

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2020



INTRODUCED BY REPRESENTATIVE MILAGROS AQUINO - MAGSAYSAY

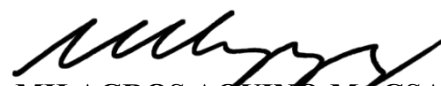
EXPLANATORY NOTE

This bill seeks to address a seeming gap in the governmental regulation, accreditation and monitoring of some establishments catering to elderly or senior citizen clients. Presently, the authority of the Department of Social Welfare and Development (DSWD) to regulate and accredit only extends to social welfare agencies (SWAs) and/or auxiliary social welfare and development agencies (SWDAs) which are either public or government-run facilities, or Non-Stock, Non-Profit institutions operated by religious denominations or Non-Governmental Organizations (NGOs). Privately-run, for-profit residential care and group homes catering to the elderly are not specifically included. Meanwhile, the Department of Health (DOH) licensing and accreditation authority only covers those facilities which have permanent and regular medical or health services. Hence, most private, for-profit residential care and group homes for senior citizens are not being regulated by either DSWD or DOH, except for the mandatory business permits from the local government units.

It must be emphasized that the clientele these facilities and group homes are catering to are considered a vulnerable sector in need of special care and protection. The Philippine Constitution and other relevant senior citizens laws recognize their specific need for proper healthcare and an adequate standard of living, if not, a dignified quality of life. It must be ensured that they are not subject to neglect or abuse inside these facilities, and that these establishments comply with the Accessibility Law requirements for seniors with disabilities, especially since they are paying clientele. Thus, there is a need to put these institutions under the regulatory powers of a proper government agency tasked with looking after the welfare of this sector, our senior citizens or elderly.

This bill seeks to include privately-run for-profit residential care facilities and/or group homes for the elderly or senior citizens under the DSWD's regulatory powers, and institutionalize its regulatory, accreditation, and licensing powers over all institutions catering to senior citizens and PWDs.

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


HON. MILAGROS AQUINO-MAGSAYSAY

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AN ACT PROVIDING FOR THE REGULATION AND ACCREDITATION
OF PRIVATE, FOR-PROFIT RESIDENTIAL CARE FACILITIES
OR GROUP HOMES FOR THE ELDERLY

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

SECTION 1. This Act shall be known as the “**Regulation of Private, For-Profit Residential Care Facilities and Group Homes for the Elderly and Senior Citizens Act**”.

SECTION 2. Declaration of Policy –The 1987 Constitution, Article II, Section IX, mandates: “*The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.*” In addition, Article II, Section X declares: “*The State shall promote social justice in all phases of national development.*” Moreover, Article XIII, Section XI commits: “*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.* More importantly, Article Section IV provides: “*The family has the duty to care for its elderly members, but the State may also do so through just programs of social security.*”

SECTION 3. Scope and Coverage – For purposes of this Act, those establishments sought to be covered are “privately-run, for-profit” residential care facilities and group homes catering to elderly or senior citizen clientele are those “operating as a business” under proper LGU-issued licenses and permits, but without prior DSWD-accreditation nor DOH-regulation. These include establishments accepting senior citizens as clients/patients needing housing and specialized care for a certain billable fee, and said collections are not only for actual cost of operations and maintenance, but also for profit.

SECTION 4. DSWD Regulation – Private, for-profit residential care facilities catering to senior citizens shall be subject to the same regulatory functions of the DSWD over the public and private agencies and organizations engaged in social welfare and development activities to ensure the provision of the highest quality of service possible to the target clientele. In the same manner, private, for-profit establishments catering to seniors shall comply with the comprehensive system

of registration, licensing, and accreditation of social welfare and development programs and services for vulnerable sectors like the elderly. Thus, these facilities shall likewise be liable under the mechanism for sanctions in case of non-compliance with standards and procedures set by the DSWD. Nonetheless, they shall also be entitled to the same grant of benefits and incentives to registered, licensed and accredited SWDAs in recognition of their importance and invaluable contribution in social welfare and development.

SECTION 5. Compliance and Monitoring – The DSWD, in coordination with all LGUs through the Department of Interior and Local Government (DILG), the Bureau of Internal Revenue (BIR) under the Department of Finance (DOF), and where applicable, with the DOH and Department of Trade and Industry (DTI), shall ensure that these residential care facilities and establishments obtain the required licenses and permits under their respective government mandates.

SECTION 6. Implementing Rules and Regulations – Within ninety (90) days from the effectivity of the Act, the respective Secretaries and Chairpersons of the DSWD, the DILG, the DOH, the DOF thru the representation of the BIR, and the National Commission for Senior Citizens, shall jointly craft and issue the rules and regulations necessary for the effective implementation of this Act.

SECTION 7. Separability Clause – If any portion or provision of this Act is declared invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

SECTION 8. Repealing Clause – All laws, decrees, executive orders, rules or regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 9. Effectivity – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in newspaper of general circulation.

Approved