

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Twentieth Congress
First Regular Session

HOUSE BILL NO. 2236



Introduced by **Hon. Charisse Anne C. Hernandez**

EXPLANATORY NOTE

Pursuant to Section 11, Article XIII of the 1987 Constitution, “*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.*” Furthermore, as provided in Section 4, Article XV of the 1987 Consitution, “*The family has the duty to care for its elderly members but the State may also do so through just programs of social security.*”

According to the Commission on Population and Development, 10 percent of the population by 2025 are expected to be older Filipinos, compared from the current six to seven percent. The lifespan of Filipinos is now longer, however, the quality of life did not improve. With this data, it follows that there can also be an increase in the number of abandoned elderly every year.

As provided in the case of *Southern Luzon Drug Corporation v. The Department of Social Welfare and Development*, GR No. 199669, April 25, 2017, the Supreme Court said: “*The duty to care for the elderly and the disabled lies not only upon the State, but also on the community and even private entities. As to the State, the duty emanates from its role as parens patriae which holds it under obligation to provide protection and look after the welfare of its people especially those who cannot tend to themselves.*”

Parens Patriae means parent of his or her country, a provider of protection to those unable to care for themselves. Thus, thisbill seeks to construct a nursing home in the City of Calamba in order to give aid to our senior citizens who were abandoned, abused, and homeless, but still remain to be pillars of our nation.

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

A handwritten signature in black ink, appearing to read 'Charisse', with a stylized flourish at the end.

CHARISSE ANNE C. HERNANDEZ
Representative
Lone District, Calamba City

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Introduced by **Hon. Charisse Anne C. Hernandez**

AN ACT
ESTABLISHING A NURSING HOME FOR ABUSED, ABANDONED, AND
HOMELESS SENIOR CITIZENS IN CALAMBA CITY AND APPROPRIATING
FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. *Declaration of Policy* - It is hereby declared the policy of the State to value the dignity of every human person, guarantee full respect for human rights, extend assistance to its elderly citizens through programs of social security, and promote the right to health and safety of senior citizens. Towards this end, the State shall extend assistance to abandoned and homeless senior citizens through a social care and security program.

SEC. 2. *Definition of Terms*- For purposes of this Act, these terms are defined as follows:

- (a) *Senior Citizen* refers to any resident of the Philippines atleast sixty (60) years of age.
- (b) *Abandoned Senior Citizen* refers to a senior citizen who has been deserted, permanently or temporarily, by his relatives or persons who have general or legal responsibility over the senior citizen, and/or from whom all basic care has been withdrawn, whether willfully or not.

(c) *Homeless Senior Citizen* refers to an elderly who lacks a fixed, regular residence, or whose current residence is unfit for human habitation.

(d) *Elder Abuse* refers to any knowing, intentional or negligent act by a caregiver or any other person that causes harm or serious risk of harm to a vulnerable adult. It can take various forms such as physical, psychological or emotional, sexual, and financial abuse.

(e) *Nursing home* refers to a home for the aged which provides living accommodation, food, clothing, medical, and health care, recreational and social interaction activities for abused, abandoned or homeless senior citizens.

SEC. 3. *Establishment of Nursing Home* - There shall be established, under the supervision of the Department of Social Welfare and Development, a nursing home for the abused, abandoned and homeless senior citizens in Calamba City.

SEC. 4. *Implementing Rules and Regulations* - The Secretary of Department of Social Welfare and Development, in coordination with the Department of Interior and Local Government, Department of Health, and the Federation of Senior Citizens Associations of the Philippines, shall hereby promulgate the rules and regulations to carry out the provisions of this Act not later than sixty (60) days after its effectivity.

SEC. 5. *Donations and Grants* - The nursing home, through the Secretary of Social Welfare and Development, subject to existing laws, government rules and regulations, may accept donations and grants from private domestic and foreign groups, non-government and civic organizations, and foreign governments for the purpose of the nursing home's construction, establishment, staffing and continued operation.

SEC. 6. *Exemptions of the Nursing Home* - The established Nursing Home shall be exempted from the payment of custom duties, taxes and tariffs on the importation of equipment and supplies used directly and exclusively by the Nursing Home pursuant to this Act, including those donated to the Nursing Home.

SEC. 7. *Appropriations* - The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment and every year thereafter.

SEC. 8. *Repealing Clause* - All laws, decrees, executive orders, proclamations, rules and regulations, or parts thereof inconsistent with this ordinance are hereby amended, modified, or repealed accordingly.

SEC. 9. *Separability Clause* - If any provision of this Act is held invalid or unconstitutional, the other provisions not affected hereby shall remain valid and enforceable.

SEC. 10. *Effectivity* - 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,