



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 5029



Introduced by **HON. EDWARD VERA PEREZ MACEDA** and
HON. JOHN MARVIN "YUL SERVO" NIETO

EXPLANATORY NOTE

The late Senator Ernesto Maceda proposed Senate Bill No. 823 in the Ninth Congress of the Philippines where he espoused the idea of giving incentives to medical professionals in order to encourage them to work in rural areas.

He further stated that "[m]any depressed and critical areas in the country today have no rural health physicians, dentists, nurses, midwives, x-ray technicians, medical technologists, nutritionists and aides. Our survey shows that said situations are common in the provinces of Sulu, Zamboanga, Lanao, Basilan, Maguindanao, Northern and Western Samar, and Nueva Ecija. We discovered that these vacancies have even existed for a period ranging from five (5) to ten (10) years already. We think the principal reason for this is because the position provides no attractive incentive besides the basic salary."

Senator Maceda believes that in order to attract applicants for the existing vacant positions of rural health physicians, dentists, nurses, midwives, x-ray technicians, medical technologists, nutritionists and aides in the abovementioned areas, Government should provide a strong incentive like what may be called "hardship allowances" equivalent to as much as 50% to 100% of the basic salary without prejudice to any future substantial adjustments in their basic salaries when the financial conditions of the Government shall have improved.

Section 32 of the Republic Act No. 9173 or the "Philippine Nursing Act of 2002" provided for Salary Grade 15 as entry salary grade for all nurses in the country, which, sadly, was never implemented. In fact, the salary of nurses in government service was even reduced to Salary Grade 11 by Executive Order No. 811 (2009).¹ The increase provided for by Executive Order No. 201, signed on February 19, 2016 by President Benigno S. Aquino III, is meager and insufficient. Even the Senate's "Comprehensive Nursing Law of 2015" increasing the salary of nurses was vetoed by President Benigno S. Aquino III in 2016. Moreover, the health profession is an industry included in the ASEAN integration. Since the salary of health workers are higher and more competitive in other

¹ <http://www.gmanetwork.com/news/story/405762/news/nation/nurse-group-seeks-sc-help-over-salary-grade-dispute>

ASEAN member countries, we will be facing labor migration of our health professionals to our regional neighbors, despite the surplus in the country.²

The Constitution underscores the need to assist and prioritize "the needs of the underprivileged, sick, elderly, disabled, woman and children." (Sec. 11, Art. XIII). It is in this spirit that we strongly believe that this Government more than ever has to assist thousands of sick people, would-be-mothers and especially infants needing vaccinations who cannot be examined, treated or assisted by government health officers because they live in far-flung places or in depressed or critical areas. These are the people who often resort to quack doctors and faith healers for the solution to their medical problems. The immediate solution of this problem confronting our poor countrymen undoubtedly demands that legislative measures along this line should be adopted.

Approval of the bill is, therefore, earnestly sought.


EDWARD VERA PEREZ MACEDA
Representative, 4th District of Manila


JOHN MARVIN "YUL SERVO" NIETO
Representative, 4th District of Manila

² <https://www.kpmg.com/PH/en/PHConnect/ArticlesandPublications/Investors-Guide/Documents/KPMG%20PH%202016%20AEC%20investment%20guide.pdf>



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AN ACT
AMENDING REPUBLIC ACT NO. 9173 OR "THE PHILIPPINE NURSING ACT OF 1991" INCREASING THE SALARY AND PROVIDING ADDITIONAL BENEFITS TO NURSES AND PUBLIC HEALTH WORKERS

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

1 **SECTION 1.** Section 32 of Republic Act No. 9173 is hereby amended to read as
2 follows:

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4 **"Section 32. Salary.** — In order to enhance the general welfare,
5 commitment to service and professionalism of nurses, the minimum base
6 pay of all nurses working in the public health institutions, **whether**
7 **nationally– or locally-funded shall not be lower than Salary Grade 15**
8 **prescribed under Executive Order No. 201 series of 2015, otherwise**
9 **known as the "Salary Standardization Law of 2015" and Twenty-Five**
10 **Thousand Pesos (P25,000.00), exclusive of other benefits granted by**
11 **this act and by law, for nurses working in private health institutions;**
12 ***Provided,* That for nurses working in local government units,**
13 **adjustments to their salaries shall be in accordance with Section 3 of**
14 **this Act.**

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16 The Secretary of Health is hereby authorized to pay hardship
17 allowances to physicians, dentists, nurses, mid-wives, x-ray
18 technicians, medical technologists, nutritionists and aides presently
19 employed or who may be willing to accept assignments in any
20 municipality where the positions abovementioned have been vacant
21 for three (3) years or more."

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24 **SECTION 2.** Section 34 of Republic Act No. 9173 is hereby amended to read as
25 follows:
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1 **"Section 34. Incentives, [and] Benefits, and Hardship Allowance.** – The
2 Board of Nursing, in coordination with the Department of Health and other
3 concerned government agencies, association of hospitals and the
4 accredited professional organization shall establish an incentive and
5 benefit system in the form of free hospital care for nurses and their
6 dependents, scholarship grants and other non-cash benefits. The
7 government and private hospitals are hereby mandated to maintain the
8 standard nurse-patient ratio set by the Department of Health, as well as
9 providing all health workers with all applicable benefits prescribed in
10 Republic Act No. 7305 or the "Magna Carta of Public Health
11 Workers", including overtime pay, night-shift differential, on-call pay,
12 hazard pay, subsistence allowance, housing facility or housing
13 allowance, free annual physical examination, and free
14 hospitalization.

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16 In addition, a hardship allowance is herein provided, in addition to
17 the existing salary and other emoluments of nurses working in local
18 government units, which shall be as follows:

- 19
20 a. For such position, which has been vacant for three (3) years but
21 less than ten (10) years, an amount equivalent to fifty (50%)
22 percentum of the basic salary.
23
24 b. For such position, which has been vacant for ten (10) years or
25 more than one hundred kilometers from the provincial capital, an
26 amount equivalent to sixty (60%) percentum to one hundred
27 (100%) percentum of the basic salary, depending on the distance,
28 peace and order conditions, length of time the position has been
29 vacant and the size of the population.
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32 **SECTION 3. Appropriation.** – Immediately upon the effectivity of this Act, the
33 Secretary of Health shall submit to the Department of Budget and Management
34 the plantilla of positions for physicians, dentists, nurses, midwives, x-ray
35 technicians, medical technologists, nutritionists and aides which have not been
36 filled up for the last three (3) years or more, including the estimated hardship
37 allowances for each vacant position for health workers, which the Secretary may
38 grant taking into consideration the guidelines provided in Section 2 hereof.
39

40 The amount necessary to implement the provisions of this Act is hereby
41 appropriated out of any funds in the National Treasury not otherwise
42 appropriated: *Provided*, That the corresponding amount needed to implement
43 this Act in subsequent years shall be included in the annual General
44 Appropriations Act for the Department of Health.
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47 **SECTION 4. Rules and Regulations.** – The Department of Health and the
48 Department of Budget and Management shall promulgate the necessary rules
49 and regulations of the provisions of this Act.
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52 **SECTION 5. Penalty.** – A fine of not less than Five Hundred Thousand Pesos
53 (P500,000.00) and/or imprisonment of not less than one (1) year nor more than
54 two (2) years shall be imposed upon any person violating any provision of this
55 Act; *Provided That*, for government agencies, juridical persons, including local
56 government units or any other entity, the head of the agency and Board of
57 Directors, or executive officials of the agency, shall assume full responsibility for

1 violations of this Act; *Provided Further*, that any nurse found to have been a
2 victim of violation of any section of this Act shall be entitled to back wages and
3 full payment of unpaid benefits, as well as interest and attorney's fees if s/he is
4 forced to litigate his/her claims.

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7 **SECTION 6. Separability Clause.** – Should any provision of this Act be declared
8 unconstitutional, the remaining parts not affected thereby shall remain valid and
9 operational.

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12 **SECTION 7. Repealing Clause.** – All laws, decrees, letters of instructions,
13 resolutions, orders, ordinances or parts thereof which are inconsistent with the
14 provisions of this Act, are hereby repealed, amended or modified accordingly.

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17 **SECTION 8. Effectivity.** – This Act shall take effect upon its approval.

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20 *Approved,*