

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH (17th) CONGRESS
First Regular Session

HOUSE BILL NO. 447

HOUSE OF REPRESENTATIVES	
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REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

EXPLANATORY NOTE

The bill entitled, "*An Act Strengthening the Provision of Emergency Health Care Service to Patients, Further Amending for the Purpose Batas Pambansa Bilang 702, as Amended, Otherwise Known as 'An Act Prohibiting the Demand of Deposits or Advance Payments for the Confinement or Treatment of Patients in Hospitals and Medical Clinics in Certain Areas'*", was originally filed as House Bill No. 6341 in the 16th Congress by this representation. The bill seeks to make emergency health care more reliable and efficient.

Article XIII, Section 11 of the 1987 Philippine Constitution provides for the Filipino people a national health policy: "The State shall adopt an integrated and comprehensive approach to health development, which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost." An efficient emergency healthcare service should be part of this national health policy.

On 05 April 1984, Batas Pambansa Bilang 702 was crafted to address this matter. BP 702 was a landmark legislative measure that aimed to stop the practice of asking for deposits or advance payments for treatment or confinement of patients in emergency or serious cases.

On 25 August 1997, BP 702 was amended by Republic Act No. 8344, or "*an Act penalizing the refusal of hospitals and medical clinics to administer appropriate initial medical treatment and support in emergency or serious cases, amending for the purpose Batas Pambansa Bilang 702.*" RA 8344 outlined the procedure on what a medical facility should do in cases of emergency and their lack of capacity to respond to such medical situation. The law likewise defined certain terms related to emergency healthcare, and provided penalties for violations.

Despite these measures, there are cases where patients in emergency or serious cases suffer severe loss of blood, or worse, die while being transported to more distant medical facilities. Said situations can be remedied if there are nearby private medical facilities that can provide adequate emergency healthcare service at no cost to the patient.

Preservation of human lives should remain among the top priorities of any government. Right to efficient emergency health care to save one's life should never be denied or made unavailable mainly due to lack of sufficient funds.

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

[Signature]



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SIXTEENTH (17th) CONGRESS
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HOUSE BILL NO. 447

Introduced by REP. JOSE CHRISTOPHER Y. BELMONTE

AN ACT

STRENGTHENING THE PROVISION OF EMERGENCY HEALTH CARE SERVICE TO PATIENTS, FURTHER AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 702, AS AMENDED, OTHERWISE KNOWN AS "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 the House of Representatives of the Republic of the Philippines in Congress assembled:

SECTION 1. Section 1 of Batas Pambansa Bilang 702, as amended, is hereby amended to read as follows:

"Section 1. In emergency or serious cases, it shall be unlawful for any proprietor, president, director, manager or any other officer, and/or medical practitioner employee of a hospital or medical clinic to request, solicit, demand or accept any deposit or any other form of advance payment as a prerequisite for confinement or medical treatment of a patient, INCLUDING FOREIGNERS, in such hospital or medical clinic or to refuse to administer medical treatment and support as dictated by good practice of medicine to prevent death or permanent disability; OR OTHERWISE REQUIRE PAYMENT FOR BASIC EMERGENCY CARE SERVICE TO ANY PATIENT: *Provided*, That by reason of inadequacy of the medical capabilities of hospital or medical clinic, the attending physician may transfer the patient to a facility where the appropriate care can be given, after the patient or his next of kin consents to said transfer and after the receiving hospital or medical clinic agrees to the transfer: *Provided, however*, That when the patient is unconscious, incapable of giving consent and/or unaccompanied, the physician can transfer the patient even without his consent: *Provided, further*, That such transfer shall be done

1 only after necessary emergency treatment and support have been administered to
2 stabilize the patient and after it has been established that such transfer entails less
3 risks than the patient's continued confinement: *Provided furthermore*, That no
4 hospital or clinic, after being informed of the medical indications of such transfer,
5 shall refuse to receive the patient or demand from the patient or his next of kin any
6 deposit or advance payment: *Provided, finally*, That strict compliance with the
7 foregoing procedure shall not be construed as a refusal made punishable by this Act.
8

9 **SEC. 2.** Section 2 of Batas Pambansa Bilang 702, as amended, is hereby
10 amended as follows:
11

12 "SEC. 2. For purposes of this Act, the following definitions shall govern:
13

14 "(a) 'Emergency' – a condition or state of a patient wherein based on
15 the objective findings of a prudent medical officer on duty for the day there is
16 immediate danger and where delay in initial support and treatment may cause
17 loss of life or cause permanent disability to the patient; *PROVIDED, THAT*
18 *THE CASE OF A WOMAN IN ACTIVE LABOR, WHO IS ALREADY IN*
19 *CROWNING STAGE SHALL BE CONSIDERED AS AN EMERGENCY,*
20 *AND THE MEDICAL FACILITY SHALL PERFORM THE NECESSARY*
21 *MEASURES AND/OR TREATMENT TO ENSURE THAT THE LABOR*
22 *GOES WELL INTO THE SEPARATION OF BABY AND PLACENTA.*
23

24 xxx
25

26 "(I) 'BASIC EMERGENCY CARE' – RESPONSE TO A
27 SITUATION WHERE THERE IS URGENTLY REQUIRED MEDICAL
28 CARE AND ATTENTION, AND SHALL INCLUDE PROCEDURES
29 REQUIRED FOR INITIAL DIAGNOSIS, USE OF EQUIPMENT AND
30 SUPPLIES IN ADDRESSING THE EMERGENCY SITUATION, AND
31 OTHER FEES INCURRED AT THE TIME OF BASIC EMERGENCY
32 RESPONSE."
33

34 **SEC. 3.** Section 3 of Batas Pambansa Bilang 702, as amended, is hereby
35 amended as follows:
36

37 "SEC. 3. After the hospital or medical clinic mentioned above shall have
38 administered medical treatment and support, it may cause the transfer of the patient to
39 an appropriate hospital consistent with the needs of the patient, preferably to a
40 government hospital, specially in the case of poor or indigent patients.
41

42 "A. WHERE THERE IS NO AMBULANCE AVAILABLE FOR USE
43 BY THE HOSPITAL OR MEDICAL CLINIC FOR THE EMERGENCY
44 TRANSFER OF THE PATIENT TO A FACILITY WHERE THE
45 APPROPRIATE CARE CAN BE GIVEN, THE BARANGAY WHERE THE
46 SAID HOSPITAL OR MEDICAL CLINIC IS LOCATED SHALL ALLOW
47 THE FREE USE OF ITS EMERGENCY VEHICLE TO TRANSPORT THE
48 PATIENT TO THE HOSPITAL OR MEDICAL CLINIC WHERE A
49 CONTINUATION OF CARE SHALL BE GIVEN; *PROVIDED THAT THE*
50 *HOSPITAL OR MEDICAL CLINIC SHALL PROVIDE A STAFF NURSE*

1 WITH ADVANCE CARDIO LIFE SUPPORT (ACLS) CERTIFICATION,
2 OR ITS EQUIVALENT, IF AVAILABLE, TO ACCOMPANY THE
3 PATIENT IN THE SAID VEHICLE.
4

5 "B. THE COST OF THE BASIC EMERGENCY CARE TO BE
6 GIVEN BY A HOSPITAL OR MEDICAL CLINIC TO POOR AND
7 INDIGENT PATIENTS SHALL BE TAX DEDUCTIBLE IN FAVOR OF
8 THE SAID HOSPITAL OR MEDICAL CLINIC."
9

10 **SEC. 4.** Section 5 of Batas Pambansa Bilang 702, as amended, is hereby
11 amended as follows:
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13 "SEC. 5. The Department of Health AND THE BUREAU OF INTERNAL
14 REVENUE shall promulgate the necessary rules and regulation to carry out the
15 provisions of this Act."
16

17 **SEC. 5.** All statutes, provisions, or regulations not consistent with the
18 provisions herein are hereby repealed or modified.
19

20 **SEC. 6.** This Act shall take effect fifteen (15) days after its publication in two
21 (2) national newspapers of general circulation.
22

23 *Approved,*
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