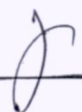


SENATE
S. No. 166

19 JUL -2 AM 11:55

RECEIVED BY 

INTRODUCED BY SENATOR RISA HONTIVEROS

**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, 12 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.

In the advent of the Universal Health Care in the country, there is no more place for the practice of detaining patients in hospital on account of non-payment of hospital bills.

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.


RISA HONTIVEROS

Senator

SENATE
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HOSPITAL BILLS OR MEDICAL EXPENSES

*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
- 3 OTHER SIMILAR FACILITY in the country to detain or to otherwise cause,
- 4 directly or indirectly, the detention of patients who have fully or partially
- 5 recovered or have been adequately attended to or who may have died, for
- 6 reasons of non-payment in part or in full of hospital bills, medical expenses."
- 7 Sec. 2. Section 1 of Republic Act 9439 is hereby amended to read as follows:
- 8 "SECTION 2. Patients who have fully or partially recovered and who already
- 9 wish to leave the hospital or medical clinic but are financially incapable to
- 10 settle, in part or in full, their hospitalization expenses, including professional
- 11 fees and medicines, shall be allowed to leave the hospital or medical clinic,
- 12 with a right to demand the issuance of the corresponding medical certificate
- 13 and other pertinent papers required for the release of the patient from the
- 14 hospital or medical clinic upon the execution of a promissory note covering
- 15 the unpaid obligation. The promissory note shall be secured by either a
- 16 mortgage or by a guarantee of a co-maker, who will be jointly and severally
- 17 liable with the patient for the unpaid obligation. **IF THE PATIENT IS AN**

1 ACTIVE MEMBER OF EITHER THE SOCIAL SECURITY SYSTEM (SSS),
2 GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), OR THE
3 PHILIPPINE HEALTH INSURANCE CORPORATION (PHILHEALTH), A
4 GUARANTEE LETTER FROM ANY OF THESE AGENCIES MAY BE
5 PRESENTED WITH THE PROMISSORY NOTE IN LIEU OF A
6 MORTGAGE OR GUARANTEE BY A CO-MAKER. IF THE PATIENT IS
7 AN INDIGENT, A GUARANTEE LETTER FROM THE DEPARTMENT OF
8 SOCIAL WELFARE AND DEVELOPMENT (DSWD) SHALL SUFFICE.

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

28 Sec. 3. Section 3 of R.A. 9349, entitled "An Act Prohibiting the Detention of
29 Patients in Hospitals and Medical Clinics on Grounds of Nonpayment of Hospital Bills or
30 Medical Expenses" is hereby amended to read:

31 "SECTION 3. Any officer or employee of the hospital or medical clinic
32 responsible for releasing patients, who violates the provisions of this Act shall
33 [be punished by a fine of not less than Twenty thousand pesos (P20,000.00),
34 but not more than Fifty thousand pesos (P50,000.00), or imprisonment of
35 not less than one month, but not more than six months, or both such fine
36 and imprisonment, at the discretion of the proper court.] **UPON**

1 CONVICTION BY FINAL JUDGMENT, BE PUNISHED BY
2 IMPRISONMENT OF NOT LESS THAN SIX (6) MONTHS AND ONE (1)
3 DAY BUT NOT MORE THAN TWO (2) YEARS AND FOUR (4) MONTHS,
4 OR A FINE OF NOT LESS THAN ONE HUNDRED THOUSAND PESOS
5 (P100,000.00), BUT NOT MORE THAN THREE HUNDRED THOUSAND
6 PESOS (P300,000.00) OR BOTH, AT THE DISCRETION OF THE
7 COURT: *PROVIDED, HOWEVER,* THAT IF SUCH VIOLATION WAS
8 COMMITTED PURSUANT TO AN ESTABLISHED POLICY OF THE
9 HOSPITAL OR CLINIC OR UPON INSTRUCTION OF ITS
10 MANAGEMENT, THE DIRECTOR OR OFFICER OF SUCH HOSPITAL OR
11 CLINIC RESPONSIBLE FOR THE FORMULATION AND
12 IMPLEMENTATION OF SUCH POLICY SHALL, UPON CONVICTION BY
13 FINAL JUDGMENT, SUFFER IMPRISONMENT OF FOUR (4) TO SIX
14 (6) YEARS, OR A FINE OF NOT LESS THAN FIVE HUNDRED
15 THOUSAND PESOS (P500,000.00), BUT NOT MORE THAN ONE
16 MILLION PESOS (P1,000,000.00) OR BOTH, AT THE DISCRETION OF
17 THE COURT. FURTHER, UPON THREE REPEATED VIOLATIONS
18 COMMITTED PURSUANT TO AN ESTABLISHED POLICY OF THE
19 HOSPITAL OR CLINIC OR UPON THE INSTRUCTION OF ITS
20 MANAGEMENT, THE HEALTH FACILITY'S LICENSE TO OPERATE
21 SHALL BE REVOKED BY THE DEPARTMENT OF HEALTH (DOH)."

22 *Sec. 4. Anti-Hospital Detention Assistance Fund.* - There is hereby created an
23 Anti-Hospital Detention Assistance Fund amounting to One Hundred Million (P
24 100,000,000.00) to be managed by the DOH. This fund shall be used to partly cover
25 unpaid promissory notes issued by poor and indigent patients.

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

30 *Sec. 5. Implementing Rules and Regulations.* - The Department of Health, jointly
31 with the Department of Social Welfare and Development, the Government Service
32 Insurance System, Social Security System, Philippine Charity Sweepstakes Office, and
33 the Philippine Health Insurance Corporation shall, within six (6) months from the
34 effectivity of this Act, promulgate the rules and regulations necessary for the proper
35 implementation of this Act.

1 Sec. 6. *Separability Clause.* — If any provision of this Act is declared
2 unconstitutional or invalid, other provisions not otherwise affected shall remain in full
3 force and effect.

4 Sec. 7. *Repealing Clause.* — All laws, decrees, orders, rules and regulations or
5 parts thereof which are inconsistent with this Act are hereby repealed or amended
6 accordingly.

7 Sec. 8. *Effectivity Clause.* — This Act shall take effect upon its publication in the
8 Official Gazette or in a newspaper of general circulation.

Approved,