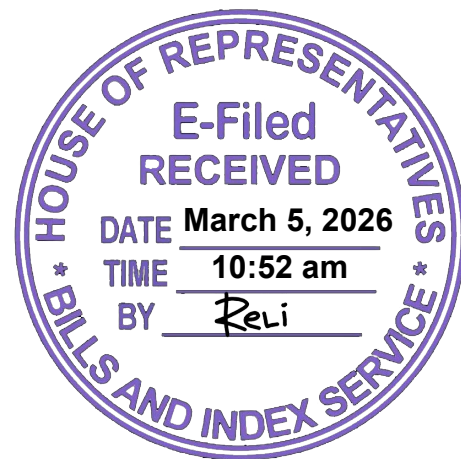


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 8299



Introduced by **Representative Ryan S. Recto**

EXPLANATORY NOTE

This measure seeks to amend Republic Act No. 9439, otherwise known as, "Anti-Hospital Detention Law", through expanding the coverage and imposing more stringent penalties to further protect the rights of patients confined in hospitals and other medical facilities.

The Anti-Hospital Detention Law was enacted to protect patients from unjust detention by hospitals and medical clinics due to unpaid medical expenses. However, despite its enactment, the law has been subject to continued scrutiny due to reported practices wherein hospitals release the remains of deceased patients but withhold death certificates and other pertinent documents until outstanding hospital bills are fully settled. This practice raises concern as it is contrary to the intent of the law and places an additional burden on the families of the deceased patients.

This proposed measure grants priority to those deceased patients who are indigents and all those individuals belonging to the fisheries and agriculture sectors. Recognizing that indigents, farmers and fisherfolks are among the vulnerable sectors in the country, they often encounter difficulty in securing hospital discharge due to insufficiency of assets and no immediate person who can serve as a co-maker to avail the promissory note agreement. The proposed bill expands the coverage of the Act to include patients confined in similar medical facilities, whether public or private and expressly prohibits the detention of patients and their relatives for non-payment of professional fees. Patients admitted to private rooms shall likewise be covered when no non-private rooms are available and when such admission is upon the attending physician's recommendation.

This proposed measure also seeks to broaden the acceptable forms of promissory notes to include mortgages over real or personal property, guarantee letters from co-makers, deeds of assignment of loan benefits from the SSS or GSIS and guarantee letters issued by the PCSO, DSWD, DOH, PAGCOR and PhilHealth.

In the Philippines, access to healthcare is a fundamental right guaranteed by the Constitution. However, financial constraints may give rise to situations where patients or their families are unlawfully restrained in hospitals due to unpaid medical expenses. This bill seeks to enhance the protection of patients' rights by preventing unlawful hospital detention, expanding coverage and strengthening enforcement mechanisms under Republic Act No. 9439.

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



Ryan S. Recto
Representative
6th District, Batangas

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

TWENTIETH CONGRESS
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HOUSE BILL NO. 8299

Introduced by **Representative Ryan S. Recto**

AN ACT
AMENDING SECTIONS 1, 2 AND 3 OF REPUBLIC ACT 9439, OTHERWISE
KNOWN AS AN ACT PROHIBITING THE DETENTION OF PATIENTS IN
HOSPITALS AND MEDICAL CLINICS ON THE GROUNDS OF NONPAYMENT
OF HOSPITAL BILLS OR MEDICAL EXPENSES

*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 the Grounds
3 of Nonpayment of Hospital Bills or Medical Expenses", are hereby amended to read as
4 follows:

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

13
14 **IT SHALL ALSO BE UNLAWFUL TO DETAIN THE RELATIVES,**
15 **REPRESENTATIVES, OR CARERS OF SUCH PATIENTS, AS WELL**
16 **AS THE NEWBORN CHILD IN THE CASE OF MATERNITY**
17 **PATIENTS, IN EXCHANGES FOR THE PATIENT TO BE ALLOWED**
18 **TO LEAVE THE HOSPITAL, MEDICAL CLINIC, OR ANY OTHER**
19 **SIMILAR FACILITY.**

20
21 **PATIENTS WHO STAYED IN PRIVATE ROOMS SHALL NOT BE**
22 **COVERED BY THIS ACT, UNLESS THE SAID PATIENT,**
23 **NOTWITHSTANDING ONE'S EXPRESSED DESIRE TO BE**
24 **ADMITTED TO A NON-PRIVATE ROOM, WAS ADMITTED TO A**
25 **PRIVATE ROOM FOR THE FOLLOWING REASONS: (A) NO NON-**
26 **PRIVATE ROOM IN THE HOSPITAL, MEDICAL CLINIC, OR ANY**

1 OTHER SIMILAR FACILITY, WAS AVAILABLE AND THE PATIENT
2 WAS COMPELLED TO BE ADMITTED THERETO DUE TO THE
3 URGENCY OF THE CASE; AND (B) THE PHYSICIAN OR OTHER
4 MEDICAL PROFESSIONALS OF THE HOSPITAL, MEDICAL
5 CLINIC, OR ANY OTHER SIMILAR FACILITY, DEEMED IT TO BE
6 IN THE BEST INTEREST OF THE PATIENT TO BE ADMITTED TO
7 A PRIVATE ROOM FOR PURPOSES OF INTENSIVE CARE,
8 ISOLATION, QUARANTINE, OR OTHER COMPELLING
9 CIRCUMSTANCES.

10
11 Sec. 2. Patients who have fully or partially recovered and who ~~[already]~~
12 wish to leave the hospital, ~~[or]~~ medical clinic, **OR ANY OTHER**
13 **SIMILAR FACILITY**, but are financially incapable ~~[to settle]~~ **OF**
14 **SETTLING**, in part or in full, their hospitalization expenses, including
15 professional fees and medicines, shall be allowed to leave the hospital
16 or medical clinic, with ~~[a]~~ **THE** right to demand the **IMMEDIATE**
17 issuance of the corresponding medical certificate, **DISCHARGE**
18 **SUMMARY** and other pertinent papers required for ~~[the]~~ **THEIR**
19 release, ~~[of the patient from the hospital or medical clinic]~~ upon the
20 execution of a promissory note covering the unpaid obligation.
21 **PROVIDED, THAT, THE DECEASED PATIENT IS AS AN INDIGENT**
22 **OR IS AN INDIGENT BELONGING TO THE AGRICULTURE OR**
23 **FISHERIES SECTOR, THE IMMEDIATE RELEASE OF THE**
24 **REMAINS INCLUDING ITS PERTINENT DOCUMENTS SHALL BE**
25 **GRANTED UPON THE EXECUTION OF A PROMISSORY NOTE.**

26
27 The promissory note shall be secured by ~~[either a mortgage or by a~~
28 ~~guarantee of a co-maker, who will be jointly and severally liable with the~~
29 ~~patient for the unpaid obligation.]~~ **ANY OR A COMBINATION OF THE**
30 **FOLLOWING ACCEPTED DOCUMENTS:**

- 31
32 a. **A MORTGAGE OVER REAL OR PERSONAL PROPERTY OF**
33 **THE PATIENT, A RELATIVE, OR A CO-MAKER, WITHOUT**
34 **THE NEED OF PUBLIC AUCTION, IN ACCORDANCE WITH**
35 **REPUBLIC ACT NO. 11057, OTHERWISE KNOWN AS THE**
36 **"PERSONAL PROPERTY SECURITY ACT";**
37 b. **A GUARANTEE OF A CO-MAKER WHO SHALL BE JOINTLY**
38 **AND SEVERALLY LIABLE WITH THE PATIENT FOR THE**
39 **UNPAID OBLIGATION;**
40 c. **A DEED OF ASSIGNMENT OF THE LOAN PROCEEDS OR**
41 **BENEFITS ENTITLEMENT FROM THE SOCIAL SECURITY**
42 **SYSTEM (SSS) OR THE GOVERNMENT SERVICE**
43 **INSURANCE SYSTEM (GSIS), IN CASE THE PATIENT IS AN**
44 **ACTIVE MEMBER THEREOF;**
45 d. **A GUARANTEE LETTER FROM THE PHILIPPINE CHARITY**
46 **SWEEPSTAKES OFFICE (PCSO), DEPARTMENT OF SOCIAL**
47 **WELFARE AND DEVELOPMENT (DSWD), THE**

1 DEPARTMENT OF HEALTH (DOH) OR PHILIPPINE
2 AMUSEMENT GAMING CORPORATION (PAGCOR) AND
3 PHILHEALTH.
4

5 IT SHALL BE NOTED THAT, UNDER THIS ACT, PCSO,
6 DSWD, DOH, PAGCOR AND PHILHEALTH ARE HEREBY
7 AUTHORIZED TO ISSUE A GUARANTEE LETTER IN FAVOR
8 OF ALL PUBLIC AND PRIVATE HOSPITALS, CLINICS AND
9 SIMILAR FACILITIES, WHICH SHALL SERVE AS AN
10 OFFICIAL SUPPORTING DOCUMENT TO A DULY
11 EXECUTED PROMISSORY NOTE COVERING THE
12 OUTSTANDING HOSPITAL CHARGES OF DECEASED
13 PATIENT.
14

15 IN ALL CASES, THE MEDICAL CERTIFICATE, DISCHARGE
16 SUMMARY, PRESCRIPTIONS AND OTHER DOCUMENTS
17 NECESSARY FOR THE PROCESSING OF CLAIMS OR
18 BENEFITS SHALL BE ISSUED WITHOUT DELAY AND
19 WITHOUT REQUIRING FULL OR PARTIAL PAYMENT.
20

21 In the case of a deceased patient, the [~~corresponding death~~
22 ~~certificate and other documents required for interment and other~~
23 ~~purposes shall be released to any of his surviving relatives~~
24 ~~requesting for the same: *Provided, however, That* patients who~~
25 ~~stayed in private rooms shall not be covered by this Act]~~
26 **CADAVER, SHALL BE IMMEDIATELY RELEASED TO THE**
27 **SURVIVING RELATIVES. THE CORRESPONDING DEATH**
28 **CERTIFICATE AND OTHER DOCUMENTS REQUIRED FOR**
29 **INTERMENT, BENEFIT CLAIMS, OR LEGAL**
30 **PROCEEDINGS SHALL BE ISSUED PROMPTLY AND**
31 **WITHOUT DELAY: *PROVIDED, HOWEVER, THAT, FOR***
32 **PURPOSES OF PRIVATE INSURANCE CLAIMS OR**
33 **SETTLEMENT OF ESTATE, A SECURED PROMISSORY NOTE**
34 **OR A DEED OF ASSIGNMENT OF PROCEEDS MAY BE**
35 **REQUIRED PRIOR TO THE ISSUANCE OF RELEVANT**
36 **DOCUMENTS: *PROVIDED, FINALLY, THAT THE***
37 **PROMISSORY NOTE SHALL BE ACCEPTED AS LONG AS IT**
38 **COVERS ALL THE ABOVE AFOREMENTIONED ACCEPTED**
39 **DOCUMENTS.**
40

41 Sec. 3. [~~Any officer or employee of the hospital, or medical clinic,~~
42 ~~responsible for releasing patients who violates the provision of~~
43 ~~this Act, shall be punished by a fine of not less than Twenty~~
44 ~~thousand pesos (P20,000.00), but not more than Fifty thousand~~
45 ~~pesos (P50,000.00), or imprisonment of not less than one month,~~
46 ~~but not more than six months, or both such fine and~~
47 ~~imprisonment, at the discretion of the proper court.]~~

1
2 **THE HOSPITAL MANAGEMENT, THROUGH ITS BOARD OF**
3 **DIRECTORS, OFFICERS, ADMINISTRATORS, OR ANY**
4 **PERSON EXERCISING THE POWERS OF MANAGEMENT,**
5 **OF THE HOSPITAL, CLINIC, OR OF THOSE IN A SIMILAR**
6 **FACILITY, BE FOUND GUILTY OF VIOLATING THIS LAW**
7 **SHALL PAY A FINE NOT LESS THAN TWO HUNDRED FIFTY**
8 **THOUSAND (PHP 250,000) TO FIVE HUNDRED**
9 **THOUSAND PESOS (PHP 500,000), AT THE DISCRETION**
10 **OF THE COURT.**
11

12 **UPON THE COMMISSION OF THREE (3) REPEATED**
13 **VIOLATIONS UNDER SUCH LAW THE LICENSE TO**
14 **OPERATE OF SUCH HEALTH FACILITY SHALL BE**
15 **REVOKED BY THE DOH."**
16

17 *Sec. 2. Implementing Rules and Regulations.* - The DOH, jointly with the
18 DSWD, PhilHealth, GSIS, SSS and the PCSO, PAGCOR, shall within six (6) months from
19 the effectivity of this Act, promulgate the rules and regulations necessary for the
20 proper implementation of this Act.
21

22 *Sec. 3. Separability Clause.* - If any provision of this Act is declared
23 unconstitutional or invalid, the other provisions not affected thereby shall remain in
24 full force and effect.
25

26 *Sec. 4. Repealing Clause.* - All laws, decrees, executive orders, rules and
27 regulations inconsistent with this Act are hereby repealed or modified accordingly.
28

29 *Sec. 5. Effectivity.* - This Act shall take effect fifteen (15) days after its
30 publication in the Official Gazette or in a newspaper of general circulation.
31

32 *Approved,*