



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. **3037**



Introduced by **HON. EDWARD VERA PEREZ MACEDA**

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 ASEAN member

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

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

However, following the recent pronouncement in the case of Ang Nars Paty-list vs. Executive Secretary³, the Supreme Court upheld the validity of Section 32 of RA 9173 which sets the salary grade of nurses to Salary Grade 15 and made it clear that the said provision cannot be subject to any repeal or amendment by a joint resolution. Consequently, such provision can only be implemented through legislation such as the proposed measure herein.

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

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

³ G.R. No. 215746, October 8, 2019, J. Carpio



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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:

3
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 known
9 as the “Salary Standardization Law of 2015” and Twenty-Five Thousand
10 Pesos (₱25,000.00), exclusive of other benefits granted by this act and by
11 law, for nurses working in private health institutions; *Provided, That* for
12 nurses working in local government units, adjustments to their salaries shall
13 be in accordance with Section 3 of this Act.

14
15 The Secretary of Health is hereby authorized to pay hardship allowances to
16 physicians, dentists, nurses, mid-wives, x-ray technicians, medical
17 technologists, nutritionists and aides presently employed or who may be
18 willing to accept assignments in any municipality where the positions
19 abovementioned have been vacant for three (3) years or more.”

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22 **SECTION 2.** Section 34 of Republic Act No. 9173 is hereby amended to read as
23 follows:

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25 **“Section 34. Incentives, [and] Benefits, and Hardship Allowance.** – The
26 Board of Nursing, in coordination with the Department of Health and other
27 concerned government agencies, association of hospitals and the

1 accredited professional organization shall establish an incentive and benefit
2 system in the form of free hospital care for nurses and their dependents,
3 scholarship grants and other non-cash benefits. The government and
4 private hospitals are hereby mandated to maintain the standard nurse-
5 patient ratio set by the Department of Health, as well as providing all health
6 workers with all applicable benefits prescribed in Republic Act No. 7305 or
7 the “Magna Carta of Public Health Workers”, including overtime pay, night-
8 shift differential, on-call pay, hazard pay, subsistence allowance, housing
9 facility or housing allowance, free annual physical examination, and free
10 hospitalization.

11
12 In addition, a hardship allowance is herein provided, in addition to the
13 existing salary and other emoluments of nurses working in local government
14 units, which shall be as follows:

- 15
16 a. For such position, which has been vacant for three (3) years but less
17 than ten (10) years, an amount equivalent to fifty (50%) percentum of
18 the basic salary.
19
20 b. For such position, which has been vacant for ten (10) years or more than
21 one hundred kilometers from the provincial capital, an amount
22 equivalent to sixty (60%) percentum to one hundred (100%) percentum
23 of the basic salary, depending on the distance, peace and order
24 conditions, length of time the position has been vacant and the size of
25 the population.
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28 **SECTION 3. Appropriation.** – Immediately upon the effectivity of this Act, the
29 Secretary of Health shall submit to the Department of Budget and Management
30 the plantilla of positions for physicians, dentists, nurses, midwives, x-ray
31 technicians, medical technologists, nutritionists and aides which have not been
32 filled up for the last three (3) years or more, including the estimated hardship
33 allowances for each vacant position for health workers, which the Secretary may
34 grant taking into consideration the guidelines provided in Section 2 hereof.
35

36 The amount necessary to implement the provisions of this Act is hereby
37 appropriated out of any funds in the National Treasury not otherwise appropriated:
38 *Provided*, That the corresponding amount needed to implement this Act in
39 subsequent years shall be included in the annual General Appropriations Act for
40 the Department of Health.
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43 **SECTION 4. Rules and Regulations.** – The Department of Health and the
44 Department of Budget and Management shall promulgate the necessary rules and
45 regulations of the provisions of this Act.
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48 **SECTION 5. Penalty.** – A fine of not less than Five Hundred Thousand Pesos
49 (P500,000.00) and/or imprisonment of not less than one (1) year nor more than
50 two (2) years shall be imposed upon any person violating any provision of this Act;
51 *Provided That*, for government agencies, juridical persons, including local
52 government units or any other entity, the head of the agency and Board of
53 Directors, or executive officials of the agency, shall assume full responsibility for
54 violations of this Act; *Provided Further*, that any nurse found to have been a victim
55 of violation of any section of this Act shall be entitled to back wages and full
56 payment of unpaid benefits, as well as interest and attorney’s fees if s/he is forced
57 to litigate his/her claims.

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

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

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

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14 *Approved,*