

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

Office of the Secretary

24 JUL 10 P12:52

SENATE

S. No. 2724

RECEIVED BY: 

Introduced by Senator Jinggoy Ejercito Estrada

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
VIOLATIONS 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"

EXPLANATORY NOTE

Republic Act No. 9439 was enacted into law in 27 April 2007 and declared as unlawful for any hospital or medical clinic to detain patients for reasons of nonpayment of hospital bills or medical expenses. In sponsoring Committee Report No. 302 which became the basis for the said law, Sen. Pia Cayetano who served as Chairperson of the Committee on Health and Demography said in her speech, "It has been a common practice now for hospitals to prevent the release of patients unless they fully or partially pay their hospital bills. While the collection of hospital bills is a legitimate concern on the part of the hospital management, the practice simply compounds the problem because the patient's extended stay causes his hospital bills to grow even higher."¹

Seventeen years later since her sponsorship and the bill's passage, the same illegal practice persists and continues to plague our health care system. My Office

¹ Senate Journal. Session 65, February 8, 2007. Sponsorship Speech of Senator Pia Cayetano.


has been in receipt of numerous complaints from hapless families victimized by unscrupulous medical institutions.

One reported how a medical center in Dasmariñas City, Cavite required them to pay at least 70% of their outstanding bill before his father who suffered heart attack can be finally discharged. *"Sa bawat araw po na dumadaan ay lumalaki ang aming bill dahil sa kwarto na binabayaran namin,"* he lamented.

Another was asked to settle their bill amounting to P650,000 for a three-week hospitalization for cardiac arrest before they can be allowed to go home. *"Dinecline po nila ang promisory note ko na babayaran ko sila kada buwan sa loob ng tatlong taon. Wala na daw pong ibang way para makalabas si Papa kundi bayaran sila,"* the family's breadwinner bewailed.

This proposed measure seeks to strengthen the rights of patients to adequate medical care, and to amend Republic Act No. 9439 to prescribe stiffer penalties against violations thereof. A fine of up to P200,000, imprisonment of up to three years, or both upon discretion of the court await officers or employees who will fail to observe the law. Meanwhile, up to six-year jail term and maximum fine of two million pesos will be meted upon directors or managers of medical facilities behind the formulation and implementation of continuing policies of hospital detention.

In view of the foregoing, immediate consideration and approval of this legislation is hereby sought.


JINGGOY EJERCITO ESTRADA

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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 No. 9439 is hereby amended to read as
2 follows:

3 "SECTION 1. It shall be unlawful for any hospital, [or]
4 medical clinic, **OR ANY OTHER SIMILAR FACILITY** in the
5 country to detain or to otherwise cause, directly or indirectly,
6 the detention of patients who have fully or partially
7 recovered or have been adequately attended to, **WHO IS**
8 **DUE FOR DISCHARGE**, or who may have died,
9 **INCLUDING WITHHOLDING DOCUMENTS PERTINENT**
10 **TO THE EXAMINATION, DIAGNOSIS, MEDICATION,**
11 **CARE AND HOSPITALIZATION OF THE PATIENT**, for
12 reasons of nonpayment in part or in full, of hospital bills or
13 medical expenses."

1 Sec. 2. Section 2 of Republic Act No. 9439 is hereby amended to read as
2 follows:

3 "SEC. 2. Patients who have fully or partially recovered
4 and who already wish to leave the hospital, [øf] medical
5 clinic **OR ANY OTHER SIMILAR FACILITY** but are
6 financially incapable to settle, in part or in full, their
7 hospitalization expenses, including professional fees and
8 medicines, shall be allowed to leave the hospital or medical
9 clinic, with a right to demand the issuance of the
10 corresponding medical certificate and other pertinent papers
11 required for the release of the patient from the hospital or
12 medical clinic upon the execution of a promissory note
13 covering the unpaid obligation. The promissory note shall be
14 secured by either a mortgage or by a guarantee of a co-
15 maker, who will be jointly and severally liable with the
16 patient for the unpaid obligation. **IF THE PATIENT IS AN**
17 **ACTIVE MEMBER OF EITHER THE SOCIAL SECURITY**
18 **SYSTEM (SSS), GOVERNMENT SERVICE INSURANCE**
19 **SYSTEM (GSIS), OR THE PHILIPPINE HEALTH**
20 **INSURANCE CORPORATION (PHILHEALTH), A**
21 **GUARANTEE LETTER FROM ANY OF THESE AGENCIES**
22 **MAY BE PRESENTED WITH THE PROMISSORY NOTE**
23 **IN LIEU OF A MORTGAGE OR GUARANTEE BY A CO-**
24 **MAKER. IF THE PATIENT IS AN INDIGENT, A**
25 **GUARANTEE LETTER FROM THE DEPARTMENT OF**
26 **SOCIAL WELFARE AND DEVELOPMENT (DSWD) MAY**
27 **BE SUBMITTED.** In the case of a deceased patient, the
28 corresponding death certificate and other documents
29 required for interment and other purposes shall be released
30 **WITHIN FORTY-EIGHT (48) HOURS FROM THE**
31 **DEMAND OF THE DOCUMENTS** to any of his surviving

1 relatives requesting for the same: **PROVIDED, HOWEVER,**
2 **THAT IN THE EVENT THE DOCUMENTS WILL BE**
3 **NEEDED FOR PURPOSES OF CLAIMING SOCIAL**
4 **SECURITY BENEFITS, INSURANCE POLICIES, PRE-**
5 **NEED PLANS OR SETTLEMENT OF ESTATE, THE**
6 **HOSPITAL MAY REQUIRE THE EXECUTION OF AN**
7 **ASSIGNMENT OF PROCEEDS UP TO THE EXTENT OF**
8 **THE HOSPITAL BILLS OR MEDICAL**
9 **EXPENSES/HOSPITALIZATION EXPENSES: *Provided,***
10 **[however,] FINALLY,** That patients who stayed in private
11 rooms shall not be covered by this Act, **UNLESS THE SAID**
12 **PATIENT, NOTWITHSTANDING ONE'S EXPRESSED**
13 **DESIRE TO BE ADMITTED TO A NON-PRIVATE ROOM,**
14 **WAS ADMITTED TO A PRIVATE ROOM FOR THE**
15 **FOLLOWING REASONS:**

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

21 **"(B) THE PHYSICIAN OR OTHER MEDICAL**
22 **PROFESSIONALS OF THE HOSPITAL, MEDICAL**
23 **CLINIC OR ANY OTHER SIMILAR FACILITY DEEMED**
24 **IT TO BE IN THE BEST INTEREST OF THE PATIENT TO**
25 **BE ADMITTED TO A PRIVATE ROOM FOR PURPOSES**
26 **OF INTENSIVE CARE, ISOLATION, QUARANTINE, OR**
27 **OTHER COMPELLING CIRCUMSTANCES."**

28 Sec. 3. Section 3 of Republic Act No. 9439 is hereby amended to read as
29 follows:

30 "SEC. 3. Any officer or employee of the hospital, [or]
31 medical clinic, **OR ANY OTHER SIMILAR FACILITY**
32 responsible for releasing patients, who violates the

1 provisions of this Act shall be punished by a fine of not less
2 than [~~Twenty thousand pesos (P20,000.00), but not more~~
3 ~~than Fifty thousand pesos (P50,000.00);~~] **FIFTY**
4 **THOUSAND PESOS (P50,000.00) BUT NOT MORE**
5 **THAN TWO HUNDRED THOUSAND PESOS**
6 **(P200,000.00)** or imprisonment of not less than [~~one~~
7 ~~month, but not more than six months;~~] **SIX (6) MONTHS**
8 **AND ONE (1) DAY TO THREE (3) YEARS,** or both such
9 fine and imprisonment, at the discretion of the proper court:
10 ***PROVIDED, THAT THE MAXIMUM PENALTY SHALL BE***
11 ***IMPOSED TO EMPLOYEES AND OFFICERS OF***
12 ***GOVERNMENT HOSPITALS AND PUBLIC MEDICAL***
13 ***INSTITUTIONS: PROVIDED, HOWEVER, THAT IF***
14 ***SUCH VIOLATION WAS COMMITTED PURSUANT TO A***
15 ***CONTINUING POLICY OF THE HOSPITAL, MEDICAL***
16 ***CLINIC OR ANY OTHER SIMILAR FACILITY OR UPON***
17 ***THE INSTRUCTION OF ITS MANAGEMENT, THE***
18 ***DIRECTOR OR OFFICER/S OF SUCH HOSPITAL,***
19 ***CLINIC OR FACILITY RESPONSIBLE FOR THE***
20 ***FORMULATION AND IMPLEMENTATION OF SUCH***
21 ***POLICY SHALL SUFFER THE IMPRISONMENT OF NOT***
22 ***LESS THAN THREE (3) YEARS UP TO SIX (6) YEARS,***
23 ***OR A FINE OF NOT LESS THAN FIVE HUNDRED***
24 ***THOUSAND PESOS (P500,000.00) BUT NOT MORE***
25 ***THAN TWO MILLION PESOS (P2,000,000.00), OR***
26 ***BOTH AT THE DISCRETION OF THE COURT.***

27 *Sec. 4. Separability Clause.* – If for any reason, any provision of this Act is
28 declared unconstitutional or invalid, such parts not affected thereby shall remain in
29 full force and effect.

30 *Sec. 5. Repealing Clause.* – All laws, decrees, executive orders, rules and
31 regulations and other issuances or parts thereof which are inconsistent with this Act
32 are hereby repealed, amended or modified accordingly.

1 Sec. 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its
2 publication in the *Official Gazette* or in any two (2) newspapers of general
3 circulation.

Approved,