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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 3491



Introduced by Representative **John Marvin "Yul Servo" C. Nieto**

EXPLANATORY NOTE

All children are entitled to the rights guaranteed by the laws of our country. Without distinction and discrimination, as Article XV, Section 3 (2) of the Constitution states:

"The State shall defend the right of the children to assistance, including proper care and nutrition and special protection from all forms of neglect and abuse, cruelty, exploitation, and other conditions prejudicial to their development."

This is magnified by the provisions of Presidential Decree 603 or the Child Welfare Code, as amended, on the Rights of the Child, providing that:

"Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life." (Art. 3 (4)).

Despite the safeguards provided by the State to ensure the welfare of all children in the country, the rampant practice of certain hospitals' refusal to attend to the medical and dental needs of street children despite the immediacy and the urgency of such need due to the street children's inability to provide "deposits" is still practiced. We should put an end to such practice by providing for a law that would require both public and private hospitals and clinics to render free medical and dental services to indigent children, and penalizing those who will violate such requirement.

This bill requires all medical institutions to extend health services to indigent children, which includes, but is not necessary limited to, street children.

Only through a concrete legislative measure can we fully realize the principles and policies sought to be effected by the various laws protecting the rights of the child.

In line with the States evolving agenda on defending and forwarding the rights of children, the immediate passage of this bill is earnestly sought.


JOHN MARVIN "YUL SERVO" C. NIETO

52 Republic of the Philippines
53 **HOUSE OF REPRESENTATIVES**
54 Quezon City

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56 **EIGHTEENTH CONGRESS**
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62 Introduced by Representative **John Marvin "Yul Servo" C. Nieto**
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64
65 **AN ACT**

66 **REQUIRING ALL GOVERNMENT AND PRIVATE HOSPITALS, MEDICAL**
67 **CENTERS, CLINICS, INFIRMARIES, AND PUERICULTURE CENTERS TO GIVE**
68 **FREE MEDICAL AND DENTAL ASSISTANCE TO INDIGENT CHILDREN**
69

70 *Be it enacted by the Senate and House of Representatives of the Philippines in*
71 *Congress assembled:*
72

73 **SECTION 1.** All government and private hospitals, medical centers, clinics,
74 infirmaries or puericulture centers duly licensed to operate as such, are hereby
75 required to render medical and dental services to indigent children, regardless of
76 whether or not they are in danger of dying and/or may have suffered physical
77 injuries requiring immediate medical attention.
78

79 For purposes of this Act, an "indigent child" is an unemancipated child below
80 eighteen (18) years of age who has health problems requiring medical and
81 dental services for his care and treatment, taking into account the following
82 factors:
83

- 84 (a) the age of the child;
85 (b) the financial condition of the family;
86 (c) the degree of deprivation of parental care and support; and,
87 (d) the inability of his parents to exercise parental authority.
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89 **SEC. 2.** The expenses and losses of earnings incurred by a private hospital,
90 medical center, clinic, infirmary, or puericulture center, or by an individual
91 physician or dentist for medicine, facilities and services extended to the care and
92 treatment of an indigent child as required herein in an amount not exceeding
93 P300, 000.00 per year, shall be deductible expenses and losses for income tax
94 purposes which may be carried over for a period of five (5) years.
95
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97 **SEC. 3.** Any hospital director, administrator, officer-in-charge, physician or dentist
98 in a hospital, medical center, clinic, infirmary, or puericulture center who shall
99 refuse or fail without good cause to render the appropriate medical or dental
100 service pursuant to Section 1 of this Act, after this case has been brought to
101 his/her attention, or any nurse, midwife, medical or dental attendant who shall
102 refuse to extend the appropriate assistance, subject to existing rules, or neglects
103 to notify or call the attention of a physician or dentist in attendance, shall be

104 punished with imprisonment of at least one (1) year or a fine of not more than
105 Fifteen Thousand Pesos (P15,000.00), or both fine and imprisonment at the sound
106 discretion of the Court.

107
108 In the case of government hospitals, medical centers, clinics, infirmaries, or
109 puericulture centers, the imposition of the appropriate penalties upon the person
110 or persons guilty of the violation of this Act shall be without prejudice to the
111 administrative action that may be proper.

112
113 In the case of private hospitals, medical centers, clinics, infirmaries, or
114 puericulture centers, the license to operate shall be suspended or revoked.

115
116 **SEC. 4.** The Department of Health (DOH) in coordination with the Department of
117 Social Welfare and Development shall have the authority to promulgate the
118 necessary rules and regulations for the purpose of carrying into effect the
119 provisions of this Act.

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121 **SEC. 5.** All laws, decrees, executive orders, rules and regulations or parts thereof
122 inconsistent with the provisions of this Act are hereby repealed or modified
123 accordingly.

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125 **SEC. 6.** This Act shall take effect fifteen (15) days after its publication in the
126 *Official Gazette* or in two (2) newspapers of general circulation.

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128 *Approved,*
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