

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

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. **10135**



Introduced by Representative LEILA M. DE LIMA

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

Enshrined in the 1987 Constitution is the people's right to health, a right grounded in the State's commitment to upholding the dignity of every person and guaranteeing full respect for human rights.¹ The primacy of such right is further articulated in Article XIII, Section 11, which commands the State to adopt an integrated and comprehensive approach to health development, ensuring that affordable health care is available to all people at all levels of society.

Pursuant to this Constitutional mandate, Congress has passed several legislations that endeavor to curtail hospital practices that are prejudicial in nature. One such law is Republic Act No. 9439, otherwise known as "An Act Prohibiting the Detention of Patients in Hospitals and Medical Clinics on Grounds of Nonpayment of Hospital Bills or Medical Expenses". R.A. 9439 declares as unlawful the detention of patients in hospitals when they are unable to pay the full value of their medical bills.

However, to this day, complaints against hospitals on allegations of hospital detention continue to persist.² Reports indicate that some health care institutions

¹ Art. II, Sec. 11, 1987 CONST.

² Crisostomo, S. (5 December 2019). *DOH probes 77 illegal detention complaints vs hospitals*. The Philippine Star. Retrieved from <https://www.philstar.com/headlines/2019/12/05/1974390/doh-probes->

continue to employ practices that effectively prevent patients or their relatives from leaving the hospital or obtaining the documents necessary for their discharge, despite the law's clear prohibition.³

More stringent measures are thus necessary. This amendatory bill seeks to strengthen the safeguards of RA 9439 by expressly prohibiting the detention not only of patients, but also of their relatives, representatives, carers, and newborn children. It also expands the prohibition by stating that even outstanding professional fees shall not constitute a lawful ground for detention. Lastly, the measure exempts indigent senior citizens from the requirement of executing a promissory note upon proper endorsement by the hospital's social service office.

Nevertheless, this bill, in recognizing the legitimate interests of health care providers in securing payment, broadens the acceptable forms of security for unpaid obligations. In addition to promissory notes, it authorizes the use of deeds of assignment covering benefits from the Government Service Insurance System (GSIS) or the Social Security System (SSS), as well as guarantee letters issued by the Philippine Charity Sweepstakes Office (PCSO), the Department of Social Welfare and Development (DSWD), or the Department of Health (DOH).

Ultimately, by providing more safeguards and imposing more effective sanctions for violations, this bill emphasizes what seems to be forgotten by many: the right to health is not a privilege reserved only to those who can afford it, but it is a right of every Filipino irrespective of status and capacity.

In the 20th Congress, a similar bill was filed by Senators Risa Hontiveros, Jinggoy Estrada, and Erwin Tulfo as Senate Bill No. 1511, Representatives Dadah Kiram Ismula, Jose Manuel Diokno, Percival Cendana, and Kaka Bag-ao as House Bill No. 6832, and Representative Arlyn Ayon as House Bill No. 7476.

The immediate passage of this bill is earnestly sought.


LEILA M. DE LIMA

77-illegal-detention-complaints-vs-hospitals; Tupas, E. (4 April 2024). *Private hospital accused of illegal detention*. The Philippine Star. Retrieved from <https://www.philstar.com/nation/2024/04/04/2345132/private-hospital-accused-illegal-detention>

³ Rita, J. (3 April 2024). *Valenzuela hospital allegedly detained patients' kin for days over unpaid bills*. GMA Integrated News. Retrieved from <https://www.gmanetwork.com/news/topstories/metro/902510/valenzuela-hospital-allegedly-detained-patients-kin-for-days-over-unpaid-bills/story/>

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

12
13 **IT SHALL ALSO BE UNLAWFUL TO DETAIN THE RELATIVES,**
14 **REPRESENTATIVES, OR CARERS OF SUCH PATIENTS, AS WELL**
15 **AS THE NEWBORN CHILD IN THE CASE OF MATERNITY PATIENTS,**
16 **IN EXCHANGE FOR THE PATIENT TO BE ALLOWED TO LEAVE THE**
17 **HOSPITAL, MEDICAL CLINIC, OR ANY OTHER SIMILAR FACILITY.**
18

1 PATIENTS WHO STAYED IN PRIVATE ROOMS SHALL NOT BE
2 COVERED BY THIS ACT, UNLESS THE SAID PATIENT,
3 NOTWITHSTANDING ONE'S EXPRESSED DESIRE TO BE ADMITTED
4 TO A NON-PRIVATE ROOM, WAS ADMITTED TO A PRIVATE ROOM
5 FOR THE FOLLOWING REASONS:

6
7 (A) NO NON-PRIVATE ROOM IN THE HOSPITAL, MEDICAL
8 CLINIC, OR ANY OTHER SIMILAR FACILITY, WAS AVAILABLE AND
9 THE PATIENT WAS COMPELLED TO BE ADMITTED THERETO DUE
10 TO THE URGENCY OF THE CASE; AND

11 (B) THE PHYSICIAN OR OTHER MEDICAL PROFESSIONALS
12 OF THE HOSPITAL, MEDICAL CLINIC, OR ANY OTHER SIMILAR
13 FACILITY, DEEMED IT TO BE IN THE BEST INTEREST OF THE
14 PATIENT TO BE ADMITTED TO A PRIVATE ROOM FOR PURPOSES
15 OF INTENSIVE CARE, ISOLATION, QUARANTINE, OR OTHER
16 COMPELLING CIRCUMSTANCES."

17
18 SEC. 2. Patients who have fully or partially recovered and who
19 ~~[already]~~ wish to leave the hospital, ~~[or]~~ medical clinic, **OR ANY OTHER**
20 **SIMILAR FACILITY**, but are financially incapable ~~[to settle]~~ **OF**
21 **SETTLING**, in part or in full, their hospitalization expenses, including
22 professional fees and medicines, shall be allowed to leave the hospital or
23 medical clinic, with ~~[a]~~ **THE** right to demand the **IMMEDIATE** issuance of
24 the corresponding medical certificate, **DISCHARGE SUMMARY**, and
25 other pertinent papers required for ~~[the]~~ **THEIR** release, ~~[of the patient~~
26 ~~from the hospital or medical clinic]~~ upon the execution of a promissory note
27 covering the unpaid obligation: **PROVIDED, THAT NO PROMISSORY**
28 **NOTE SHALL BE REQUIRED ON INDIGENT SENIOR CITIZENS WHO**
29 **HAVE BEEN ENDORSED BY THE MEDICAL SOCIAL SERVICES**
30 **OFFICE OF THE HOSPITAL, MEDICAL CLINIC, OR ANY SIMILAR**
31 **FACILITY, TO THE DEPARTMENT OF SOCIAL WELFARE AND**
32 **DEVELOPMENT (DSWD): PROVIDED, FURTHER, THAT THOSE**
33 **PATIENTS WHO ARE PARTIALLY RECOVERED SHALL SIGN A**
34 **WAIVER OR UNDERTAKING THAT THEY ARE ASSUMING THE RISK**
35 **OF THE CONSEQUENCES FOR REQUESTING FOR DISCHARGE**
36 **DESPITE HAVING NOT FULLY RECOVERED.**

37
38 The promissory note shall be secured by ~~[either a mortgage or by~~
39 ~~a guarantee of a co-maker, who will be jointly and severally liable with the~~
40 ~~patient for the unpaid obligation.] ANY OR A COMBINATION OF THE~~
41 **FOLLOWING:**

42
43 (A) A MORTGAGE OVER REAL OR PERSONAL PROPERTY OF
44 THE PATIENT, A RELATIVE, OR A CO-MAKER, WITHOUT NEED OF

1 PUBLIC AUCTION, IN ACCORDANCE WITH REPUBLIC ACT NO.
2 11057, OTHERWISE KNOWN AS THE "PERSONAL PROPERTY
3 SECURITY ACT";

4 (B) A GUARANTEE OF A CO-MAKER WHO SHALL BE JOINTLY
5 AND SEVERALLY LIABLE WITH THE PATIENT FOR THE UNPAID
6 OBLIGATION;

7 (C) A DEED OF ASSIGNMENT OF THE LOAN PROCEEDS OR
8 BENEFITS ENTITLEMENT FROM THE SOCIAL SECURITY SYSTEM
9 (SSS) OR THE GOVERNMENT SERVICE INSURANCE SYSTEM
10 (GSIS), IN CASE THE PATIENT IS AN ACTIVE MEMBER THEREOF;

11 (D) A GUARANTEE LETTER FROM THE PHILIPPINE CHARITY
12 SWEEPSTAKES OFFICE (PCSO); AND

13 (E) IN THE CASE OF INDIGENT AND FINANCIALLY-
14 INCAPACITATED PATIENTS, A GUARANTEE LETTER FROM THE
15 DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD)
16 OR THE DEPARTMENT OF HEALTH (DOH).

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

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

42
43 SEC. 3. Any officer or employee of the hospital, ~~[or]~~ medical clinic,
44 **OR ANY OTHER SIMILAR FACILITY**, responsible for ~~[releasing]~~ **THE**

1 **DISCHARGE OF patients OR THE RELEASE OF CADAVERS**, who
2 violates the provisions of this Act, shall [~~be punished by a fine of not less~~
3 ~~than Twenty thousand pesos (P20,000.00), but not more than Fifty~~
4 ~~thousand pesos (P50,000.00), or imprisonment of not less than one~~
5 ~~month, but not more than six months, or both such fine and imprisonment,~~
6 ~~at the discretion of the proper court]~~, **UPON CONVICTION BY FINAL**
7 **JUDGMENT, BE PUNISHED BY IMPRISONMENT OF NOT LESS THAN**
8 **SIX (6) MONTHS AND ONE (1) DAY BUT NOT MORE THAN TWO (2)**
9 **YEARS AND FOUR (4) MONTHS, OR A FINE OF NOT LESS THAN ONE**
10 **HUNDRED THOUSAND PESOS (P100,000.00), BUT NOT MORE THAN**
11 **THREE HUNDRED THOUSAND PESOS (P300,000.00), OR BOTH, AT**
12 **THE DISCRETION OF THE COURT.**

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

24
25 **UPON THE COMMISSION OF THREE (3) REPEATED**
26 **VIOLATIONS UNDER SUCH POLICY OR INSTRUCTION, THE**
27 **LICENSE TO OPERATE OF SUCH HEALTH FACILITY SHALL BE**
28 **REVOKED BY THE DOH."**

29
30 *SEC. 2. Access to Government Medical Assistance Programs.* – The DOH shall
31 ensure that patients covered under this Act shall have access to the medical
32 assistance programs of the government to cover unpaid promissory notes issued by
33 indigent and financially-incapacitated patients, subject to existing guidelines.

34
35 *SEC. 3. Patient Grievance and Discharge Protocol.* - The DOH shall establish
36 a grievance and redress mechanism for patients and their families who are unlawfully
37 detained in hospitals, medical clinics, or similar facilities, due to non-payment, in part
38 or in full, of hospital bills, medical expenses, or professional fees.

39
40 All hospitals and medical facilities shall adopt standard patient discharge
41 protocols, which shall include:

- 42 (a) Immediate release of required medical documents;
43 (b) Posting of patients' rights under this Act in conspicuous areas; and

1 (c) Referral to the hospital's medical social service office for indigent or
2 financially-incapacitated patients.
3

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

9 SEC. 5. *Separability Clause.* - If any provision of this Act is declared
10 unconstitutional or invalid, other provisions not otherwise affected shall remain in full
11 force and effect.
12

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

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

Approved,