OR DEED OF ASSIGNMENT OF PROCEEDS SHALL BE
49 REQUIRED BEFORE THE ISSUANCE OF THE APPROPRIATE
50 CERTIFICATE AND DOCUMENTS FOR SUCH PURPOSES, *PROVIDED*

1 FURTHER, THAT A GUARANTEE LETTER FROM EITHER THE SSS,
2 GSIS, OR PHILHEALTH IF THE DECEASED WAS A MEMBER OF THE
3 SAID AGENCIES, OR THE DSWD IF THE DECEASED WAS AN INDIGENT
4 MAY TAKE THE PLACE OF THE PROMISSORY NOTE [corresponding
5 death certificate and other documents required for interment and other purposes shall
6 be released to any of his surviving relatives requesting for the same: — Provided,
7 however, That patients who stayed in private rooms shall not be covered by this
8 Act].”

9
10 SEC. 3. Section 3 of R.A. 9349, entitled "An Act Prohibiting the Detention of Patients in
11 Hospitals and Medical Clinics on Grounds of Nonpayment of Hospital Bills or Medical Expenses"
12 is hereby amended to read:

13
14 “SECTION 3. Any officer or employee of the hospital or medical clinic responsible
15 for releasing patients, who violates the provisions of this Act shall [be punished by a
16 fine of not less than Twenty thousand pesos (P20,000.00), but not more than Fifty
17 thousand pesos (P 50,000.00), or imprisonment of not less than one month, but not
18 more than six months, or both such fine and imprisonment, at the discretion of the
19 proper court.] **UPON CONVICTION BY FINAL JUDGMENT, BE PUNISHED
20 BY IMPRISONMENT OF NOT LESS THAN SIX (6) MONTHS AND ONE (1)
21 DAY BUT NOT MORE THAN TWO (2) YEARS AND FOUR (4) MONTHS,
22 OR A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P
23 100,000.00), BUT NOT MORE THAN THREE HUNDRED THOUSAND
24 PESOS (P 300,000.00) OR BOTH, AT THE DISCRETION OF THE COURT:
25 PROVIDED, HOWEVER, THAT IF SUCH VIOLATION WAS COMMITTED
26 PURSUANT TO AN ESTABLISHED POLICY OF THE HOSPITAL OR
27 CLINIC OR UPON INSTRUCTION OF ITS MANAGEMENT, THE
28 DIRECTOR OR OFFICER OF SUCH HOSPITAL OR CLINIC
29 RESPONSIBLE FOR THE FORMULATION AND IMPLEMENTATION OF
30 SUCH POLICY SHALL, UPON CONVICTION BY FINAL JUDGMENT,
31 SUFFER IMPRISONMENT OF FOUR (4) TO SIX (6) YEARS, OR A FINE
32 OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS (P 500,000.00),
33 BUT NOT MORE THAN ONE MILLION PESOS (P 1,000,000.00) OR BOTH,
34 AT THE DISCRETION OF THE COURT. FURTHER, UPON THREE
35 REPEATED VIOLATIONS COMMITTED PURSUANT TO AN
36 ESTABLISHED POLICY OF THE HOSPITAL OR CLINIC OR UPON THE
37 INSTRUCTION OF ITS MANAGEMENT, THE HEALTH FACILITY'S
38 LICENSE TO OPERATE SHALL BE REVOKED BY THE DEPARTMENT
39 OF HEALTH (DOH).”**

40
41 SEC. 4. *Anti-Hospital Detention Assistance Fund.* - There is hereby created an Anti-
42 Hospital Detention Assistance Fund amounting to One Hundred Million (P 100,000,000.00) to be
43 managed by the DOH. This fund shall be used to partly cover unpaid promissory notes issued by
44 poor and indigent patients.

45
46 The amount necessary for the initial implementation of this Act shall be charged against
47 the current appropriations of the DOH who shall set up an Anti-Hospital Detention Assistance
48 Fund for patients. Thereafter, the funds necessary to carry out the provisions of this Act shall be
49 sourced from the Philippine Charity Sweepstakes Office.

1
2 **SEC. 5. *Implementing Rules and Regulations.*** - The Department of Health, jointly with
3 the Department of Social Welfare and Development, the Government Service Insurance System,
4 Social Security System, Philippine Charity Sweepstakes Office, and the Philippine Health
5 Insurance Corporation shall, within six (6) months from the effectivity of this Act, promulgate the
6 rules and regulations necessary for the proper implementation of this Act.
7

8 **SEC. 6. *Separability Clause.*** - If any provision of this Act is declared unconstitutional or
9 invalid, other provisions not otherwise affected shall remain in full force and effect.
10

11 **SEC. 7. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations or parts
12 thereof which are inconsistent with this Act are hereby repealed or amended accordingly.
13

14 **SEC 8. *Effectivity Clause.*** - This Act shall take effect upon its publication in the Official
15 Gazette or in a newspaper of general circulation.

16 *Approved,*