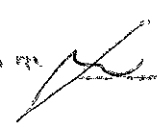


SENATE

S. B. No. 2352

RECEIVED


INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

EXPLANATORY NOTE

Psalm 82:3 tells us to, "Defend the weak and the fatherless; uphold the cause of the poor and the oppressed.

Article 25, Paragraph 1 of the Universal Declaration of Human Rights explicitly states that, "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

Clearly, programs for the protection and welfare of the elderly is urgent and always a priority. Many countries have already begun to realize the importance of attending to the rights, welfare and protection of the elderly. Unfortunately, in the Philippines there is much to be done to improve the welfare of the elderly. The Government should begin to take responsibility for the protection of the elderly in order to assure them of their basic rights, particularly in the area of health care.

Protecting the elderly in Philippine society is our duty as individuals and as a nation. Usually, this practice is done within traditional support networks such as the extended family. However, current realities in the Philippines have begun to challenge the capacity of traditional social structures such as the family to provide the minimum basic needs of the elderly. Today, there are elderly citizens in our community living lives of quiet desperation. They may have been left without any family members to depend on for support and sustenance. Many have been frowned upon by circumstances and have been left with no financial means. Many are subject to discrimination and are often perceived as easily taken advantage of, and consequently become victims of neglect, psychological and physical abuse. Indigent, sick and alone, many of the elderly are weak and vulnerable as they stand today.

The State must not ignore this situation of helplessness faced by the elderly, especially those who have no family members to run to for support. The needs of the elderly have been overshadowed by seemingly more urgent and pressing issues. Instead of ignoring this issue, the state must be at the forefront of providing greater collective and institutional support to augment the role of traditional support systems such as the family in the care of the elderly.

This proposed measure seeks to protect and provide for the welfare benefits that will ensure the basic health needs of our elderly. It mandates that all elderly in need shall be entrusted in the care of the proper institution, to ensure that they are given adequate shelter and care. Health needs and hospitalization support are also provided.

The concept of social justice comes into play when there are those who are weak and cannot fend or provide for themselves wherein the State must step in and act.

In view of the foregoing, and to protect the rights of the elderly, the approval of this bill is earnestly sought.



SEN. ALAN PETER "COMPAÑERO" S. CAYETANO

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S. B. No. 2352

INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

AN ACT
PROVIDING FOR A SOCIAL JUSTICE AND WELFARE PROGRAM FOR THE PROTECTION AND CARE OF THE ELDERLY WITHOUT ANY IDENTIFIABLE FAMILY MEMBERS OR WITHOUT ANY MEANS OF SUPPORT

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 "*Welfare and Protection Act for the Elderly of 2010*"

Section 2. Declaration of Policy.- It is the declared policy of the State to protect the elderly in society. For this purpose, priority shall be given to promote the health and welfare of the elderly, especially those who are indigent, sickly and without family support.

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

- a.) "**Home for the Aged**" refers to any twenty-four hour residential care facility or center, whether public or private, duly accredited by the Department of Social Welfare and Development (DSWD), that provides shelter and care to five or more elderly, whether able-bodied or disabled;
- b.) "**Elderly**" refers to any male or female, 60 years old and above, with no identifiable family member or without any means of support or sustenance;
- c.) "**Hospitalization**" refers to the event where the elderly necessitates medical care in a hospital, whether in-patient or out-patient.

Section 4. Coverage.- All elderly, under the care of the home for the aged institutions, whether public or private, with a reputable track record in participating and

contributing to the betterment of the elderly shall be covered by the provisions of this Act.

Section 5. Mandatory Philhealth Enrolment.- The national government through the DSWD shall ensure that all elderly covered by this Act, are bona fide members of Philhealth. Philhealth premiums of such elderly shall be regularly paid by the national government through the DSWD.

Section 6. Entrusting of Care to Centers.- All elderly, as defined in Section 3(b) of this Act must be entrusted under the care and custody of recognized home for the aged institutions duly accredited by the DSWD.

Section 7. Regular Checkups.- The home for the aged institution shall facilitate the monthly visits of medical personnel to the elderly centers to make sure that the health issues of the elderly are monitored and addressed properly.

Section 8.- Hospitalization.- In the event that the hospitalization of the elderly is necessary to his or her health and well-being, the home for the aged institution must immediately attend to such need. The hospitalization bill of the elderly in a hospital shall be paid by the State through the DSWD. A special fund in the amount of P100,000,000.00 (One Hundred Million Pesos) shall be set aside annually by the DSWD for the payment of the hospitalization bills.

Section 9.- Registration and Inspection.- The Secretary of DSWD shall cause the creation and maintenance of a register for all licensed home for the aged institutions. The Secretary shall also cause and order the inspection of the premises of the home for the aged institutions to ensure that a healthy environment is maintained for the elderly.

Section 10. Incentives to LGU's.- The National Government shall grant additional incentives to local government units which implement a counterpart Program.

Section 11. Implementing Rules and Regulations. – The Senate and the House, in consultation with the Department of Social Welfare and Development (DSWD), Department of Interior and Local Government (DILG), Department of Health (DOH), 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 12. 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 13. Repealing Clause.- All laws, decrees, orders, issuances or portion thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 14. Effectivity – This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,