

SENATE
S.B. No. 1937

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Introduced by Senator **Ana Theresia "Risa" Hontiveros-Baraquel**

**AN ACT INCREASING THE PENALTIES FOR THE DETENTION OF PATIENTS AND
CADAVERS IN HOSPITALS, MEDICAL CLINICS, OR ANY OTHER SIMILAR FACILITIES ON
GROUNDS OF NONPAYMENT OF HOSPITAL BILLS OR MEDICAL EXPENSES 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

The protection against any means to vitiate a person's free will and any form of detention is a right guaranteed under the Philippine Constitution. Moreover, it is a widely accepted tenet in health care that the patient has a right to make decisions regarding medical care, including the right to accept or refuse treatment.

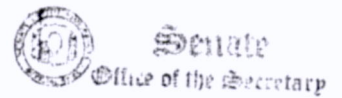
Republic Act. 9439 entitled "An Act Prohibiting the Detention of Patients in Hospitals and Medical Clinics on Grounds of Nonpayment of Hospital Bills or Medical Expenses" was enacted in 2007 to curtail the unscrupulous practice of refusing the discharge of patients, effectively detaining them primarily for their inability to fully or partially pay for their medical expenses. The law also prohibits the undesirable practice of refusing to release the body of a deceased patient with unpaid bills to their families.

However, 11 years on, the practice has persisted. There are still reports of patients who are not discharged or are not able to get pertinent documents regarding their admission if they are unable to settle their hospital bills. There are still stories of families not being able to get the bodies of their deceased loved ones, causing additional burden to those already in mourning. Often, it is poor Filipino families who are being victimized by this practice.

This measure seeks to strengthen Republic Act 9439 primarily by increasing penalties against institutions continuing this practice. It also expands the coverage of the law to include patients admitted in private rooms. Furthermore, it offers additional mechanisms for the patients to guarantee their obligations to health providers. Lastly, this measure seeks to establish an Anti-Hospital Detention Fund to partly cover unpaid promissory notes issued by poor and indigent patients

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

Ana Theresia "Risa" Hontiveros-Baraquel
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1.** Section 1 of Republic Act 9439 is hereby amended to read as follows:

2 "SECTION 1. It shall be unlawful for any hospital or medical clinic, OR ANY OTHER
3 SIMILAR FACILITY in the country to detain or to otherwise cause, directly or
4 indirectly, the detention of patients who have fully or partially recovered or have
5 been adequately attended to or who may have died, for reasons of non-payment in
6 part or in full of hospital bills, medical expenses."

7
8 **SECTION 2.** Section 1 of Republic Act 9439 is hereby amended to read as follows:

9
10 "SECTION 2. Patients who have fully or partially recovered and who already wish to
11 leave the hospital or medical clinic but are financially incapable to settle, in part or
12 in full, their hospitalization expenses, including professional fees and medicines,
13 shall be allowed to leave the hospital or medical clinic, with a right to demand the
14 issuance of the corresponding medical certificate and other pertinent papers
15 required for the release of the patient from the hospital or medical clinic upon the
16 execution of a promissory note covering the unpaid obligation. The promissory note
17 shall be secured by either a mortgage or by a guarantee of a co-maker, who will be
18 jointly and severally liable with the patient for the unpaid obligation. IF THE
19 PATIENT IS AN ACTIVE MEMBER OF EITHER THE SOCIAL SECURITY SYSTEM (SSS),
20 GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), OR THE PHILIPPINE HEALTH
21 INSURANCE CORPORATION (PHILHEALTH), A GUARANTEE LETTER FROM ANY OF
22 THESE AGENCIES MAY BE PRESENTED WITH THE PROMISSORY NOTE IN LIEU OF
23 A MORTGAGE OR GUARANTEE BY A CO-MAKER. IF THE PATIENT IS AN INDIGENT,
24 A GUARANTEE LETTER FROM THE DEPARTMENT OF SOCIAL WELFARE AND
25 DEVELOPMENT (DSWD) SHALL SUFFICE.
26

1 In the case of a deceased patient, the CADAVER SHALL BE RELEASED BY THE
2 HOSPITAL, MEDICAL CLINIC OR ANY OTHER SIMILAR FACILITY TO THE
3 RELATIVES AND THE CORRESPONDING DEATH CERTIFICATE AND OTHER
4 DOCUMENTS REQUIRED FOR INTERMENT, CLAIMS FOR SOCIAL SECURITY, OR THE
5 INSTITUTION OF CRIMINAL PROCEEDINGS SHALL BE PROMPTLY ISSUED.
6 PROVIDED, HOWEVER, THAT FOR PURPOSES SUCH AS PRIVATE INSURANCE OR
7 SETTLEMENT OF ESTATE, SECURED PROMISSORY NOTE OR DEED OF
8 ASSIGNMENT OF PROCEEDS SHALL BE REQUIRED BEFORE THE ISSUANCE OF THE
9 APPROPRIATE CERTIFICATE AND DOCUMENTS FOR SUCH PURPOSES, PROVIDED
10 FURTHER, THAT A GUARANTEE LETTER FROM EITHER THE SSS, GSIS, OR
11 PHILHEALTH IF THE DECEASED WAS A MEMBER OF THE SAID AGENCIES, OR THE
12 DSWD IF THE DECEASED WAS AN INDIGENT MAY TAKE THE PLACE OF THE
13 PROMISSORY NOTE. [~~the corresponding death certificate and other documents~~
14 ~~required for interment and other purposes shall be released to any of his surviving~~
15 ~~relatives requesting for the same: *Provided, however,* That patients who stayed in~~
16 ~~private rooms shall not be covered by this Act.~~]
17

18 **SECTION 3.** Section 3 of R.A. 9349, entitled "An Act Prohibiting the Detention of Patients in
19 Hospitals and Medical Clinics on Grounds of Nonpayment of Hospital Bills or Medical
20 Expenses" is hereby amended to read:
21

22 "SECTION 3. Any officer or employee of the hospital or medical clinic responsible for
23 releasing patients, who violates the provisions of this Act shall [~~be punished by a~~
24 ~~fine of not less than Twenty thousand pesos (P20,000.00), but not more than Fifty~~
25 ~~thousand pesos (P50,000.00), or imprisonment of not less than one month, but not~~
26 ~~more than six months, or both such fine and imprisonment, at the discretion of the~~
27 ~~proper court.~~] UPON CONVICTION BY FINAL JUDGMENT, BE PUNISHED BY
28 IMPRISONMENT OF NOT LESS THAN SIX (6) MONTHS AND ONE (1) DAY BUT NOT
29 MORE THAN TWO (2) YEARS AND FOUR (4) MONTHS, OR A FINE OF NOT LESS
30 THAN ONE HUNDRED THOUSAND PESOS (P100,000.00), BUT NOT MORE THAN
31 THREE HUNDRED THOUSAND PESOS (P300,000.00) OR BOTH, AT THE
32 DISCRETION OF THE COURT: *PROVIDED, HOWEVER,* THAT IF SUCH VIOLATION
33 WAS COMMITTED PURSUANT TO AN ESTABLISHED POLICY OF THE HOSPITAL OR
34 CLINIC OR UPON INSTRUCTION OF ITS MANAGEMENT, THE DIRECTOR OR
35 OFFICER OF SUCH HOSPITAL OR CLINIC RESPONSIBLE FOR THE FORMULATION
36 AND IMPLEMENTATION OF SUCH POLICY SHALL, UPON CONVICTION BY FINAL
37 JUDGMENT, SUFFER IMPRISONMENT OF FOUR (4) TO SIX (6) YEARS, OR A FINE OF
38 NOT LESS THAN [ONE HUNDRED THOUSAND PESOS (P100,000.00)] FIVE
39 HUNDRED THOUSAND PESOS (P500,000.00), BUT NOT MORE THAN [FIVE
40 HUNDRED THOUSAND PESOS (P500,000.00)] ONE MILLION PESOS (P1,000,000.00)
41 OR BOTH, AT THE DISCRETION OF THE COURT.
42

43 FURTHER, UPON THREE REPEATED VIOLATIONS COMMITTED PURSUANT TO AN
44 ESTABLISHED POLICY OF THE HOSPITAL OR CLINIC OR UPON THE INSTRUCTION
45 OF ITS MANAGEMENT, THE HEALTH FACILITY'S LICENSE TO OPERATE SHALL BE
46 REVOKED BY THE DEPARTMENT OF HEALTH (DOH)."
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49 **SECTION 4. Anti-Hospital Detention Assistance Fund.** - There is hereby created an Anti-
50 Hospital Detention Assistance Fund amounting to One Hundred Million (P 100,000,000.00)

1 to be managed by the DOH. This fund shall be used to partly cover unpaid promissory
2 notes issued by poor and indigent patients.

3
4 The amount necessary for the initial implementation of this Act shall be charged against the
5 current appropriations of the DOH who shall set up an Anti-Hospital Detention Assistance
6 Fund for patients. Thereafter, the funds necessary to carry out the provisions of this Act
7 shall be sourced from the Philippine Charity Sweepstakes Office.

8
9 **SECTION 5. Implementing Rules and Regulations.** - The Department of Health, jointly
10 with the Department of Social Welfare and Development, the Government Service
11 Insurance System, Social Security System, Philippine Charity Sweepstakes Office, and the
12 Philippine Health Insurance Corporation shall, within six (6) months from the effectivity of
13 this Act, promulgate the rules and regulations necessary for the proper implementation of
14 this Act.

15
16 **SECTION 6. Separability Clause.** - If any provision of this Act is declared unconstitutional
17 or invalid, other provisions not otherwise affected shall remain in full force and effect.

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19 **SECTION 7. Repealing Clause.** - All laws, decrees, orders, rules and regulations or parts
20 thereof which are inconsistent with this Act are hereby repealed or amended accordingly.

21
22 **SECTION 8. Effectivity Clause.** - This Act shall take effect upon its publication in the
23 Official Gazette or in a newspaper of general circulation.

24
25 **APPROVED,**