

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 5745

Introduced by **BAYAN MUNA**
Representatives **NERI J. COLMENARES** and **CARLOS ISAGANI T. ZARATE**

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

EXPLANATORY NOTE

This bill seeks to bolster the government's delivery of health services to the Filipino people and improve access to quality healthcare by returning the devolved health care delivery system to the national government.

Article II. Section 15 of the 1987 Constitution states clearly that the State shall protect and promote the right to health of the people and instill health consciousness among them. The collective health of the people affects and hyper-extends the success or failure of government in attaining human and socio-economic development.

Further, the World Health Organization (WHO) Alma Ata Declaration in 1978, of which the Philippine government is a signatory, reiterates that health is a fundamental human right and explicitly states that "the attainment of the highest possible level of health is a most important world-wide social goal".

The devolution of the government healthcare delivery system via Republic Act No. 7160, otherwise known Local Government Code of 1991 has given rise to various problems, especially in terms of access to quality healthcare. The latest available figures show that 67 percent of Filipinos die without having any medical attention. In 1990, this figure was at 59 percent.

Such problems persist and are largely borne by the majority of the country's population, who are poor and cannot afford health services. Despite the implementation of government's health reform program including the Aquino Health Agenda, the people's access to important health services has become more difficult as public health facilities are privatized and the cost of health services increased beyond the reach of many poor patients.

The number of public hospitals decreased from 1,794 in 1999 to 1,361 in 2005, and most of the public hospitals that closed down were district hospitals. The number of Rural Health Units also decreased, from 2,335 in the mid-1990s to 1,879 in 2001.

The lack of adequate budget for health has also aggravated the situation. For the past 11 years, the health budget has declined by about 40 percent. But instead of decisively resolving this crisis, the national government's health budget allocation has remained far below the World Health Organization (WHO) recommended 5 percent of the Gross National Product.

As a result, public hospitals have been left to fend for themselves. For example, patients and employees of the Corazon Locsin Montelibano Regional Hospital in the Negros Province report on the hospital's no bed, no admission policy. This policy refers to the adjustments resorted to by the hospital management to solve its bed capacity problem. Many patients bringing their own beds are normal sights in the corridors of the said hospital.

Moreover, public hospitals now charge even the indigent patients with various fees, such as emergency room fee, out-patient department fee, operating room fee, among others. As a matter of policy, the DOH has allowed up to 20% increases in hospital fees and charges for services previously provided for free.

Based on the data from IBON Foundation, the budget for health, nutrition and population control are alarmingly decreasing since devolution. In provinces, the share of the said item in 2001 stood at 20% of their total income and expenditures but went to 14% of total income and 16% of total expenditures in 2008. In municipalities, the share of the said item in total income and expenditures went down by 23% and 15%, respectively.

Health care must be made accessible, affordable, and appropriate to the needs of the people. The public health care delivery system must be strengthened. Preventive health care and public health must be given emphasis. Health care infrastructure (hospitals and equipment) must be improved.

Ultimately, collective action and political will remain vital in bringing about meaningful social changes that will redound to the people's benefit. Your earnest support to this endeavor can, in a very literal sense, save lives.

This Bill is a major step to address the fatal flaws of the decentralization of health services. In order to have a comprehensive and integrated health care delivery system as mandated by the Constitution of the Republic of the Philippines the urgent approval of this bill is earnestly recommended.

Approved,


Rep. NERI J. COLMENARES
Bayan Muna Party-list


Rep. CARLOS ISAGANI T. ZARATE
Bayan Muna Party-list

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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 “Renationalization of Health Services and Facilities Act of 2015”.

SECTION 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.

SECTION 3. Objectives. The objectives of this Act are:

- a) to prevent the further deterioration of government health services and facilities and reverse the negative trend brought about by devolution;
- b) to provide all essential health services to the people, especially the sick, the poor and marginalized sectors of society; and
- c) to improve and uplift the morale, social, and economic well-being of health workers.

SECTION 4. Renationalization. All health services and facilities devolved to the local government units are hereby renationalized or returned to the auspices of the national government. Renationalization for the purpose of this Act shall mean the reversion to the national government of the discharge of basic health services devolved to local government units

(LGUs), which shall include the control, supervision, management and maintenance of health facilities, personnel and health services.

For this purpose, the following provision of the Local Government Code of 1991 (RA7160), are hereby deleted and declared no longer enforceable and effective:

Section 17 (b) paragraph (1) (ii), paragraph (2) (iii), paragraph (3) (iv), and (4) for health services only:

Section 102 (a) (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 pertain to devolved health services and facilities.

TRANSITORY PROVISIONS

SECTION 5. Appropriations. - The amount necessary for the initial implementation of this Act shall be Php 60 billion and added to the appropriations of the Department of Health.

Thereafter, such sums as may be needed for its continued implementation shall be included in the Annual General Appropriations Act, specifically five (5) percent of the country's projected Gross National Product (GNP), as recommended by the World Health Organization (WHO), are allocated for the continued operation and maintenance of all the government hospitals at the national, regional, provincial, district, city, and municipality levels and shall be included in the annual budget of the Department of the Health in the General Appropriations Act of every year.

FINAL PROVISIONS

SECTION 6. Separability Clause. The provisions of this Act are hereby declared to be separable and, in the event of any such provisions are declared unconstitutional, the other provisions which are not affected thereby shall remain in force and effect.

SECTION 7. Repealing Clause. All provisions in laws, decrees, memoranda, circulars, orders and other rules and regulations inconsistent with this Act shall be deemed amended or repealed if the inconsistency is irreconcilable.

SECTION 8. Implementing Rules and Regulations. The implementing rules and regulations (IRR) of this Act shall be promulgated by the Department of Health (DOH) with representatives from the local government units, the relevant professional health associations and health sector organizations and shall be drawn up within three months after the approval of this Act. Failure of the DOH to promulgate the IRR within the period required in this Act shall subject the Secretary of Health to administrative sanction.

SECTION 9. Effectivity. This Act shall take effect fifteen days (15) days after publication in the Official Gazette or in a national newspaper of general circulation.

Approved,