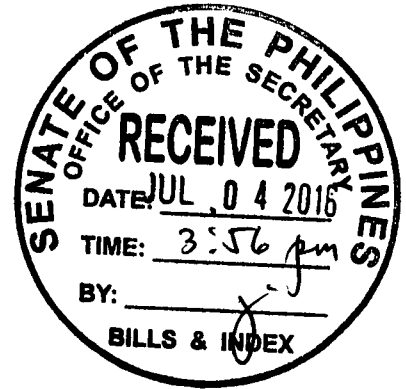


SEVENTEENTH CONGRESS OF THE]

REPUBLIC OF THE PHILIPPINES]

First Regular Session]



SENATE

S.B. No. 374

Introduced by SEN. WIN GATCHALIAN

AN ACT

**ESTABLISHING A NURSING HOME FOR HOMELESS AND ABANDONED SENIOR
CITIZENS IN EVERY CITY OR MUNICIPALITY IN THE PHILIPPINES,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Filipino culture and society place great emphasis on respect and care for our elders. The family unit usually consists of not only the members of the immediate family but also of grandparents that are taken in and cared for by their descendants. Unlike western societies, Filipinos choose to take care of their elders themselves in their homes as a sign of gratitude and respect.

However, there are rising incidents of abandonment and neglect of the elderly in the country today. This can be attributed to various reasons such as the economic reality of spending for the care of an elderly person which may become unbearable for households that do not earn enough, family problems that may lead the elderly and their children to become estranged, and the incapability to care for the elderly because of a busy schedule or work related issues.

The city of Valenzuela is a witness to this phenomenon. In 2012, the city established a halfway home dubbed as "Bahay Kalinga". Today, there are currently 25 homeless or abandoned senior citizens receiving housing and healthcare at Bahay Kalinga. The home serves as a halfway house for the

seniors while the local government helps them in contacting their existing relatives. However, only two of the occupants have been successful in getting their relatives to take them in from the home. Because of the low success rate of placing the elderly with their relatives, plans are already underway to expand the facility in order to house more future occupants.

Bahay Kalinga seeks to provide a "home like" environment for the seniors. After a check-up at the city hospital to determine their health conditions, each occupant are allotted P5,000.00 for their medical needs. There are three staff members and a nurse who cares for the occupants daily, while a city doctor comes in once a week to give the occupants a medical check-up.

Under Article XIII, Section 11 of the 1987 Constitution, the protection of the welfare of our seniors is assured. It states that "[t]he 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, Article XV, Section 4 mandates that "[t]he family has the duty to care for its elderly members but the State may also do so through just programs of social security."

With the growing number of unattended, neglected, abandoned and homeless senior citizens in the country, this bill seeks to establish a nursing home that will care for the elderly, similar to services provided by Bahay Kalinga, to be operated by the Department of Social Welfare and Development in every city or municipality in the Philippines.

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

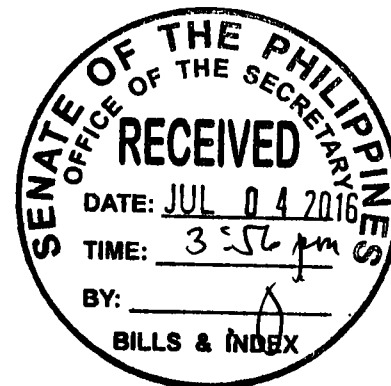


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*Be it enacted by the Senate and the House of Representatives of the Philippines
in Congress assembled:*

1 SECTION 1. **Short title.** -This Act shall be known as the "Homes for
2 Abandoned Seniors Act of 2016."
3

4 SEC. 2. **Declaration of Policy.** - It is hereby declared the policy of the
5 State to value the dignity of every human person, guarantee full respect for
6 human rights, extend assistance to its elderly citizens through programs of
7 social security, and promote the right to health and safety of senior citizens.
8 Towards this end, the State shall extend assistance to abandoned and
9 homeless senior citizens through a social care and security program.
10

11 SEC. 3. **Definition of Terms.** - As used in this Act, the following terms
12 shall mean:
13

14 a. *Abandoned Senior Citizen* refers to a senior citizen who has been
15 deserted, permanently or temporarily, by his relatives or persons who have
16 general or legal responsibility over the senior citizen, and/or from whom all basic

1 care have been withdrawn, whether willfully or not;

2 b. *Homeless Senior Citizen* refers to a senior who lacks a fixed, regular
3 residence, or whose current residence is unfit for human habitation, or lacks
4 resources to obtain proper housing;

5 c. *Nursing Home* refers to a home for the aged, established and
6 maintained under this Act by a city or municipality which provides living
7 accommodations, food and clothing, medical and health care, and recreational and
8 social interaction activities for abandoned senior citizens or homeless senior citizens;

9 d. *Senior Citizen* refers to any resident citizen of the Philippines at least
10 sixty (60) years of age.

11
12 SEC. 4. ***Establishment of Nursing Homes.*** - There shall be established
13 in every municipality and city, a nursing home to serve abandoned senior citizens
14 and homeless senior citizens, to be built by the local government units (LGUs)
15 concerned and shall be operated and maintained by the Department of Social
16 Welfare and Development (DSWD) in coordination with the LGUs concerned.

17
18 SEC. 5. ***Functions of Nursing Homes.*** - The nursing homes shall
19 provide homeless senior citizens or abandoned senior citizens within its
20 territorial jurisdiction institutionalized residential care programs and services such
21 as but not limited to:

- 22 a. Comfortable living quarters;
- 23 b. Adequate food and clothing;
- 24 c. Medical consultation or treatment;
- 25 d. Health care;
- 26 e. Occupational opportunities;
- 27 f. Recreational and social interaction activities;
- 28 g. Counseling;
- 29 h. Case conference;
- 30 i. Family dialogue;
- 31 j. Outreach to existing family for reintegration;
- 32 k. Literacy education;
- 33 l. Productivity development;
- 34 m. Religious, cultural and vocational activities.

1 SEC. 6. **Implementing Rules and Regulations.** - The DSWD, in coordination
2 with the Department of Interior and Local Government, Department of Health and
3 the Federation of Senior Citizens Associations of the Philippines, and Confederation
4 of Older Persons Associations of the Philippines, shall hereby promulgate the rules
5 and regulations to carry out the provisions this Act not later than ninety (90) days
6 after its effectivity.

7
8 SEC. 7. **Exemptions of the Nursing Home.** - The established nursing
9 home shall be exempted from the payment of customs duties, taxes, and tariffs
10 on the importation of equipment and supplies used actually, directly, and exclusively
11 by the nursing home pursuant to this Act, including those donated to the Nursing
12 Home.

13
14 SEC. 8. **Appropriations.** - The amount necessary to carry out the
15 provisions of this Act shall be included in the General Appropriations Act of the
16 year following its enactment into law and every year thereafter.

17 SEC. 9. **Separability Clause.** - If any provision of this Act is declared
18 invalid or unconstitutional, the provisions not affected thereby shall remain in
19 full force and effect.

20 SEC. 10. **Repealing Clause.** - All laws, presidential decrees, executive
21 orders, presidential proclamations, rules and regulations or parts thereof
22 contrary to or inconsistent with this Act are hereby repealed or modified
23 accordingly.

24 SEC. 11. **Effectivity.** - This Act shall take effect fifteen (15) days after its
25 publication in the Official Gazette or at least two (2) national papers of general
26 circulation.

Approved,