

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

7 JUL -2 2005

SENATE

RECEIVED BY: 

Senate Bill No. 329

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

All children are entitled the rights guaranteed by the laws of our country, without distinction and discrimination. Article XV Section 3 (2) of the Constitution states 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, and other conditions prejudicial to their development."

This is magnified by the provisions of Presidential Decree 603 or the Child and Youth 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 basic physical requirements of a healthy and vigorous life." (Art. 3 (4))

It is a major cause of concern that despite all these safeguards, the rampant practice of certain hospital in refusing to attend to the medical and dental needs of street children, despite the urgency of such need, continues unabated.

We should put an end to such practice by providing for a law that would require both private and public 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 State's 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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7 JUL -2 10:03

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[Signature]

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AN ACT
TO REQUIRE THE GIVING OF FREE MEDICAL AND DENTAL SERVICE TO
INDIGENT CHILDREN

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 "*Indigent Children Free Medical and Dental Service Act*".

SEC 2. Declaration of Policy. Children are the future of Philippine society. Upon this premise, it is hereby declared the policy of the state to provide all the possible assistance it could provide to children especially those who are unfortunate to have no means of support or no one to support them.

SEC 3. Indigent Children Definition. Indigent children are those below 18 years old of age who no visible means of support or whose parents or guardians have no means of providing for their immediate medical and dental needs.

SEC 4. Free Medical Service. All hospitals, medical centers, clinics and other institutions that provide frontline medical services throughout the Philippines are hereby mandated under this Act to provide free medical treatment to indigent children.

SEC 5. Free Dental Service. All dental clinics, medical centers and other institutions that provide frontline dental healthcare throughout the country are mandated under this Act to provide free dental healthcare to indigent children.

SEC 6. DSWD and DOH Function. The Department of Social Welfare and Development in coordination with the Department of Health shall be the lead agencies in the implementation of this Act. The DSWD shall determine if the child is indeed an indigent while the Department of Health shall coordinate with the implementation of the free medical and dental services to indigent children.

SEC 7. Appropriations. The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC 8. Separability Clause. If any portion or provision of this Act were to be declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC 9. Repealing Clause. Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

SEC 10. Effectivity. This Act shall take effect fifteen days from the date of its complete publication in the Official Gazette or in at least two newspapers of general circulations.

Approved,