

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

H. B. No. **4213**



Introduced by HONORABLE SCOTT DAVIES S. LANETE, M.D.

EXPLANATORY NOTE

As stated in the 1987 Philippine Constitution, it is the prime duty of the State to protect and promote the right to health of the people and instill health consciousness among them. It is also its solemn mandate to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Devolution of power has been the trademark policy of the State for the past decades. By empowering the local government units, the State's reach in terms of providing services to the people has greatly expanded. This has led to people in the far-flung areas of the country receiving utmost care and attention which has enabled them to participate and contribute to society's development.

However, not everything in the State's policy of devolution has proven effective. Some devolved power have had a worsening effect in terms of delivery of basic services. One of these is basic health care services. Problems on devolved healthcare system persist to this day, despite the mechanisms established by the national and local governments. The non-implementation of the Magna Carta for Health Workers has been a major result of devolution. Local government units have consistently failed, owing to various factors, the provisions of this law which are greatly needed by the healthcare sector. As such, there have been delays and non-payment of healthworkers' salaries and benefits. Also the diminution of funds intended for basic health care services has caused the inefficient, if not non-existent, delivery of services.

As a solution to this predicament, it is essential that the State take a proactive step by establishing a program that would devote utmost attention to the health of Filipinos living both in rural areas. It is imperative that the State adopt a comprehensive and integrated health care delivery system and thereby effectively solve the ills brought about by the ineffectiveness of local governments.

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

SCOTT DAVIES S. LANETE, M.D.
Representative
Third District, Province of Masbate

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AN ACT
REVERTING TO THE NATIONAL GOVERNMENT THE DISCHARGE OF
BASIC HEALTH SERVICES DEVOLVED TO LOCAL GOVERNMENT
UNITS (LGUs) AND AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS
THE LOCAL GOVERNMENT CODE OF 1991

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

SECTION 1. Title. This Act shall be known as the “Re-nationalization of Devolved Health Services and Facilities Act.”

SEC. 2. Declaration of Policy. It is the declared policy of the State that it shall protect and promote the right to health of the people and instill health consciousness among them. Further, the State shall endeavor to make essential goods, health and other services available to all the people at affordable cost.

SEC. 3. Objectives. The objectives of this Act are: a) to prevent the further deterioration of government health services and facilities brought about by the devolution; b) to provide essential health services to the people, especially the sick, the poor and marginalized sector of society; c) to improve and uplift the morale, social and economic well-being of devolved health workers; and, d) to develop a professional health manpower that is responsive to the people’s health needs and problems.

SEC. 4. Re-nationalization. All health services and facilities devolved to the local government units are hereby re-nationalized or returned to the national government. For this purpose, the following provision of the Local Government Code or RA 7160, are hereby deleted and declared no longer enforceable and effective: Section 17 (b) paragraph (1) (ii), paragraphs (3) (iv) and (4) for health services only; Section 102 (1), (2), (3), (b) (1), (2), and (3); Section 103 (a) and (b); Section 104; Section 105 and other related provisions of the Local Government Code that pertains to devolved health services and facilities.

SEC. 5. Authority to Use Income. Re-nationalized hospitals and Rural Health Units/Centers are hereby authorized to use their income derived from their operation to

improve and upgrade their services; Provided, That the supporting financial and work plans are first approved by the Secretary of Health.

SEC. 6. *Appropriation.* In the year following the enactment of this Act into law, the cost of the devolved health services and facilities as of December 31, 1992 shall be deducted by the Department of Budget and Management from the Internal Revenue Allotment of the Local Government Units and shall be used as funding source to implement the provision of this Act. Any deficiency shall be charged against the Organizational Adjustment fund and appropriations savings/reserves. Thereafter, such sums as may be needed for its continued implementation shall be included in the Annual General Appropriations Act.

The Internal Revenue Allotment of Local Government Units in the succeeding years shall be net of the cost of devolved health services and facilities as of December 31, 1992.

SEC. 7. *Implementing Rules and Regulations.* The Department of Health shall formulate the Implementing Rules and Regulations within three (3) months after the enactment of this law.

SEC. 8. *Repealing Clause.* All laws, presidential decrees, executive orders, and rules and regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 9. *Separability Clause.* If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions thereof shall not be effected thereby.

SEC. 10. *Effectivity.* This Act shall take effect immediately upon its approval.

Approved,