

SENATE

S. No. 1011

MANUEL M. L. L.)
g

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

Article XV, Section 3(3) of the Constitution declares as follows:

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

PD 603, otherwise known as the Child and Welfare Code, as amended, reinforces this constitutional provision in Article 3(4) which states: "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."

Violative of the spirit of the above provisions, it is not uncommon for private hospitals and clinics to deny street children admission to their premises for the reason that these children lack sufficient financial resources to pay the deposit required upon admission, even if these children require immediate medical or dental attention

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 measure to ensure that they live healthy lives despite their impoverished condition.

This bill mandates both private and public hospitals to extend free medical and dental services to indigent children, including but not necessarily limited to street children, providing penalties for violations thereof.

In view of the foregoing, early passage of this bill is earnestly requested


MANUEL "LITO" M. LAPID
Senator

10 JUL -8 P158

SENATE

S. No. 1011

Introduced by Senator Manuel "Lito" M. Lapid

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 purposes of this Act, an "indigent child" is an un-emancipated child 7 below eighteen (18) years of age who has health problems requiring medical and 8 dental services for his care and treatment, taking into account the following 9 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 17 treatment of an indigent child as required herein in an amount not exceeding Php 300,000.00 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 (Php 10,000.00), but not more than Fifteen Thousand Pesos (Php 15,000.00), or both fine and imprisonment at the sound discretion of the Court.

In the case of government hospital, 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, clinics, infirmaries, or puericulture centers, the license to operate shall be suspended or revoked.

SEC. 4. *Implementing Rules and Regulations (IRR).* - 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. *Separability Clause.* - If any section or provision of this Act shall be declared unconstitutional or invalid, the other sections or provisions not affected thereby shall remain in full force and effect.

SEC. 6. *Repealing Clause.* - All laws, decrees, orders, rules and regulations and other issuances inconsistent with the provisions of this Act are deemed modified, revoked or repealed accordingly.

SEC. 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in two (2) leading newspapers of national circulation.

Approved,