

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 3821

Introduced by Representatives Mariano Michael M. Velarde Jr. and William
Irwin Tieng (BUHAY Party List)

EXPLANATORY NOTE

Street children are refused admission or denied much needed medical services by some hospitals and clinics even if the children require immediate medical and dental attention. The reason for their refusal to provide needed services is that the children do not have the financial capability to pay for an initial "deposit" required by the medical institution.

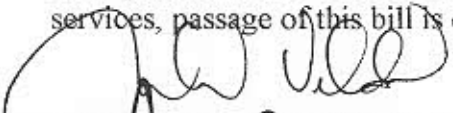
Article II, Section 13 of our Constitution mandates that the State to promote and protect the physical, moral, spiritual, intellectual and social well-being of the youth. The right to health of the people, the youth included is enshrined in Section 15 of the same Article and further elucidated as a social justice and as a human right in Article XIII, Section 11 which states that there "shall be priority for the need of the under privileged" and "shall endeavour provide free medical care to paupers".

The rights of a child 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."

It is a task of Congress to lead the way in eradicating corrupt practices such as denying admission of street children to medical institutions. This bill compels both public and private medical institutions such as hospitals and clinics to provide free medical and dental services to indigent children, which includes but not limited to street children, and provides penalties for violations thereof.

By virtue of the doctrine of *parens patrie*, indigent children who have been abandoned by their parents are the wards of the State. Congress should therefore take the necessary steps to provide the indigent children to live healthy lives inspite of their impoverished condition.

It is paramount to reach out to our under privileged children by extending vital health services, passage of this bill is earnestly urged.



Hon. Mariano Michael M. Velarde Jr.



Hon. William Irwin Tieng

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AN ACT

**REQUIRING ALL GOVERNMENT AND PRIVATE HOSPITALS, MEDICAL
CENTERS, CLINICS, INFIRMARIES, PUERICULTURE CENTERS AND OTHER
MEDICAL ESTABLISHMENTS TO EXTEND FREE MEDICAL AND DENTAL
ASSISTANCE TO INDIGENT CHILDREN AND PROVIDING PENALTIES FOR
VIOLATION THEREOF**

*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 "*Free Medical and Dental
Assistance to Indigent Children Act of 2010*".

SEC. 2. *State Policy.* - It is hereby declared the policy of the State to 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. It is likewise a State policy 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.

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

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

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

SEC. 4. *Deductible expenses and losses.* - The expenses and losses of earnings incurred by a

private hospital, medical center, clinic, infirmary, or puericulture center or any similar establishment; or by an individual physician or dentist for medicine, facilities, and services extended to the care and treatment of an indigent child as required herein in an amount not exceeding P300,000.00 per year, shall be deductible expenses and losses for income tax purposes which may be carried over for a period of five (5) years, any provision of law, decree, executive order, rule or regulation to the contrary notwithstanding.

SEC. 5. Persons liable. - Any hospital director, administrator, officer-in-charge, physician, or dentist in a hospital, medical center, clinic, infirmary, or puericulture center or any similar establishment who shall refuse or fail, without good cause, to render the appropriate medical assistance or dental service pursuant to Section Three of this Act, after said case has been brought to his/her attention, or any nurse, midwife or 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 (P10,000.00), but not more than Fifteen thousand pesos (P15,000.00), or both fine and imprisonment at the sound discretion of the Court.

In the case of government hospitals, medical centers, clinics, infirmaries, or puericulture centers or similar establishments, 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 sanction that may be properly imposable therefor.

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

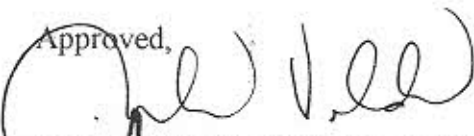
SEC. 6. Implementing Rules. - The Department of Health, in coordination with the Department of Social Welfare and Development, shall have the authority to promulgate the necessary rules and regulations for the purpose of carrying into effect the provisions of this Act.

SEC. 7. Separability Clause. - If any provision of this Act is declared unconstitutional or invalid, the remainder thereof not affected thereby shall continue to be in full force and effect.

SEC 8. Repealing Clause. - All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 9. Effectivity. - This act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,


Hon. Mariano Michael M. Velarde Jr.


Hon. William Irwin Tieng