

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 3757



Introduced by Representatives Mariano Michael M. Velarde Jr., Jose L. Atienza Jr.
and Irwin C. Tieng (BUHAY Party List)

EXPLANATORY NOTE

This Bill seeks to require Local Government Units (LGU's) to appropriate five percent (5%) of their Internal Revenue Allotment (IRA) for Medical Assistance to Children with Special Health Care Needs residing within their respective territorial jurisdictions.

This Bill has strong constitutional and legal anchor.

Constitutionally, it is provided in Article XV of the 1987 Constitution, as follows:

“Section 3. The State shall defend:

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“(2) The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.” [Emphasis supplied]

Legally, Presidential Decree No. 603 [December 10, 1974], otherwise known as the “Child and Youth Welfare Code,” provides in its Article 3 as follows:

“Article 3. Rights of the Child. - All children shall be entitled to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other factors.

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“(4) 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.”

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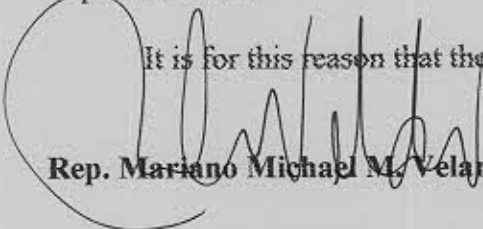
"(9) Every child has the right to live in a community and a society that can offer him an environment free from pernicious influences and conducive to the promotion of his health and the cultivation of his desirable traits and attributes.

"(10) Every child has the right to the care, assistance, and protection of the State, particularly when his parents or guardians fail or are unable to provide him with his fundamental needs for growth, development, and improvement.

xxx"

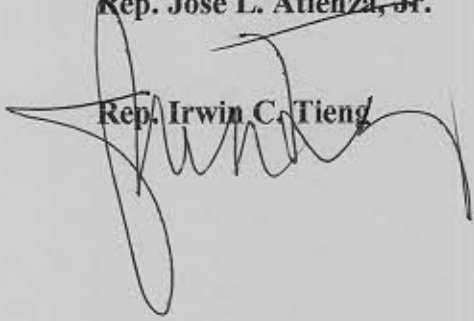
To breathe life to the said constitutional and legal precepts, a law is necessary to be passed by Congress that would guarantee and ensure, in concrete terms, its full realization and implementation.

It is for this reason that the passage of this bill is earnestly entreated.



Rep. Mariano Michael M. Velarde, Jr.

Rep. Jose L. Atienza, Jr.



Rep. Irwin C. Tieng

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Introduced by Representatives Mariano Michael M. Velarde Jr., Jose L. Atienza Jr.
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**AN ACT MANDATING ALL LOCAL GOVERNMENT UNITS TO ALLOCATE AT
LEAST FIVE PERCENT (5%) OF THEIR INTERNAL REVENUE ALLOTMENT FOR
MEDICAL ASSISTANCE TO CHILDREN WITH SPECIAL HEALTH CARE NEEDS
RESIDING WITHIN THEIR TERRITORIAL JURISDICTION**

*Be enacted by the Senate and House of Representatives of the Philippines in Congress
assembled:*

SECTION 1. Declaration of Policy. – It is hereby declared a policy of the State to provide all possible medical assistance to Children with Special Health Care Needs.

SECTION 2. Children with Special Health Care Needs. – For purposes of this Act, Children with Special Health Care Needs shall include, but not be limited to, those who suffer from medically diagnosed Attention Deficit Hyperactivity Disorder (ADHD ADD/ADHD), autism, blind/vision or deaf/hearing impairment, cerebral palsy, cognitive disabilities, diabetes, down syndrome, epilepsy and other illnesses which may be identified and classified by the Department of Health (DOH) as falling within this classification.

SECTION 3. Medical Assistance. - The term “Medical Assistance” means so much of the following medical and remedial care and services that shall be provided by the Local Government Unit (LGU) for Children with Special Health Care Needs as may be determined and prescribed by the DOH, in accordance with the standards as may be established pursuant to this Act, including payments made for services provided under an insurance or other contractual arrangement and money paid directly to the recipient for the purchase of medical care:

- (a) Inpatient hospital services, other than services in an institution for mental diseases;
- (b) Outpatient hospital services;
- (c) Other laboratory and X-ray services;
- (d) Skilled nursing facility services, other than services in an institution for mental diseases;
- (e) Physicians' services, whether furnished in the office, the patient's home, a hospital, a skilled nursing facility or elsewhere;

- (f) Medical care, or any other type of remedial care recognized under the law, furnished by licensed practitioners within the scope of their practice as defined by law;
- (g) Home health care services;
- (h) Ambulance services;
- (h) Clinic services;
- (i) Physical therapy and related services;
- (j) Prescribed drugs, including those dispensed and administered as provided under the law;
- (k) Other diagnostic, screening, preventive and rehabilitative services;
- (l) Any other medical care, and any other type of remedial care recognized under state law;
- (m) Periodic screening and diagnosis to ascertain their physical or mental impairments, and such health care, treatment and other measures to correct or ameliorate impairments and chronic conditions discovered thereby; and
- (n) Hospice services.

SECTION 4. *Funding.* - Each LGU shall appropriate in its annual budget an amount equivalent to at least five percent (5%) of its total share in the Internal Revenue Allotment (IRA) to be used solely and exclusively for the Medical Assistance mandated under this Act to be granted to Children with Special Health Care Needs residing within its territorial jurisdiction.

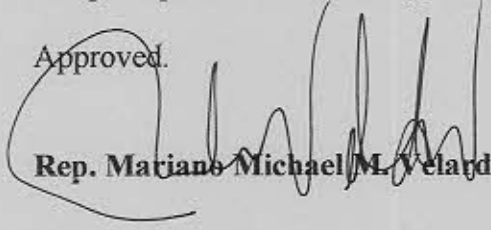
SECTION 5. *Implementing Rules and Regulations.* - The Secretary of the Department of Interior and Local Government (DILG) and the Secretary of the Department of Health (DOH) shall jointly promulgate the necessary rules and regulation for the effective implementation of this Act.

SECTION. 6. *Separability.* - In the event that any provision of this Act shall, at any time, be found to be unconstitutional or invalid, the remainder thereof not affected by such declaration shall remain in full force and effect.

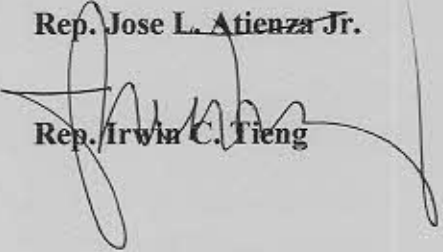
SECTION 7. *Repeal.* - All laws, decrees, rules or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 8. *Effectivity.* - This Act shall take effect after fifteen (15) days following its complete publication in two (2) newspapers of general circulation.

Approved.


Rep. Mariano Michael M. Velarde Jr.

Rep. Jose L. Atienza Jr.


Rep. Irwin C. Tieng