



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

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 11490



Introduced by **Representative EDUARDO R. RAMA JR.**

EXPLANATORY NOTE

Patients should not be deprived of their liberty, nor should their families be prevented from securing their release or obtaining necessary medical documents, solely because of their inability to immediately settle hospital bills and medical expenses.

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 on account of unpaid hospital bills or medical expenses. Despite the protection provided by law, cases continue to arise where patients and their families experience difficulty securing discharge, obtaining medical documents, or claiming benefits. There is therefore a need to strengthen the safeguards provided under the law and ensure that its protections are effectively implemented.

This measure seeks to expressly prohibit the detention of patients, their relatives, representatives, or caregivers, as well as the withholding of newborn children, solely on account of unpaid hospital bills, medical expenses, or professional fees. It likewise seeks to ensure the prompt release of the remains of deceased patients and the timely issuance of the necessary documents. The bill further provides reasonable mechanisms by which financially incapacitated patients may secure their unpaid obligations.

The enactment of this measure will strengthen the protection of patients and their families, promote humane and dignified treatment in health facilities, and ensure that inability to immediately pay for medical treatment does not become a ground for unlawful detention or withholding of essential documents.

For these reasons, the immediate passage of this bill is urgently sought.



REP. EDUARDO R. RAMA, JR.

2nd District, City of Cebu



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AN ACT
STRENGTHENING THE RIGHTS OF PATIENTS AGAINST HOSPITAL
DETENTION ON THE GROUND OF NONPAYMENT OF HOSPITAL BILLS
AND MEDICAL EXPENSES AND PROVIDING STIFFER PENALTIES FOR
VIOLATION THEREFOR, AMENDING FOR THE PURPOSE 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”

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

SECTION 1. *Sections 1, 2, and 3 of Republic Act No. 9439, entitled “An Act Prohibiting the Detention of Patients in Hospitals and Medical Clinics on Grounds of Nonpayment of Hospital Bills or Medical Expenses”, are hereby amended to read as follows:*

“SECTION 1. It shall be unlawful for any hospital, [or] medical clinic, **OR ANY OTHER SIMILAR FACILITY** 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, or who may have died, for reasons of nonpayment in part or in full, of hospital bills, medical expenses or **OR PROFESSIONAL FEES.**

IT SHALL ALSO BE UNLAWFUL TO DETAIN THE RELATIVES, REPRESENTATIVES, OR CAREGIVERS OF SUCH PATIENTS, AS WELL AS TO THE NEWBORN CHILD

IN THE CASE OF MATERNITY PATIENTS, IN EXCHANGE FOR THE PATIENT TO BE ALLOWED TO LEAVE THE HOSPITAL, MEDICAL CLINIC, OR ANY OTHER SIMILAR FACILITY"

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

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

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

“SECTION. 2. Patients who have fully or partially recovered and who already wish to leave the hospital, [or] medical clinic **OR ANY OTHER SIMILAR FACILITY** but are financially incapable 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, with a right to demand the issuance of the corresponding medical certificate and other pertinent papers required for [the] **THEIR** release [~~of the patient from the hospital or medical clinic~~] upon the execution of a promissory note covering the unpaid obligation.

PROVIDED, THAT, NO PROMISSORY NOTE SHALL BE REQUIRED ON INDIGENT SENIOR CITIZENS WHO HAVE BEEN ENDORSED BY THE MEDICAL SOCIAL SERVICES OFFICE OF THE HOSPITAL, MEDICAL CLINIC, OR ANY SIMILAR FACILITY, TO THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT: PROVIDED, FURTHER, THAT THOSE PATIENTS WHO ARE PARTIALLY RECOVERED SHALL SIGN A WAIVER OR UNDERTAKING THAT THEY ARE ASSUMING THE RISK OF THE CONSEQUENCES FOR REQUESTING FOR DISCHARGE DESPITE HAVING NOT FULLY RECOVERED.

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.]~~ **ANY OR A COMBINATION OF THE FOLLOWING:**

- (A) A MORTGAGE OVER REAL OR PERSONAL PROPERTY OF THE PATIENT, A RELATIVE, OR A CO-MAKER, WITHOUT NEED OF PUBLIC AUCTION, IN ACCORDANCE WITH REPUBLIC ACT NO. 11057, OTHERWISE KNOWN AS THE “PERSONAL PROPERTY SECURITY ACT”, AND OTHER APPLICABLE LAWS;**
- (B) A GUARANTEE OF A CO-MAKER WHO SHALL BE JOINTLY AND SEVERALLY LIABLE WITH THE PATIENT FOR THE UNPAID OBLIGATION;**
- (C) A DEED OF ASSIGNMENT OF THE LOAN PROCEEDS OR BENEFITS ENTITLEMENT FROM THE SOCIAL SECURITY SYSTEM (SSS) OR THE GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), IN CASE THE PATIENT IS AN ACTIVE MEMBER THEREOF;**
- (D) A GUARANTEE LETTER FROM THE PHILIPPINE CHARITY SWEEPSTAKES OFFICE (PCSO); AND**
- (E) IN THE CASE OF INDIGENT AND FINANCIALLY INCAPACITATED PATIENTS, A GUARANTEE LETTER FROM THE DEPARTMENT OF SOCIAL WELFARE AND**

DEVELOPMENT (DSWD) OR THE DEPARTMENT OF HEALTH (DOH).

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

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~~ **CADAVER SHALL BE IMMEDIATELY RELEASED TO THE SURVIVING RELATIVES. THE CORRESPONDING DEATH CERTIFICATE AND OTHER DOCUMENTS REQUIRED FOR INTERMENT, BENEFIT CLAIMS, OR LEGAL PROCEEDINGS SHALL BE ISSUED PROMPTLY AND WITHOUT DELAY: *PROVIDED, HOWEVER, THAT, FOR PURPOSES OF PRIVATE INSURANCE CLAIMS OR SETTLEMENT OF ESTATE, A SECURED PROMISSORY NOTE OR A DEED OF ASSIGNMENT OF PROCEEDS MAY BE REQUIRED PRIOR TO THE ISSUANCE OF RELEVANT DOCUMENTS: *PROVIDED, FINALLY, THAT A DEED OF ASSIGNMENT OF BENEFITS ENTITLEMENT FROM THE SSS OF GSIS, IF THE DECEASED WAS A MEMBER THEREOF, OR A GUARANTEE LETTER FROM THE DSWD, IF THE DECEASED WAS AN INDIGENT, MAY BE ACCEPTED IN LIEU OF A PROMISSORY NOTE.****

“SECTION. 3. Any officer or employee of the hospital, [or] medical clinic, **OR ANY OTHER SIMILAR FACILITY** responsible for [releasing patients] **THE DISCHARGE OF patients OR THE RELEASE OF CADAVERS**, 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],~~ **UPON CONVICTION BY FINAL JUDGEMENT, BE PUNISHED BY IMPRISONMENT OF NOT LESS THAN SIX (6) MONTHS AND ONE (1) DAY BUT NOT MORE THAN TWO (2) YEARS AND FOUR (4) MONTHS, OR A FINE 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.**

IF THE VIOLATION WAS COMMITTED PURSUANT TO AN ESTABLISHED POLICY OF THE HOSPITAL OR CLINIC OR UPON INSTRUCTION OF ITS MANAGEMENT, THE DIRECTOR OR OFFICER OF SUCH HOSPITAL OR CLINIC RESPONSIBLE FOR THE FORMULATION AND IMPLEMENTATION OF SUCH POLICY SHALL, UPON CONVICTION BY FINAL JUDGEMENT, SUFFER IMPRISONMENT OF FOUR (4) TO SIX (6) YEARS, OR A FINE OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS (P 500,000.00), BUT NOT MORE THAN ONE MILLION PESOS (P1,000,000.00), OR BOTH, AT THE DISCRETION OF THE COURT.

UPON THE COMMISSION OF THREE (3) REPEATED VIOLATIONS UNDER SUCH POLICY OR INSTRUCTION, THE LICENSE TO OPERATE OF SUCH HEALTH FACILITY SHALL BE REVOKED BY THE DOH.”

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

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

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

SECTION 5. *Separability Clause.* – If for any reason, any provision of this Act is declared unconstitutional or invalid, such parts not affected thereby shall remain in full force and effect.

SECTION. 6. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION. 7. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation.

Approved