



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
16th City Council

45th Regular Session

ORDINANCE NO. SP- **1626**, S-2005
(PO2005-214)

AN ORDINANCE DIRECTING ALL HOSPITALS, MEDICAL CLINICS AND THE LIKES, OPERATING IN QUEZON CITY TO POST A COPY OF REPUBLIC ACT NO. 8344, OTHERWISE KNOWN AS "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, OTHERWISE KNOWN AS "AN ACT PROHIBITING THE DEMAND OF DEPOSITS OR ADVANCE PAYMENTS FOR THE CONFINEMENT OR TREATMENT OF PATIENTS IN HOSPITAL AND MEDICAL CLINICS IN CERTAIN CASES."

Introduced by Councilors RESTITUTO B. MALANGEN, ROMMEL R. ABESAMIS, ERIC Z. MEDINA, FRANCISCO A. CALALAY, JR., JANET M. MALAYA, BERNADETTE HERRERA-DY, ELIZABETH A. DELARMENTE, ROMMEL R. ABESAMIS, JOSEPH P. JUICO, WINSTON "Winnie" T. CASTELO, AIKO MELENDEZ, VOLTAIRE GODOFREDO L. LIBAN III, ALLAN BUTCH T. FRANCISCO, FRANZ S. PUMAREN, WENCEROM BENEDICT C. LAGUMBAY, DIORELLA MARIA SOTTO-DE LEON, ANTONIO E. INTON, JR., ALMA F. MONTILLA and BAYANI V. HIPOL.

WHEREAS, Section 15, Article II of the 1987 Constitution provides, "The state shall promote the right to health of the people and instill health consciousness among them.";

WHEREAS, it is a business practice of most hospitals and medical clinics to demand deposits or advance payments for the confinement of patients;

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WHEREAS, the Congress of the Philippines enacted Batas Pambansa Bilang 702 as amended by RA 8344 apparently to prevent this depraved and immoral practice;

WHEREAS, despite the existence of said law, still, a lot of people are not aware of it, thus, it now becomes necessary to utilize all powers of government so the people may be properly informed of their rights as provided by said law;

WHEREAS, this August Body, now acts pursuant to the powers expressly granted upon it by law, and those necessarily implied therefrom, to serve the interest of its residents and constituents.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. All hospitals, medical clinics and the likes operating in Quezon City shall be required to post the following salient features of Republic Act No. 8344 in a conspicuous place in the hospital or clinic premises, which shall include but not limited to the emergency room, waiting area, cashier and all floors of the building: Section 1, Section 2, Section 2a, 2b and Section 4 of Republic Act no. 8344, to wit:

"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 or 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 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: Provided, that by reason of inadequacy of the medical capabilities of the hospital or medical clinic, the attending physician may transfer the patient



or his next 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. Provided, furthermore, that no hospital or clinic, after being informed of the medical indications for such transfer, shall refuse to receive the patient nor demand from the patient or his next kin any deposit or advance payment: Provided, finally that strict compliance with the foregoing procedure on transfer shall not be construed as a refusal made punishable by this Act.

SECTION 2. For purposes of this Act, the following definitions shall govern:

- (a) Emergency - a condition or state of a patient wherein based on the objective findings of a prudent medical officer on duty for the day, there is immediate danger and where delay in initial support and treatment may cause loss of life or cause permanent disability to the patient.
- (b) Serious case - refers to a condition of a patient characterized by gravity or danger wherein based on the objective findings of a prudent medical officer on duty for the day, when left unattended to, may cause loss of life or cause permanent disability to the patient.

SECTION 4. Any official, medical practitioner or employee of the hospital or medical clinic who violates the provisions of this Act shall upon conviction by the final judgment, be punished by imprisonment of not less than six (6) months and one (1) day but not more than two (2) years and four (4) months, or a fine of not less than Twenty

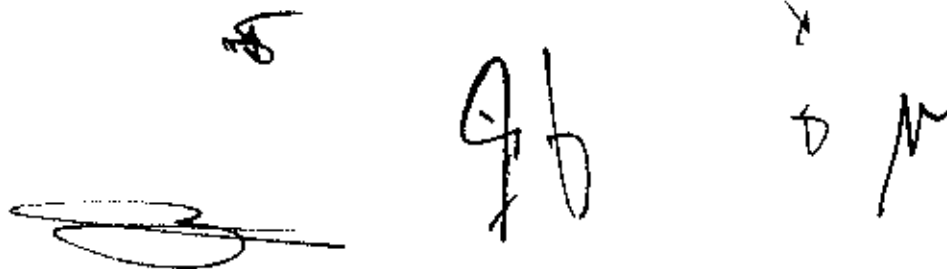
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Thousand Pesos (P20,000.00) but not more than One Hundred Thousand Pesos (P100,000.00) or both, at the discretion of the court: Provided, however, that if such violation was committed pursuant to an established policy of the hospital or clinic or upon instruction of its management, the director or officer of such hospital or clinic responsible for the formulation and implementation of such policy shall, upon conviction by final judgment, suffer imprisonment of four (4) to six (6) years, or a fine of not less than One hundred Thousand Pesos (P100,000.00), but not more than Five Hundred Thousand pesos (P500,000.00) or both, at the discretion of the court.

The following fines/penalties shall be imposed upon the hospital or medical clinic administrator, proprietor, owner or any officer of said establishment for failure or refusal to post Republic Act No. 8344 as required by this Ordinance:

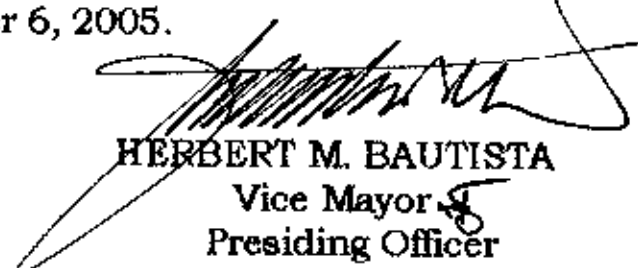
- a. First Offense - Fine of Two Thousand Pesos (P2,000.00);
- b. Second Offense - Fine of Three Thousand Pesos (P3,000.00);
- c. Third Offense - Fine of Five Thousand Pesos (P5,000.00) or Revocation and/or cancellation of business permit upon recommendation by the BPLO subject for approval of the mayor.

SECTION 3. The City Health Office, being an arm of the Department of Health shall promulgate the implementation of this Ordinance and further be tasked to regularly monitor the concerned medical service establishments to comply with this Ordinance.

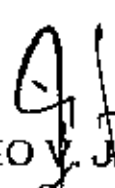
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SECTION 4. This Ordinance shall take effect after fifteen (15) days following the completion of its publication in a newspaper of general circulation.


ENACTED: December 6, 2005.


HERBERT M. BAUTISTA
Vice Mayor &
Presiding Officer

ATTESTED:


EUGENIO V. JURILLA
City Secretary

APPROVED: JAN 06 2006


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on December 6, 2005, was finally PASSED on Third/Final Reading by the City Council under Suspended Rules on the same date.


EUGENIO V. JURILLA
City Secretary
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