

**NINETEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES**  
*First Regular Session*

)  
)  
)



'22 JUL -7 P3:13

**SENATE**

**S.B. No. 140**

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 Patient 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, 15 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. With the advent of Universal Health Care in the country, there is no more place for the practice of detaining patients in hospitals 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

)  
)  
)

'22 JUL -7 P3:14

**SENATE**

**S.B. No. 140**

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**

*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**  
18 **ACTIVE MEMBER OF EITHER THE SOCIAL SECURITY SYSTEM**  
19 **(SSS), GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS), OR**  
20 **THE PHILIPPINE HEALTH INSURANCE CORPORATION**

1 (PHILHEALTH), A GUARANTEE LETTER FROM ANY OF THESE  
2 AGENCIES MAY BE PRESENTED WITH THE PROMISSORY NOTE IN  
3 LIEU OF A MORTGAGE OR GUARANTEE BY A CO-MAKER. IF THE  
4 PATIENT IS AN INDIGENT, A GUARANTEE LETTER FROM THE  
5 DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD)  
6 SHALL SUFFICE.

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

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

29 "SECTION 3. Any officer or employee of the hospital or medical clinic  
30 responsible for releasing patients, who violates the provisions of this Act  
31 shall [~~be punished by a fine of not less than Twenty thousand pesos~~  
32 ~~(P20,000.00), but not more than Fifty thousand pesos (P50,000.00), or~~  
33 ~~imprisonment of not less than one month, but not more than six months,~~  
34 ~~or both such fine and imprisonment, at the discretion of the proper court.]~~  
35 **UPON CONVICTION BY FINAL JUDGMENT, BE PUNISHED BY**  
36 **IMPRISONMENT OF NOT LESS THAN SIX (6) MONTHS AND ONE**

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

21           *Sec. 4. Anti-Hospital Detention Assistance Fund.* - There is hereby created an Anti-  
22 Hospital Detention Assistance Fund amounting to One Hundred Million (P100,000,000.00)  
23 to be managed by the DOH. This fund shall be used to partly cover unpaid promissory  
24 notes issued by poor and indigent patients.

25 The amount necessary for the initial implementation of this Act shall be charged against  
26 the current appropriations of the DOH who shall set up an Anti-Hospital Detention  
27 Assistance Fund for patients. Thereafter, the funds necessary to carry out the provisions  
28 of this Act shall be sourced from the Medical Assistance for Indigent Patients (MAIP)  
29 Program Funds of the DOH.

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 the  
33 Philippine Health Insurance Corporation shall, within six (6) months from the effectivity  
34 of this Act, promulgate the rules and regulations necessary for the proper implementation  
35 of this Act.

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

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

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

Approved,