



REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Manila

FIFTEENTH CONGRESS
SECOND REGULAR SESSION



COMMITTEE REPORT NO. 1497

Submitted by the Committee on Health on 20 OCT 2011

Re : House Bill No. 5645

Recommending its approval in substitution of House Bill No 767

Sponsors : Reps. Alfredo D. Marañon III and Edgar S. San Luis

Mr. Speaker:

The Committee on Health to which was referred House Bill No. 767 introduced by Rep. Edgar S. San Luis, entitled:

**"AN ACT
PROHIBITING PUBLIC AND PRIVATE HOSPITALS FROM REQUIRING THE PAYMENT OF
MONEY UPON POST GRADUATE NURSES WHO WANT TO GAIN WORK EXPERIENCE
FROM THEIR HOSPITALS PENALIZING ANY VIOLATION THEREOF."**

has considered the same and recommends that the attached House Bill No. 5645 entitled:

**"AN ACT
PROHIBITING PUBLIC AND PRIVATE HOSPITALS FROM REQUIRING THE PAYMENT OF
MONEY UPON REGISTERED NURSES WHO WANT TO GAIN WORK EXPERIENCE AND
PENALIZING ANY VIOLATION THEREOF."**

be approved in substitution of House Bill No. 767 with Reps. Edgar S. San Luis, Tomas V. Apacible, Augusto Boboy Syjuco, Tomas D. Osmeña, Jane T. Castro, Ma. Amelita A. Calimbas-Villarosa, Anthony T. Golez Jr., Erico Basilio A. Fabian, Mark Leandro L. Mendoza, Eufanio C. Eriguel, Joaquin Carlos Rahman A. Nava, Florencio T. Flores, Jeci A. Lapuz, Loreto Leo S. Ocampos, Maximo B. Dalog, Monique Yazmin Q. Lagdameo, Maria Jocelyn V. Bernos, Mary Mitzi L. Cajayon, Godofredo V. Arquiza, Rufus B. Rodriguez, Emerenciana A. De Jesus, Herminia B. Roman, Randolph S. Ting, Joseph Gilbert F. Violago, Daryl Grace J. Abayon and Alfredo D. Marañon III as authors thereof.

Respectfully submitted,


HON. ALFREDO D. MARAÑON
Chairman
Committee on Health

THE HONORABLE SPEAKER
House of Representatives
Quezon City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Fifteenth Congress
Second Regular Session

HOUSE BILL NO. 5445

Introduced by Reps. Edgar S. San Luis, Alfredo D. Marañon III, Tomas V. Apacible, Augusto Boboy Syjuco, Tomas D. Osmeña, Jane T. Castro, Ma. Amelita A. Calimbas-Villarosa, Anthony T. Golez Jr., Erico Basilio A. Fabian, Mark Leandro L. Mendoza, Eufanio C. Eriguel, Joaquin Carlos Rahman A. Nava, Florencio T. Flores, Jeci A. Lapuz, Loreto Leo S. Ocampos, Maximo B. Dalog, Monique Yazmin Q. Lagdameo, Maria Jocelyn V. Bernos, Mary Mitzi L. Cajayon, Godofredo V. Arquiza, Rufus B. Rodriguez, Emerenciana A. De Jesus, Herminia B. Roman, Randolph S. Ting, Joseph Gilbert F. Violago and Daryl Grace J. Abayon

AN ACT
PROHIBITING PUBLIC AND PRIVATE HOSPITALS FROM REQUIRING
THE PAYMENT OF MONEY UPON REGISTERED NURSES WHO WANT
TO GAIN WORK EXPERIENCE AND PENALIZING ANY VIOLATION
THEREOF

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

SECTION 1. *Definition of Terms* – For purposes of this Act, the following terms shall be defined as follows:

- (a) *Nurse Training Programs* refer to training programs that are approved and accredited by the Department of Health (DOH) in partnership with the Professional Regulation Commission (PRC) Board of Nursing which follow a definite career progression for registered nurses and are aimed at providing advanced or specialty training.
- (b) *Nurse Trainee* refers to a registered nurse undergoing training programs that are approved and accredited by the DOH in partnership with the PRC Board of Nursing. Those that are undergoing such training are allowed to be charged corresponding fees to be determined jointly by the DOH and the PRC Board of Nursing.
- (c) *Nurse Volunteers* refer to registered nurses rendering "free" or unpaid services in hospitals, without employer-employee relationship, and performing hospital duties with minimal supervision from regular staff nurses. Nurse volunteers may or may not receive trainings, depending on the institution where they render service.

1 **SEC. 2. Assessment and Accreditation** – The DOH and the PRC Board of
2 Nursing shall assess all the training programs for registered nurses that are
3 being implemented in hospitals. However, if necessary, an Assessment and
4 Accreditation Unit shall be created in the DOH. Only those programs
5 accredited by the DOH and the PRC Board of Nursing shall be implemented
6 and allowed to charge corresponding fees.

7 **SEC. 3. Hospital's Capability** – The DOH shall assess the capability of all
8 hospitals to provide training programs for registered nurses. The minimum
9 criteria for the assessment shall be based on the bed capacity, appropriate
10 facilities and availability of qualified trainers.

11 **SEC. 4. Prohibited Act.** – Any public or private hospital is hereby prohibited
12 from requiring the payment of money upon registered nurses who are serving
13 as nurse volunteers in order to gain work experience in the hospitals and for
14 employment purposes.

15 **SEC. 5. Penalty.** – Any person who is found guilty of violating this Act shall
16 suffer the penalty of imprisonment of not less than six (6) months but not more
17 than one (1) year and a fine of not less than One Hundred Thousand Pesos
18 (P100,000.00) but not more than Five Hundred Thousand Pesos
19 (P500,000.00)
20

21 If the offender is an association, corporation, or any other juridical person, the
22 penalty shall be imposed upon the owner, president, hospital director,
23 treasurer and any other person responsible for the violation.

24 If the offender is a foreigner, he shall be summarily deported after payment of
25 fine and service of sentence and be barred permanently from entering the
26 country.
27

28 **SEC. 6. Refund and Entitlement to Salary.** – Any registered nurse who shall
29 be required by the hospital to pay in violation of Section 4 hereof shall be
30 refunded the full amount paid to the hospital plus interests of six percent (6%)
31 per annum until the amount is fully paid. In addition, a salary equivalent to
32 Salary Grade 11, pursuant to Executive Order No. 811, series of 1989 shall
33 be paid by the hospital to the registered nurse for services rendered.
34

35 **SEC. 7 Implementing Rules** – The DOH, in coordination with the PRC and the
36 Private Hospitals Association of the Philippines, shall issue the Implementing
37 Rules and Regulation within sixty (60) days after the effectivity of this Act.
38

39 **SEC. 8. Repealing Clause.** – All laws, decrees, orders, rules and regulations
40 and other issuances or parts thereof inconsistent with this Act are hereby
41 repealed, amended or modified accordingly.

42 **SEC. 9. Effectivity.** – This Act shall take effect fifteen (15) days after its
43 publication in any newspaper of general circulation.
44

45 **Approved,**
46

FACT SHEET

House Bill No. 5445

(In substitution of House Bill No. 767)

(As approved by the Committee on September 28, 2011)

AN ACT PROHIBITING PUBLIC AND PRIVATE HOSPITALS FROM REQUIRING THE PAYMENT OF MONEY UPON REGISTERED NURSES WHO WANT TO GAIN WORK EXPERIENCE AND PENALIZING ANY VIOLATION THEREOF

Introduced by: REPS. HON. EDGAR S. SAN LUIS, ALFREDO D. MARAÑON III, TOMAS V. APACIBLE, AUGUSTO BOBOY SYJUCO, TOMAS D. OSMEÑA, JANE T. CASTRO, MA. AMELITA A. CALIMBAS-VILLAROSA, ANTHONY T. GOLEZ JR., ERICO BASILIO A. FABIAN, MARK LEANDRO L. MENDOZA, EUFRANIO C. ERIGUEL, JOAQUIN CARLOS RAHMAN A. NAVA, FLORENCIO T. FLORES, JECI A. LAPUZ, LORETO LEO S. OCAMPOS, MAXIMO B. DALOG, MONIQUE YAZMIN Q. LAGDAMEO, MARIA JOCELYN V. BERNOS, MARY MITZI L. CAJAYON, GODOFREDO V. ARQUIZA, RUFUS B. RODRIGUEZ, EMERENCIANA A. DE JESUS, HERMINIA B. ROMAN, RANDOLPH S. TING, JOSEPH GILBERT F. VIOLAGO AND DARYL GRACE J. ABAYON

Committee Referral: COMMITTEE ON HEALTH

Committee Chairperson: HON. ALFREDO D. MARAÑON III

OBJECTIVE:

- To prevent the exploitation of registered nurses who are serving as nurse volunteers in any public or private hospital

KEY PROVISIONS:

- Prohibits any public or private hospital from requiring the payment of money from registered nurses who are serving as nurse volunteers in order to gain work experience in the hospitals and for employment purposes
- Mandates the Department of Health (DOH) and the Professional Regulation Commission (PRC) Board of Nursing to assess all the training programs for registered nurses that are being implemented in hospitals
- Specifies that only those programs accredited by the DOH and the PRC Board of Nursing shall be implemented and allowed to charge corresponding fees
- Mandates the DOH to assess the capability of all hospitals to provide training programs for registered nurses
- Provides the penalty of imprisonment of not less than six (6) months but not more than one year and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos on any person found guilty of violating this Act. If the offender is an

- association, the penalty shall be imposed upon the owner and other natural persons responsible for the violation
- Provides that any nurse volunteer who was required to pay by the hospital shall be entitled to a refund of the full amount paid to the hospital plus interests of six percent (6%) per annum until said amount is fully paid. In addition, a salary equivalent to Salary Grade 11 shall be paid by the hospital for services rendered

RELATED LAWS:

- R.A. 9173, "*Philippine Nursing Act of 2002*"
- R.A. 7164, "*Philippine Nursing Act of 1991*"
- R.A. 9418, "*Volunteer Act of 2007*"