

9 JUN -3 P9:53

SENATE

S. B. No. 3309

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INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

EXPLANATORY NOTE

Children are blessings from God. The primary duty to care for the child belongs to his or her parents. In fact most parents would do anything for their children. Regardless of their financial status in life, parents will sacrifice much for the future of their children.

The State support for this noble endeavor of parents caring for their children is enunciated in the constitutional declaration – "The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government" (Article II, Section 12 Philippine Constitution).

What happens when a child is orphaned? Orphaned children who lose their parents to death, or were abandoned are humanly alone in this world. Who or what organization will step in to provide and care for the child? While some are blessed by being adopted, many are left in orphanages. Orphanages usually don't have enough funds to fully care for the child. Many times there is a scarcity of resources for the basic needs of health and education.

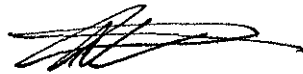
The State cannot just standby and watch while orphans are suffering and just barely surviving. The State should stand in as a parent. As in the *parens patriae* doctrine, that the government is the ultimate guardian of all people. Indeed, while the doctrine finds application to all citizens, more so to children, mentally impaired persons, and other differently-abled individuals who are legally incompetent to manage their affairs, there is a special call for its application to orphaned children who have no hand to hold but that of the State's. Let us help them have confidence in that although bereft of parents, they have a country, their Motherland that understands their needs and will help them become the best persons they could possibly be.

This proposed bill underscores the fact that while our orphanages and child-caring institutions need resources to accomplish their task. Addressing the orphans need should be a priority of the State. Let us be reminded that these children's needs are no different from any other child of their age.

This bill emphasizes the welfare and protection needed by the orphaned child by providing for health insurance, hospitalization support and annual medical and dental check-ups. These would help ensure the GOD health of the orphaned child and provide him or her sufficient flexibility to explore all his God-given skills and abilities and develop them to the fullest.

We can start by adequately empowering our institutions in charge of the care of orphans to provide a comprehensive and sustained healthcare to their wards. With sound minds and healthy bodies, our country's orphans will try to be on the same footing as other children with parents who have the ability to realize their own personal dreams in life and become good and productive citizens of our country.

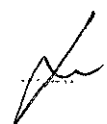
In view of the foregoing, immediate approval of this bill is earnestly sought.



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AN ACT
PROVIDING FOR A SOCIAL JUSTICE AND WELFARE PROGRAM FOR THE
MEDICAL CARE AND PROTECTION OF ORPHANS

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

Section 1. Short Title.- This Act shall be known as the "*Orphans' Welfare and Protection Act of 2009.*"

Section 2. Declaration of Policy.- The State recognizes the right of the child to a full and decent life. As such, it is an acknowledged duty of the State to promote the welfare and protect the physical, moral, intellectual, and social well-being of the child. Furthermore, it is the policy of the State to assist, provide and protect the orphaned child in the absence of adoptive parents or guardians that may provide for them. Priority then shall be given to the health needs and welfare of the orphaned child.

Section 3. Definition of Terms.- For purposes of this Act, the following terms are defined:

- a.) "**Child-Caring Institution**" refers to any twenty-four hour resident group care service for the physical, mental, social and spiritual well-being of nine or more mentally gifted, dependent, abandoned, neglected, handicapped or

disturbed children that is accredited with the Department of Social Welfare and Development (DSWD);

b.) "Orphan" refers to a child, below 18 years old, who is left without any care or guardian by the death of his parents, or who is without proper parental care due to the disappearance for at least six continuous months of both his father and mother;

c.) "Orphanage" refers to any DSWD-licensed orphanage that seeks to enrich the lives and enhance the physical, emotional, and social well being of orphaned children;

d.) "Hospitalization" refers to the event of the orphan necessitating medical care in a hospital, whether in-patient or out-patient.

Section 4. Coverage.- All orphans, under the care of orphanages and child-caring institutions, whether public or private, with a reputable track record in participating and contributing to the betterment of the minor orphaned children shall be covered by the provisions of this Act.

Section 5.- Insurance.- The Government of the Philippines shall provide for the contributions of every orphan, in accordance with Section 4 of this Act, to the National Health Insurance Program to qualify for the insurance benefits provided by the Philippine Health Insurance Corporation (Philhealth). A separate portion in the annual budget of the DSWD shall be allocated for the payment of the Philhealth premiums of the orphans in child-caring institutions.

Section 6.- Hospitalization.- In the event that the hospitalization of the orphaned child is necessary to his or her health and well-being, the child-caring institution must immediately attend to such need. The hospitalization bill of the orphan shall be paid by the State through the DSWD. A special fund in the amount of at least Fifty Million Pesos (Php50,000.000.00) shall be set aside annually by the DSWD for the payment of such hospitalization bills.

Section 7.- Annual Check-ups.- The child-caring institution or orphanage shall ensure that the orphans under its care and custody shall undergo annual medical and dental check-ups before public medical and dental facilities and

hospitals. Such dental and medical annual check-ups shall be provided to them for free upon presentation of a certification and request from the DSWD.

Section 8. Implementing Rules and Regulations. – The (DSWD) in consultation with the Department of Interior and Local Government (DILG), non-government organizations (NGO's) and other agencies deemed necessary to consult, shall issue the Implementing Rules and Regulations (IRR) within ninety (90) days after the approval of this Act.

Section 9. Separability Clause. – If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

Section 10. Repealing Clause.- All laws, decrees, orders, issuances or portions thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 11. Effectivity – This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,