

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

SIXTEENTH (16th) CONGRESS
First Regular Session



House Bill No. 2379

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

EXPLANATORY NOTE

High regard for the elderly has always been a significant mark of the Philippines vis-à-vis other nations. We are known for treating our senior citizens as important members of the society, and never a burden to it. In fact, even our pre-colonial history tells us that our elders are often consulted for their wisdom and experience on important matters or issues regarding politics, the law, traditions and customs, and culture among others.

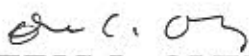
However, it is also undeniable that the elders, as they reach the peak of old age, also become more vulnerable to health and safety risks and inevitably become less able to sustain themselves physically and financially. This is when the family and the State play a vital role in ensuring that our senior citizens are provided a decent living notwithstanding the natural changes that they have to undergo.

*Article XIII, Section 11 of The 1987 Constitution guarantees the protection and promotion of the welfare of our elders, especially those who are underprivileged and indigent, by providing that "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 underprivileged, sick, **elderly**, disabled, women, and children. The State shall endeavor to provide free medical care to paupers."*

Moreover, Article XV Section 4 thereof mandates that "the family has the duty to care for its elderly members but the State may also do so through just programs of social security."

In keeping with the purpose of these constitutional provisions, this bill aims to provide for the physical, social and emotional needs of the senior citizen who needs assistance in a loving, caring, dignified environment through the establishment and operation of Home for the Aged in every city or municipality, in such case where the immediate family could not adequately support him/her or if given the circumstances, the senior citizen is deemed better off to be in the custody of the institution rather than otherwise.

Due to the foregoing, the passage of this bill is earnestly sought.


ERIC L. OLIVAREZ

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**“AN ACT ESTABLISHING AT LEAST ONE HOME FOR
THE AGED IN EVERY CITY”**

SECTION 1. *Short Title.* This Act shall be known as the
“Home for the Aged Act of 2013”

SECTION 2. *Declaration of Policy.* It shall be the policy of
the State to ensure that our senior citizens are provided adequate
government-facilitated homes in every city to ensure that their best
interest and welfare are maintained and promoted.

SECTION 3. *Definition of Terms.* The following terms as
used in this Act shall be taken to mean, as follows:

Elders – any resident citizen of the
Philippines at least sixty (60) years old;

Home – a home for the aged established and maintained under this Act by a city or a municipality.

Joint Home – a home for the aged established and maintained under this Act by a group of cities or municipalities, each of which either having insufficient income to maintain its own Home for the Aged, and/or having relatively small population so as to make it impractical to establish and operate one home for the aged exclusively for its disproportionately few constituents only.

Indigent senior citizen any elderly who is frail, sickly or with disability, and without pension or permanent source of income, compensation or financial assistance from his/her relatives to support his/her basic needs, as determined by the Department of Social Welfare and development (DSWD) in consultation with the National Coordinating and Monitoring Board.

Residents – elders or senior citizens officially admitted to the Home for the Aged established and maintained under this Act.

Record - includes a book of account, bank book, voucher, invoice, receipt, contract, payrolls, record of staff hours worked, record of personal health information or every resident, correspondence and any other document, regardless of whether the record is paper-based or otherwise.

SECTION 4. *One Home For The Aged in Every City.* Every city or municipality in the Philippines is hereby mandated to establish at least one Home for the Aged to cater to its respective constituents.

SECTION 5. *Joint Homes.* Instead of establishing separate homes, two or more municipalities or small cities described in Section 4, each of which either having insufficient income to maintain its own Home for the Aged, and/or having relatively small population so as to make it impractical to establish and operate one home for the aged exclusively for its disproportionately few constituents only, with the approval in writing of the Department of Social Welfare and Development (DSWD), may enter into an agreement to establish and maintain a joint home for the aged.

SECTION 6. *Administration Committee.* The City or Municipality Mayors shall appoint from among the members of the *sanggunian* or *sanggunians*, as the case may be, an administration committee for the home or joint home. This shall be subject to the final approval of the Department of Social Welfare and Development (DSWD).

SECTION 7. *Composition of the Administration Committee.* The composition of the administration committee and the qualifications and term of office of the members thereof shall be prescribed by the DSWD.

Site Requirements

SECTION 8. *Ocular inspection and Site Visit.* Before selecting or acquiring a site where the home or joint home shall be

erected, the *sanggunian* of the city or the municipality shall conduct an ocular inspection of the site to determine whether it will best serve the programs of the home and the best interests of the potential residents thereof and shall conduct a survey of the community and review of population requirements in accordance with the rules and regulations to be prescribed by the DSWD.

SECTION 9. *Site and Plans to be Approved by the DSWD.*

A building shall not be acquired or erected for use as a home or joint home until the site is selected and evaluated in accordance with the regulations prescribed by the DSWD and the plans therefor are approved by the same.

Utilities

SECTION 10. *Water system.* The *sanggunian* of a city or municipality running a home, or the *sanggunians* cities or the municipalities running a joint home may enter into an agreement with any municipality or person, natural or juridical, owning or operating a waterworks system for the supply of water for the home or joint home.

SECTION 11. *Sewerage System.* The *sanggunian* of a city of municipality running a home, or the *sanggunians* of the cities or municipalities running a joint home may enter into an agreement with a private entity (i.e. corporation) or with any city or municipality for connecting the home or joint home with the sewerage system of such city or municipality.

SECTION 12. *Electricity.* The *sanggunian* of a city or municipality running a home, or the *sanggunians* of the cities or

municipalities running a joint home may enter into an agreement with any person for the supply of electricity for light, heat or power purposes at the home or joint home.

SECTION 13. *Eminent Domain.* For the purpose of connecting such home or joint home with any such system or works as provided from the last three preceding sections, any private lands, properties, highways and/or roads may be acquired by the local government unit concerned for the purpose of constructing the sewers, laying down pipes, installing poles or wires and doing all work necessary to the functional operation of the home or joint homes, provided that due compensation shall be made to the owners thereof.

SECTION 14. *Facilities for Recreational Activities.* The *sanggunian* of a city or municipality running a home, or the *sanggunians* of the cities or municipalities running a joint home shall provide equipment and facilities for recreational purposes and for other similar activities (i.e. simple exercise equipment, handicrafts, etc) that will improve and contribute to the physical, emotional and mental well-being of the residents therein.

Staffing

SECTION 15. *General Administrator.* The *sanggunian* of the city or of the municipality or the *sanggunians* of the cities or municipalities that operate/s a home or a joint home, as the case may be, shall appoint a general administrator for the home or joint home.

SECTION 16. *Temporary appointment of the General Administrator.* The *sangguinan* of a city or a municipality that establishes and runs a home or the *sanggunians* of the cities or municipalities that establish and operate a joint home, as the case may be, may appoint a person to act temporarily as general administrator of the home or joint home for a period not exceeding six months to be reckoned from the time that the home or joint home becomes fully operational.

SECTION 17. *Appointment of Staff.* The Administration Committee of a home or a joint home shall appoint such staff as the DSWD will prescribe for the processing of papers and records of the applicants for residency, and for the proper care and well-being of the residents.

SECTION 18. *Resident Physician.* The Administration Committee of a home or a joint home shall appoint a legally qualified medical practitioner as the resident physician for the home or joint home, and who shall be responsible for the medical, paramedical and nursing care and services provided to the residents thereof.

SECTION 19. *Other Employees.* The Administration Committee of a home or joint home shall hire all other staff and employees whose duties are deemed necessary and desirable to the operation and maintenance of the home or joint home.

Applicants and Residents

SECTION 20. *Eligibility for Residency.* It shall be the duty of the DSWD to prescribe guidelines and qualification for eligibility of the prospective residents of a home or joint homes.

SECTION 21. *Admission of Applicants.* A placement officer hired or appointed by the Administration Committee as an the official employee thereof, shall determine whether an applicant is eligible for admission to a home or joint home in accordance with the rules and regulations prescribed by the DSWD as described in the preceding section.

SECTION 22. *Non-admission of Applicants.* In a case where the placement officer determines or assess an applicant to be **ineligible** to be a resident of the home or joint home, the said placement officer shall ensure that the applicant and/or the person, if any, who applied for the determination on behalf of the applicant, are notified of,

- (1) the determination of ineligibility;
- (2) the specific grounds relied upon by the placement officer; and
- (3) the applicant's right to appeal to the DSWD for a review of the determination.

SECTION 23. *No Charge Permitted.* It shall be unlawful for any city, municipality, Administration Committee, its officers or employees, or any other person to demand or accept admission fees and any other payment from or on behalf of a resident of the home or joint home, as the case may be.

SECTION 24. *Superior Management Standard.* A city or municipality running a home, or the cities or municipalities running a joint home and the Administration Committee thereof

shall ensure that a superior management system is constantly developed and implemented for monitoring, evaluating and improving the standards of accommodation, care, services, programs, facilities and goods provided to the residents of the home or joint home, as the case may be.

INSPECTION

SECTION 25. *Random Inspection of Homes.* The director of the DSWD or any officer thereof authorized or delegated by the former may at all reasonable times enter and inspect a home even without prior notice to the Administration Committee and inspect the records of the same for the purpose of determining whether there is compliance with this Act and the rules and regulations as prescribed by the DSWD. Provided however, that the officers who are to conduct said random inspection is equipped with a written proof of authorization coming from the Director.

If the Director and/or the officers conducting the random inspection have reasonable grounds to believe that records or other things pertaining to a home are kept in a place that is not in the home, he/she may enter the place at all reasonable times in order to inspect such records and other things. However, no inspector shall enter a place that is being used as a dwelling, without the consent of the owner or occupant of said place.

SECTION 26. *Powers of the Director and/or Officers Conducting Inspection.* A Director or any officer authorized by him to conduct an inspection shall have the following powers, to wit:

- (a) he/she may inspect the premises of the home or the joint home;

(b) he/she may inspect the operations on the premises of the home or joint home;

(c) he/she may demand the production of records or other things relevant to the inspection

(d) he/she may interview a person, including any employee, volunteers and residents on matters relevant to the inspection.

(e) he/she may conduct such examinations or tests as are reasonably necessary.

(f) he/she may do all other acts incidental and necessary to the random inspection and evaluation of the home or joint homes.

SECTION 27. *Obstruction or Delaying Unlawful.* It shall be unlawful for any person to deliberately obstruct or interfere with an inspector conducting an inspection under this section or otherwise hamper or delay an inspector in carrying out his or her duties under this Act.

Any person guilty of the above-described unlawful acts shall suffer an imprisonment of no more than thirty (30) days or pay a fine of Ten Thousand Pesos (P10,000.00) or both at the discretion of the court taking into consideration the degree of the obstruction, interference or delay.

SECTION 28. *Inspection Report.* After conducting an inspection, the director or any of its officers shall prepare a report and shall give a copy thereof to each city or municipality, and to the Administration Committee of the home or joint home so inspected.

Any irregularity or noncompliance with this Act or the rules and regulations of the DSWD with respect to the operation of a home and/or joint homes as per the Inspection Report prepared by the Director or any of the officers who inspected the same shall be immediately acted upon by the mayor of the city or municipality under which the home or joint home is being operated, as supervised by the DSWD.

SECTION 29. *Protection from Personal Liability.* No proceeding for damages shall be commenced against an inspector for any act done in good faith in the performance or intended performance of his or her duty.

SECTION 30. *Information Campaign.* The Department of Social Welfare and Development (DSWD), the Department of Interior and Local Government (DILG) and all the Local Government Units concerned shall conduct an extensive information campaign for the public to know the existence and location of the Home for the Aged and the qualifications of the applicants thereto.

SECTION 31. *Implementing Rules and Regulations.* The DSWD in coordination with the DILG and Local Government Units shall promulgate the implementing rules and regulations for the effective and immediate implementation of this Act.

SECTION 32. *Repealing Clause.* All laws, decrees, executive orders, letters of instructions, rules and regulations or parts thereof, which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 33. *Separability Clause.* If any provision of this Act is judicially declared invalid or unconstitutional, the remaining provisions of this Act not affected thereby shall be continue to be in full force and effect.

SECTION 34. *Effectivity Clause.* This act shall take effect fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved,