



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

20th CONGRESS
2nd Regular Session

HOUSE BILL NO. 11396



Introduced by **REPRESENTATIVE JENNIFER A. LAGBAS**

EXPLANATORY NOTE

Republic Act No. 9439, otherwise known as the “Anti-Hospital Detention Law,” was enacted to protect patients from being detained in hospitals and medical clinics solely because of their inability to fully settle hospital bills and medical expenses. Despite this protection, patients and their families may still encounter practices that, while not always involving physical restraint, effectively prevent them from leaving a health facility or obtaining the documents and assistance necessary for discharge, transfer, interment, insurance claims, or access to other benefits.

The right of a patient to leave a health facility after appropriate medical care should not be made dependent upon the immediate payment of outstanding financial obligations. Neither should unpaid hospital bills justify withholding medical records, certificates, personal belongings, the remains of deceased patients, or other documents indispensable to the patient and the patient's family.

This measure therefore seeks to strengthen Republic Act No. 9439 by providing a clearer and more comprehensive definition of prohibited detention and expanding its application to different forms of direct and indirect restraint. It expressly prohibits practices such as withholding documents required for discharge or transfer, refusing to release the remains of deceased patients, conditioning discharge upon partial payment or the execution of waivers, retaining identification documents or personal belongings as security, and obstructing the transfer of patients to another health facility.

The bill likewise establishes definite periods within which patients must be discharged or released and pertinent documents issued. It further provides safeguards against excessive charges and ensures that patients covered by the law may access available government medical assistance programs.

To ensure meaningful compliance, the measure also strengthens the corresponding penalties and provides accountability not only for the health facility concerned but also for responsible officers who knowingly order, authorize, ratify, or tolerate violations of the law.

Ultimately, this measure seeks to ensure that the legitimate right of health facilities to recover unpaid obligations is balanced with the dignity, liberty, and welfare of patients and their families. Financial incapacity should never become a basis for coercion, continued confinement, or deprivation of documents and rights necessary for a patient to move forward after receiving medical care.

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



HON. JENNER A. LAGBAS
Representative
First District, Misamis Oriental



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

20th CONGRESS
2nd Regular Session

HOUSE BILL NO. 11396

Introduced by **REPRESENTATIVE JENNIFER A. LAGBAS**

AN ACT
STRENGTHENING THE PROTECTION OF PATIENTS AGAINST DETENTION FOR
NONPAYMENT OF HOSPITAL BILLS AND MEDICAL EXPENSES, AMENDING FOR
THE PURPOSE REPUBLIC ACT NO. 9439

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

SECTION 1. A new Section 1 is hereby inserted in Republic Act No. Republic Act No. 9439, titled “An Act Prohibiting the Detention of Patients in Hospitals and Medical Clinics on Grounds of Nonpayment of Hospital Bills or Medical Expenses,” and the succeeding sections are hereby renumbered accordingly, to read as follows:

“SECTION 1. *Definition of Terms.* - AS USED IN THIS ACT:

(A) *HEALTH FACILITY* REFERS TO ANY HOSPITAL, INFIRMARY, MEDICAL CLINIC, BIRTHING HOME OR LYING-IN CLINIC, AMBULATORY SURGICAL CLINIC, DIALYSIS CENTER, CUSTODIAL OR PSYCHIATRIC CARE FACILITY, AND ANY OTHER FACILITY LICENSED BY THE DEPARTMENT OF HEALTH UNDER REPUBLIC ACT NO. 4226 AND ITS IMPLEMENTING RULES, WHETHER PUBLIC OR PRIVATE, AND WHETHER OPERATED FOR PROFIT OR NOT.

(B) *DETENTION* REFERS TO ANY ACT OR OMISSION THAT RESTRAINS OR HAS THE EFFECT OF RESTRAINING A PATIENT, RELATIVE, REPRESENTATIVE, CAREGIVER, COMPANION, NEWBORN, OR THE REMAINS OF A DECEASED PATIENT FROM LEAVING OR BEING RELEASED FROM A HEALTH FACILITY ON THE GROUND OF

NON-PAYMENT, IN WHOLE OR IN PART, OF HOSPITAL BILLS, MEDICAL EXPENSES, OR PROFESSIONAL FEES. IT INCLUDES:

- (1) REFUSING OR FAILING TO PHYSICALLY DISCHARGE A PATIENT AFTER A DISCHARGE ORDER HAS BEEN ISSUED;**
- (2) REFUSING OR FAILING TO ISSUE A MEDICAL CERTIFICATE, DISCHARGE SUMMARY, CLINICAL ABSTRACT, OPERATIVE RECORD, PRESCRIPTION, LABORATORY OR IMAGING RESULT, CERTIFICATE OF LIVE BIRTH, NEWBORN SCREENING RESULT, CERTIFICATE OF DEATH, OR ANY DOCUMENT REQUIRED FOR DISCHARGE, TRANSFER, INTERMENT, CIVIL REGISTRATION, BENEFIT OR INSURANCE CLAIM, OR LEGAL PROCEEDINGS;**
- (3) REFUSING OR FAILING TO FILE THE PATIENT'S CLAIM WITH THE PHILIPPINE HEALTH INSURANCE CORPORATION, OR CONDITIONING THE FILING ON PAYMENT OF ANY BALANCE;**
- (4) REFUSING TO REMOVE A MEDICAL DEVICE WHERE REMOVAL IS MEDICALLY APPROPRIATE;**
- (5) REFUSING TO RELEASE PERSONAL BELONGINGS, OR REQUIRING THE SURRENDER OR RETENTION OF ANY IDENTIFICATION CARD, PASSPORT, DRIVER'S LICENCE, AUTOMATED TELLER MACHINE CARD, PHILHEALTH CARD, OR SIMILAR INSTRUMENT AS SECURITY;**
- (6) REFUSING TO RELEASE THE REMAINS OF A DECEASED PATIENT TO A SURVIVING RELATIVE OR AUTHORISED REPRESENTATIVE;**
- (7) REQUIRING A DEPOSIT, DOWNPAYMENT, OR PARTIAL PAYMENT AS A CONDITION OF DISCHARGE OR RELEASE;**
- (8) REFUSING OR FAILING TO EFFECT OR FACILITATE A REQUESTED TRANSFER, OR TO FURNISH THE RECEIVING FACILITY WITH THE RECORDS NECESSARY FOR CONTINUITY OF CARE;**
- (9) CONDITIONING DISCHARGE OR RELEASE ON THE EXECUTION OF A WAIVER OF ANY RIGHT UNDER THIS ACT, ON THE WITHDRAWAL OF A COMPLAINT, OR ON THE RELEASE OF THE FACILITY FROM LIABILITY; AND**

(10) SUMMONING OR THREATENING TO SUMMON LAW ENFORCEMENT, BARANGAY OFFICIALS, OR SECURITY PERSONNEL TO PREVENT DEPARTURE.

(C) *DISCHARGE ORDER* REFERS TO THE WRITTEN ORDER OF THE ATTENDING PHYSICIAN, ENTERED IN THE PATIENT'S RECORD WITH THE DATE AND TIME THAT THE PATIENT MAY BE DISCHARGED, TRANSFERRED, OR RELEASED.

(D) *FINANCIALLY INCAPACITATED PATIENTS* REFERS TO PATIENTS WHO, AFTER APPLICATION OF ALL PHILIPPINE HEALTH INSURANCE CORPORATION BENEFITS AND OTHER GOVERNMENT MEDICAL ASSISTANCE, ARE UNABLE TO SETTLE THE REMAINING BALANCE IN WHOLE OR IN PART WITHOUT PREJUDICE TO THE SUBSISTENCE OF THE PATIENT OR THE PATIENT'S FAMILY.

THE FOLLOWING ARE CONCLUSIVELY PRESUMED FINANCIALLY INCAPACITATED: BENEFICIARIES OF THE *PANTAWID PAMILYANG PILIPINO PROGRAM*; INDIRECT CONTRIBUTORS AND SPONSORED MEMBERS UNDER REPUBLIC ACT NO. 11223; HOLDERS OF A CERTIFICATE OF INDIGENCY ISSUED BY THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT, THE CITY OR MUNICIPAL SOCIAL WELFARE OFFICE, OR THE BARANGAY; AND PATIENTS ADMITTED TO BASIC OR WARD ACCOMMODATION IN A GOVERNMENT HEALTH FACILITY.

(E) *RESPONSIBLE OFFICER* REFERS TO THE PRESIDENT, CHIEF EXECUTIVE OFFICER, MEDICAL DIRECTOR, CHIEF OF HOSPITAL, ADMINISTRATOR, CHIEF FINANCIAL OFFICER, OR ANY OFFICER WHO KNOWINGLY ORDERED, AUTHORIZED, RATIFIED, OR TOLERATED AN ACT OF DETENTION.”

SEC. 2. - Section 1 of Republic Act No. 9439 is hereby amended to read as follows:

SECTION [1] 2. *PROHIBITION AGAINST DETENTION AND OTHER ACTS ARISING FROM NONPAYMENT.* - It shall be unlawful for any HEALTH FACILITY, WHETHER PUBLIC OR PRIVATE, OR FOR ANY PERSON ACTING FOR OR ON ITS BEHALF, INCLUDING ANY COLLECTION AGENT, FUNERAL ESTABLISHMENT, OR MORTUARY HOLDING HUMAN REMAINS AT ITS INSTANCE [hospital or medical clinic] 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, WHO SEEK TRANSFER TO ANOTHER FACILITY, WHO ARE DISCHARGED AGAINST MEDICAL ADVICE, or who may have died, for reasons of nonpayment in part or in full of hospital bills [or] medical expenses OR PROFESSIONAL FEES.

IT SHALL LIKEWISE BE UNLAWFUL TO DETAIN THE RELATIVE, REPRESENTATIVE, CAREGIVER, OR COMPANION OF SUCH A PATIENT, OR A NEWBORN CHILD, IN EXCHANGE FOR ALLOWING THE PATIENT TO LEAVE, OR TO SEPARATE A NEWBORN FROM THE MOTHER FOR THE PURPOSE OF SECURING PAYMENT.

THIS ACT SHALL APPLY REGARDLESS OF THE CLASS OF ACCOMMODATION OCCUPIED BY THE PATIENT.

SEC. 3. Section 2 of Republic Act No. 9439 is hereby amended to read as follows:

SEC. [2] 3. *DISCHARGE, TRANSFER, RELEASE, AND PAYMENT ARRANGEMENTS.* - Patients who have fully or partially recovered and who already wish to leave, **TRANSFER, OR GET RELEASED FROM** the [hospital or medical clinic] **HEALTH FACILITY** but are financially incapacitated 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] **HEALTH FACILITY**, 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] **HEALTH FACILITY**. [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. In the case of a deceased patient, the corresponding death certificate and other documents required for interment and other purposes shall be released to any of his surviving relatives requesting for the same: Provided, however, That patients who stayed in private rooms shall not be covered by this Act.]

A HEALTH FACILITY MAY REQUEST, BUT SHALL NOT REQUIRE AS A CONDITION FOR DISCHARGE, TRANSFER, OR RELEASE, THE EXECUTION OF A PROMISSORY NOTE COVERING THE UNPAID OBLIGATION. ANY SUCH PROMISSORY NOTE SHALL BE IN A FORM PRESCRIBED BY THE DEPARTMENT OF HEALTH, WRITTEN IN FILIPINO, ENGLISH, OR A LANGUAGE OR DIALECT UNDERSTOOD BY THE SIGNATORY, SHALL STATE THE TOTAL OUTSTANDING OBLIGATION AND THE ITEMIZED BILL UPON WHICH IT IS BASED, AND SHALL BE ACCOMPANIED BY A COPY FURNISHED TO THE SIGNATORY AT THE TIME OF EXECUTION.

THE OBLIGATION SHALL BEAR SIMPLE INTEREST AT THE PREVAILING LEGAL RATE. NO PENALTY CHARGE, COLLECTION FEE, SERVICE CHARGE, OR COMPOUNDING OF INTEREST SHALL BE IMPOSED.

NO PROMISSORY NOTE OR OTHER SECURITY SHALL BE REQUIRED OF A FINANCIALLY INCAPACITATED PATIENT.

A HEALTH FACILITY SHALL COMPLY WITH THE FOLLOWING PERIODS:

- (A) PHYSICAL DISCHARGE OR RELEASE OF A PATIENT SHALL BE EFFECTED WITHIN SIX (6) HOURS FROM THE ISSUANCE OF THE DISCHARGE ORDER;**
- (B) IN THE CASE OF A PATIENT ELECTING TO LEAVE AGAINST MEDICAL ADVICE, THE PATIENT SHALL BE ALLOWED TO LEAVE WITHIN SIX (6) HOURS FROM THE PATIENT'S WRITTEN REQUEST, SUBJECT ONLY TO THE COMPLETION OR DOCUMENTED REFUSAL OF THE APPROPRIATE ACKNOWLEDGMENT OR WAIVER;**
- (C) A REQUESTED TRANSFER SHALL BE FACILITATED WITHOUT UNREASONABLE DELAY. UPON COMPLETION OF MEDICALLY NECESSARY TRANSFER ARRANGEMENTS AND ACCEPTANCE BY THE RECEIVING HEALTH FACILITY, WHEN SUCH ACCEPTANCE IS REQUIRED, THE TRANSFERRING HEALTH FACILITY SHALL NOT DELAY THE TRANSFER BY REASON OF ANY UNPAID OBLIGATION;**
- (D) THE REMAINS OF A DECEASED PATIENT SHALL BE RELEASED WITHIN TWELVE (12) HOURS FROM CERTIFICATION OF DEATH;**
- (E) THE CERTIFICATE OF DEATH, CERTIFICATE OF LIVE BIRTH, AND ANY DOCUMENT REQUIRED FOR INTERMENT OR CIVIL REGISTRATION SHALL BE ISSUED OR RELEASED WITHIN TWENTY-FOUR (24) HOURS FROM THE EVENT GIVING RISE TO ITS ISSUANCE OR FROM WRITTEN REQUEST, AS APPLICABLE; AND**
- (F) ALL OTHER DOCUMENTS REQUIRED UNDER THIS ACT SHALL BE ISSUED OR RELEASED WITHIN TWENTY-FOUR (24) HOURS FROM DISCHARGE, TRANSFER, OR WRITTEN REQUEST, WHICHEVER IS LATER."**

SEC. 4. A new Section 4 is hereby inserted after Section 3 of Republic Act No. 9439, to read as follows:

"SEC. 4. VOLUNTARY SECURITY FOR UNPAID OBLIGATIONS. - NOTHING IN THIS ACT SHALL EXTINGUISH OR IMPAIR A LAWFUL OBLIGATION ARISING FROM HOSPITAL BILLS, MEDICAL EXPENSES, PROFESSIONAL FEES, MEDICINES, OR OTHER CHARGES. A HEALTH FACILITY MAY PURSUE THE COLLECTION OF ANY UNPAID OBLIGATION THROUGH LAWFUL MEANS AFTER THE DISCHARGE, TRANSFER, OR RELEASE OF THE PATIENT.

AN UNPAID OBLIGATION MAY, WITH THE VOLUNTARY AND INFORMED CONSENT OF THE DEBTOR OR OTHER PERSON PROVIDING SECURITY, BE SECURED BY ANY OR A COMBINATION OF THE FOLLOWING:

- (A) A SECURITY INTEREST OVER MOVABLE PROPERTY UNDER REPUBLIC ACT NO. 11057, ENFORCEABLE ONLY IN ACCORDANCE WITH THAT ACT, OR A REAL ESTATE MORTGAGE UNDER THE CIVIL CODE AND ACT NO. 3135, IN EITHER CASE EXCLUDING THE FAMILY HOME AND ANY PROPERTY PRIMARILY USED FOR THE LIVELIHOOD OF THE PATIENT, A RELATIVE OR A CO-MAKER;**
- (B) A CONTRACT OF GUARANTY OR SURETYSHIP;**
- (C) A DEED OF ASSIGNMENT OF THE PROCEEDS OF ANY PRIVATE HEALTH, ACCIDENT OR LIFE INSURANCE POLICY, OR OF A LOAN GRANTED BY THE SOCIAL SECURITY SYSTEM OR THE GOVERNMENT SERVICE INSURANCE SYSTEM; AND, TO THE EXTENT ONLY OF THE SICKNESS, DISABILITY OR FUNERAL BENEFIT ARISING FROM THE SAME CONFINEMENT OR DEATH, A DEED OF ASSIGNMENT OF THAT BENEFIT, NOTWITHSTANDING SECTION 15 OF REPUBLIC ACT NO. 11199 AND SECTION 39 OF REPUBLIC ACT NO. 8291, WHICH SHALL OTHERWISE REMAIN IN FULL FORCE; OR**
- (D) A GUARANTEE LETTER FROM THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT, THE DEPARTMENT OF HEALTH, THE PHILIPPINE CHARITY SWEEPSTAKES OFFICE, OR A LOCAL GOVERNMENT UNIT.**

NO SECURITY, ASSIGNMENT, LIEN, OR SIMILAR ENCUMBRANCE SHALL ATTACH TO ANY BENEFIT, SUM, OR PROPERTY WHICH, UNDER REPUBLIC ACT NO. 11199, REPUBLIC ACT NO. 8291, OR ANY OTHER LAW, IS EXEMPT FROM TRANSFER, ASSIGNMENT, ATTACHMENT, GARNISHMENT, EXECUTION, LEVY, OR OTHER LEGAL PROCESS.

CONSISTENTLY WITH REPUBLIC ACT NO. 11223, NO BALANCE SHALL BE BILLED TO A PATIENT ADMITTED TO BASIC OR WARD ACCOMMODATION IN A GOVERNMENT HEALTH FACILITY.”

SEC. 5. Section 3 of Republic Act No. 9439 is hereby amended to read as follows:

“SEC. [3] 5. *PENALTIES.* - [Any officer or employee of the hospital, medical clinic, responsible for releasing patients, who violates the provisions of this Act, shall be punished by 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 such fine and imprisonment, at the discretion of the

proper court.] A HEALTH FACILITY THAT VIOLATES THIS ACT SHALL BE PUNISHED BY A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS (P100,000.00) BUT NOT MORE THAN THREE HUNDRED THOUSAND PESOS (P300,000.00) FOR EACH VIOLATION AND SHALL BE SUBSIDIARILY LIABLE FOR ANY FINE IMPOSED ON ITS OFFICERS OR EMPLOYEES.

A RESPONSIBLE OFFICER WHO KNOWINGLY ORDERED, AUTHORIZED, RATIFIED, OR TOLERATED THE VIOLATION SHALL, UPON CONVICTION, SUFFER THE PENALTY OF *PRISION CORRECCIONAL* IN ITS MINIMUM PERIOD, 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.

WHERE THE VIOLATION WAS COMMITTED PURSUANT TO AN ESTABLISHED POLICY OF THE HEALTH FACILITY OR UPON THE INSTRUCTION OF ITS MANAGEMENT, A RESPONSIBLE OFFICER SHALL, UPON CONVICTION, SUFFER THE PENALTY OF *PRISION MAYOR* IN ITS MINIMUM PERIOD, OR A FINE NOT LESS THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00) BUT NOT MORE THAN ONE MILLION PESOS (P1,000,000.00), OR BOTH, AT THE DISCRETION OF THE COURT.

THE COMMISSION OF THREE (3) OR MORE VIOLATIONS WITHIN A PERIOD OF TWELVE (12) MONTHS SHALL GIVE RISE TO A DISPUTABLE PRESUMPTION THAT THE VIOLATIONS WERE COMMITTED PURSUANT TO AN ESTABLISHED POLICY.

AN EMPLOYEE WHO COMMITTED THE ACT UPON THE INSTRUCTION OF A SUPERIOR AND WHO REPORTED THE INSTRUCTION TO THE DEPARTMENT OF HEALTH WITHIN SEVEN (7) DAYS SHALL BE EXEMPT FROM CRIMINAL LIABILITY UNDER THIS ACT AND SHALL NOT BE SUBJECT TO ANY DISCIPLINARY ACTION BY REASON OF THE REPORT.”

SEC. 6. A new Section 6 is hereby inserted after Section 5 of Republic Act No. 9439, to read as follows:

“SEC. 6. ACCESS TO GOVERNMENT MEDICAL ASSISTANCE PROGRAM. - THE DEPARTMENT OF HEALTH SHALL ENSURE THAT PATIENTS COVERED UNDER THIS ACT SHALL HAVE ACCESS TO MEDICAL ASSISTANCE PROGRAMS TO COVER UNPAID HOSPITALIZATION BILLS, MEDICAL EXPENSES, OR PROFESSIONAL FEES.”

SEC. 7. A new Section 7 is hereby inserted after Section 6 of Republic Act No. 9439, to read as follows:

“SEC. 7. PATIENT GRIEVANCE AND DISCHARGE PROTOCOL. - THE DEPARTMENT OF HEALTH SHALL ESTABLISH A GRIEVANCE AND

REDRESS MECHANISM FOR PATIENTS AND THEIR FAMILIES WHO ARE UNLAWFULLY DETAINED IN ANY HEALTH FACILITY DUE TO NON-PAYMENT, IN PART OR IN FULL, OF HOSPITAL BILLS, MEDICAL EXPENSES, OR PROFESSIONAL FEES.”

SEC. 8. *Implementing Rules and Regulations.* - The Department of Health, in coordination with the Department of Social Welfare and Development (DSWD), the Department of the Interior and Local Government (DILG), PhilHealth, Government Service Insurance System (GSIS), Social Security System (SSS), and the Philippine Charity Sweepstakes Office (PCSO), in consultation with relevant government agencies, the private sector, and other stakeholders, shall promulgate the rules and regulations implementing the provisions of this Act within ninety (90) days from its effectivity.

SEC. 9. *Separability Clause.* - If for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 10. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 11. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,