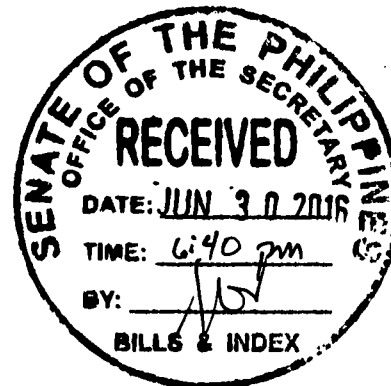


SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

SENATE

S. B. No. 216



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INTRODUCED BY SENATOR ANA THERESIA "RISA" HONTIVEROS  
BARAQUEL

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**AN ACT INCREASING THE PENALTIES FOR THE REFUSAL OF  
HOSPITALS AND MEDICAL CLINICS TO ADMINISTER  
APPROPRIATE INITIAL MEDICAL TREATMENT AND SUPPORT  
IN EMERGENCY OR SERIOUS CASES, AMENDING FOR THE  
PURPOSE BATAS PAMBANSA BILANG 702,  
OTHERWISE KNOWN AS "AN ACT PROHIBITING THE  
DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE  
CONFINEMENT OR TREATMENT OF PATIENTS IN  
HOSPITALS AND MEDICAL CLINICS IN CERTAIN CASES" AS  
AMENDED BY REPUBLIC ACT NO. 8344, AND FOR OTHER  
PURPOSES.**

#### EXPLANATORY NOTE

Seven out of ten Filipinos die without ever having seen a doctor, and more than 50% of barangays in the Philippines do not have a barangay health station. The Philippine Health Insurance Corporation (Philhealth) provides 'no balance billing' to indigent in public health facilities, but the number of private hospitals outnumber the number of public hospitals and the trend towards privatization will further widen that gap. Despite inroads being made towards advancing universal health in the past decade, health care in the Philippines largely remains inaccessible to the poor. This reality hits the hardest when confronted with an emergency medical situation.

While there is a law prohibiting hospitals and medical clinics from denying treatment and services to indigents in need of emergency care, Republic Act No. 8344, the news is still replete with accounts of those who were turned away by private medical facilities for inability to pay a sum of money as deposit. In some cases, patients have died or have miscarried because urgent medical care was deprived of them.

It is this dire situation that this measure hopes to correct. By increasing the penalties for violation of the Anti-Hospital Deposit Law, expanding the definition of emergency care to include women in active labor and at risk of miscarriage or fetal distress, and providing incentives for health facilities that provide emergency medical services, we create a framework where preservation of human life is the paramount consideration.

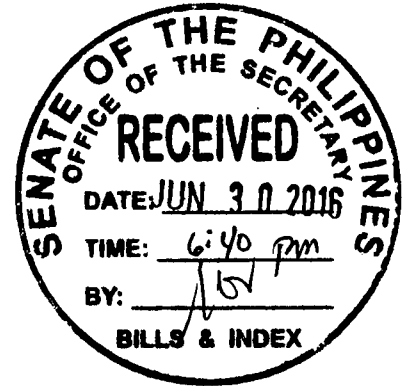
The passage of this bill is earnestly sought.

*ana theresa hontiveros baraquel*  
ANA THERESIA "RISA" HONTIVEROS BARAQUEL  
*Senator*

SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

SENATE

S. B. No. 216



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INTRODUCED BY SENATOR ANA THERESIA "RISA" HONTIVEROS  
BARAQUEL

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**AN ACT INCREASING THE PENALTIES FOR THE REFUSAL OF HOSPITALS AND MEDICAL CLINICS TO ADMINISTER APPROPRIATE INITIAL MEDICAL TREATMENT AND SUPPORT IN EMERGENCY OR SERIOUS CASES, AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702, OTHERWISE KNOWN AS "AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR TREATMENT OF PATIENTS IN HOSPITALS AND MEDICAL CLINICS IN CERTAIN CASES" AS AMENDED BY REPUBLIC ACT NO. 8344, 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 Batas Pambansa Bilang 702 is hereby amended to read as***  
2 ***follows:***  
3

4 "Sec. 1. In emergency or serious cases, it shall be unlawful for any proprietor, president,  
5 director, manager or any other officer, and/or medical practitioner or employee of a  
6 hospital or medical clinic to request, solicit, demand or accept any deposit or any other  
7 form of advance payment as a prerequisite for confinement or medical treatment of a  
8 patient in such hospital or medical clinic or to refuse to administer medical treatment and  
9 support as dictated by good practice of medicine to prevent death, **MISCARRIAGE**, or  
10 permanent disability: Provided, That by reason of inadequacy of the medical capabilities  
11 of the hospital or medical clinic, the attending physician may transfer the patient to a  
12 facility where the appropriate care can be given, after the patient or his next of kin  
13 consents to said transfer and after the receiving hospital or medical clinic agrees to the  
14 transfer. Provided, however, That when the patient is unconscious, incapable of giving  
15 consent and/or unaccompanied, the physician can transfer the patient even without his  
16 consent: Provided, further, That such transfer shall be done only after necessary  
17 emergency treatment and support have been administered to stabilize the patient and after  
18 it has been established that such transfer entails less risks than the patient's continued  
19 confinement: Provided, further, That no hospital or clinic, after being informed of the  
20 medical indications for such transfer, shall refuse to receive the patient nor demand from  
21 the patient or his next of kin any deposit or advance payment; Provided, finally, That strict  
22 compliance with the foregoing procedure on transfer shall not be construed as a refusal  
23 made punishable by this Act."

1  
2 **SECTION 2. Section 2(a) and (b) of Batas Pambansa Bilang 702 are hereby amended to**  
3 **read as follows:**  
4

5 "Sec. 2. For purposes of this Act, the following definitions shall govern:

6 "(a) 'Emergency' - a condition or state of a patient wherein based on the objective findings  
7 of a prudent medical officer on duty for the day there is immediate danger and where  
8 delay in initial support and treatment may cause loss of life or cause permanent disability  
9 to the patient, **OR IN THE CASE OF A PREGNANT WOMAN, THE LOSS OF**  
10 **HER UNBORN CHILD.**  
11

12 "(b) 'Serious case' - refers to a condition of a patient characterized by gravity or danger  
13 wherein based on the objective findings of a prudent medical officer on duty for the day  
14 when left unattended to, may cause loss of life or cause permanent disability to the patient,  
15 **OR IN THE CASE OF A PREGNANT WOMAN, CAUSE A MISCARRIAGE.**"  
16

17 **SECTION 3. Section 4 of Batas Pambansa Bilang 702 is hereby amended to read as**  
18 **follows:**  
19

20 "SEC. 4. Any official, medical practitioner or employee of the hospital or medical clinic who  
21 violates the provisions of this Act shall, upon conviction by final judgment, be punished by  
22 imprisonment of not less than six (6) months and one (1) day but not more than two (2) years  
23 and four (4) months, or a fine of not less than Twenty thousand pesos (P20,000.00), but not  
24 more than One hundred thousand pesos (P100,000.00) or both, at the discretion of the court:  
25 Provided, however, That if such violation was committed pursuant to an established policy of  
26 the hospital or clinic or upon instruction of its management, the director or officer of such  
27 hospital or clinic responsible for the formulation and implementation of such policy shall, upon  
28 conviction by final judgment, suffer imprisonment of four (4) to six (6) years. AND/or a fine of  
29 not less than **FIVE** hundred thousand pesos (**P500,000.00**), but not more than **ONE**  
30 **MILLION** pesos (**P1,000,000.00**) or both, at the discretion of the court, **WITHOUT**  
31 **PREJUDICE TO DAMAGES THAT MAY BE AWARDED TO THE PATIENT-**  
32 **COMPLAINANT.**  
33

34 **FURTHER, UPON THREE (3) REPEATED VIOLATIONS COMMITTED**  
35 **PURSUANT TO AN ESTABLISHED POLICY OF THE HOSPITAL OR CLINIC OR**  
36 **UPON THE INSTRUCTION OF ITS MANAGEMENT, THE HEALTH FACILITY'S**  
37 **LICENSE TO OPERATE SHALL BE REVOKED BY THE DEPARTMENT OF**  
38 **HEALTH. THE PRESIDENT, CHAIRMAN, BOARD OF DIRECTORS OR**  
39 **TRUSTEES, AND OTHER OFFICERS OF THE HEALTH FACILITY SHALL BE**  
40 **SOLIDARILY LIABLE TO ANY DAMAGES THAT MAY BE AWARDED BY THE**  
41 **COURT TO THE PATIENT-COMPLAINANT.**"  
42

43 **SECTION 4. Presumption of Liability.** A separate section will be included in Batas  
44 Pambansa Bilang 702. to read as follows:  
45

46 "In the event of death, miscarriage, or serious impairment of the health condition of the  
47 patient-complainant proceeding from the denial of his or her admission to a health facility  
48 pursuant to a policy or practice of demanding deposits or advance payments for confinement or  
49 treatment, a presumption of liability shall arise against the hospital, medical clinic, and the  
50 official, medical practitioner, or employee found responsible for violating the provisions of this  
51 Act."

1  
2  
3 **SECTION 5. *Health Facilities Oversight Board.*** A separate section will be included in Batas  
4 Pambansa Bilang 702, to read as follows:  
5

6 "All complaints for violations of this Act shall be filed initially with the Health Facilities  
7 Oversight Board. It shall be composed of a Department of Health representative who will act as  
8 Chair, a representative from the Philippine Medical Association, a representative from private  
9 health institutions, and two representatives from non-government organizations with public  
10 health advocacy.  
11

12 The Health Facilities Oversight Board shall investigate the claims of the patient and upon  
13 adjudication impose administrative sanctions in accordance with this Act. On the basis of its  
14 own finding, the Board shall also facilitate the filing of the criminal case in the proper courts."  
15

16 **SECTION 6. *Tax deductions.*** A separate section will be included in Batas Pambansa Bilang  
17 702, to read as follows:  
18

19 "The cost of the basic emergency care incurred shall be tax deductible in favor of the said  
20 hospital or medical clinic that has given emergency medical services to the poor and  
21 indigent patient."  
22

23 **SECTION 7.** The Department of Health and the Bureau of Internal Revenue shall promulgate  
24 the necessary rules and regulations to carry out the provisions of this Act.  
25

26 **SECTION 8. *Separability Clause.*** If any provision of this Act is declared unconstitutional,  
27 the same shall not affect the validity and effectivity of the other provisions hereof.  
28

29 **SECTION 9. *Repealing Clause.*** All laws, decrees, orders, issuances or portion thereof, which  
30 are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.  
31

32 **SECTION 10. *Effectivity*** – This Act shall take effect fifteen (15) days after its publication in  
33 two (2) newspapers of general circulation.  
34  
35  
36

*Approved,*