

NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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Office of the Secretary

'22 AUG -8 P 3 :07

SENATE

RECEIVED BY



S. No. 1107

Introduced by Senator Jinggoy Ejercito Estrada

**AN ACT
TO REQUIRE THE GIVING OF FREE MEDICAL AND DENTAL SERVICE TO
INDIGENT CHILDREN, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE


All children are entitled to the rights guaranteed by the laws of our country, without distinction and discrimination. Article XV, Section 3 (2) of the Constitution states that – "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, other conditions prejudicial to their development."

This is magnified by the provisions of PD 603 or the Child and Youth 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 basic physical requirements of a healthy and vigorous life." (Art. 3(4))." Chapter 5 Article 62 of the same Code even provides that – "If the child has special health problems, his parents shall be entitled to such assistance from the government as may be necessary for his care and treatment in addition to other benefits provided for under existing law."

It is a major cause of concern that despite all these safeguards, the rampant practice of certain hospital's refusal to attend to the medical and dental needs of street children despite the urgency of such need due to the parent's or guardian'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 private and public 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 necessarily 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 State's evolving agenda on defending the rights of the child, the immediate passage of this bill is profoundly sought.



JINGGOY EJERCITO ESTRADA
Senator

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

1 Section 1. *Short Title.* - This Act shall be known as the "*Indigent Children Free*
2 *Medical and Dental Service Act*".

3 Sec. 2. *Declaration of Policy.* - Children are the future of Philippine
4 society. Upon this premise, it is hereby declared the policy of the state to provide all
5 the possible assistance it could provide to children especially those who are
6 unfortunate to have no means of support or no one to support them.

7 Sec. 3. *Indigent Children; Definition.* - Indigent children are those below
8 eighteen (18) years old of age who has no visible means of support or whose parents
9 or guardians have no means of providing for their immediate medical and dental
10 needs.

11 Sec. 4. *Free Medical Service.* - All hospitals, medical centers, clinics and other
12 health institutions that provide frontline medical services throughout the Philippines
13 are hereby mandated under this Act to provide free medical treatment to indigent
14 children.

15 Sec. 5. *Free Dental Service.* - All dental clinics, medical centers and other
16 health institutions that provide frontline dental healthcare throughout the country are
17 mandated under this Act to provide free dental healthcare to indigent children.

1 Sec. 6. *DSWD and DOH Function.* – The Department of Social Welfare and
2 Development (DSWD) in coordination with the Department of Health (DOH) shall be
3 the lead agencies in the implementation of this Act. The DSWD shall determine if the
4 child is indeed an indigent while the DOH shall coordinate with the implementation of
5 the free medical and dental services to indigent children.

6 Sec. 7. *Appropriations.* – The amount necessary to carry out the provisions of
7 this Act shall be included in the General Appropriations Act of the year following its
8 enactment into law and thereafter.

9 Sec. 8. *Separability Clause.* – If any provision of this Act is declared
10 unconstitutional or invalid, the remainder of this Act or any provisions not affected
11 thereby shall remain in force and effect.

12 Sec. 9. *Repealing Clause.* – Any law, presidential decrees or issuance, executive
13 orders, letter of instruction, administrative order, rule, or regulation contrary to or
14 inconsistent with the provisions of this Act are hereby repealed, modified or amended
15 accordingly.

16 Sec. 10. *Effectivity.* – This Act shall take effect fifteen (15) days from the date
17 of its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,