

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. **4959**

Introduced by HON. JOSEPH F. VIOLAGO

Explanatory Note

In the United States, unfunded mandates are defined as statutes or regulations that require a state or local government, or private individuals or organizations, to perform certain actions, yet provides no money for fulfilling the requirements. When a federal government imposes a law or regulation without necessary funding, for example, it becomes the responsibility of the state or local government to pay for the implementation of the law. In the end, it is local taxpayers who end up footing the bill.

In the Philippines, these are commonly referred to as unfunded laws which are legislations that do not specify where the funding for the implementation of the law will come from. They cannot be implemented since funds are unavailable.

When the State fails in funding a law that its legislature has passed, who is accountable for such failure, and is there a penalty imposed upon those who, in one way or another, failed to implement such mandate?

While this proposed legislation does not squarely address such concern, as it is better left to legal luminaries as well as the legislature itself, this initiative seeks to address the injustice suffered by our public health workers who, at this time, have yet to realize the benefits envisioned by Republic Act No. 7305, also known as the Magna Carta of Public Health Workers---an unfunded law for almost twenty years now.

R.A. 7305 was enacted to ensure that health workers are properly compensated, which in turn, is expected to promote medical care and at the overall, a better delivery of health care services in the Philippines. Unfortunately, since its passage, it is without any doubt that successive administrations since 1992 have dismally failed to provide for the payment of benefits prescribed by the law.

That the law's overriding intent be fulfilled has always been the shared clamor of all public health workers, reverberating every now and then when the budget of the Department of Health is deliberated in the halls of Congress and especially when certain sectors of society raise the discontent and the plight, as well as the sacrifices and contributions, of public health workers in our common quest of improving the lives of our people.

This proposed legislation is intimately related not only to inefficiencies in the utilization of funds in all government hospitals but to the colossal and immense indifference of not just the policymakers of the Department of Health (DOH) but also in Congress down to the legislative bodies of the various local governments which do not consider the faithful payment of benefits due to our public health workers as a priority and a long-overdue measure.

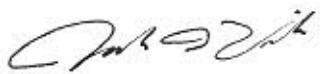
As we are now ruled and guided by an administration that fully adheres to the philosophy of "*matuwid na daan*" in accordance with the overall dictates of genuine reforms and of good and effective governance, it is the strong belief of our public health workers that their pleas for almost two decades now will be heard and will no longer be ignored.

Verily, to make them wait for some time again, is not only a clear perpetuation of past mistakes of neglect and indifference, but of a kind of vicious and cruel injustice that does not only affect the entire corps of public health workers but for our very people who are attended by them not only in our government clinics and hospitals but also in the far-flung areas of the archipelago, in remote islands, coastal areas and mountain villages.

It is high time that the State will endeavor now to pay what is due to our public health workers. *Napakatagal na ng panahon na sila ay pinagkaitan ng kanilang nararapat na matanggap na mga biyaya na matagal nang itinakda ng Magna Carta for Public Health Workers.* In accordance with a constitutional mandate and in the interest of public health, it shall, without any further neglect and delay, protect the rights of public health workers and promote their welfare.

Kung hindi ngayon, kailan pa?

The swift passage of this bill is, therefore earnestly sought.


JOSEPH F. VIOLAGO

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AN ACT
AUTHORIZING ALL GOVERNMENT HOSPITALS TO RETAIN AND UTILIZE ALL
THEIR INCOME AND INTERESTS DERIVED FROM DEPOSITS FOR THE PAYMENT OF
ALL BENEFITS MANDATED BY REPUBLIC ACT NO. 7035, OTHERWISE KNOWN
AS THE MAGNA CARTA OF PUBLIC HEALTH WORKERS

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

SECTION 1. Short Title. - This Act shall be known as the "Public Health Workers Restitution Act of 2011."

SEC. 2. All government hospitals are hereby required to retain and utilize one hundred (100%) of their income---which include, but not limited to, hospital fees from in-house services and facilities, income derived from non-patient-related services and income derived from interest on accounts or deposits---for the payment of all benefits mandated by R.A. 7035, otherwise known as the Magna Carta of Public Health Workers. They shall no longer be required to remit any part of their earnings or income to the National Treasury.

SEC. 3. Nothing in this Act shall be construed to eliminate or in any way diminish the benefits currently enjoyed by our public health workers at the time of the effectivity of this Act.

SEC. 4. For purposes of this Act, the term "public health workers" shall also include day care workers and barangay health workers.

SEC. 5. Any national or local government official who willfully circumvent, delay or, in any way, violate the giving of salary, compensation, allowance or any benefits of a public health worker as provided in R.A. 7305 shall be a sufficient ground for an immediate preventive suspension for sixty (60) days and with a proper disciplinary action that imposes a penalty, if found guilty, of dismissal from public service.

SEC. 6. The Department of Health (DOH) and the Department of Interior and Local Government (DILG), in coordination with the Department of Finance, the Department of Budget and Management (DBM) and the Congressional Committees on Health, shall issue the necessary rules and regulations for the effective implementation of this Act within sixty (60) days from its approval.

SEC. 7. If any provision of this Act is held invalid, any other provision not affected thereby shall continue to be valid and effective.

SEC. 8. Any law, presidential decree, executive or departmental circular, letter of instruction or any order which are inconsistent with any provisions of this Act are hereby repealed or amended accordingly.

SEC. 9. This Act shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

Approved.