

TWENTIETH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



**HOUSE OF REPRESENTATIVES**

**HOUSE BILL NO. 9898**

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**Introduced by Rep. CARMELO G. LAZATIN, JR.**

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**AN ACT**

**IMPOSING HIGHER PENALTIES FOR THE DETENTION OF PATIENTS AND/OR THE BODIES OF THE DECEASED PATIENTS (CADAVERS) IN HOSPITALS, MEDICAL CLINICS, OR ANY OTHER SIMILAR FACILITIES DUE TO NONPAYMENT OF HOSPITAL BILLS OR MEDICAL EXPENSES, AMENDING REPUBLIC ACT NO. 9439 AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Health care services in the Philippines are indeed very expensive despite continuous efforts of the government to augment the financial and medical needs of individuals needing such assistance. Many Filipinos, especially those belonging to the indigent sector are burdened by the huge amount of hospital bills and medical expenses that they could obviously not afford to settle but have no other choice but to bear in the hope that they could extend the lives of their sick relatives.

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 to prohibit the detention of patients (including those who may have died) for nonpayment, and to allow financially incapable patients to leave upon the execution of a promissory note secured by either a mortgage or by a guarantee of a co-maker.

However, even with the existence of such law, many hospitals, medical clinics and similar facilities still practice detention of patients and cadavers/bodies of deceased patients because of unsettled payment of hospital bills and medical expenses. Also, while there is a penalty imposed

for violation of said law, such amount is rather insignificant especially for hospitals owned by corporations.

Hence, this proposed legislation seeks to impose higher penalties for violation of said law, including imprisonment, if necessary, to finally curb this inhumane practice.

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

A handwritten signature in black ink, reading "Carmelo Lazatin, Jr." in a cursive script.

**CARMELO G. LAZATIN, JR.**



**Republic of the Philippines**  
**House of Representatives**  
Quezon City, Metro Manila

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**MEDICAL CLINICS, OR ANY OTHER SIMILAR FACILITIES DUE TO**  
**NONPAYMENT OF HOSPITAL BILLS OR MEDICAL EXPENSES, AMENDING**  
**REPUBLIC ACT NO. 9439 AND FOR OTHER PURPOSES**

*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 shall be amended to read as follows:

2  
3                “Section 1. It shall be unlawful to for any hospital, 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                or have been adequately attended to or the BODIES/ CADAVERS OF PATIENTS  
7                who may have died, for reasons of nonpayment, in part or in full, of hospital bills  
8                or medical expenses.”  
9

10        *Section 2.* – Section 2 of Republic Act No. 9439 shall be amended to read as follows;

11  
12                “Section 2. Patients who have fully or partially recovered and who already wish to  
13                leave the hospital or medical clinic or ANY OTHER SIMILAR FACILITY but are

1 financially incapable to settle, in part or in full, their hospitalization expenses,  
2 including professional fees and medicines, shall be allowed to leave the hospital or  
3 medical clinic OR ANY SIMILAR FACILITY, with a right to demand the issuance  
4 of the corresponding medical certificate and other pertinent papers required for the  
5 release of the patient from the hospital, medical clinic OR ANY SIMILAR  
6 FACILITY, upon the execution of a promissory note covering the unpaid  
7 obligation. The promissory note shall be secured by either a mortgage or by a  
8 guarantee of a co-maker, who will be jointly and severally liable with the patient  
9 for the unpaid obligation.

10  
11 IN LIEU OF THE MORTGAGE OR GUARANTEE OF A CO-MAKER, A  
12 PATIENT WHO IS AN ACTIVE MEMBER OF EITHER THE SOCIAL  
13 SECURITY SYSTEM (SSS), GOVERNMENT SERVICE INSURANCE  
14 SYSTEM (GSIS) AND PHILIPPINE HEALTH INSURANCE CORPORATION  
15 (PHILHEALTH), MAY PRESENT A GUARANTEE LETTER OR SUCH  
16 OTHER EQUIVALENT PROOF OF COVERAGE OR ASSISTANCE AS MAY  
17 BE RECOGNIZED UNDER THE IMPLEMENTING RULES AND  
18 REGULATIONS ALONG WITH THE PROMISSORY NOTE.

19  
20 FOR INDIGENT PATIENTS, A GUARANTEE LETTER OR CERTIFICATION  
21 FROM THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT  
22 (DSWD) SHALL BE DEEMED SUFFICIENT BY THE CONCERNED  
23 HOSPITAL, MEDICAL CLINIC, OR ANY OTHER FACILITY.

24  
25 In case of deceased patient, the corresponding death certificate and other documents  
26 required for interment and other purposes shall be released to any of his or her  
27 surviving relatives requesting for the same. The nonpayment of hospital bills or  
28 medical expenses shall not be a ground to withhold the release of the body / cadaver.  
29 The body / cadaver shall be released without delay and within reasonable period  
30 from the time of death, subject to lawful medico-legal requirements, as may be  
31 required under applicable laws, rules and regulations. A GUARANTEE LETTER  
32 FROM SSS, GSIS, OR PHILHEALTH MAY BE PRESENTED IF THE  
33 DECEASED WAS A MEMBER OF SAID AGENCIES.

34  
35 FOR INDIGENT DECEDENTS, A GUARANTEE LETTER FROM THE DSWD  
36 SHALL BE SUFFICIENT.

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38 Provided, however, That patients who stayed in private rooms shall not be covered  
39 by this Act.

1       Section 3. Section 3 of RA 9349 shall be amended to read as follows:  
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3               “SECTION 3. Any officer or employee of the hospital, medical clinic or ANY  
4       SIMILAR FACILITY responsible for releasing patients, who violates the  
5       provisions of this Act, shall UPON CONVICTION BE PUNISHED BY A FINE  
6       OF NOT LESS THAN ONE HUNDRED AND FIFTY THOUSAND PESOS  
7       (P150,000.00) BUT NOT MORE THAN THREE HUNDRED THOUSAND  
8       PESOS (P300,000.00) OR IMPRISONMENT OF NOT LESS THAN ONE (1)  
9       YEAR AND ONE (1) DAY BUT NOT MORE THAN TWO (2) YEARS OR  
10       BOTH, AT THE DISCRETION OF THE PROPER COURT.  
11

12               PROVIDED, HOWEVER, THAT IF SUCH VIOLATION WAS COMMITTED  
13       PURSUANT TO THE ESTABLISHED POLICY, PRACTICE, OR DIRECTIVE  
14       OF THE HOSPITAL, MEDICAL CLINIC OR ANY OTHER SIMILAR  
15       FACILITY THAT IS OWNED BY A CORPORATION, PARTNERSHIP,  
16       ASSOCIATION, AGENCY, OR OTHER JURIDICAL ENTITY, THE PENALTY  
17       SHALL BE IMPOSED UPON THE OFFICER OR OFFICERS RESPONSIBLE  
18       FOR THE VIOLATION, WHO SHALL, UPON CONVICTION BE PUNISHED  
19       BY A FINE OF NOT LESS THAN ONE MILLION PESOS (P1,000,000.00) BUT  
20       NOT MORE THAN THREE (3) MILLION PESOS (P3,000,000.00) AT THE  
21       DISCRETION OF THE COURT.  
22

23               FURTHER, UPON THE THIRD (3) CONVICTION FOR VIOLATIONS  
24       COMMITTED PURSUANT TO SUCH ESTABLISHED POLICY, PRACTICE,  
25       OR DIRECTIVE, THE DEPARTMENT OF HEALTH (DOH) MAY AFTER DUE  
26       NOTICE AND HEARING REVOKE THE LICENSE TO OPERATE OF THE  
27       HOSPITAL, MEDICAL CLINIC, OR ANY OTHER SIMILAR FACILITY,  
28       WITHOUT PREJUDICE TO OTHER ADMINISTRATIVE SANCTIONS. “  
29

30  
31       Section 4. *Appropriations.* – To carry out the provision of this Act, the DOH, DSWD and  
32       other concerned agencies shall appropriate in their annual such sums as may be necessary for each  
33       fiscal year.  
34

35       Section 5. *Implementing Rules and Regulations.* – Within ninety (90) days from the  
36       effectivity of this Act, the DOH, in coordination with the DSWD, PhilHealth, Philippine Charity  
37       Sweepstakes Office, SSS, GSIS in consultation with relevant agencies and stakeholders, shall  
38       promulgate the implementing rules and regulations to effectively carry out the provisions of this  
39       Act.  
40

1           *Section 6. Separability Clause.* – If any provision of this Act is declared unconstitutional  
2 or invalid, the other provision of this Act not affected thereby shall remain in full force and effect.

3  
4           *Section 7. Repealing clause.* – All laws, decrees, orders, rules and regulations, or parts  
5 thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified  
6 accordingly.

7  
8           *Section 8. Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
9 publication in the Official Gazette or in a newspaper of general circulation.

10  
11    Approved,