



HOUSE OF REPRESENTATIVES

H. No. 5159

BY REPRESENTATIVES VILLARIN, BELMONTE (J.C.), MONTORO, TAMBUNTING, PANGANIBAN, BRAVO (M.V.), NAVA, TAN (A.), MARCOLETA, PRIMICIAS-AGABAS, VILLARICA, CHIPECO, DALIPE AND ERICE, PER COMMITTEE REPORT NO. 139

AN ACT STRENGTHENING THE PROVISION OF EMERGENCY HEALTH CARE SERVICE TO PATIENTS, FURTHER AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702, AS AMENDED, ENTITLED "AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR TREATMENT OF PATIENTS IN HOSPITALS AND MEDICAL CLINICS IN CERTAIN CASES"

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

1 SECTION I. Section 1 of Batas Pambansa Bilang 702, as amended, is
2 hereby further amended to read as follows:
3 "SECTION 1. In emergency or serious cases, it shall be
4 unlawful for any proprietor, president, director, manager or any
5 other officer, and/or medical practitioner or employee of a
6 hospital or medical clinic to [request, solicit,] demand [or
7 accept] any deposit or any other form of advance payment as a
8 prerequisite for confinement or medical treatment of a patient in
9 such hospital or medical clinic or to refuse to administer medical
10 treatment and support as dictated by good practice of medicine

1 to prevent death, MISCARRIAGE or permanent disability, OR
2 OTHERWISE REQUIRE PAYMENT FOR BASIC EMERGENCY CARE
3 SERVICES TO ANY PATIENT: *Provided*, That by reason of
4 inadequacy of the medical capabilities of the hospital or medical
5 clinic, the attending physician AFTER HAVING ADMINISTERED
6 EMERGENCY MEASURES, may transfer the patient to a facility
7 where the appropriate care can be given, after the patient or his
8 next of kin consents to said transfer and after the receiving
9 hospital or medical clinic agrees to the transfer: *Provided*,
10 *however*, That when the patient is unconscious, incapable of
11 giving consent and/or unaccompanied, the physician can transfer
12 the patient even without his consent: *Provided, further*, That
13 such transfer shall be done only after necessary emergency
14 treatment and support have been administered to stabilize the
15 patient and after it has been established that such transfer entails
16 less risks than the patient's continued confinement: *Provided*,
17 *furthermore*, That no hospital or clinic, after being informed of
18 the medical indications for such transfer, shall refuse to receive
19 the patient nor demand from the patient or his next of kin any
20 deposit or advanced payment: *Provided, finally*, That strict
21 compliance with the foregoing procedure on transfer shall not be
22 construed as a refusal made punishable by this Act."

23 SEC. 2. Section 2 of the same Act is hereby amended to read as
24 follows:

25 "SEC. 2. For purposes of this Act, the following
26 definitions shall govern:

27 "(a) 'Emergency' - a condition or state of a patient
28 wherein based on the objective findings of a prudent medical
29 officer on duty for the day there is immediate danger and where

1 delay in initial support and treatment may cause loss of life or
2 cause permanent disability to the patient: *PROVIDED, THAT THE*
3 *CASE OF A WOMAN IN ACTIVE LABOR, WHO IS ALREADY IN*
4 *CROWNING STAGE SHALL BE CONSIDERED AS AN EMERGENCY,*
5 *AND THE MEDICAL FACILITY SHALL PERFORM THE NECESSARY*
6 *MEASURES OR TREATMENT TO ENSURE THAT THE LABOR GOES*
7 *WELL INTO THE SEPARATION OF BABY AND PLACENTA.*

8 “(b) ‘Serious case’ – refers to a condition of a patient
9 characterized by gravity or danger wherein based on the
10 objective findings of a prudent medical officer on duty for the
11 day when left unattended to, may cause loss of life or cause
12 permanent disability to the patient, OR IN THE CASE OF A
13 PREGNANT WOMAN, CAUSE A MISCARRIAGE.

14 “x x x

15 “(i) ‘BASIC EMERGENCY CARE’ – THE RESPONSE TO A
16 SITUATION WHERE THERE IS URGENTLY REQUIRED MEDICAL
17 CARE AND ATTENTION, AND INCLUDES PROCEDURES REQUIRED
18 FOR INITIAL DIAGNOSIS, USE OF EQUIPMENT, AND SUPPLIES IN
19 SUFFICIENTLY ADDRESSING THE EMERGENCY SITUATION,
20 CONSIDERING THE WELFARE OF THE PATIENT AND OTHER FEES
21 INCURRED AT THE TIME OF BASIC EMERGENCY RESPONSE.”

22 SEC. 3. Section 3 of the same Act is hereby amended to read as
23 follows:

24 “SEC. 3. After the hospital or medical clinic mentioned
25 above shall have administered medical treatment and support, it
26 may cause the transfer of the patient to an appropriate hospital
27 consistent with the needs of the patient, [preferably to a
28 government hospital,] specially in the case of poor or indigent
29 patients.

1 **"WHERE THERE IS NO AMBULANCE AVAILABLE FOR**
2 **USE BY THE HOSPITAL OR MEDICAL CLINIC FOR THE**
3 **EMERGENCY TRANSFER OF THE PATIENT TO A FACILITY**
4 **WHERE THE APPROPRIATE CARE SHALL BE GIVEN, THE**
5 **LOCAL GOVERNMENT UNIT (LGU) WHERE THE HOSPITAL OR**
6 **MEDICAL CLINIC IS LOCATED MUST ALLOW THE FREE USE OF**
7 **ITS EMERGENCY VEHICLE TO TRANSPORT THE PATIENT TO**
8 **THE HOSPITAL OR MEDICAL CLINIC WHERE A CONTINUATION**
9 **OF CARE SHALL BE GIVEN. THE HOSPITAL OR MEDICAL**
10 **CLINIC MUST PROVIDE A STAFF NURSE WITH ADVANCED**
11 **CARDIOVASCULAR LIFE SUPPORT (ACLS) CERTIFICATION OR**
12 **ITS EQUIVALENT TO ACCOMPANY THE PATIENT IN THE**
13 **EMERGENCY VEHICLE.**

14 **"ALL HOSPITALS ARE REQUIRED TO POST AT THEIR**
15 **ENTRANCE A NOTICE INDICATING THE CLASSIFICATION LEVEL**
16 **OF THE HOSPITAL AS LICENSED BY THE DEPARTMENT OF**
17 **HEALTH (DOH) AND THE LIST OF MEDICAL SERVICES THAT**
18 **THE HOSPITAL IS AUTHORIZED TO PERFORM.**

19 **"THE PHILIPPINE HEALTH INSURANCE CORPORATION**
20 **(PHILHEALTH) SHALL SHOULDERS ALL THE EXPENSES**
21 **ADVANCED BY HOSPITALS FOR THE EMERGENCY MEDICAL**
22 **SERVICES GIVEN TO THE POOR AND INDIGENT PATIENTS**
23 **SUBJECT TO THE EXISTING POLICIES OF THE PHILHEALTH.**
24 **FURTHERMORE, THE PHILIPPINE CHARITY SWEEPSTAKES**
25 **OFFICE (PCSO) SHALL PROVIDE MEDICAL ASSISTANCE TO**
26 **THE BASIC EMERGENCY CARE NEEDS OF THE POOR AND**
27 **MARGINALIZED GROUPS."**

28 **SEC. 4. Section 4 of the same Act is hereby amended to read as**
29 **follows:**

30 **"SEC. 4. Any official, medical practitioner or employee**
31 **of the hospital or medical clinic who violates the provisions of**

1 this Act shall, upon conviction by final judgment, be punished
2 by imprisonment of not less than six (6) months and one (1) day
3 but not more than two (2) years and four (4) months, or a fine of
4 not less than [Twenty thousand pesos (P20,000.00)] ONE
5 HUNDRED THOUSAND PESOS (P100,000.00), but not more than
6 [One hundred thousand pesos (P100,000.00)] THREE HUNDRED
7 THOUSAND PESOS (P300,000.00) or both, at the discretion
8 of the court: *Provided, however,* That if such violation was
9 committed pursuant to an established policy of the hospital
10 or clinic or upon instruction of its management, the director
11 or officer of such hospital or clinic responsible for the
12 formulation and implementation of such policy shall, upon
13 conviction by final judgment, suffer imprisonment of four (4)
14 to six (6) years, or a fine of not less than [One hundred thousand
15 pesos (P100,000.00)] FIVE HUNDRED THOUSAND PESOS
16 (P500,000.00), but not more than [Five hundred thousand pesos
17 (P500,000.00)] ONE MILLION PESOS (P1,000,000.00) or both, at
18 the discretion of the court, WITHOUT PREJUDICE TO DAMAGES
19 THAT MAY BE AWARDED TO THE PATIENT-COMPLAINANT.

20 "IN CASE OF THREE (3) REPEATED VIOLATIONS
21 COMMITTED PURSUANT TO AN ESTABLISHED POLICY OF THE
22 HOSPITAL OR CLINIC OR UPON INSTRUCTION OF ITS
23 MANAGEMENT, THE HEALTH FACILITY'S LICENSE TO OPERATE
24 SHALL BE SUSPENDED OR REVOKED BY THE DOH.

25 "THE PRESIDENT, CHAIRMAN, BOARD OF DIRECTORS
26 OR TRUSTEES, AND OTHER OFFICERS OF THE HEALTH
27 FACILITY SHALL BE SOLIDARILY LIABLE FOR THE

1 DAMAGES THAT MAY BE AWARDED BY THE COURT TO THE
2 PATIENT-COMPLAINANT.”

3 SEC. 5. There is hereby added a new Section 4-A to read as follows:

4 “SEC. 4-A. THE DOH IS HEREBY MANDATED TO
5 CREATE A MEDIATION BOARD TO INITIALLY SETTLE
6 COMPLAINTS FROM PRIVATE INDIVIDUALS ON VIOLATIONS OF
7 THIS ACT PRIOR TO THE FILING OF A FORMAL COMPLAINT
8 AGAINST A HOSPITAL.”

9 SEC. 6. *Separability Clause.* – If any part or provision of this Act is
10 declared unconstitutional or invalid, other parts or provisions hereof which are
11 not affected shall continue to be in full force and effect.

12 SEC. 7. *Repealing Clause.* – All laws, decrees, executive orders,
13 statutes, provisions, regulations and other issuances or parts thereof
14 inconsistent with the provisions of this Act are hereby repealed or modified
15 accordingly.

16 SEC. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after
17 its publication in two (2) national newspapers of general circulation.

Approved,