

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 4293

INTRODUCED BY HON. CATALINA C. BAGASINA
Association of Laborers and Employees (ALE) Party-list

EXPLANATORY NOTE

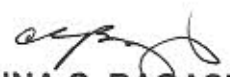
This bill seeks to penalize and criminalize money-making schemes of big hospitals through collection of affiliation fees from registered nurses who wish to work for their hospitals in exchange for training and certifications.

This bill ensures that every understaffed hospital must hire the nursing applicants as regular employees and avoid from collecting affiliation fees to ensure their employment opportunities. Many private and public hospitals remain understaffed and they do not meet the required patient to nurse ratio required by the government, but they still continue to collect affiliation fees from struggling nursing graduates. They take advantage of the mandatory two-year work experience requirement for employment abroad so the applicants are left with no choice but to pay the fees in exchange for experience despite the fact that the hiring hospitals are understaffed.

This measure will give equal opportunities to all nursing graduates. It is designed to level the playing field among nurses who cannot afford to pay the affiliation fees collected by some greedy hospitals in exchange for certification and job experience.

The act of penalizing and criminalizing the collection of affiliation fees will not only open doors for equal employment but will stop the rampant practice of abuses through money-making schemes devised by some hospitals in the country.

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


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AN ACT

DEFINING AND PENALIZING THE PRACTICE OF COLLECTING AFFILIATION FEES OF PUBLIC OR PRIVATE HOSPITALS FROM REGISTERED NURSES NATIONWIDE IN EXCHANGE FOR JOB EXPERIENCE.

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

Section 1. Title. This act shall be known as the "An act defining and penalizing the practice of collecting affiliation fees of public or private hospitals from registered nurses nationwide in exchange for job experience".

Section 2. Declaration of Policy. The State values the employment opportunity of every human person and guarantees full protection to Labor. The highest priority shall be given to the enactment of measures for the enhancement of the right of all people to life which includes equal employment opportunities to all registered nurses nationwide.

Section 3. Definition. For purposes of this Act, the following term shall mean:

Affiliation fee – is the amount paid by a registered nurse by an accommodating hospital in exchange of certain number of hours of duty of the former to the latter. It refers to fees collected by the hospitals to allow unemployed registered nurses to work for them for free in exchange for job experience. This is a money-making scheme for understaffed hospitals to hire nurses through affiliation arrangement so as to avoid hiring regular nurses and thereby cutting down their operational costs. Instead of paying these new nurses of their salaries, the new nurses pay the hospital for job experience. Such act is akin to syndicated estafa under the Special Penal Law.

Section 4. Liability of Administrator, Hospital Officers and Superiors. The Administrator, Hospital Officers and Superiors or the equivalent hereof who has the power, opportunity or authority to enter affiliation programs with registered nurses or with schools, colleges and universities whether deliberately or due to negligence shall be punished with Prison Mayor in its maximum period.

Aside from Hospital Officers, Those who cooperated in the act of pursuing to enter or collecting fees for a nursing affiliation program, those who allowed such act, or those who cooperated in the execution such act shall also be punished with Prison Mayor in its maximum period.

The penalty of Prison Mayor in its medium period shall be imposed on those who attempt to commit the act of collecting affiliation fees and the this includes the following: By themselves profiting from or assisting the offender to profit; By concealing the act of affiliation, and/or destroying the effects or instruments thereof, in order to prevent its discovery; By harboring, concealing, or assisting in the escape of the offenders, whether principals or accomplices, in the act of collecting affiliation fees.

Section 5. Implementing Rules and Regulations. The Department of Justice (DOJ) and Philippine Nurses Association (PNA) in regular monitoring and close coordination with other Nursing Organizations shall promulgate the rules and regulations for the effective implementation of this Act, and shall ensure the full public dissemination of such.

Section 6. Repealing Clause. All laws, decrees, executive orders, rules and regulations and other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Section 7. Separability Clause. If, for any reason, any section or provision of this Act is declared unconstitutional or invalid, such other sections or provisions not affected thereby shall remain in full force and effect.

Section 8. Effectivity. This Act shall take effect fifteen (15) days upon its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.