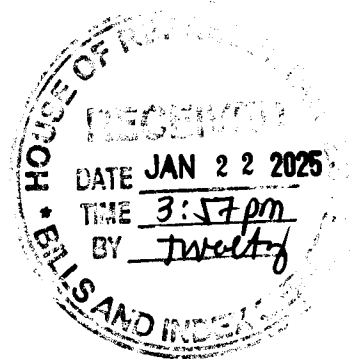


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Batasan Hills, Quezon City

Nineteenth Congress  
Third Regular Session

House Bill No. 11329



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**Introduced by Akbayan Representative Percival Cendaña**

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*Prefatory Statement*

Poverty is not a crime.

Article III, Section 20 of the 1987 Constitution states that, “no person shall be imprisoned for debt or non-payment of a poll tax.” This provision protects individuals from being detained due to their inability to pay financial obligations. This section of the Bill of Rights implies that economic insecurity should not be a barrier to the exercise of fundamental rights.

Most especially, the right to health. The Universal Declaration of Human Rights guarantees that every human being is entitled to the highest attainable standard of health conducive to living a life of dignity. Access to health services is part of that right.

Unfortunately, due to nonpayment of hospital bills and medical expenses, financially challenged patients or their relatives are detained and are considered as “human mortgages” until their obligations are settled. This constitutes a violation of Republic Act No. 9439 or the Anti-Hospital Detention Law, which hospitals and medical facilities have found various ways to circumvent in the name of profit.

This proposed legislation aims to strengthen the existing policy against hospital detention—not only through increasing the criminal penalties but also through mandating the cancellation of the facilities’ license upon three violations. The bill also utilizes the Government Service Insurance System (GSIS), the Social Security System (SSS), and the Philippine Health Insurance Corporation (PhilHealth) as guarantee for payment of the patient’s financial obligation. These measures shall ensure compliance to the fundamental policy that every Filipino has a right to health and that no one should be imprisoned for a debt.

The passage of this bill is earnestly sought.

**REP. PERCIVAL V. CENDAÑA**  
Akbayan Partylist

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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:*

1       **SECTION 1.** Section 1 of Republic Act No.9439 is hereby amended to read as follows:  
2       “SECTION 1. It shall be unlawful for any hospital or medical clinic, **OR ANY OTHER**  
3       **SIMILAR FACILITY** in the country to detain or to otherwise cause, directly or indirectly, the  
4       detention of patients, **OR THEIR RELATIVE UP TO FOURTH CIVIL DEGREE**, who have  
5       fully or partially recovered or have been adequately attended to or who may have died, for reason  
6       of non-payment in part or in full of hospital bills or medical expenses.”

7       **SEC.2.** Section 1 of Republic Act No.9349 is hereby amended as follows: “SECTION 2.  
8       Patients who have fully or partially recovered and who have already wish to leave the hospital or  
9       medical clinic but are financially incapable to settle, in part or in full, their hospitalization  
10      expenses, including professional fees and medicines, shall be allowed to leave the hospital or  
11      medical clinic, with a right to demand the issuance of the corresponding medical certificate and  
12      other pertinent papers required for the release of the patient from the hospital or medical clinic  
13      upon the execution of a promissory note covering the unpaid obligation. The promissory note shall  
14      be secured by either a mortgage or by a guarantee of a co-maker, who will be jointly or severally  
15      liable with the patient for the unpaid obligation. **IF THE PATIENT IS AN ACTIVE MEMBER**  
16      **OF EITHER THE SOCIAL SECURITY SYSTEM (SSS), GOVERNMENT SERVICE**  
17      **INSURANCE SYSTEM (GSIS), OR THE PHILIPPINE HEALTH INSURANCE**  
18      **CORPORATION (PHILHEALTH), A GUARANTEE LETTER FROM ANY OF THESE**  
19      **AGENCIES MAY BE PRESENTED WITH THE PROMISSORY NOTE IN LIEU OF A**

1 MORTGAGE OR GUARANTEE BY A CO-MAKER. IF THE PATIENT IS AN  
2 INDIGENT, A GUARANTEE LETTER FROM THE DEPARTMENT OF SOCIAL  
3 WELFARE AND DEVELOPMENT (DSWD) SHALL SUFFICE.

4 In case of a deceased patient, the CADAVER SHALL BE RELEASED BY THE  
5 HOSPITAL, MEDICAL CLINIC OR ANY OTHER SIMILAR FACILITY TO THE  
6 RELATIVES AND THE CORRESPONDING DEATH CERTIFICATE AND OTHER  
7 DOCUMENTS REQUIRED FOR INTERMENT, CLAIMS FOR SOCIAL SECURITY, OR  
8 THE INSTITUTION OF CRIMINAL PROCEEDINGS SHALL BE PROMPTLY ISSUED.

9 PROVIDED, HOWEVER, THAT FOR PURPOSES SUCH AS PRIVATE  
10 INSURANCE OR SETTLEMENT OF ESTATE, SECURED PROMISSORY NOTE OR  
11 DEED OF ASSIGNMENT OF PROCEEDS SHALL BE REQUIRED BEFORE THE  
12 ISSUANCE OF THE APPROPRIATE CERTIFICATE AND DOCUMENTS FOR SUCH  
13 PURPOSES, PROVIDED FURTHER, THAT A GUARANTEE LETTER FROM EITHER  
14 THE SSS, GSIS, OR PHILHEALTH IF THE DECEASED WAS AN INDIGENT MAY  
15 TAKE THE PLACE OF PROMISSORY NOTE.

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

23 SEC.3. Section 3 of Republic Act No.9349, entitled "An act Prohibiting the Detention of  
24 Patients in Hospitals and Medical Clinics on Grounds of Nonpayment of Hospital Bills or Medical  
25 Expenses" is hereby amended to read: "SECTION 3. Any officer or employee of the hospital or  
26 medical clinic responsible for releasing patients, who violates the provisions of this Act shall  
27 UPON CONVICTION BY FINAL JUDGEMENT, BE PUNISHED BY IMPRISONMENT  
28 OR NOT LESS THAN SIX (6) MONTHS AND ONE (1) DAY BUT NOT MORE THAN  
29 TWO YEARS (2) AND FOUR (4) MONTHS, OR A FINE OF NOT LESS THAN ONE  
30 HUNDRED THOUSAND PESOS (P100,000.00), BUT NOT MORE THAN THREE  
31 HUNDRED THOUSAND PESOS (P300,000.000) OR BOTH, AT THE DISCRETION OF  
32 THE COURT: PROVIDED, HOWEVER, THAT IF SUCH VIOLATION WAS  
33 COMMITTED PURSUANT TO AN ESTABLISHED POLICY OF THE HOSPITAL OR  
34 CLINIC OR UPON INSTRUCTION OF ITS MANAGEMENT, THE DIRECTOR OR  
35 OFFICER OF SUCH HOSPITAL OR CLINIC RESPONSIBLE FOR THE  
36 FORMULATION AND IMPLEMENTATION OF SUCH POLICY SHALL, UPON  
37 CONVICTION BY FINAL JUDGMENT, SUFFER IMPRISONMENT OF FOUR (4) TO  
38 SIX (6) YEARS, OR A FINE OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS  
39 (P500,000.00), BUT NOT MORE THAN ONE MILLION (P1,000,000.00) OR BOTH, AT  
40 THE DISCRETION OF THE COURT FURTHER, UPON THREE REPEATED  
41 VIOLATIONS COMMITTED PURSUANT TO A ESTABLISHED POLICY OF THE  
42 HOSPITAL OR CLINIC OR UPON THE INSTRUCTIONS OF ITS MANAGEMENT,

1 **THE HEALTH FACILITY'S LICENSE TO OPERATE SHALL BE REVOKED BY THE**  
2 **DEPARTMENT OF HEALTH (DOH)."**

3 **SEC 4. Anti-Hospital Detention Assistance Fund.** – There is hereby created an Anti-  
4 Hospital Detention Assistance Fund amounting to One Hundred Million (P100,000,00.00) to be  
5 managed by the DOH. This fund shall be used to partly cover unpaid promissory notes issued by  
6 poor and indigent patients. The amount necessary for the initial implementation of this Act shall  
7 be charged against the current appropriations of the DOH who shall set up an Anti-Hospital  
8 Assistance Fund for patients. Thereafter, the funds necessary to carry out the provisions of this Act  
9 shall be sourced from the Medical Assistance for Indigent Patients (MAIP) Program Funds of the  
10 DOH.

11 **SEC.5. Implementing Rules and Regulations.** – The Department of Health jointly with the  
12 Department of Social Welfare and Development, the Government Service Insurance System,  
13 Social Security System, Philippine Charity Sweepstakes Office, and the Philippine Health  
14 Insurance Corporation shall, within six (6) months from the effectivity of this Act, promulgate the  
15 rules and regulations necessary for the proper implementation of this Act.

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

18 **SEC.7. Repealing Clause.** – All laws, decrees, orders, rules and regulations or parts thereof  
19 which are inconsistent with this Act are hereby repealed or amended accordingly.

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

*Approved,*