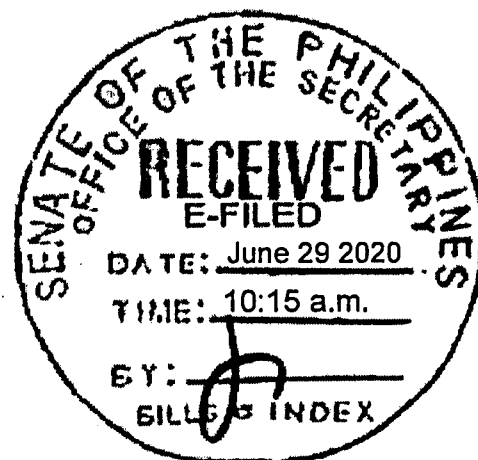


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

S. No. 1641

Introduced by SENATOR LEILA M. DE LIMA

AN ACT
UPHOLDING SOCIAL JUSTICE IN THE PROTECTION AND
PROMOTION OF THE SENIOR CITIZENS' RIGHT TO HEALTH,
BY PROVIDING FREE IMMUNIZATION TO ALL SENIOR CITIZENS,
AMENDING FOR THE PURPOSE SECTION 4 OF REPUBLIC ACT NO.
7432, AS AMENDED BY REPUBLIC ACT NO. 9257, FURTHER
AMENDED BY REPUBLIC ACT NO. 9994, OTHERWISE KNOWN AS
THE "EXPANDED SENIOR CITIZENS ACT OF 2010",
PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

No less than the Constitution guarantees that the needs of the elderly in relation to their right to health shall be given priority by the State.¹ Clearly, senior citizens belong to a special class of individuals for which the Constitution affords preferential concern. Social justice, after all, demands that services are equitably diffused to benefit even, and most especially, the vulnerable and the marginalized.

It is thus incumbent upon the State to care for and protect the elderly. The Supreme Court in *Southern Luzon Drug Corporation v. DSWD*,² highlighted and explained this duty of the State, to wit:

¹ 1987 Constitution. Article 2, Section 11.

The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the under-privileged, sick, elderly, disabled, women, and children. (Emphasis supplied)

² G.R. No. 199669 (April 25, 2017)

Verily, it is the bounden duty of the State to care for the elderly as they reach the point in their lives when the vigor of their youth has diminished and resources have become scarce. Not much because of choice, they become needing of support from the society for whom they presumably spent their productive days and for whose betterment they exhausted their energy, know-how and experience to make our days better to live.

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As to the State, the duty emanates from its role as *parens patriae* which holds it under obligation to provide protection and look after the welfare of its people especially those who cannot tend to themselves. *Parens patriae* means parent of his or her country, and refers to the State in its role as "sovereign", or the State in its capacity as a provider of protection to those unable to care for themselves... (Emphasis supplied.)

Since their age exposes them to greater risks of contracting viruses which existing and available immunization could otherwise prevent, this bill shall ensure that the health of senior citizens is not neglected by providing free vaccination against the Influenza virus, Tetanus, Diphtheria, Pertussi and Pneumococcal disease, and other similar approved vaccinations which the Department of Health (DOH) deems necessary for the maintenance of their quality of life. Vaccinations against these viruses and diseases has been encouraged by the United States Centers for Disease Control and Prevention (CDC).³

Dr. Joel Santiaguel, a pulmonologist at the Philippine General Hospital has emphasized the need for vaccination in our country: "[a]dults, especially senior citizens, are 100 times more likely than children to die of diseases that vaccines can prevent... Vaccinations are important to protect not only individuals but likewise the general population through herd immunity. Senior citizens and those with co-morbid conditions are particularly more susceptible to develop pneumonia and as such

³ "Vaccine Information for Adults." Retrieved from: <https://www.cdc.gov/vaccines/adults/rec-vac/index.html>

should be prioritized in being given the anti-pneumonia and anti-influenza vaccines. These are very safe vaccines with minimal side effects.”⁴

The Philippines has to begin now, given the fact that we are approaching towards an ageing population. In the 2019 report by the Philippine Statistics Authority, it was revealed that the Philippines is “projected to transition to an aging population between 2025-2030.”⁵ As Commission on Population and Development (CPD) Director Juan Antonio Perez, in the 21 January 2019 hearing of the Committee on Social Justice, Welfare and Rural Development, has said, “[w]e need to develop policies, address developmental issues that affect the older population before it is too late.”⁶ Their growing number coupled with their susceptibilities has now made it vital for the State to make the promotion and protection of their health and well-being among its priority social legislations.

The warnings and lessons from the most recent global pandemic that has wreaked havoc in our country must be heeded. Providing free immunization to all senior citizens will not only give them an added layer of defense, it will also prevent the healthcare system from being overburdened by the influx of the number of cases that could have otherwise been avoided with immunization. In protecting this vulnerable sector, we are also protecting the general welfare.

Finally, this bill will be the most apt response to the need to safeguard the elderly amidst a pandemic that targets their already vulnerable sector. Instead of merely locking them in their homes, the State must advocate for measures that will ensure the health and safety of the elderly with the least burden on their part. Senior citizens who have once contributed to society, should not be merely consigned to oblivion – their rights and welfare must be upheld and protected. Safeguarding seniors is the least we can do to repay them for helping us build our nation.

⁴ Tulio, M. “*Why the pneumonia vaccination is important for senior citizens.*” (10 December 2019) PhilStar Global. Retrieved from: <https://www.philstar.com/lifestyle/health-and-family/2019/12/10/1975669/why-pneumonia-vaccination-important-senior-citizens>

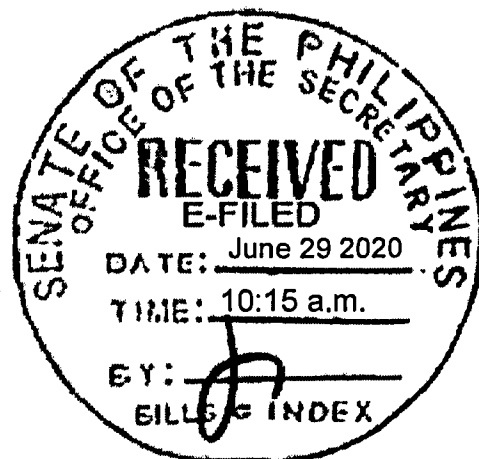
⁵ Castillo, P. “*Provision of Care for Filipino Older Persons and Responding to the Needs of Aging Societies.*” 2019. Retrieved from: https://www.un.org/en/development/desa/population/events/pdf/expert/29/session8/EGM_26Feb2019_S8_PleneGraceJCastillo.pdf

⁶ TSN, 21 January 2019, p.19

Approval of this proposed measure is most earnestly sought.

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DEILA M. DE LIMA

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



SENATE

S. No. 1641

Introduced by **SENATOR LEILA M. DE LIMA**

AN ACT
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PROMOTION OF THE SENIOR CITIZENS' RIGHT TO HEALTH,
BY PROVIDING FREE IMMUNIZATION TO ALL SENIOR CITIZENS,
AMENDING FOR THE PURPOSE SECTION 4 OF REPUBLIC ACT NO.
7432, AS AMENDED BY REPUBLIC ACT NO. 9257, FURTHER
AMENDED BY REPUBLIC ACT NO. 9994, OTHERWISE KNOWN AS
THE "EXPANDED SENIOR CITIZENS ACT OF 2010",
PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Safeguarding
2 Seniors: Free Immunization Act of 2020”.

3 Sec. 2. *Declaration of Policy.* – It is the policy of the State to protect and
4 promote the right to health of the people and instill health consciousness among
5 them.

6 Consistent with the Constitution which mandates that there shall be priority
7 for the needs of the elderly, the State shall endeavor to provide free vaccination to all
8 senior citizens. In recognizing the vulnerabilities of senior citizens, the State shall
9 protect their health by ensuring that they have a protective line of defense against
10 viruses and other diseases through free vaccination.

1 Sec. 3. Section 4 of Republic Act No. 743, as amended by Republic Act No.
2 9257, further amended by Republic Act No. 9994, otherwise known as the "Expanded
3 Senior Citizens Act of 2010", shall be hereby further amended to read as follows:

4 SEC. 4. Privileges for the Senior Citizens. –

5 The senior citizens shall be entitled to the
6 following:

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8 (f) the DOH shall administer free vaccination
9 against the influenza virus, **TETANUS,**
10 **DIPHTHERIA, PERTUSSI** and pneumococcal
11 **disease, AND OTHER SIMILAR APPROVED**
12 **VACCINATIONS WHICH THE DOH DEEMS**
13 **NECESSARY FOR THE MAINTENANCE OF**
14 **THE QUALITY OF LIFE for ALL [indigent]**
15 senior citizen patients;

16 Sec. 4. *Appropriations.* – The amount needed for the implementation of this
17 Act shall be charged against the appropriations of DOH in the current and
18 subsequent General Appropriations Act. Thereafter, the amount needed for the
19 continued implementation of this Act shall be included in the budget of the
20 concerned departments in the annual General Appropriations.

21 Sec. 5. *Implementing Rules and Regulations.* – Within six (6) months from
22 the approval of this Act, the Department of Social Welfare and Development (DSWD)
23 and the Department of Health (DOH), in coordination with other implementing
24 agencies, shall formulate rules and guidelines as may be necessary for the proper
25 implementation and enforcement of this Act.

26 Sec. 6. *Repealing Clause.* – All laws, decrees, letters of instruction,
27 resolutions, orders or parts thereof which are inconsistent with the provisions of this
28 Act are hereby repealed, modified or amended accordingly.

29 Sec. 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
30 publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,