

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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SENATE
OFFICE OF THE SECRETARY

04 JUN 30 P9:09

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SENATE

S. No. 652

INTRODUCED BY HON. MANUEL B. VILLAR JR.

EXPLANATORY NOTE

Article XV, Section 3 (3) of the 1987 Constitution declares that:

“The State shall defend the right of the children to assistance, including proper care and nutrition and special protection from all forms of neglect and abuse, cruelty, exploitation, other conditions prejudicial to their development”.

This is amplified by the Child and Youth Welfare Code, PD 603, as amended, wherein it is provided that:

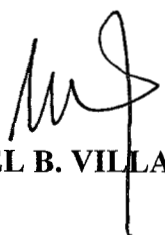
“Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life” (Art. 3 [4]).

Yet there is rampant practice in certain hospitals and clinics of denying street children admission to their premises, even if these children require immediate medical or dental attention for the reason that these children lack sufficient financial resources to pay the “deposit” which these medical institutions require thereof.

Congress should lead the way in eradicating this corrupt practice. This Bill proposes a law which requires both public and private hospitals and clinics to extend free medical and dental services to indigent children, which includes but is not necessarily limited to street children, and provides penalties for violations thereof.

By virtue of the doctrine of *parens patriae*, indigent children who have been neglected by their parents are the wards of the State. Congress should therefore take every necessary step to see to it that they live healthy lives in spite of their impoverished condition.

In view of the paramount need to extend vital health services to indigent children, passage of this earnestly urged.


MANUEL B. VILLAR, JR.

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**AN ACT REQUIRING ALL GOVERNMENT AND PRIVATE HOSPITALS, MEDICAL
CENTERS, CLINICS, INFIRMARIES, PUERICULTURE CENTERS TO EXTEND
FREE MEDICAL AND DENTAL ASSISTANCE TO INDIGENT CHILDREN**

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

Section 1. All government and private hospitals, medical centers, clinics, infirmaries or puericulture centers duly licensed to operate as such, are hereby required to render medical and dental services to indigent children, regardless of whether or not they are in danger of dying and/or may have suffered physical injuries requiring immediate medical attention.

For the purpose of this Act, an "indigent child" is an emancipated child below eighteen (18) years of age who has health problems requiring medical and dental services for his care and treatment, taking into account the following factors:

- (a) The age of the child;
- (b) The financial condition of the family;
- (c) The degree of deprivation of parental care and support; and
- (d) The inability of his parents to exercise parental authority.

SEC. 2. The expenses and losses of earnings incurred by a private hospital, medical center, clinic, infirmary, or puericulture center; or by an individual physician or dentist for medicine, facilities, and services extended to the care and treatment of an indigent child as required herein in an amount not exceeding P300,000.00 per year, shall be deductible expenses and losses for income tax purposes which may be carried over for a period of five years, any provision of law, decree, executive order or regulation to the contrary notwithstanding.

SEC. 3. Any hospital director, administrator, officer-in-charge, physician, or dentist in a hospital, medical center, clinic infirmary, or puericulture center who shall refuse or fail without good cause to render the appropriate medical or dental service pursuant to Section One of this Act., after said case has been brought to his/her attention, or any nurse, mid-wife, medical or dental attendant who shall refuse to extend the appropriate assistance, subject to existing rules, or neglects to notify or call the attention of a physician or dentist in attendance, shall be punished with imprisonment of at least one (1) year, but not more than five (5) years, or a fine of Ten

Thousand Pesos (P10,000.00), but not more than Fifteen Thousand Pesos (15,000.00), or both fine and imprisonment at the sound discretion of the Court.

In this case of government hospitals, medical centers, clinics, infirmaries, or puericulture centers, the imposition of the appropriate penalties upon the person or persons guilty of the violation of this Act shall be without prejudice to the administrative action that may be proper.

In the case of private hospitals, medical centers, clinic, infirmaries, or puericulture centers, the license to operate shall be suspended or revoked.

SEC. 4. The Department of Health in coordination with the Department of Social Welfare and Development shall have the authority to promulgate the necessary rules and regulations for the purpose of carrying into effect the provisions of this Act.

SEC. 5. All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 6. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or two (2) newspapers of general circulation.

Approved,