

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH (18th) CONGRESS
First Regular Session

HOUSE BILL NO. 2593

Introduced by: **Representative Jose L. Atienza, Jr.**

EXPLANATORY NOTE

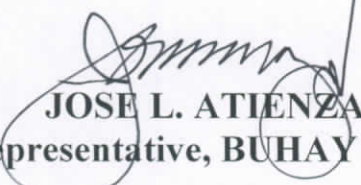
It is responsibility of the State to ensure the protection and promote the well-being of its citizens, primary of which is the provision of comprehensive health care.

The country's 452 public hospitals have been largely inadequate to cater to the needs of our growing population. Most Filipinos who are daily and minimum wage earners cannot possibly afford to get treatment from private hospitals and medical institutions, and rely on public hospitals and clinics for their needs.

An example of this is the Dr. Jose Fabella Memorial Hospital, more popularly known as the national maternity hospital or "Paanakan ng Bayan", which attends to around 1,000 patients, almost all of them coming from poor families. Privatizing this institution would deprive these patients, mostly mothers, of quality treatment and care at a very affordable cost.

Which is why the proposed privatization of public hospitals would be grossly detrimental to the public. Privatizing these hospitals would only benefit the large corporations that will be operating them. This would only worsen the plight of millions of poor Filipinos who will have to shell out their hard-earned money for higher cost of medicines and treatment for them and their loved ones. Instead of privatizing these hospitals, government should provide funds for the immediate rehabilitation, upgrading and hiring of competent health professionals to ensure quality health care for the public.

This Act aims to prohibit the privatization of all public hospitals. We should instead look to strengthen these institutions instead of giving them away to the highest bidder.


JOSE L. ATIENZA, JR.
Representative, BUHAY Party-list

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AN ACT
PROHIBITING THE PRIVATIZATION OF PUBLIC HOSPITALS AND
PUBLIC HEALTH FACILITIES

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

SECTION 1. *Short Title.* – This Act shall be known as the “AN ACT PROHIBITING THE PRIVATIZATION OF PUBLIC HOSPITALS AND PUBLIC HEALTH FACILITIES ”.

SECTION 2. *Declaration of Policy.* – It is the policy of the State to ensure the protection and promotion of the right to health of the people and to instill health consciousness among them. Further, the State shall endeavour to make essential goods, health and other services available to all people at affordable cost.

SECTION 3. *Definition of Terms.* – As used in this Act;

- a. Privatization refers to the process in which non-government actors become increasingly involved in the financing and the provision of health care services which includes: outright sale; public-private partnership; corporations; contracting out of equipment; joint venture; franchising; management control and corporatization; leasing; and user charges.
- b. Public hospitals refer to all Department of Health (DOH)-retained and national Hospitals, provincial and regional hospital under the local government.
- c. Public Health Facilities refer to health centers, lying-in clinics, and barangay health stations under the national or local government.

SECTION 4. *Prohibition of Privatization of Public Hospitals and Public Health Facilities.* – No public hospital and public health facility shall be privatized. Likewise, under no circumstance shall the Secretary of Health or any person, whether natural or juridical, initiate, cause, and approve the privatization of any public hospital and public health facility.

SECTION 5. *Liability and Accountability.* – Any person, whether natural or juridical, who initiates, causes, and approves the privatization of any public hospital and public health facility shall be considered in violation of this Act.

SECTION 6. *Penalties.* – Any person who violates any provisions of this Act shall be penalized accordingly:

- a. First Offense – A fine of not less than One hundred thousand pesos (Php 100,000.00) but not more than Two hundred thousand pesos (Php 200,000.00) and suspension of one (1) to two (2) years from public office;
- b. Second Offense – A fine of not less than Two hundred thousand pesos (Php 200,000.00) but not more than Five hundred thousand pesos (Php 500,000.00) and temporary disqualification from holding any public office of not less than three (3) years but not less than six (6) years; and
- c. Third Offense – A fine of not less than Five hundred thousand pesos (Php 500,000.00) but not more than Eight hundred thousand pesos (Php 800,000.00) and removal from public office and perpetual disqualification from holding any public position or office.

SECTION 7. *Implementing Rules and Regulations.* – The Secretary of the Department of Health shall promulgate the rules and regulations necessary to implement the provisions of this Act within ninety (90) days from its effectivity.

SECTION 8. *Separability Clause.* – If any provision of this Act is declared invalid or unconstitutional, otherwise provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 9. *Repealing Clause.* – All laws, orders, decrees, rules and regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved.