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SENATE

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Senate Bill No. 1875

INTRODUCED BY HON. MANNY VILLAR

EXPLANATORY NOTE

A number of hospitals and clinics refuse admission of street children, even if these children require immediate medical or dental attention. Their reason: these children do not have sufficient financial resources to pay the initial "deposit" required by the medical institution.

Article XV Section 3 (3) of the 1987 Constitution declares 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, other conditions prejudicial to their development."

This is amplified by PD 603, the Child and Youth Welfare Code, as amended, wherein Article 3 [4] provides 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."

The evolving national legislative agenda for children gives Congress the task to lead the way in eradicating corrupt practices such as denying admission of street children to hospitals or clinics. This bill requires both public and private hospitals and clinics to extend free medical and dental services to indigent children, which includes but is not necessarily limited to street children, and provides penalties for violations thereof.

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 step necessary to see to it that they live healthy lives inspite of their impoverished condition.

In view of the paramount need to extend vital health services to indigent children, passage of this bill is earnestly urged.


MANNY VILLAR

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**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:*

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

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

- 9 a. the age of the child;
10 b. the financial condition of the family;
11 c. the degree of deprivation of parental care and support; and
12 d. the inability of his parents to exercise parental authority.

13
14 **SECTION 2.** The expenses and losses of earnings incurred by a private
15 hospital, medical center, clinic, infirmary, or puericulture center; or by an individual
16 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
18 P300,000.00 per year, shall be deductible expenses and losses for income tax
19 purposes which may be carried over for a period of five years, any provision of law,
20 decree, executive order or regulation to the contrary notwithstanding.

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SECTION 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 center 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 the 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 (P15,000.00), but not more than Fifteen thousand pesos (P15,000.00), or both fine and imprisonment at the sound of discretion of the Court.

In the case of government hospitals, 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.

SECTION 4. 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.

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

SECTION 6. This act shall take effect fifteen (15) days after its publication in the official Gazette or two (2) newspapers of general circulation.

Approved,