

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 415



INTRODUCED BY REPRESENTATIVE ARTHUR C. YAP

EXPLANATORY NOTE

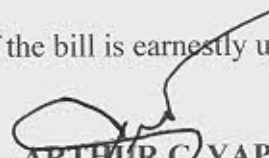
At present, there is a notable decline in the demand for nurses both domestically and abroad. More and more registered nurses, those who have just graduated and hurdled the licensure examination in particular, find themselves unemployed in a highly saturated labor market. Others with a little luck end up working in call centers or get employed as caregivers and nursing aides.

The lack of appropriate employment opportunities for nurses in the country makes them susceptible to exploitation. One such unscrupulous practice of many hospitals, which has recently earned the public's indignation, is their policy of demanding payment of fees from nurses who seek to gain the necessary work experience required for work abroad. Instead of receiving compensation for their services rendered, they are even obligated to pay these hospitals for what are termed as skills training or volunteer work. It is like frying these nurses in their own fat.

To address this irony, this bill seeks to prohibit hospitals, both private and public, from demanding payment from nurses in exchange for actual working opportunities in their establishments and provides penalties for the commission of the offense. On the other hand, the bill also lays down the types of training programs for nurses duly approved by concerned government agencies in which hospitals may legitimately collect charges from those who avail of them. The bill also allows a refund of the full amount paid to the hospital plus interest. In addition, a salary equivalent to Salary Grade 11, pursuant to Executive Order No. 811, series of 1989, shall be paid by the hospital to the registered nurse for services rendered. Finally, as for a private hospital nurses, he or she shall be never be considered as an apprentice or learner and earn wages lower than the prescribed minimum wages.

This measure was passed by the 15th Congress on third and final reading and was transmitted to the Senate for concurrence. However, due to lack of material time, the bill was never acted upon by the Upper Chamber.

For the foregoing reasons, the immediate passage of the bill is earnestly urged.


ARTHUR C. YAP
Representative

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AN ACT
PROTECTING THE WELFARE OF REGISTERED NURSES BY
PROHIBITING PUBLIC AND PRIVATE HOSPITALS FROM
CHARGING OR REQUIRING THE PAYMENT OF MONEY FOR
VOLUNTEER OR TRAINING WORK, PROVIDING PENALTIES
FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES

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

- 1 **SECTION 1. *Definition of Terms*** – For purposes of this Act, the following terms
2 shall mean:
- 3 a) *Nurse Training Programs* - refer to training programs duly approved and
4 accredited by the Department of Health (DOH) in partnership with the
5 Professional Regulation Commission (PRC) Board of Nursing which provide for
6 a definite career progression for registered nurses and aimed at advanced or
7 specialty training;
- 8 b) *Nurse Trainee* - refers to a registered nurse undergoing training programs duly
9 approved and accredited by the DOH and the PRC. They may be charged with
10 corresponding fees to be determined jointly by the DOH and the PRC Board of
11 Nursing;
- 12 c) *Nurse Volunteers* - refer to registered nurses rendering free services in hospitals,
13 without employee-employer relationship, and performing hospital duties with
14 minimal supervision from regular staff nurses.

1 d) *Apprentice and/or Learner* – refer to an apprentice and/or learner, as defined
2 under Section 58 (b) and 73, respectively, of Presidential Decree No. 442 or the
3 Labor Code of the Philippines, as Amended.

4 **SECTION 2. *Prohibition Against Charging of Registered Nurses for Training.***

5 – Any provision of law to the contrary notwithstanding, a public or public hospital is
6 hereby prohibited from requiring the payment of money or any other form of
7 remuneration or charges, from registered nurses serving as volunteers for the purpose of
8 gaining work experience in the hospitals and for employment purposes. Only those
9 programs accredited by the DOH and the PRC Board of Nursing shall be implemented
10 and allowed to charge corresponding fees.

11 **SECTION 3. *Penalties.*** - Any person found violating the provisions of this Act
12 shall suffer the penalty of imprisonment of not less than six (6) months but not more than
13 one (1) year and a fine of not less than one hundred thousand pesos (P 100,000.00) but
14 not more than five hundred thousand pesos (P 500,000.00).

15 If the offender is an association, corporation or any other juridical person, the
16 penalty shall be imposed upon the owner, president, hospital director and for any other
17 person responsible therefor as the case may be.

18 **SECTION 4. *Refund and Entitlement to Salary.*** - Any registered nurse who
19 shall be required by any hospital to pay in violation of this Act shall be refunded the full
20 amount paid to the hospital plus interest of six percent (6%) *per annum* until the amount
21 is fully paid. In addition, a salary equivalent to Salary Grade 11, pursuant to Executive
22 Order No. 811, series of 1989, shall be paid by the hospital to the registered nurse for
23 services rendered. As for private hospitals, no registered nurse shall be considered as an
24 apprentice or learner and earn wages lower than the prescribed minimum wages.

25 **SECTION 5. *Implementing Rules and Regulations.*** - Within sixty (60) days
26 from the effectivity of this Act, the DOH, in coordination with the PRC and the Private
27 Hospitals Association of the Philippines (PHAP), shall issue the rules and regulations
28 necessary for the effective implementation of this Act.

1 **SECTION 6. *Separability Clause*** - If any portion or provision of this Act is
2 declared unconstitutional or invalid, the other provisions hereof not affected thereby shall
3 remain valid and effective.

4 **SECTION 7. *Repealing Clause*** - All laws, presidential decrees, executive
5 orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act,
6 are hereby repealed or modified accordingly.

7 **SECTION 8. *Effectivity Clause*** - The Act shall take effect fifteen (15) days
8 after its complete publication in the Official Gazette or in at least two (2) newspapers of
9 general circulation.

10 **Approved.**