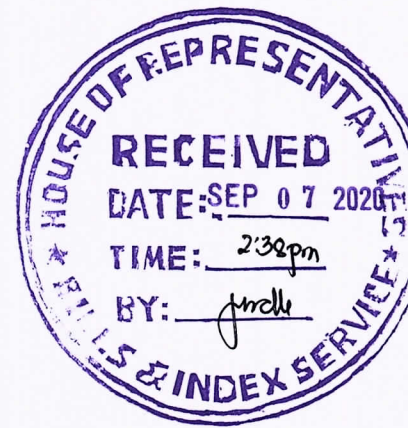


REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7592



Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

Republic Act No. 7305, otherwise known as the Magna Carta for Public Health Workers, was enacted to ensure the social and economic welfare of the health workers. Under the Magna Carta, they are entitled to various benefits in gratuity to the medical services they render. However, when the COVID-19 pandemic hit, our public health workers continue to work in the frontlines despite of risking their own health as well as their families' safety. There are already around 252 health workers infected with the COVID-19 virus¹ and numbers continue to rise day by day. Thus, our public health workers need a law to protect their welfare when something ill-fated happens to them while performing their duty.

This bill seeks to amend certain provisions of Republic Act No. 7305 by granting our health public workers a Loss of Earning Benefit (LOEB). It shall be equal to seventy-five (75%) percent of the public health worker's monthly salary, in case of death and permanent disabilities while in the performance of duty. Moreover, it also increases the penalties for violations including withholding government-owned hospitals and

¹ Rappler. 152 doctors, 63 nurses with coronavirus in PH – DOH. Information retrieved from <https://rappler.com/nation/doh-report-doctors-nurses-contracted-coronavirus>. Dated April 8, 2020

other public health centers if they evade granting the benefits to public health workers. The source of funding for the LOEB will come from taxes collectible under the Sin Tax Law and its amendments.

We must provide the best working conditions for the workers that take care of our health and well-being. And, we should recognize their sacrifices and devotion for their sworn duty. It is in this light that the immediate passage of this bill is earnestly sought.



MANUEL DG. CABOCHAN III

Representative

Magdalo Para Sa Pilipino Party-List

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AN ACT
AMENDING SECTIONS 28, 38 AND 39 OF REPUBLIC ACT NO. 7305,
OTHERWISE KNOWN AS THE "MAGNA CARTA OF PUBLIC HEALTH
WORKERS"

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

1 Section 1. *Short Title.*— This Act shall be known as the "Expanded Magna
2 Carta of Public Healthcare Workers Act of 2020".

3
4 Sec. 2. Section 28 of Republic Act No. 7305 is hereby amended to read as
5 follows:

6
7 "Sec. 28. [~~Compensation for Injuries~~] **LOSS OF EARNINGS BENEFIT.**—
8 Public health workers shall be protected against the consequences of
9 employment injuries, **ILLNESS OR QUARANTINE**, in accordance with
10 existing laws or regulations. Injuries **OR ILLNESS** incurred while doing
11 overtime work shall be presumed work-connected.
12

1 PUBLIC HEALTH WORKERS AND THEIR FAMILY, AS MAY BE
2 APPLICABLE, ARE ALSO ENTITLED TO LOSS OF EARNING BENEFIT
3 (LOEB), EQUAL TO SEVENTY-FIVE PERCENT (75%) OF SUCH PUBLIC
4 HEALTH WORKER'S MONTHLY SALARY, IN CASE OF DEATH,
5 PERMANENT TOTAL DISABILITY, DISMEMBERMENT, PERMANENT
6 LOSS OF SIGHT, HEARING OR SPEECH DEFECT, IF THE INJURY OR
7 ILLNESS HAS OCCURRED WHILE THE PUBLIC HEALTH WORKER IS
8 IN THE PERFORMANCE OF DUTY.

9
10 THE PUBLIC HEALTH WORKER CONCERNED, OR HIS/HER
11 FAMILY, IS ENTITLED TO THE MONTHLY LOEB UNTIL THE WORKER
12 SHALL HAVE REACHED THE AGE OF SIXTY-FIVE (65).

13
14 THE ENTITLEMENT TO LOEB IS SEPARATE AND DISTINCT
15 FROM WHATEVER THE WORKER OR HIS/HER FAMILY SHALL
16 RECEIVE AS DEATH BENEFIT, OR LOSS-OF-INCOME BENEFITS FROM
17 THE GOVERNMENT SERVICE INSURANCE COMMISSION (GSIS) BY
18 VIRTUE OF THE DEATH, SICKNESS OR INJURY."

19
20 Sec. 3. Section 38 of the same Act is hereby amended to read as follows:

21
22 ~~"Sec. 38. [Budget Estimates.—The Secretary of Health shall submit annually~~
23 ~~the necessary budgetary estimates to implement the provisions of this Act in~~
24 ~~staggered basis of implementation of the proposed benefits until the total of~~
25 ~~Nine hundred forty six million six hundred sixty four thousand pesos~~
26 ~~(P946,664,000.00) is attained within five (5) years. **APPROPRIATIONS.—**~~
27 **SUCH AMOUNTS AS MAY BE NECESSARY TO IMPLEMENT THIS ACT**
28 **FOR THE CURRENT YEAR SHALL BE CHARGED AGAINST THE**
29 **SAVINGS OF THE DEPARTMENT OF HEALTH. THEREAFTER, THE SUM**
30 **NECESSARY FOR THE FULL IMPLEMENTATION OF THIS ACT SHALL**
31 **BE SOURCED FROM THE PROCEEDS OF REPUBLIC ACT NO. 10351,**

1 **OR THE SIN TAX LAW, IN ACCORDANCE WITH THE PERTINENT**
2 **LAWS AND REGULATIONS."**

3
4 Sec. 4. A new Section 38-A is hereby inserted to read as follows:

5
6 **"SEC. 38-A. BUDGETARY ESTIMATES.— BUDGETARY ESTIMATES FOR**
7 **THE SUCCEEDING YEARS SHOULD BE REVIEWED AND INCREASED**
8 **ACCORDINGLY BY THE SECRETARY OF HEALTH IN CONSULTATION**
9 **WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT AND THE**
10 **CONGRESSIONAL COMMISSION ON HEALTH (HEALTHCOM)."**

11
12 Sec. 5. Section 39 of the same Act is hereby amended to read as follows:

13
14 "Sec. 39. *Penal Provision.*— Any person who shall willfully interfere with,
15 restrain or coerce any public health worker in the exercise of his/her rights or
16 shall in any manner commit any act of violation of any of the provisions of
17 this Act, upon conviction, shall be punished by a fine of not less than [~~Twenty~~
18 ~~Thousand Pesos (P20,000.00)~~ but not more than ~~Forty Thousand Pesos~~
19 ~~(P40,000.00)]~~ **FORTY THOUSAND PESOS (P40,000.00) BUT NOT MORE**
20 **THAN EIGHTY THOUSAND PESOS (P80,000.00)** or imprisonment of not
21 more than (1) year or both at the discretion of the court.

22
23 If the offender is a public official, the court, in addition to the penalties
24 provided in the preceding paragraph, may impose the additional penalty of
25 disqualification from office.

26
27 **ALL HOSPITALS, SANITARIA, HEALTH INFIRMARIES, HEALTH**
28 **CENTERS, RURAL HEALTH UNITS, BARANGAY HEALTH STATIONS,**
29 **CLINICS AND OTHER HEALTH-RELATED ESTABLISHMENTS OWNED**
30 **AND OPERATED BY THE GOVERNMENT OR ITS POLITICAL**
31 **SUBDIVISIONS WITH ORIGINAL CHAPTERS THAT WILLFULLY**

1 **CIRCUMVENT OR VIOLATE THE LAW TO EVADE PROVISION OF**
2 **BENEFITS TO PUBLIC HEALTH WORKERS WILL BE HELD LIABLE.**
3 **THE PERSON DIRECTLY RESPONSIBLE AS WELL AS THE HEAD OF**
4 **AGENCY OR THE LOCAL CHIEF EXECUTIVE WILL BE SANCTIONED**
5 **UNDER ADMINISTRATIVE LAW, CIVIL SERVICE LAW AND OTHER**
6 **APPROPRIATE LAWS."**

7
8 *Sec. 6. Implementing Rules and Regulations.*— Within one hundred and eighty
9 (180) days from the effectivity of this Act, the Department of Health (DOH), the
10 Department of Interior and Local Government (DILG) and the Department of Budget
11 and Management (DBM) shall promulgate the necessary rules and regulations to
12 implement the provisions of this Act.

13
14 *Sec. 7. Repealing Clause.*— All laws, executive orders, presidential decrees,
15 presidential proclamations, letters of instructions, rules and regulations or parts
16 thereof which are inconsistent with the provision of this Act are hereby repealed or
17 modified accordingly.

18
19 *Sec. 8. Separability Clause.*— If any provisions of this Act is declared
20 unconstitutional or invalid, other parts or provisions hereof not affected thereby shall
21 continue to be in full force and effect.

22
23 *Sec. 9. Effectivity.*— This Act shall take effect fifteen (15) days following its
24 publication in the Official Gazette or in a newspaper of general circulation.

Approved,