

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Seventeenth Congress
Third Regular Session

HOUSE BILL NO. 8201



Introduced by Hon. Milagros Aquino-Magsaysay

EXPLANATORY NOTE

It is customary for the family's elderly members to be cared for by their respective children and other younger members of the family. Filipino culture has a strong manifestation of this cultural practice. Children caring for their parents is a sign of a long-standing gratitude for raising them properly. IN fact, it has been institutionalized in Article XV Section 4 of the 1987 Philippine Constitution that, "The family has the duty to care for its elderly members."

Nevertheless, the prevailing global trend in current time is the rising incidence of abandonment, neglect and abuse of our senior citizens for various reasons such as migration of younger family members, cultural influences, sense of inconvenience, among others, is also affecting the elderly of Philippine society. There are simply some who cannot accommodate the most basic of daily needs of our senior citizens due to difficulties in balancing between the demands of work and family.

Pursuant to the other half of Article XV, Section 4 of the 1987 Philippine Constitution, the State shall prepare for the care, support and comfort to the vulnerable aging members of its population, in the incapacity or deficiency of the family to fulfill its duties. By providing an elderly care policy, the State caters to the special needs and requirements that are unique to our aging population. Services such as assisted living, adult care, long-term care, nursing homes, hospice care and in-home care, are necessary to sustain the health and well-being of our senior citizens, and encourage their active and productive ageing.

The Department of Social Welfare and Development has long been upholding the mandate of providing care for our senior citizens through the establishment of

centers that would serve as havens for abandoned senior citizens. But the reality is that these centers and retirement homes are inadequate to cater to the substantial number of senior citizens needing suitable care throughout the country. Also, the necessary expenses to maintain a stay-in retirement home is unsustainable of our state retirement home programs, perhaps it is telling of our culture that it is not in the Filipino family's best interest to leave the care of our elderly in state-funded institutions.

It is, however, imperative for our State to create a better alternative in ensuring that the senior citizens of our communities are properly cared for, looked after, and encouraged to continuously live actively and productively.

This bill seeks to create barangay-level senior citizens day care centers to substantially supplement the insufficiency of senior citizens centers and homes in all communities nationwide, and guarantee the daily basic care for our nation's elderly. These senior citizens day care centers shall be under the direct control and supervision of the barangay, in partnership with the Department of Social Welfare and Development and the Department of Health.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


MILAGROS AQUINO-MAGSAYSAY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Seventeenth Congress
Second Regular Session

HOUSE BILL NO. 8201

Introduced by Hon. Milagros Aquino-Magsaysay

**AN ACT ESTABLISHING A SENIOR CITIZENS DAY CARE CENTER IN
EVERY BARANGAY AND APPROPRIATING FUNDS THEREFOR**

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 “*Senior Citizen Day Care Center Act*”

SECTION 2. Declaration of Policy. – It is hereby declared to be the policy of the State to promote the right of senior citizens to assistance, including proper care and nutrition, and to provide them with special protection against all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development. Senior citizens aged sixty (60) years old and above deserve the best care and attention at the family and community levels. Towards this end, it is hereby established a senior citizens day care center in every barangay with a comprehensive program primarily aimed to cater to the multi-faceted needs of the nation’s aging population.

SECTION 3. Coverage. – This Act shall cover all persons who are sixty (60) years old and above who have family members that cannot consistently attend to the senior citizen's daily needs due to certain circumstances which include, but not limited to, employment, family relations, and financial distress, among others. Senior citizens day services shall be provided strictly for periods fewer than 24 hours during the day in a non-resident setting.

SECTION 4. Definition of Terms. – For the purposes of this Act, the following terms shall be defined as follows:

- a) Long Term Care – refers to a sustained provision of comprehensive programs and services to senior citizens with the view of enabling them to have dignified, healthy and secured lives. It includes a range of health care, personal care and social services provided to individuals who, due to frailty or level of physical or intellectual disability, are no longer able to consistently live independently. Services may be provided in a person's home, in the community or in residential facilities such as nursing homes or assisted living facilities.
- b) Palliative Care and Hospice Care – refers to an approach that improves the quality of life of senior citizens with life-threatening, complex and chronic illnesses or those experiencing progressively debilitating diseases beyond any benefit from curative or definitive treatment, regardless of life expectancy. The approach covers the prevention and relief of suffering by means of early identification, assessment and management of pain and symptoms.

- c) Primary Care – refers to first-contact, accessible, continued, comprehensive and coordinated care that is accessible at the time of need, focuses on the long-term health of a person rather than the short duration of the disease, includes a range of services appropriate to the common problems in the respective population, and acts to coordinate with other specialists that the patient may need.
- d) Senior Citizen – refers to any Filipino citizen who is at least sixty (60) years old.
- e) Senior Citizens Day Care Center – refers to center-based facilities directly managed by the barangay that provide day services to senior citizens on a regular basis for periods of fewer than 24 hours during the day in a non-resident setting.
- f) Senior Citizens Day Services – refers to community-based programs for senior citizens who require supervision, which may cover the following types of services:
 - i. Social Senior Citizens Day Services – refers to activities that encourage a sense of community and development of general well-being such as arts and crafts, light exercise, discussion groups, and local day trips and outings.
 - ii. Senior Citizens Day Health Services – refers to all of the services provided through social senior citizen day services that safeguards their health, wellness and nutrition with the

addition of more medical attention as well as occupational, speech and physical therapy.

- iii. Specialized Senior Citizen Day Services – refers to those specialized health services for those that are diagnosed with Alzheimer's or other forms of dementia, or any other mental illness.

SECTION 5. Implementing Rules and Regulations. – The Secretary of DSWD shall promulgate rules and regulations to carry out the provisions of this Act and shall see to it that such are responsive to the needs and welfare of the senior citizens not later than sixty (60) days after the date of enactment of this Act, in coordination with the Department of Health (DOH), Technical Education and Skills Development Authority (TESDA) and the Department of Interior and Local Government (DILG). The DSWD shall also have the following functions:

- (a) Formulate the criteria for the selection, qualifications, and accreditation of senior citizens day care workers and the standards for the implementation of the senior citizens day services program;
- (b) In coordination with the DOH, formulate the daily activities for senior citizens which cover the aspects of providing a comprehensive senior citizens day services, such as but not limited to assistance with nutrition, taking medicines, toileting, and/or walking, counselling, educational programs or mental stimulation, exercise programs, health monitoring,

podiatry care, social activities, therapy (occupational, physical, speech, etc.), among others.

- (c) In coordination with the TESDA, develop a comprehensive education and training program for all accredited senior citizens day care workers, which shall include, but not limited to, training and orientation on health programs and institutionalized health service delivery systems, primary care, palliative care and hospice care, and any other health programs that specializes in geriatric and long term care.
- (d) Coordinate activities of non-government organizations with the day care workers and other social workers of the Department in order that their services may be fully utilized for the attainment of the program goals.

SECTION 6. Management, Operation and Appropriations. – The Secretary of DSWD shall immediately include in the Department's program the initial construction, establishment, staffing and operation of the senior citizens day care center referred to in this Act which shall be charged against the current year's appropriations of the Office of the Secretary of the DSWD. Thereafter, the amount necessary for the maintenance and continued operation of the senior citizens day care centers under this Act shall be determined and included in the annual budget of the DSWD under the General Appropriations Act. After initial establishment, the barangay shall continue the operation and supervision of the senior citizens day care centers, in accordance with the guidelines provided by the DSWD, in coordination with the DOH.

The province, city or municipality concerned shall provide financial assistance for the establishment of every barangay senior citizen day care center within their respective locality.

Barangay day care workers in senior citizens day care centers shall receive a monthly honorarium of not less than four thousand pesos (P4000.00) to be charged to the annual appropriations of the Department of Social Welfare and Development.

SECTION 7. Tax Exemption and Other Privileges – Subject to existing laws, government rules and regulations, the day care centers under this Act, through the Secretary of DSWD, may accept, donations, supports and grants from private domestic and foreign groups, non-government, peoples and civic organization and foreign governments for sole purpose of the senior citizens day care center's construction, establishment, staffing and continued operations.

The DSWD may request and receive assistance from the different agencies, bureaus, offices or instrumentalities of the government, including the Philippine Charity Sweepstakes Office and Philippine Amusement and Gaming Corporation in pursuit of its purposes and objectives.

The provisions of any general or special law to the contrary notwithstanding, all donations, grants, contributions, gifts, endowments, received by the Secretary of DSWD pursuant hereto, shall be exempt from income, donor's, and all other kinds of taxes, and shall be further considered as allowable deductions from the gross income of the donor, in accordance with the provisions of the National Internal Revenue Code of

1997, as amended. The senior citizens day care centers established under this Act is hereby declared exempt from all income and all other internal revenue taxes, tariffs and customs duties and all other kinds of taxes, fees, charges and assessments levied by the government and its political subdivisions, agencies and instrumentalities.

SECTION 8. Annual Report – The barangay shall submit an annual report to the DSWD on the senior citizens day care center's activities, accomplishments and recommendations, to better improve the delivery of senior citizens day care services.

SECTION 9. Seperability Clause. – If any provision of this Act is held invalid or unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain valid and subsisting.

SECTION 10. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 11. Effectivity. – This Act shall take effect fifteen (15) days upon its publication in at least two (2) national newspapers of general circulation.

Approved,