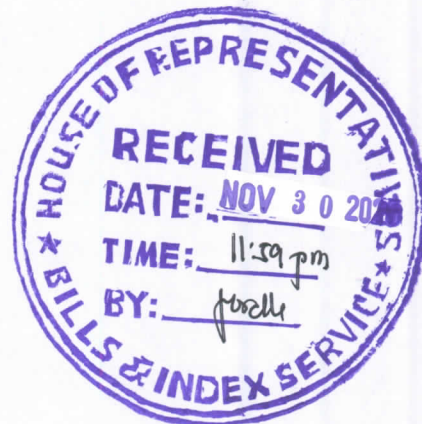




Republic of the Philippines
House of Representatives
Quezon City



EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 8107

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

EXPLANATORY NOTE

The Covid-19 outbreak, which was declared by the World Health Organization (WHO), as a global pandemic on 11 March 2020 has now infected more than fifty-one (51) million individuals all around the world. It has tested the capability and capacity of all health care systems across nations with most of them having reported to be operating at full, if not beyond, capacity due to the overwhelming influx of patients.

This experience is not at all foreign to the Philippines, which, as of date, has already recorded a total of 402,820 cases and still counting. The relative novelty, contagiousness, and lack of vaccine or medication to cure the disease struck a heavy blow on our hospitals and medical facilities to the extent that they pleaded the government to consider a two-week extension of the imposed lockdown in order to ease out the burdens of the medical frontliners, to which the latter readily agreed. While this is indeed a gracious effort to provide our medical health care workers some relief and support as they carry the load of saving the lives of our sick people, there is more that we can do as a nation in lending a helping hand.

By establishing the Medical Reserve Heroes Corps, this legislative measure seeks to considerably address the overwhelming burden faced by our medical frontliners and health care institutions as they do their best to respond to a public health crisis not only to the Covid-19 pandemic that we are presently waging war against but future national health emergencies that our country may encounter as well. By mobilizing our citizens who have adequate knowledge and skills on medicine and other health-related fields,

although not currently practicing as doctors, nurses, or medical professionals, we, as a nation, can face a crisis as big, or even bigger as the one we are currently facing now.

The Medical Reserve Heroes Corps may be called upon and mobilized to assist the national government, its agencies and instrumentalities, and the local government units in their functions related to addressing the immediate medical needs of the public in times of (1) a global pandemic, as determined and declared by the World Health Organization (WHO), and upon the declaration by the State of a national emergency in the country in relation to such WHO declaration; or (2) during a state of war whereby the State is forced to defend itself against foreign or domestic attacks; (3) during such other health-related emergencies, whether national, regional, or local, involving novel illnesses, diseases or public health concerns originating in or endemic to the Philippines and has proven to be spreading so quickly and affecting enough of the population, locally, regionally, or nationally, as to overwhelm the existing medical facilities in the said locality, region, or country even though the global community is not (yet) affected by such novel illness; or (4) other analogous situations that may be considered a national health emergency.

This said, the Medical Reserve Heroes Corps serves as additional human resource that reinforces our health care system so that our country will be better-prepared to face a crisis of such novelty and magnitude as the Covid-19 pandemic, in the near or far future.

This Bill also presents an opportunity for our fellow citizens with medical and/or health-related knowledge and skills to step up, help save lives, bring honor, and defend our country from health-related threats and challenges of magnanimous scope, nature, and impact.

To borrow the wise and historic words of John F. Kennedy, "Ask not what your country can do for you. Ask what you can do for your country." This Bill serves as a challenge to our citizens – a challenge to rise up to the occasion and think of ways to contribute to the public good and awaken our slumbering sense of patriotism. This is a call for unity, "bayanihan", and love for the country carefully balanced with the protection and promotion of the rights of the members of the Corps in their rendering of service/work. Thus, while this bill is a call to action for the people, it also lays down the responsibilities of the government to them – a sort of assurance, so to speak, that our country, more so, our government will also not leave them behind.


ERIC OLIVAREZ



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Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

1
2 **“ AN ACT INSTITUTING THE MEDICAL RESERVE HEROES CORPS,**
3 **APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES”**

4 *Be it enacted in the Senate and the House of Representatives of the Republic of the*
5 *Philippines in Congress assembled:*

6 **Section 1. Short Title.** This Act shall be known as the “Medical Reserve Heroes
7 Corps Act of 2020”.

8 **Sec. 2 Statement of Policy.** It shall be the policy of the State:

- 9 a. To institutionalize the vital role of medical and health-related personnel in
10 nation-building;
- 11 b. To inculcate nationalism and patriotism among our citizens especially during
12 times of national crisis; and
- 13 c. To ensure that the medical and health-related personnel, and those who are
14 pursuing the same are well-trained and well-equipped to supplement and
15 provide support to the existing national and local government response
16 system in times of a global pandemic, declaration of war, and other
17 contingencies of parallel nature.

1 **Sec. 3. *Medical Reserve Heroes Corps.*** It is hereby instituted a Medical
2 Reserve Heroes Corps to be composed of the following:

- 3 a. Duly licensed medical and healthcare workers who are practicing their
4 profession but are not currently responding to the ongoing medical
5 emergencies specified in this Act;
- 6 b. Health care workers who are not currently practicing their medical or health-
7 related profession for whatever valid and legal reason such as the practice
8 of another non health-related profession, engagement in a business, or
9 personal decision to be unemployed, and other analogous situations;
- 10 c. Health care workers who have their licenses suspended or revoked for
11 reasons not related to intentional crimes committed while in the performance
12 of their professions;
- 13 d. Retired medical and health-related professionals who are still able to serve
14 physically, mentally, and psychologically, and with no serious comorbidities
15 in relation to the particular health concern being responded to. Provided, that
16 these retired medical and health-related professionals are not above 75
17 years of age, unless the retiree himself/herself volunteers;
- 18 e. All persons who have obtained degrees in their respective fields of medicine,
19 nursing, medical technology, and other health-related fields but have yet to
20 obtain their respective licenses to practice for reasons such as, but not
21 limited to, not having taken and/or passed the licensure examinations; and
22 finally,
- 23 f. Fourth year students of medicine, nursing, medical technology and other
24 health related courses who shall only be tapped for their services when
25 those above-mentioned persons are still insufficient to respond to the
26 medical health crisis being faced by the nation;

27 **Sec. 4. *Medical Reserve Heroes Corps Mobilization.*** The Medical Reserve Heroes
28 Corps may be called upon and mobilized to assist the national government, its
29 agencies and instrumentalities, and the local government units in their functions
30 related to addressing the immediate medical needs of the public in times of (1) a
31 global pandemic as determined and declared by the World Health Organization,
32 and upon the declaration by the State of a national emergency in the country in
33 relation to such WHO declaration; or (2) during a state of war whereby the State is
34 forced to defend itself against foreign or domestic attacks; (3) during such other
35 health-related emergencies, whether national, regional, or local, involving novel
36 illnesses, diseases or public health concerns originating in or endemic to the
37 Philippines and has proven to be spreading so quickly and affecting enough of the
38 population locally, regionally, or nationally as to overwhelm the existing medical
39 facilities in the said locality, region, or country, even though the global community

1 is not (yet) affected by such novel illness; or (4) other analogous situations that
2 may be considered a national health emergency.

3 In all cases, there must be a showing or, at the very least, a calculated
4 projection that public hospitals and other medical facilities/institutions are, or will
5 imminently be operating beyond their maximum capacity and that the mobilization
6 of the Medical Reserve Heroes Corps is necessary and beneficial to the general
7 public.

8 **Sec. 5. Requests for Deployment.** The Medical Reserve Heroes Corps may
9 be called upon and mobilized by the national government through the Department
10 of Health (DOH) to supplement public hospitals and other current human resources
11 of public medical facilities and provide support and assistance to licensed medical
12 doctors and other health-related professionals in their functions related to
13 addressing the medical needs of the public. The heads of public hospitals or
14 medical facilities in need of additional staff and/or the heads of local government
15 units after consultations with medical experts and stakeholders shall submit to the
16 DOH a written request for deployment. The DOH shall evaluate each request
17 objectively and shall have the power to approve or deny the same based on its
18 assessment of the urgency of situation.

19 The written request for deployment shall contain the following:

- 20 1. The exact number of supplemental staff needed and the particular field/area
21 of knowledge they must belong in;
- 22 2. The projected duration of deployment of the Medical Reserve Heroes Corps
23 requested which shall not exceed three (3) months for each member called
24 upon for duty unless the member called upon voluntarily extends his/her tour
25 of duty;
- 26 3. A clear description of duties for the members requested to be deployed;
- 27 4. Signature of the head of the hospital or medical facility, or the local
28 government unit.

29 **Sec. 6. Conscription.** The conscription of the members of the Medical Reserve
30 Heroes Corps to be deployed shall always be through public drafting or raffle
31 unless the members themselves volunteer. The Medical Reserve Heroes Corps
32 member shall be required to report for duty two (2) weeks after the receipt of
33 deployment order at the earliest.

34 **Sec. 7. Tour of Duty and Rotational Deployment.** Members of the Medical
35 Reserve Heroes Corps shall serve upon an order of deployment by the DOH for
36 as long as their services are needed, provided that the duration of their deployment
37 or tour of duty does not exceed three (3) months at a time. The DOH shall ensure

1 that the Medical Reserve Heroes Corps serve on a rotational basis. The DOH
2 shall exhaust the list of members of the Medical Reserve Heroes Corps in the
3 particular area of medicine/public health where they are needed as the case may
4 be before ordering a repeat deployment or another tour of duty of the members
5 who have already served for an aggregate amount of three (3) months.

6 **Sec. 8. Exemption.** Members of the Medical Reserve Heroes Corps may seek
7 exemption from a deployment order altogether, or only certain duties/tasks
8 specified in the deployment order, if the following conditions apply to them at the
9 time of deployment order:

- 10 1. Has an existing serious medical condition and/or comorbidity such that
11 serving on duty would endanger his/her life;
- 12 2. Has an existing serious disability that would render him/her ineffective or
13 incapable or performing his/her duties, or such that serving on duty would
14 aggravate his/her disability;
- 15 3. A solo parent as defined in the Solo Parents Act of 2020;
- 16 4. Pregnant women;
- 17 5. Is currently in another country or is in the process of migrating to another
18 country for permanent residency, work, or education purposes. Provided,
19 that the process of migration is already underway by the time that the
20 deployment order was issued. Provided further, that the exemption only
21 starts one (1) month before the date of departure of the person;
- 22 6. All doctors and medical and health-related professionals already working in
23 a hospital or medical facility specifically to respond to the ongoing health
24 crisis;
- 25 7. Other analogous situations worthy of exemptions as determined by the
26 DOH.

27 The Heroes Corps member shall file a written request for exemption with the DOH
28 within seven (7) days after receipt of deployment order. In all abovementioned
29 cases, sufficient proof of inability to serve must be shown by the Heroes Corps
30 member. Such proof shall be attached to his/her written request for exemption.

31 **Sec. 9. Leave of Absence When Valid.** The Heroes Corps member may be
32 excused from work on a day-to-day basis for valid grounds such as sickness,
33 serious accident, fortuitous events like typhoons, earthquakes, and other
34 analogous situations that render him/her incapable of reporting for work. Proof
35 thereto shall be subject to the rules and regulations and policies of the hospital,
36 medical facility, or site where they are deployed. Provided, that absences on a day-

1 to-day basis shall be deducted from their three (3) month aggregate service
2 requirement.

3 **Sec. 10. Termination of Deployment.** Upon the expiration of the requested
4 period of deployment or tour of duty, the Heroes Corps shall be discharged of its
5 duties. The deployment may also be terminated earlier upon a determination by
6 the DOH, in consultation with requesting local government unit, hospital, or
7 medical facility, that such deployment no longer serves the objectives of this Act or
8 is no longer necessary based on the recent developments related to the crisis.

9 **Sec. 11. Serial Numbers and Registry.** All Filipino doctors and other health-
10 related professionals with licenses shall be assigned serial numbers and be listed
11 in the registry of the Medical Reserve Heroes Corps.

12 Upon completion of their respective health-related degrees, graduates yet
13 to obtain their licenses shall be issued individual serial numbers, which will serve
14 as their identification in case of deployment.

15 The DOH shall maintain and update a registry/database containing the
16 names of the members of the Heroes Corps, their respective degrees, their serial
17 numbers, addresses, contact details, and such other information as the DOH may
18 determine, in accordance with any applicable privacy laws. The DOH
19 registry/database shall be disaggregated by sex, age, disability (if any), and other
20 relevant factors, whenever applicable.

21 All members of the Medical Reserve Heroes Corps are required to update
22 their addresses and contact details on file with the DOH as often as necessary.
23 Orders of deployment shall be sent to the addresses and through the email
24 addresses of the members of the Medical Reserve Heroes Corps. In addition, the
25 DOH shall publish the list of members who are ordered for deployment on the DOH
26 website or a website/webpage exclusively dedicated for the Medical Reserve
27 Heroes Corps. The DOH shall also cause to publish said list in newspapers of
28 general circulation for a crisis that is national in scope, or newspapers circulated
29 in the particular locality or region affected, as the case may be.

30 If the reinforcement still proves to be insufficient after tapping the
31 abovementioned medical health workers, fourth year students taking up medical
32 and other health-related courses may be called on duty as the last line of defense.
33 In such a case, the DOH shall mandate all universities, colleges, and educational
34 institutions to submit the list of their fourth year students enrolled in their medical
35 and other health-related courses. The conscription of fourth year students shall also
36 be by way of public drafting or raffle.

37 **Sec. 12. Compensation.** Members of the Medical Reserve Heroes Corps
38 shall receive reasonable salaries for services rendered on a day-to-day basis to

1 be determined by the DOH, which shall in no case be less than the prevailing
2 minimum wage plus daily hazard pay equivalent to their respective salary per day.
3 They shall also be given reasonable accommodations such as means of
4 transportation or transportation allowance, free food rations or food allowance, and
5 board and lodging if necessary, among others. The salary of the members shall be
6 determined based on the category they belong to as enumerated in Section 3 of
7 this Act, taking into account their educational attainment, skills, and expertise.

8 **Sec. 13. *Effect on Employment.*** Employed members of the Medical
9 Reserve Heroes Corps called for deployment shall not be dismissed from work nor
10 shall suffer diminution of any benefit as enjoyed by them prior to their deployment.
11 Employers of the members of the Medical Reserve Heroes Corps shall pay the
12 salary differential of the employee during the period of their deployment, to be
13 computed as follows:

14 Salary differential = regular wage or salary of the employee
15 before deployment less reasonable salary excluding the hazard pay
16 and other benefits provided by the government to deployed Corps
17 member)

18 Employed members of the Heroes Corps shall also be extended reasonable
19 accommodations such as means of transportation or transportation allowance,
20 free food rations or food allowance, and board and lodging, if necessary, among
21 others.

22 **Sec. 14. *Prohibition on Employers*** – Employers shall not cause any
23 groundless and preemptive dismissal, suspension, or diminution of benefits of any
24 employee in anticipation of an order of deployment by the DOH. Violation of this
25 Section shall subject the erring employer to the penalties provided in this Act,
26 without prejudice to the penalties provided in the Labor Code on illegal dismissal.

27 **Sec. 15. *Reporting.*** The DOH shall submit an accomplishment report to the
28 Office of the President and Congress of the Philippines within one (1) year from
29 the effectivity of this Act and every two (2) years thereafter regarding the
30 immediately implementable provisions of this Act such as the strategic plan for
31 mobilization, the organizational structure of the Corps, the training of the members
32 of the Medical Research Corps, the establishment and maintenance of the
33 registry/database, among others.

34 However, in times of situations mentioned in Section 4 of this Act, which
35 would call for the mobilization of the Medical Reserve Heroes Corps, the DOH shall
36 also submit a separate evaluation report within one (1) year from the cessation of

1 the immediate public health concern being responded to and/or the
2 renormalization of the capacity of the healthcare system in the country or the
3 affected region or locality. The report shall contain an assessment of the effectivity
4 and efficiency of the mobilization of the Medical Reserve Heroes Corps, best
5 practices among affected regions, localities, or places, areas for improvement, and
6 use of funds, among others. Thereafter, a new or revised strategic plan shall be
7 developed in preparation for another crisis that might occur in the future. Such
8 strategic plan may be revised as often as necessary based on any developments
9 in science, law, and other relevant considerations.

10 In the preparation of the assessment report and strategic plan, the DOH
11 shall conduct consultations with relevant stakeholders such as the representatives
12 of the hospital or the medical facility, representatives of the local government units,
13 the Medical Reserve Heroes Corps members deployed, and the general public
14 affected by the crisis. In so doing, the DOH shall ensure that the stakeholders to
15 be consulted are well-represented in terms of sex, age, and disability, among other
16 factors.

17 **Sec. 16. School Fees.** Public colleges, universities, and similar learning
18 institutions covered by Republic Act No. 10931, otherwise known as the Universal
19 Access to Quality Tertiary Education Act, shall not collect any additional fee from
20 the members of the Medical Reserve Heroes Corps aside from the normal fees
21 and charges pertinent to their education and training in the medical and health-
22 related field.

23 **Sec. 17. Mandatory School Orientation on the Medical Reserve Heroes**
24 **Corps.** All colleges, universities, and educational institutions that offer health-
25 related degrees are mandated to include a briefing on the Medical Reserve Heroes
26 Corps as part of their orientation to their incoming undergraduate students.
27 Furthermore, such colleges, universities, and educational institutions shall
28 promptly disseminate to its concerned students any new information introduced by
29 the DOH regarding the Medical Reserve Heroes Corps.

30 **Sec. 18. Operationalization of Deployment.** The DOH shall promulgate the
31 specific mechanisms by which deployment is efficiently implemented, including the
32 organization of the Corps to be deployed, their territorial assignments, their
33 reasonable compensation, and the means and process of communication and
34 coordination, among others. The DOH cannot however change the manner of
35 conscription as provided in this Act, which is by public raffle or draft, unless the
36 Medical Reserve Heroes Corps member himself/herself volunteers. They may
37 however improve/develop the raffle or draft system to make it more efficient,
38 utilizing the current technological tools available.

1 **Sec. 19. *Medical Reserve Heroes Corps Fund.*** A Medical Reserve Heroes
2 Corps Fund is hereby established exclusively for the implementation of the
3 objectives and purposes of this Act. The Office of the President and Congress of
4 the Philippines shall monitor and evaluate the activities, expenditures, and
5 balances of the Fund to determine its sufficiency in responding to future medical
6 health crisis.

7 **Sec. 20. *Appropriations.*** The Medical Reserve Heroes Corps Fund shall be
8 included in the annual General Appropriations Act.

9 **Sec. 21. *Audit of Funds.*** Audit of any and all funds used for the
10 implementation of this Act shall be in accordance with the audit jurisdiction of the
11 Commission on Audit (COA), the Bureau of Internal Revenue (BIR), and the
12 Department of Health (DOH).

13 **Sec. 22. *Penalties for Failure to Respond.*** Failure to respond to the order of
14 deployment despite notice sent to the address and contact details on file with the
15 DOH without any justifiable reason shall, upon conviction in summary proceedings
16 by an appropriate court, be punishable as follows:
17

- 18 1. First offense – Five (5) day imprisonment and two hundred forty (240) hours
19 of community service;
20
- 21 2. Second offense - Ten (10) day imprisonment and four hundred eighty (480)
22 hours of community service;
23
- 24 3. Third offense onwards - One (1) month imprisonment and nine hundred
25 sixty (960) hours of community service;

26 The penalty of imprisonment shall not be subject to probation and the
27 community service shall be served by the offender at least five (5) hours in a day
28 to be monitored by the barangay officials where they reside or work. The barangay
29 officials shall submit a report regarding the completion of the offender of the
30 community service to the Department of Interior and Local Government (DILG),
31 which, shall in turn, submit the same to the Department of Health (DOH);

32 **Sec. 23. *Disciplinary and Corrective Proceedings.*** administrative offenses
33 committed by persons involved in or in relation to the implementation of this Act,
34 shall be subject to administrative penalties in accordance with the applicable civil
35 service rules or the rules and regulations of the Professional Regulation
36 Commission (PRC), as the case may be.

37 **Sec. 24. *Implementing Rules and Regulations (IRR).*** The DOH shall
38 promulgate and approve the necessary rules and regulations to implement the
objectives and purposes of this Act within ninety (90) days from its effectivity. The

1 rules and regulations shall include provisions on the structure and organization of
2 the Corps, mechanisms for effective and efficient mobilization, compensation and
3 other benefits for the deployed members, and such other matters as the DOH may
4 deem necessary to fully implement the objectives and purposes of this Act.

5 **Sec. 25. *Repealing Clause.*** All laws, orders, rules and regulations, and other
6 issuances, or parts thereof, which are inconsistent with this Act are hereby
7 repealed, amended, or modified accordingly.

8 **Sec 26. *Separability Clause.*** In the event that any provision of this Act or
9 any portion thereof is declared unconstitutional by a competent court, the other
10 provisions shall not be affected thereby and shall remain valid and enforceable.

11 **Sec 27. *Effectivity Clause.*** This Act shall take effect after its publication in at
12 least three (3) newspapers of general circulation.

13 **Approved.**