



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL No. 5477



Introduced by **HONORABLE ERNESTO “ERNIX” M. DIONISIO, JR.**

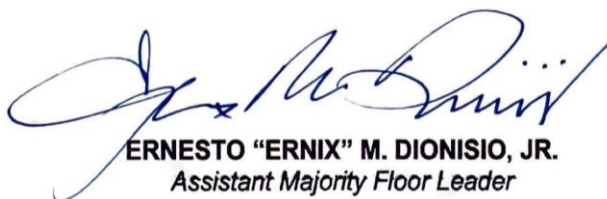
**AN ACT REQUIRING ALL GOVERNMENT AND PRIVATE HOSPITALS, MEDICAL
CENTERS, CLINICS, INFIRMARIES AND PUERICULTURE CENTERS TO GIVE
FREE MEDICAL AND DENTAL ASSISTANCE TO INDIGENT CHILDREN**

EXPLANATORY NOTE

Section 11, Article XIII of the 1987 Constitution states, “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.”

Free access to medical and dental care, especially to the indigent, remains scarce, save for good Samaritans who continue to reach out to the underprivileged. In line with the aforementioned, this bill seeks to introduce measures to address the inadequacies in patient care for those most in need.

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


ERNESTO “ERNIX” M. DIONISIO, JR.
Assistant Majority Floor Leader
Congressman
First Congressional District of Manila



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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 ASSISTANCE TO INDIGENT CHILDREN

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

SECTION 1. Title. – This Act shall be known as *"The Indigent Children Free Medical and Dental Service Act"*

SECTION. 2. Declaration of Policy. – It is the declared policy of the State to 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 under-privileged, sick, elderly, disabled, women, and children. Towards this end, the State shall uphold the right to health of every child by providing for all possible assistance it could provide to children especially those who are unfortunate to have no means of support or have no one to support them.

SECTION. 3. Indigent Children. – For purposes of this Act, an indigent child shall refer to an unemancipated child below eighteen (18) years of age who have no visible means of support or whose parents or guardians have no means of providing for their immediate medical and dental needs.

SECTION. 4. Duty of the DSWD and DOH. – The Department of Social Welfare and Development (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 in order 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. Inability of his parents 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 for the purpose of 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 medical and dental services to indigent children, regardless of whether or not they are in danger of dying 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 expenses and losses of earnings incurred by a private hospital, medical center, clinic, infirmary or puericulture center, or by an individual physician or dentists, 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 (P500,000.00) per year, shall be considered deductible expenses and losses for income tax purposes, which may be carried over for a period of five (5) years. To ensure compliance with the provisions of this Act, all indigent children treated by private hospitals, medical centers, clinics, infirmaries or puericulture centers shall secure a certification from the social worker assigned to the hospital, medical center, clinic, infirmary or puericulture center. The Certification shall contain the following information:

1. Name of patient;
2. That the patient is indigent and supporting proof thereof, such as, but not limited to, a certificate of indigency from the appropriate barangay;
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 are true and correct to his/her knowledge.

SECTION 7. Penal Clause. – 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 pursuant to this Act, after the child has been brought to his/her 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 pesos (P150,000.00), or both fine and imprisonment, at the sound discretion of the court. The penalty herein imposed shall not prejudice any administrative sanctions that may be imposed by law.

SECTION 8. Separability Clause. - If any portion or provision of this Act is declared void and unconstitutional, the remaining portions or provisions hereof shall not be affected by such declaration.

SECTION 9. Repealing Clause. - All laws, decrees, orders, rules and regulations, other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 10. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,