
Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article II provides:

Section 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

Pursuant to this Constitutional mandate, the government has implemented various health policies to protect the right to health of the people and public health workers. Specifically, Republic Act No. 8344 penalizes any proprietor, officer, medical practitioner and employee of a hospital or medical clinic who solicits, demands or accepts any deposit or any other form of advance payment as a prerequisite for medical treatment or confinement. Likewise, Republic Act No. 7305 otherwise known as the Magna Carta for Public Health Workers aims to promote and improve their living and working conditions and terms of employment in order that they will be more responsive and better equipped to deliver health projects and programs.

There are also several pending legislative measures in Congress, which seek to provide more rights to patients. Unfortunately, private medical practitioners - the indispensable partner of the government in the delivery of health services to the people - have not been accorded the same legal rights and protection as their counterpart in the public sector.

Even in the absence of a law prohibiting hospitals from detaining a patient or withholding the release of a cadaver for failure to settle hospital bills, some hospitals release the patients or cadavers even before making full payment of hospital bills. However, these hospitals withhold the payment of professional fees of medical practitioners pending full settlement of patients' hospital bills. Hence, this bill seeks to afford protection to medical practitioners by curtailing this unjust practice of some hospitals and medical clinics to withhold the payment of professional

fees. It is the foremost intention of this measure to institute a mechanism that will ensure fair and equitable terms acceptable to both the hospital and medical practitioners whenever patients make payments of hospital bills.

Moreover, since medical practitioners have no collection agent to demand payment of their professional fees and it would be grossly degrading for them to constantly make follow-ups or verify from hospitals whether their patients have already settled their unpaid hospital bills, hospital or medical clinic shall provide them with a statement of account containing the total professional fee charged, amount already received, balance receivable and update of patients payment.

This is a Senate counterpart bill to one filed in the House of Representatives by Rep. Emilio C. Macias.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This was originally filed during the 14th Congress 1st Regular Session

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
S. No. 1568

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 PROVIDING FOR A FAIR AND EQUITABLE TERMS FOR THE RELEASE OF
3 MEDICAL PRACTITIONERS' PROFESSIONAL FEES WITHHELD BY
4 HOSPITALS OR MEDICAL CLINICS FOR FAILURE OF THE PATIENT TO
5 PAY HOSPITAL BILLS AND PENALIZING VIOLATIONS THEREFOR

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

8 SECTION 1. SECTION 1. *Short Title.* - This Act shall be known as the "Medical
9 Practitioners Protection Act."

10 SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State to
11 protect and promote the right to health and enhance the right of all the people to human dignity.
12 Toward this end, this Act aims to protect the economic well-being of medical practitioners to
13 ensure a more responsive and efficient delivery of health services to all the people.

14 SECTION 3. *Definition of Terms.* -For purposes of this Act, the term:

15 (A) "Medical Practitioner" means any person authorized by law to engage in giving
16 diagnosis, treatment and care of persons suffering from illness, diseases or deformity, obstetrical
17 and other medical care and other damage to the mind or body, which includes but not limited to
18 persons practising general medicine, anesthesiology, obstetrics and gynecology, pediatrics,
19 urology, psychiatry, and like medical professions;

20 (B) "Hospital" means a facility devoted primarily devoted to the diagnosis, treatment
21 and care of individuals suffering from illness, disease, injury, or in need of obstetric or other
22 medical and nursing care. It shall also be construed as any institution, building or place where
23 there are facilities and personnel for the continued and prolonged care of patients; and

1 (C) "Medical Clinic" means a place in which patients can avail of medical consultation
2 or treatment on an out-patient basis.

3 SECTION 4, *Payment of Professional Fee*. - Whenever a patient pays his hospital bill,
4 the release of the professional fee collected by the hospital or medical clinic shall be subject to
5 the following conditions:

6 (A) When full payment is made by the patient, the professional fee collected net of the
7 withholding tax shall be released in full;

8 (B) When partial payment is made by the patient, the professional fee to be released
9 shall be proportionate to the total cost of hospitalization and the withholding tax deducted by the
10 hospital from the professional fee shall be proportionate to the partial payment made.

11 Whenever payment is made by the patient, the professional fee shall be immediately
12 deposited into the bank account of the medical practitioner.

13 SECTION 5. *Statement of Account*. - Hospital or medical clinic shall provide the medical
14 practitioner a monthly update or statement of account containing the total amount of professional
15 fee charged, amount already paid and balance receivable.

16 SECTION 6. *Prohibited Acts; Penalties*. - It shall be unlawful for any hospital or medical
17 clinic to withhold, except for taxation purposes, the professional fee of medical practitioners due
18 to the patients' failure to pay their hospital bills.

19 Any hospital or medical clinic found in violation of this Act shall be penalized with a fine
20 of not less than Twenty Thousand Pesos (P20,000.00) but not more than Fifty Thousand Pesos
21 (P50,000.00).

22 In addition, a penalty of imprisonment *of prision correccional* may be imposed on the
23 hospital or medical clinic's responsible officers, including, but not limited to, the president, vice-
24 president, chief executive officer, general manager, managing director or officer directly
25 responsible therefore, if any of them are found to have known of, or consented to, such unlawful
26 withholding of professional fees.

27 In both in cases, the court shall take into consideration all attending circumstances.

1 SECTION 7. *Separability Clause.* -If any part hereof, is held invalid or unconstitutional,
2 the remainder of the provision not otherwise affected shall remain valid and subsisting.

3 SECTION 8. *Repealing Clause.* - Any law, presidential decree or issuance, executive
4 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
5 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

6
7 SECTION 9. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
8 publication in at least two (2) newspapers of general circulation.

9 Approved, .