

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

**Twentieth Congress
First Regular Session**

House Bill No. 6832



**Introduced by Honorable Representatives
DADAH KIRAM ISMULA (Akbayan Partylist)
JOSE MANUEL TADEO "CHEL" I. DIOKNO (Akbayan Partylist)
PERCIVAL V. CENDAÑA (Akbayan Partylist)
KAKA J. BAG-AO (Dinagat Islands)**

**AN ACT STRENGTHENING THE PROTECTION OF PATIENTS AGAINST
HOSPITAL DETENTION ON GROUNDS OF NONPAYMENT OF HOSPITAL
BILLS OR MEDICAL EXPENSES AND PROVIDING STIFFER PENALTIES FOR
VIOLATIONS THEREOF, 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"**

EXPLANATORY NOTE

In 2007, 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. The law made unlawful the practice of detaining patients who are fully or partially recovered and holding of a deceased patient's body for reasons of nonpayment in part or in full of hospital bills or medical expenses.

Despite the enactment of said legislation, the distressing practice of detaining patients and the bodies of deceased patient continues to persist in various health care institutions. This ongoing practice not only undermines the intent of the law but also inflicts financial and emotional hardship to Filipino families seeking dignified and compassionate medical care.

To address these concerns, this proposed legislation seeks to intensify the current measures under RA No. 9439 by (1) increasing the penalties against violations of the law; (2) expanding the coverage of the law to include patients admitted to private rooms; (3) providing additional mechanisms to ensure the fulfillment of patients' obligations to healthcare providers; and (4) establishing an Anti- Hospital

Detention Fund to partially cover unpaid promissory notes issued by poor and indigent patients.

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



DADAH KIRAM ISMULA
Akayan Representative



JOSE MANUEL TADEO
"CHEL" I. DIOKNO
Akayan Representative



PERCIVAL V. CENDAÑA
Akayan Representative



KAKA J. BAG-AO
Dinagat Islands Representative

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*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

1 **SECTION 1.** Sections 1, 2, and 3 of Republic Act 9439, entitled "An Act
2 Prohibiting the Detention of Patients in Hospitals and Medical Clinics on Grounds of
3 Nonpayment of Hospital Bills or Medical Expenses", are hereby amended to read as
4 follows:

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

11 **IT SHALL ALSO BE UNLAWFUL TO DETAIN THE**
12 **RELATIVES, REPRESENTATIVES, OR CARERS OF SUCH**
13 **PATIENTS, AS WELL AS TO THE NEWBORN CHILD IN THE CASE**
14 **OF MATERNITY PATIENTS, IN EXCHANGE FOR THE PATIENT TO**

1 BE ALLOWED TO LEAVE THE HOSPITAL, MEDICAL CLINIC, OR
2 ANY OTHER SIMILAR FACILITY.

3 PATIENTS WHO STAYED IN PRIVATE ROOMS SHALL NOT
4 BE COVERED BY THIS ACT, UNLESS THE SAID PATIENT,
5 NOTWITHSTANDING ONE'S EXPRESSED DESIRE TO BE
6 ADMITTED TO A NON-PRIVATE ROOM, WAS ADMITTED TO A
7 PRIVATE ROOM FOR THE FOLLOWING REASONS: (A) NO NON-
8 PRIVATE ROOM IN THE HOSPITAL, MEDICAL CLINIC, OR ANY
9 OTHER SIMILAR FACILITY, WAS AVAILABLE AND THE PATIENT
10 WAS COMPELLED TO BE ADMITTED THERETO DUE TO THE
11 URGENCY OF THE CASE; AND (B) THE PHYSICIAN OR OTHER
12 MEDICAL PROFESSIONALS OF THE HOSPITAL, MEDICAL
13 CLINIC, OR ANY OTHER SIMILAR FACILITY, DEEMED IT TO BE
14 IN THE BEST INTEREST OF THE PATIENT TO BE ADMITTED TO A
15 PRIVATE ROOM FOR PURPOSES OF INTENSIVE CARE,
16 ISOLATION, QUARANTINE, OR OTHER COMPELLING
17 CIRCUMSTANCES."

18
19 SEC. 2. Patients who have fully or partially recovered and who
20 [already] wish to leave the hospital, [or] medical clinic, **OR ANY OTHER**
21 **SIMILAR FACILITY**, but are financially incapable [to settle] **OF**
22 **SETTLING**, in part or in full, their hospitalization expenses, including
23 professional fees and medicines, shall be allowed to leave the hospital or
24 medical clinic, with [a] **THE** right to demand the **IMMEDIATE** issuance
25 of the corresponding medical certificate, **DISCHARGE SUMMARY**, and
26 other pertinent papers required for [the] **THEIR** release, [~~of the patient~~
27 ~~from the hospital or medical clinic~~] upon the execution of a promissory
28 note covering the unpaid obligation: **PROVIDED, THAT, NO**
29 **PROMISSORY NOTE SHALL BE REQUIRED ON INDIGENT**
30 **SENIOR CITIZENS WHO HAVE BEEN ENDORSED BY THE**
31 **MEDICAL SOCIAL SERVICES OFFICE OF THE HOSPITAL,**
32 **MEDICAL CLINIC, OR ANY SIMILAR FACILITY, TO THE**

1 **DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT:**
2 ***PROVIDED, FURTHER,* THAT, THOSE PATIENTS WHO ARE**
3 **PARTIALLY RECOVERED SHALL SIGN A WAIVER OR**
4 **UNDERTAKING THAT THEY ARE ASSUMING THE RISK OF THE**
5 **CONSEQUENCES FOR REQUESTING FOR DISCHARGE DESPITE**
6 **HAVING NOT FULLY RECOVERED.**

7 The promissory note shall be secured by ~~[either a mortgage or by~~
8 ~~a guarantee of a co-maker, who will be jointly and severally liable with~~
9 ~~the patient for the unpaid obligation.]~~ **ANY OR A COMBINATION OF**
10 **THE FOLLOWING:**

11 **(A) A MORTGAGE OVER REAL OR PERSONAL PROPERTY**
12 **OF THE PATIENT, A RELATIVE, OR A CO-MAKER, WITHOUT NEED**
13 **OF PUBLIC AUCTION, IN ACCORDANCE WITH REPUBLIC ACT**
14 **NO. 11057, OTHERWISE KNOWN AS THE "PERSONAL**
15 **PROPERTY SECURITY ACT";**

16 **(B) A GUARANTEE OF A CO-MAKER WHO SHALL BE**
17 **JOINTLY AND SEVERALLY LIABLE WITH THE PATIENT FOR THE**
18 **UNPAID OBLIGATION;**

19 **(C) A DEED OF ASSIGNMENT OF THE LOAN PROCEEDS OR**
20 **BENEFITS ENTITLEMENT FROM THE SOCIAL SECURITY SYSTEM**
21 **(SSS) OR THE GOVERNMENT SERVICE INSURANCE SYSTEM**
22 **(GSIS), IN CASE THE PATIENT IS AN ACTIVE MEMBER THEREOF;**

23 **(D) A GUARANTEE LETTER FROM THE PHILIPPINE**
24 **CHARITY SWEEPSTAKES OFFICE (PCS0); AND**

25 **(E) IN THE CASE OF INDIGENT AND FINANCIALLY-**
26 **INCAPACITATED PATIENTS, A GUARANTEE LETTER FROM THE**
27 **DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT**
28 **(DSWD) OR THE DEPARTMENT OF HEALTH (DOH).**

29 **IN ALL CASES, THE MEDICAL CERTIFICATE, DISCHARGE**
30 **SUMMARY, PRESCRIPTIONS, AND OTHER DOCUMENTS**

1 **NECESSARY FOR THE PROCESSING OF CLAIMS OR BENEFITS**
2 **SHALL BE ISSUED WITHOUT DELAY AND WITHOUT REQUIRING**
3 **FULL OR PARTIAL PAYMENT.**

4 In the case of a deceased patient, the [~~corresponding death~~
5 ~~certificate and other documents required for interment and other~~
6 ~~purposes shall be released to any of his surviving relatives requesting for~~
7 ~~the same: *Provided, however,* That patients who stayed in private rooms~~
8 ~~shall not be covered by this Act]~~ **CADAVER SHALL BE IMMEDIATELY**
9 **RELEASED TO THE SURVIVING RELATIVES. THE**
10 **CORRESPONDING DEATH CERTIFICATE AND OTHER**
11 **DOCUMENTS REQUIRED FOR INTERMENT, BENEFIT CLAIMS, OR**
12 **LEGAL PROCEEDINGS SHALL BE ISSUED PROMPTLY AND**
13 **WITHOUT DELAY: *PROVIDED, HOWEVER,* THAT, FOR PURPOSES**
14 **OF PRIVATE INSURANCE CLAIMS OR SETTLEMENT OF ESTATE,**
15 **A SECURED PROMISSORY NOTE OR A DEED OF ASSIGNMENT OF**
16 **PROCEEDS MAY BE REQUIRED PRIOR TO THE ISSUANCE OF**
17 **RELEVANT DOCUMENTS: *PROVIDED, FINALLY,* THAT A DEED OF**
18 **ASSIGNMENT OF BENEFITS ENTITLEMENT FROM THE SSS OR**
19 **GSIS, IF THE DECEASED WAS A MEMBER THEREOF, OR A**
20 **GUARANTEE LETTER FROM THE DSWD, IF THE DECEASED WAS**
21 **AN INDIGENT, MAY BE ACCEPTED IN LIEU OF A PROMISSORY**
22 **NOTE."**

23
24 **SEC. 3.** Any officer or employee of the hospital, [or] medical
25 clinic, **OR ANY OTHER SIMILAR FACILITY,** responsible for
26 [releasing] **THE DISCHARGE OF patients OR THE RELEASE OF**
27 **CADAVERS,** who violates the provisions of this Act, shall [~~be punished~~
28 ~~by a fine of not less than Twenty thousand pesos (P20,000.00), but not~~
29 ~~more than Fifty thousand pesos (P50,000.00), or imprisonment of not~~
30 ~~less than one month, but not more than six months, or both such fine~~
31 ~~and imprisonment, at the discretion of the proper court], **UPON**~~
32 **CONVICTION BY FINAL JUDGMENT, BE PUNISHED BY**

1 **IMPRISONMENT OF NOT LESS THAN SIX (6) MONTHS AND ONE**
2 **(1) DAY BUT NOT MORE THAN TWO (2) YEARS AND FOUR (4)**
3 **MONTHS, OR A FINE OF NOT LESS THAN ONE HUNDRED**
4 **THOUSAND PESOS (P100,000.00), BUT NOT MORE THAN THREE**
5 **HUNDRED THOUSAND PESOS (P300,000.00), OR BOTH, AT THE**
6 **DISCRETION OF THE COURT.**

7 **IF THE VIOLATION WAS COMMITTED PURSUANT TO AN**
8 **ESTABLISHED POLICY OF THE HOSPITAL OR CLINIC OR UPON**
9 **INSTRUCTION OF ITS MANAGEMENT, THE DIRECTOR OR**
10 **OFFICER OF SUCH HOSPITAL OR CLINIC RESPONSIBLE FOR**
11 **THE FORMULATION AND IMPLEMENTATION OF SUCH POLICY**
12 **SHALL, UPON CONVICTION BY FINAL JUDGMENT, SUFFER**
13 **IMPRISONMENT OF FOUR (4) TO SIX (6) YEARS, OR A FINE OF**
14 **NOT LESS THAN FIVE HUNDRED THOUSAND PESOS**
15 **(P500,000.00), BUT NOT MORE THAN ONE MILLION PESOS**
16 **(P1,000,000.00), OR BOTH, AT THE DISCRETION OF THE**
17 **COURT.**

18 **UPON THE COMMISSION OF THREE (3) REPEATED**
19 **VIOLATIONS UNDER SUCH POLICY OR INSTRUCTION, THE**
20 **LICENSE TO OPERATE OF SUCH HEALTH FACILITY SHALL BE**
21 **REVOKED BY THE DOH."**

22
23 **SEC. 2. *Access to Government Medical Assistance Programs.*** – The DOH shall
24 ensure that patients covered under this Act shall have access to the medical assistance
25 programs of the government to cover unpaid promissory notes issued by indigent and
26 financially-incapacitated patients, subject to existing guidelines.

27
28 **SEC. 3. *Patient Grievance and Discharge Protocol.*** – The DOH shall establish a
29 grievance and redress mechanism for patients and their families who are unlawfully
30 detained in hospitals, medical clinics, or similar facilities, due to non-payment, in part
31 or in full, of hospital bills, medical expenses, or professional fees.

1 All hospitals and medical facilities shall adopt standard patient discharge
2 protocols, which shall include:

- 3 (a) Immediate release of required medical documents;
- 4 (b) Posting of patients' rights under this Act in conspicuous areas; and
- 5 (c) Referral to the hospital's medical social service office for indigent or
6 financially-incapacitated patients.

7
8 **SEC. 4. *Implementing Rules and Regulations.*** – The DOH, jointly with the
9 DSWD, PhilHealth, GSIS, SSS, and the PCSO, shall, within six (6) months from the
10 effectivity of this Act, promulgate the rules and regulations necessary for the proper
11 implementation of this Act.

12
13 **SEC. 5. *Separability Clause.*** – If any provision of this Act is declared
14 unconstitutional or invalid, other provisions not otherwise affected shall remain in full
15 force and effect.

16
17 **SEC. 6. *Repealing Clause.*** – All laws, decrees, executive orders, rules and
18 regulations or parts thereof which are inconsistent with this Act are hereby repealed
19 or amended accordingly.

20
21 **SEC. 7. *Effectivity Clause.*** – This Act shall take effect upon its publication in
22 the Official Gazette or in a newspaper of general circulation.

23
24 *Approved,*