

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
SECOND REGULAR SESSION)



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SENATE
P.S.R NO. 400

INTRODUCED BY: SEN. ANA THERESIA HONTIVEROS-BARAQUEL

RESOLUTION

DIRECTING THE COMMITTEE ON HEALTH AND DEMOGRAPHY TO REVIEW AND ASSESS THE IMPLEMENTATION OF 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", ALSO KNOWN AS THE ANTI-HOSPITAL DETENTION LAW OF 2007, WITH THE END IN VIEW OF DETERMINING ITS EFFECTIVENESS IN SAFEGUARDING THE RIGHTS OF PATIENTS TO QUALITY AND AFFORDABLE HEALTH CARE AND IN ORDER TO ASCERTAIN THE NEED, IF NECESSARY, TO AMEND AND FURTHER STRENGTHEN THE LAW

WHEREAS, Republic Act 9439, otherwise known as the Hospital Detention Law of 2007 was enacted to provide relief to patients who have been refused to be discharged by health facilities on account of the former's failure to settle financial obligations relative to their confinement;

WHEREAS, the law makes it "unlawful for any hospital or medical clinic in the country to detain or to otherwise cause, directly or indirectly, the detention of patients who have fully or partially recovered or have been adequately attended to or who may have died, for reasons of nonpayment in part or in full of hospital bills or medical expenses";

WHEREAS, the law and its Implementing Rules and Regulations (IRR) limit the scope and application of the law to indigent patients confined in the service wards of health facilities and do not apply to patients confined in private rooms;

WHEREAS, such clarification was reportedly in reaction to concerns that the law may be abused by rich patients pretending to be poor or by poor patients insisting to stay in private rooms despite their inability of pay;

WHEREAS, it was likewise reported that there was a threat from the Private Hospital Association of the Philippines and its members to hold a hospital holiday should the law's implementation cover all patients, regardless of socio economic status and confinement;

WHEREAS, to date, a quick scan of the complaints lodged before the Department of Health's Bureau of Health Facilities since 2015 will reveal that majority of the cases still involve the refusal to discharge patients, withholding of medical records and/or death certificates, and in some cases, the detention of patient's cadaver;

WHEREAS, news reports are also replete with cases involving patient detention, withholding of vital patient records, including the refusal to issue death certificates on account of non-payment of hospital bills;

WHEREAS, almost 10 years after its passage, the law is ripe for review to determine its adequacy in protecting patients' rights;

WHEREAS, the review will serve to propose what amendments, if any, are necessary to make the law more effective;

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved to direct the Senate Committee on Health and Demography to review and assess the implementation of 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, also known as the Anti-hospital Detention Law of 2007, with the end in view of determining its effectivity in safeguarding the rights of patients to quality and affordable health care and in order to ascertain the need, if necessary, to amend and further strengthen the law.

Adopted.


ANA THERESIA "RISA" HONTIVEROS-BARAQUEL