

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1402



Introduced by Representative Harlin Cast. Abayon

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.

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 despite of their impoverished condition.

This measure was previously filed by Senator Manny Villar in the 15th Congress. Passage of this bill is earnestly sought now in the 16th Congress.


HARLIN CAST. ABAYON
Representative
First District of Northern Samar

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AN ACT
REQUIRING ALL GOVERNMENT AND PRIVATE HOSPITALS, MEDICAL
CENTERS, CLINICS, INFIRMARIES, & OTHER HEALTH 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:

SECTION 1. All government and private hospitals, medical centers, clinics, infirmaries or other health centers 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. 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.

SECTION 2. The expenses and losses of earnings incurred by a private hospital, medical center, clinic, infirmary, or other health center, 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 years, any provision of law, decree, executive order or regulation to the contrary notwithstanding.

SECTION 3. Any hospital director, administrator, officer-in-charge, physician, or dentist in a hospital, medical center, clinic, infirmary, or other health 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 (P10,000.00), 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 other health 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 other health 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,