

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS

First Regular Session

House Bill No. **3656**



Introduced by **Honorable CARMELO B. LAZATIN II**

EXPLANATORY NOTE

This bill seeks to prohibit the detention of deceased patients by morgues and other funeral establishments due to unpaid funeral expenses, amending for the purpose Republic Act No. 9439, entitled "*An Act Prohibiting the Detention of Patients in Hospitals and Medical Clinics on Grounds of Nonpayment of Hospital Bills or Medical Expenses.*"

Republic Act (RA) 9439 was passed to prevent and penalize the deplorable practice by hospitals and medical institutions of refusing to discharge patients with unpaid medical bills. This policy led patients to suffer more than they already do, as longer confinement entails more expenses and psychological trauma for both the patient and their families. Worse, said practice does not only happen in hospitals and medical institutions. Some funeral parlors and morgues are into this practice as well, keeping cadavers to force relatives of the deceased individual to cough up money for payment of funeral services.

Although RA 9439 provided the immediate and much needed relief to most of the poor patients, it has been found wanting due to the fact that many of these patients are ordinary employees or indigents who cannot afford to give a promissory note, which according to the law, should be accompanied by mortgage or guarantee. As a solution, the Government Service Insurance System, Social Security System, Philippine Health Insurance Corporation and the Department of Social Welfare and Development are encouraged to come up with special programs to help their members who cannot afford to pay medical or funeral bills.

Also, the law does not cover memorial or funeral establishments and morgues where deceased patients are endorsed after their discharge from hospitals. There are no penalties for these memorial or funeral establishments and morgues that refuse to release the cadavers to their respective families due to unpaid funeral related expenses. Hence, the law needs to be amended to expand its scope to funeral parlors and other institutions that follow this inhumane practice.

This measure is to ensure that rights of all individuals, living or otherwise, are protected.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


CARMELO B. LAZATIN II

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AN ACT

PROHIBITING THE DETENTION OF DECEASED PATIENTS OR CADAVERS BY MORGUES AND OTHER FUNERAL ESTABLISHMENTS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 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 in Congress assembled:

SECTION 1. Section 1 of Republic Act 9439 is hereby amended to read as follows:

“SECTION 1. It shall be unlawful for any hospital or medical clinic, FUNERAL PARLOR AND MORGUE 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, medical AND FUNERAL expenses.”

SEC. 2. Section 2 of Republic Act 9439 is likewise amended to read as follows:

“SEC. 2. Patients who have fully or partially recovered and who already wish to leave the hospital or medical clinic but are financially incapable to settle, in part or in full, their hospitalization expenses, including professional fees and medicines, shall be allowed to leave the hospital or medical clinic, with a right to demand the issuance of the corresponding medical certificate and other pertinent papers required for the release of the patient from the hospital or medical clinic upon the execution of a promissory note covering the unpaid obligation. The promissory note shall be secured by either a mortgage or by a guarantee of a

co-maker, who will be jointly and severally liable with the patient for the unpaid obligation. IF THE PATIENT IS AN ACTIVE MEMBER OF THE SOCIAL SECURITY SYSTEM (SSS), GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS) AND PHILIPPINE HEALTH INSURANCE CORPORATION (PHILHEALTH), A GUARANTEE LETTER FROM ANY OF THOSE AGENCIES MAY BE PRESENTED WITH THE PROMISSORY NOTE IN LIEU OF A MORTGAGE OR GUARANTEE BY A CO-MAKER. IF THE PATIENT IS AN INDIGENT, A GUARANTEE LETTER FROM THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD) SHALL SUFFICE. In the case of a deceased patient, the CADAVER, corresponding death certificate and other documents required for interment and other purposes shall be released BY THE HOSPITAL OR ANY MEDICAL INSTITUTION, FUNERAL PARLOR OR MORGUE to any of his surviving relatives requesting for the same: *PROVIDED*, THAT THE SURVIVING RELATIVES PRESENT A PROMISSORY NOTE WITH A GUARANTEE LETTER FROM EITHER THE SSS, GSIS, OR PHILHEALTH IF THE DECEASED WAS A MEMBER OF ANY OF THE SAID AGENCIES DURING THE TIME OF DEATH, OR DSWD, IF THE DECEASED WAS AN INDIGENT: *Provided, however*, that patients who stayed in private rooms shall not be covered by this Act.”

SEC.4. Section 3 of Republic Act 9439 is hereby amended to read as follows:

“SEC. 3. Any officer or employee of the hospital or medical clinic, FUNERAL PARLOR OR MORGUE responsible for releasing patients OR CADAVERS, who violates the provisions of this Act shall be punished by a fine of not less than [Twenty] THIRTY Thousand Pesos [(P20,000.00)] (P30,000.00), or imprisonment of not less than one month, but not more than six months, or both such fine and imprisonment, at the discretion of the proper court.”

SEC. 5. The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the DSWD, the SSS, GSIS and PhilHealth, as the case may be. Thereafter, the funds necessary to carry out the provisions of this Act shall be included in the Annual General Appropriations Act.

Sec. 6. The Department of Social Welfare and Development, jointly with the Department of Health, the Government Service Insurance System, Social Security System, and the Philippine Health Insurance Corporation shall, within six (6) months from the

effectivity of this Act, promulgate the rules and regulations necessary for the proper implementation of this Act.

Sec. 7. If any provision of this Act is declared unconstitutional or invalid, other provisions not otherwise affected shall remain in full force and effect.

Sec. 8. All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed or amended accordingly

Sec. 9. This Act shall take effect upon its publication in the Official Gazette or in a newspaper of general circulation.

Approved,