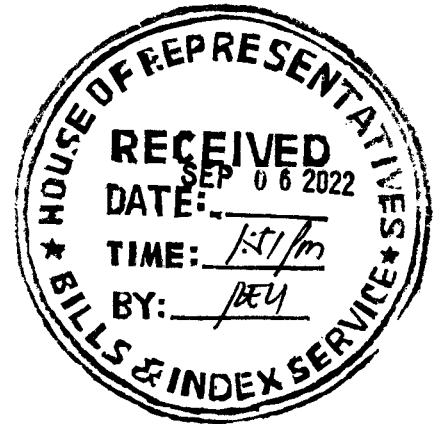




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19th Congress
First Regular Session

House Bill No. **4473**



INTRODUCED BY: HON. DORIS E. MANQUIZ

EXPLANATORY NOTE

The Philippines has made significant strides toward realizing child rights especially since the ratification and commitment to realizing the Convention of the Rights of Children in 1990. However, Filipino children are still facing multiple and deep-rooted deprivations and vulnerabilities that impede their survival, development, protection and participation. In fact, Around 31 per cent of children live below the basic needs poverty line, with a much higher figure (63 per cent) in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). In 2018, the Philippine Statistics Authority reported that 9.3 million Filipino children were poor. The considerable number of children in extremely poor families indicates that many may not be meeting their daily nutrient requirements. Smaller children in these conditions are too vulnerable to diseases and may not even survive the first five years of their lives.

Equally important to the overall health and well-being of a child is also oral health. Filipinos bear the burden of gum diseases early in their childhood. According to National Oral Health Survey, 74% of twelve-year-old children suffer from gingivitis. If not treated early, these children become susceptible to irreversible periodontal disease as they enter adolescence and approach adulthood. While in general, tooth decay and gum diseases do not directly cause disability or death, these conditions can weaken bodily defenses and serve as portals of entry to other more serious and potentially dangerous systemic diseases and infections.

The aspirations of the Philippines lie in the hands of our youths for they are the generation that must be filled with tremendous and towering ambitions. They have the ability to lead our communities into the right direction. As our children are our nation's future, it is important to ensure that every effort should be exerted to promote their welfare and enhance their opportunities for a useful and happy life.

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


HON. DORIS E. MANQUIZ
2nd District of Zambales



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AN ACT REQUIRING ALL GOVERNMENT AND PRIVATE HOSPITALS, MEDICAL CENTERS, CLINICS, INFIRMARIES, AND PUERICULTURE CENTERS TO GIVE FREE MEDICAL AND DENTAL SERVICES TO CHILDREN OF INDIGENT PARENTS AND GUARDIAN

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 the “The Free Medical and Dental Services to Indigent Children Act”

SECTION 2. *Declaration of Policy.* – In consonance with the State’s recognition of the need to promote the physical well-being of children, including promoting their right to health, and making health services accessible to all, it is hereby declared the policy of the State to provide for all possible assistance it could provide to children especially those who are unfortunate to have no means of support.

SECTION 3. *Definition of Terms.* – As used in this Act:

(a) Child - refers to a person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical, mental, intellectual or sensory disability or condition.

(b) Indigent Child – refers to a child as defined in this act whose parents or guardian has no visible means of income, or whose income is insufficient for the subsistence of the family, as identified by the Department of Social Welfare and Development (DSWD). For purposes of this Act, a child is also considered indigent when deserted or abandoned with parents, guardian, or relatives being unknown, or a child committed in an orphanage or charitable or similar institution with unknown facts of birth and parentage.

SECTION 4. *Duty of the DSWD and DOH.* – The DSWD and the Department of Health (DOH) shall be tasked with the primary responsibility of implementing the provisions of this Act. For this purpose, the DSWD shall promulgate the necessary guidelines to determine if a

child in need of medical and/or dental service may be considered indigent, taking into account the following factors:

1. Age of the child;
2. Financial condition of the family;
3. Degree of deprivation of parental care and support; and
4. The inability of the child's parents or guardian to exercise parental authority.

The DOH, on the other hand, shall coordinate and establish the necessary mechanisms and regulations to govern both government and private hospitals, medical centers, clinics, infirmaries, and puericulture centers in the implementation of this Act.

The DSWD and DOH shall have the authority to promulgate the necessary rules and regulations to carry into effect the provisions of this Act.

SECTION 5. *Free Medical and Dental Services.* – All government and private hospitals, medical centers, clinics, infirmaries, and puericulture centers duly licensed to operate as such, are hereby required to render free medical and dental services to indigent children, regardless of whether or not they are suffering from a life-threatening condition and/or may have suffered physical injuries requiring immediate medical attention.

SECTION 6. *Incentives for Private Hospital, Medical Center, Clinic, Infirmary, and/or Puericulture Centers.* – The expense and loss of earnings incurred by a private hospital, medical center, clinic, infirmary, or puericulture 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 the amount not exceeding Five Hundred Thousand Pesos (Php 500,000.00) per year, shall be considered as a deductible expense and loss for income tax purposes, which may be carried over for the next three (3) consecutive taxable years immediately following the year of such expense and loss.

SECTION 7. *Medical Certificate.* – To ensure compliance with the provisions of this Act, all indigent children treated by private hospitals, medical centers, clinics, infirmaries, and puericulture centers shall be provided by a certificate issued by the social worker assigned to the hospital, medical center, clinic, infirmary, or puericulture center. This Certification shall contain the following information:

1. Name of the patient;
2. That the patient is indigent, stating the supporting proof thereof;
3. Service/s rendered to the patient;
4. Cost of such service/s based on the existing price list of the hospital, medical center, clinic, infirmary, or puericulture center at the time of treatment; and
5. Attestation from the social worker that all information contained therein is true and correct according to their knowledge.

SECTION 8. *Penal Clause.* –

(a) Any hospital director, administrator, officer-in-charge, physician, or dentist in a hospital, medical center, clinic, infirmary, or puericulture center who shall refuse or fail without good cause to render the appropriate medical and dental services under this Act, after the child has been brought to their attention; or any nurse, midwife, 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 a physician or dentist in attendance, shall be punished with imprisonment

of at least one (1) year or a fine of not more than One Hundred Fifty Thousand (Php 150,000.00), or both fine and imprisonment, at the sound discretion of the court, without prejudice to other civil, criminal, or administrative remedies.

SECTION 9. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law 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 order, rule, or regulation contrary to or inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

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

Approved,