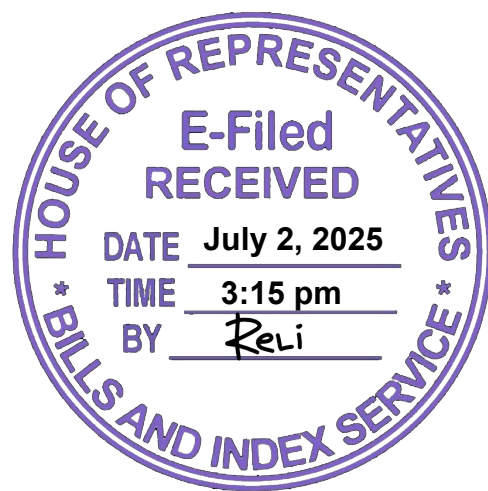




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
First Regular Session

HOUSE BILL NO. **1138**



Introduced by **Hon. Charisse Anne C. Hernandez**

EXPLANATORY NOTE

Republic Act No. 9439 or “An Act Prohibiting the Detention of Patients in Hospitals and Medical Clinics on Grounds of Nonpayment of Hospital Bills or Medical Expenses” was enacted in 2007, making it unlawful for any hospital or medical clinic in the country to detain patients for reasons of nonpayment in part or in full of hospital bills or medical expenses.

Under the RA No. 9439, the penalty for its violation is 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. For high-end hospitals owned by large Corporations, such amount of fine is just a drop in the bucket. The penalty imposed is too insignificant compared to the sum that these hospitals, medical clinics and facilities can amass from detaining patients who cannot afford to settle their bills. These financially challenged patients were unable to afford the costs of hospitalization and medical treatment, let alone bear the additional expenses of filing a complaint against the hospitals and medical facilities.

This bill seeks to amend RA No. 9439 to increase the penalties against hospitals, medical clinics, or any other similar facilities for detention of patients and cadavers on grounds of nonpayment of hospital bills and medical expenses.

Despite the existence of RA No. 9439, it is still a common practice for some hospitals to detain patients because of their inability to settle their hospital bills and medical expenses. It constitutes deprivation of liberty on the grounds of financial incapacity and violation of the

right against imprisonment for non-payment of debt, which are both proscribed by the Constitution.

This bill also provides for the Anti-Hospital Detention Assistance Fund to partly cover unpaid promissory notes issued by poor and indigent patients to the hospitals and medical facilities.

In view of all the foregoing, the approval of the Bill is fervently called.

A handwritten signature in black ink, appearing to read 'Charisse', with a stylized flourish at the end.

CHARISSE ANNE C. HERNANDEZ
Representative
Lone District, Calamba City



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
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HOUSE BILL NO. **1138**

Introduced by **Hon. Charisse Anne C. Hernandez**

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 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," AND FOR OTHER PURPOSES**

*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 WITHIN TWENTY-FOUR (24) HOURS FROM THE TIME OF DEATH 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.

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 THAT IS OWNED BY A JURIDICAL ENTITY, THE MANAGEMENT OF THE HOSPITAL OR CLINIC SHALL, UPON CONVICTION BY FINAL JUDGMENT, PAY A FINE OF NOT LESS THAN ONE MILLION PESOS (P1,000,000.00), BUT NOT MORE THAN TWO MILLION PESOS (P2,000,000.00) AT THE DISCRETION OF THE COURT. FURTHER, UPON THREE (3) 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. Section 4 of R.A. 9349, is hereby amended to read:

“SEC. 4. The Department of Health shall promulgate the necessary rules and regulations to carry out the provisions of this Act AND SHALL LAUNCH AN INFORMATION CAMPAIGN REGARDING THE SAME.”

SEC. 5. 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.

PROVIDED, HOWEVER THAT THE ANTI-HOSPITAL DETENTION FUND SHALL NOT COVER PATIENTS ADMITTED TO ROOMS OTHER THAN THE HOSPITAL WARD, EXCEPT WHEN THE SAID PATIENT WAS ADMITTED TO A PRIVATE OR SEMI-PRIVATE ROOM DUE TO UNAVAILABILITY OF BED IN THE WARD, OR WHEN THE PATIENT’S CASE, AS CERTIFIED BY THE PHYSICIAN OR MEDICAL PROFESSIONAL, DEMANDS THAT THE PATIENT MUST BE ADMITTED TO A PRIVATE ROOM FOR PURPOSES OF INTENSIVE CARE, QUARANTINE OR OTHER COMPELLING CIRCUMSTANCES, I SUCH CASE, THE HOSPITAL OR MEDICAL CLINIC SHALL ISSUE TO THE PATIENT A CERTIFICATION THAT SAID ADMISSION TO A PRIVATE OR SEMI-PRIVATE ROOM WAS DUE TO SUCH REASONS.

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,