

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

Senate
Office of the Secretary

75 FEB -9 12:47

SENATE

Senate Bill No. 2634

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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

EXPLANATORY NOTE

All children are entitled to the rights guaranteed by the laws of our country. Without distinction and discrimination, as Article XV, Section 3 (2) of the Constitution states:

"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, and other conditions prejudicial to their development."

This is magnified by the provisions of Presidential Decree 603 or the Child Welfare Code, as amended, on the Rights of the Child, providing 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)).

It is a major cause of concern despite all these safeguards, the rampant practice of certain hospitals' refusal to attend to the medical and dental needs of street children despite the immediacy and the urgency of such need due to the street children's inability to provide "deposits" is still practiced. We should put an end to such practice by providing for a law that would require both public and private hospitals and clinics to render free medical and dental services to indigent children, and penalizing those who will violate such requirement. This bill requires all medical institutions to extend health services to indigent children, which includes, but is not necessarily limited to, street children. Only through a concrete legislative measure can we fully realize the principles and policies sought to be effected by the various laws protecting the rights of the child.

In line with the States evolving agenda on defending the rights of the child, the immediate passage of this bill is profoundly sought.


JINGGOY EJERCITO ESTRADA
Senator

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

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

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

- 11
12 (a) the age of the child;
13 (b) the financial condition of the family;
14 (c) the degree of deprivation of parental care and support; and,
15 (d) the inability of his parents to exercise parental authority.

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18 **SEC. 2.** The expenses and losses of earnings incurred by a private
19 hospital, medical center, clinic, infirmary, or puericulture center, or by an
20 individual physician or dentist for medicine, facilities and services extended to the
21 care and treatment of an indigent child as required herein in an amount not
22 exceeding P300,000.00 per year, shall be deductible expenses and losses for
23 income tax purposes which may be carried over for a period of five (5) years.

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26 **SEC. 3.** Any hospital director, administrator, officer-in-charge, physician or
27 dentist in a hospital, medical center, clinic, infirmary, or puericulture center who
28 shall refuse or fail without good cause to render the appropriate medical or dental
29 service pursuant to Section 1 of this Act, after this case has been brought to
30 his/her attention, or any nurse, midwife, medical or dental attendant who shall
31 refuse to extend the appropriate assistance, subject to existing rules, or neglects
32 to notify or call the attention of a physician or dentist in attendance, shall be
33 punished with imprisonment of at least one (1) year or a fine of not more than

1 Fifteen Thousand Pesos (P15,000.00), or both fine and imprisonment at the
2 sound discretion of the Court.

3
4 In the case of government hospitals, medical centers, clinics, infirmaries,
5 or puericulture centers, the imposition of the appropriate penalties upon the
6 person or persons guilty of the violation of this Act shall be without prejudice to
7 the administrative action that may be proper.

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

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13 **SEC. 4.** The Department of Health (DOH) in coordination with the
14 Department of Social Welfare and Development shall have the authority to
15 promulgate the necessary rules and regulations for the purpose of carrying into
16 effect the provisions of this Act.

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

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

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31 *Approved,*