

**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**



22 JUL 12 A11 :02

SENATE
S.B. No. 348

RECEIVED BY: _____

Introduced by Senator Maria Lourdes Nancy S. Binay

**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

This bill seeks to provide free medical and dental assistance to indigent children 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 adequate to all. In order to achieve this end, all government and private hospitals, medical centers, clinics, infirmaries and puericulture centers are required to render medical and dental services to indigent children and at the same time provide tax incentives to these covered institutions.

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

MARIA LOURDES NANCY S. BINAY

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

5
6 *Be it enacted by the Senate and House of Representatives of the Philippines in*
7 *Congress assembled:*

8
9 SECTION 1. *Title.* - This Act shall be known as "*The Indigent Children Free*
10 *Medical and Dental Service Act.*"

11
12 SEC. 2. *Declaration of Policy.* - In consonance with the State's recognition of
13 the need to promote the physical well-being of children, including promoting their
14 right to health, and making health services adequate to all, it is hereby declared the
15 policy of the State to provide for all possible assistance it could provide to children
16 especially those who are unfortunate to have no means of support or have no one to
17 support them.

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

23
24 SEC. 4. *Duty of the DSWD and DOH.* - The Department of Social Welfare and
25 Development (DSWD) and the Department of Health (DOH) shall be tasked with the
26 primary responsibility of implementing the provisions of this Act.

27
28 For this purpose, the DSWD shall promulgate the necessary guidelines in order
29 to determine if a child in need of medical and/or dental service may be considered
30 indigent, taking into account the following factors:

- 31
32 1. Age of the child;
33
34 2. Financial condition of the family;

1 3. Degree of deprivation of parental care and support; and

2
3 4. Inability of his parents to exercise parental authority.

4
5 The DOH, on the other hand, shall coordinate and establish the necessary
6 mechanisms and regulations to govern both government and private hospitals,
7 medical centers, clinics, infirmaries and puericulture centers in the implementation of
8 this Act. The DSWD and DOH shall have the authority to promulgate the necessary
9 rules and regulations for the purpose of carry into effect the provisions of this Act.

10
11 SEC. 5. *Free Medical and Dental Services.* - All government and private
12 hospitals, medical centers, clinics, infirmaries and puericulture centers duly licensed
13 to operate as such, are hereby required to render medical and dental services to
14 indigent children, regardless of whether or not they are in danger of dying and/or may
15 have suffered physical injuries requiring immediate medical attention.

16
17 SEC. 6. *Incentives for Private Hospital, Medical Center, Clinic, Infirmary and/or*
18 *Puericulture Centers.* - The expenses and losses of earnings incurred by a private
19 hospital, medical center, clinic, infirmary or puericulture center, or by an individual
20 physician or dentists, for medicine, facilities and services extended to the care and
21 treatment of an indigent child as required herein, in the amount not exceeding Five
22 hundred thousand pesos (P500,000.00) per year, shall be considered deductible
23 expenses and losses for income tax purposes, which may be carried over for a period
24 of five (5) years.

25
26 To ensure compliance with the provisions of this Act, all indigent children
27 treated by private hospitals, medical centers, clinics, infirmaries or puericulture centers
28 shall secure a certification from the social worker assigned to the hospital, medical
29 center, clinic, infirmary or puericulture center.

30
31 The Certification shall contain the following information:

- 32
33 1. Name of patient;
- 34
35 2. That the patient is indigent and supporting proof thereof;
- 36
37 3. Service/s rendered to the patient;
- 38
39 4. Cost of such service/s based on the existing price list of the hospital,
40 medical center, clinic, infirmary or puericulture center at the time of
41 treatment; and
- 42
43 5. Attestation from the social worker that all information contained therein
44 are true and correct to his/her knowledge.

45
46 SEC. 7. *Penal Clause.* - Any hospital director, administrator, officer-in-charge,
47 physician or dentist in a hospital, medical center, clinic, infirmary or puericulture center
48 who shall refuse or fail without good cause to render the appropriate medical and

1 dental services pursuant to this Act, after the child has been brought to his/her
2 attention; or any nurse, midwife, medical or dental attendant who shall refuse to
3 extend the appropriate assistance, subject to existing rules, or neglects to notify or
4 call the attention of a physician or dentist in attendance, shall be punished with
5 imprisonment of at least one (1) year or a fine of not more than One hundred fifty
6 thousand pesos (P150,000.00), or both fine and imprisonment, at the sound discretion
7 of the court. The penalty herein imposed shall not prejudice any administrative
8 sanctions that may be imposed by law.

9
10 SEC. 8. *Separability Clause.* - If any portion or provision of this Act is declared
11 void and unconstitutional, the remaining portions or provisions hereof shall not be
12 affected by such declaration.

13
14 SEC. 9. *Repealing Clause.* - All laws, decrees, orders, rules and regulations,
15 other issuances, or parts thereof inconsistent with the provisions of this Act are hereby
16 repealed or modified accordingly.

17
18 SEC. 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
19 publication in the Official Gazette or in at least two (2) newspapers of general
20 circulation.

Approved,