

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **3537**



Introduced by: **HON. MA. VICTORIA SY-ALVARADO**, Representative, 1st District of Bulacan

AN ACT ESTABLISHING A NATIONAL PROGRAM FOR INDIGENTS AND GRANTING A COMPREHENSIVE BENEFIT PACKAGE AND FOR OTHER PURPOSES.

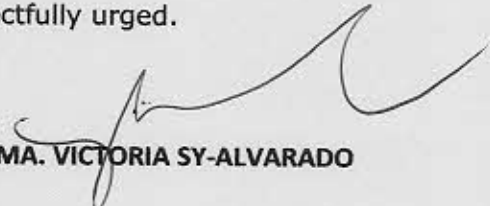
Explanatory Note

"Those who have less in life, must have more in law". This classic and simplified definition of Social Justice by the late President Ramon Magsaysay has become more and more relevant in the present day Philippines in the midst of widespread poverty of our people. Poor people, also termed "indigents" are the ones referred to by the late President as those who have less in life.

Despite the claimed economic growth enjoyed by the present administration and discussions of optimistic economic outlook for the next year, it is still undeniable that many of our people remains poor and in dire need of the Government's assistance. In an apparent acknowledgment of this fact, our Government is specifically talking about "all inclusive growth" which purports to programs that will address the needs of the poor, or that programs that will redound to the benefit of the people. Programs that will have direct effect on the poor.

It is in this context that this bill is proposed- for the poor, the indigents to have a Magna Carta of its own. Congress has enacted several similar laws, e.g. Magna Carta for Women, Magna Carta for Students, Magna Carta for Homeowners, Magna Carta for Teachers to name a few. It is time, the largest segment, the poor, the indigents, will have its own Magna Carta. Of course, the passage of Magna Carta for Indigents will not and should not prejudice other benefits already granted by the Government to the poor. The passage of the Magna Carta for Indigents will simply give meaning to that famous cry to give those who have less in life, more in law.

Approval of this bill is therefore most respectfully urged.


MA. VICTORIA SY-ALVARADO

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Be it Enacted by the House of Representatives in session assembled that:

Section 1. Short title. This Act shall be known as *"The Magna Carta for Indigents"*.

Section 2. Declaration of Policy. It shall be the policy of the State to:

- (a) Secure, protect and promote the welfare of its citizens particularly the indigents who need most the intervention of the government pursuant to the mandate given by the Constitution provided under Sec. 10 of Article II which states that "the State shall promote social justice in all phases of national development" and under Sec. 1 of Article XIII on Social Justice and Human Rights which states that "the Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities".
- (b) Provide programs and projects that will help alleviate the plight of the indigents.
- (c) Consolidate, incorporate and institutionalize services of the government that will be provided for indigents.

Section 3. Definition of terms. For purposes of this Act, the following terms shall refer to:

- (a) "Indigent"- A person who has no visible means of income, or whose income is insufficient for the subsistence of his family, as identified by the Department of Social Welfare and Development (DSWD) based on a specific set of criteria identified for this purpose.
- (b) "Dependent" – The spouse and minor children of the Indigent who actually lives with the person applying as Indigent.
- (c) "Professional Indigent"- A person who poses, pretends or claims to be an indigent for purposes of securing the benefits under this act, when in truth and in fact, he has profitable income and is able to support himself and his family.
- (d) "ID system"- A system of Identification where residents certified to by the DSWD will be issued IDs for them to avail of the programs and services under this Act. Provided that, an ID may be issued only to the Head of the Family of a household.
- (e) "PCSO" - The Philippine Charity Sweepstakes Office.

Section 4. *Programs, Privileges and Services.* Under this Act, a person certified to as indigent as appearing in the DSWD issued ID and upon showing of such ID, shall have the following benefits and privileges:

- a. Full and free hospitalization in all government hospitals. He shall also be entitled to free medicines from government owned pharmaceuticals, pharmacy or botica. In cases where there are no government hospitals available and the indigent has been admitted to private hospitals, it shall be the obligation of the Government, through the DSWD and with the aid of PCSO to pay the indigent's hospital bills and other fees.
- b. Full and free education in all and any State Universities and Colleges including TESDA accredited or partner institutions, subject to the academic requirements of the institution, such as entrance examinations, attendance and similar requirements.
- c. Exemption from payment of all legal fees and charges in any court of justice or tribunal, including filing fees in civil cases.
- d. Exemption from payment of all fees or charges in securing clearances from government agencies such as the NBI, Police, Barangay and Court clearances.
- e. Priority in the granting of the Conditional Cash Transfer programs, Food for Work, Education for work and similar poverty alleviation programs of the Government.
- f. Priority in the Livelihood opportunities and projects given by the Government and any of its agencies and subdivisions.
- g. Exemption from payment of transportation fees in certain extraordinary circumstances such as "balik probinsya" programs or death in the family where travel is a must.
- h. Automatic financial assistance and priority assistance in times of calamities or disasters.

Section 5. *Appropriations.* - The amount necessary to finance the initial implementation of this Act shall be charged against the current year's appropriations of the DSWD. Thereafter, the current budget shall be increased by one hundred percent (100%), which shall be included in the annual General Appropriations Act (GAA) for its continued implementation.

Section 6. *Penalties.*- Violations of this Act shall be penalized as follows:

- a) Any person found guilty for being a "Professional Indigent" shall suffer the penalty of imprisonment not exceeding one (1) year and a community service for at least six (6) months. A repeat offender shall be meted a penalty of imprisonment of four (4) years and a community service for at least one (1) year.
- b) Any agency of the government, private establishment or the persons or officials found not to have granted and honored the privileges and benefits under this Act shall suffer the

penalty of imprisonment of not more than one (1) year and community service of at least six (6) months. A repeat offender shall be meted a penalty of imprisonment of four (4) years and a community serice for at least one (1) year.

Section 6. *Implementing Agency; Rules and Regulations.* - The DSWD is hereby mandated to create a Special Office for Indigent Residents or a similar office to fully implement this Act. It shall establish a database on indigent resident. Such Office shall adopt rules and regulations to implement the provisions of this Act within sixty (60) days from the date of its approval.

Section 17. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with or contrary to the provisions of this Act are hereby repealed or modified accordingly.

Section 18. *Separability Clause.* - If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue to remain in full force and effect.

Section 19. *Effectivity.* - This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved.