

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Constitution Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4602



Introduced by REPRESENTATIVE BERNADETTE HERRERA

AN ACT
AMENDING REPUBLIC ACT NO. 7305, OTHERWISE KNOWN AS "THE
MAGNA CARTA OF PUBLIC HEALTH WORKERS" AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

The Magna Carta for Public Health Workers was enacted into law over three decades ago. At the time, it had the objective of promoting and improving the social and economic well-being of health workers, their living and working conditions and terms of employment. Hence the law mandated among other things the payment of benefits and allowances including night shift differential, hazard, subsistence, laundry, to name a few.

As with most antiquated legislation, the mandated nominal amounts provided are not in keeping with the changing economic times, specifically of recent years. As a result, our public health workers who serve tirelessly, are constrained to benefits computed with a 30-year old economic mindset. While this arguably was adequate at the time, there is a significant need to increase the nominal amounts for the mandated benefits in order to provide better living conditions to our public health workers especially as we are hurdling the recessionary effects of the pandemic.

The measure stands as a counterpart to the bill filed by Senator Sonny Angara in the Senate. Jointly, it is our earnest hope that immediate passage will result in a proper and up-to-date Magna Carta for our Public Health Workers.

This bill expands the definition of health workers to include those deployed outside of traditional health facilities such as those reporting in health offices, State Universities and Colleges and Universities, Government-owned and -controlled Corporations, Local Government Units, among others. This proposal stands to benefit roughly 150,000¹ health workers in the public sector.

In our pursuit to address the gaps in our public health system and to strengthen the delivery of healthcare services, it is paramount that we ensure that our health workers are not only paid a living wage but that the benefits we provide are likewise sufficient to sustain their living conditions.

In view of the foregoing, we urge the swift passage of this measure.



BERNADETTE "BH" HERRERA

¹ DOH data as of 29 April 2022

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Constitution Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4602

Introduced by Representative Bernadette Herrera

AN ACT
AMENDING REPUBLIC ACT NO. 7305, OTHERWISE KNOWN AS "THE
MAGNA CARTA OF PUBLIC HEALTH WORKERS" AND FOR OTHER
PURPOSES

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

SECTION. 1. Section 3 of Republic Act No. 7305 is hereby amended to read
as follows:

“Section 3. Definition. - For purposes of this Act, “health workers” shall mean all persons who are engaged in health and health-related work, and all persons employed in all hospitals, sanitarium, treatment and rehabilitation centers, health centers, rural health units, barangay health stations, clinics, **HEALTH OFFICES** and other health-related establishments owned and operated by the Government or its political subdivisions with original charters and shall include medical, allied health professionals, administrative and support personnel employed [~~regardless of their employment status~~] **IN NATIONAL GOVERNMENT AGENCIES (NGAs), INCLUDING STATE UNIVERSITIES AND COLLEGES (SUCs), GOVERNMENT-OWNED AND -CONTROLLED CORPORATIONS (GOCCs), GOVERNMENT FINANCIAL INSTITUTIONS (GFIs) AND LOCAL GOVERNMENT UNITS (LGUs) HOLDING PERMANENT OR TEMPORARY STATUS, CASUAL OR CONTRACTUAL, WHOSE SALARIES ARE CHARGED**

AGAINST PERSONNEL SERVICES (PS) LUMP SUM APPROPRIATION, RENDERING SERVICES ON FULLTIME OR PART TIME BASIS AND WHOSE POSITIONS ARE COVERED, OR OTHERWISE BY R.A. 6758, "COMPENSATION AND POSITION CLASSIFICATION ACT OF 1989", AS AMENDED."

SEC. 2. Section 9 of Republic Act No. 7305 is hereby amended to read as follows:

"Section 9. *Discrimination Prohibited.* - A public health worker shall not be discriminated against with regard to [~~gender, civil status, creed, religious or political beliefs and ethnic groupings~~] **POLITICAL OR RELIGIOUS AFFILIATIONS, SEX, SEXUAL ORIENTATION AND GENDER IDENTITY, CIVIL STATUS, AGE, DISABILITY, OR ETHNICITY** in the exercise of his/her profession."

SEC. 3. Section 11 of Republic Act No. 7305 is hereby amended to read as follows:

"Section 11. *Administrative Charges.* - Administrative charges against a **NATIONAL** public health worker shall be heard by a committee [~~composed of the provincial health officer of the province where the public health worker belongs, as chairperson, a representative of any existing national or provincial public health workers' organization or in its absence its local counterpart and a supervisor of the district, the last two (2) to be designated by the provincial health officer mentioned above. The committee shall submit its findings and recommendations to the Secretary of Health within thirty (30) days from the termination of the hearings. Where the provincial health officer is an interested party, all the members of the committee shall be appointed by the Secretary of Health.~~] **OR OFFICER DESIGNATED BY THE DISCIPLINING AUTHORITY AND/OR ITS DELEGATED OFFICER OR OFFICERS UNDER ITS JURISDICTION, IN ACCORDANCE WITH EXECUTIVE ORDER 292, ITS IMPLEMENTING RULES AND REGULATIONS, AND OTHER PERTINENT CIVIL SERVICE RULES AND REGULATIONS.**

FOR LOCAL PUBLIC HEALTH WORKERS, ADMINISTRATIVE CHARGES SHALL BE HEARD BY A COMMITTEE OR OFFICER CREATED/DESIGNATED BY THE PROVINCIAL HEALTH BOARD IN CASES WHERE THE ADMINISTRATIVE COMPLAINT IS FILED AGAINST A PUBLIC HEALTH WORKER STATIONED IN PROVINCES, MUNICIPALITIES OR COMPONENT CITIES, OR BY THE CITY HEALTH BOARD IN CASES WHERE THE ADMINISTRATIVE COMPLAINT IS FILED AGAINST A PUBLIC HEALTH WORKER STATIONED IN HIGHLY- URBANIZED CITIES OR INDEPENDENT COMPONENT CITIES, IN ACCORDANCE WITH PERTINENT RULES AND REGULATIONS. THE COMMITTEE/HEARING OFFICER SHALL SUBMIT RECOMMENDATION TO THE APPROPRIATE DISCIPLINING AUTHORITY WITHIN THIRTY (30) DAYS FROM THE TERMINATION OF THE INVESTIGATION/HEARINGS.”

SEC. 4. Section 18 of Republic Act No. 7305 is hereby amended to read as follows:

Section 18. Night Shift Differential. - (a) Every public health worker shall be paid a night shift differential of [~~ten percent (10%)~~] **TWENTY PERCENT (20%)** of his/her regular wage for each hour of work performed during the night-shifts customarily adopted by hospitals, **BIRTHING CLINICS AND OTHER HEALTH FACILITIES OPERATING IN A 24/7 SHIFT AND DURING CALAMITIES, DISASTERS AND PUBLIC HEALTH EMERGENCIES.**

(b) Every health worker required to work on the period covered after his/her regular schedule shall be entitled to his/her regular wage plus the regular overtime rate and an additional amount of [~~ten percent (10%)~~] **TWENTY PERCENT (20%)** of such overtime rate for each hour of work performed between [~~ten (10)~~] **SIX (6)** o'clock in the evening to six (6) o'clock in the morning: **PROVIDED, THAT THE FOREGOING RULES ON NIGHT SHIFT DIFFERENTIAL SHALL BE**

SUBJECT TO THE PROVISIONS OF R.A. 11701 OR AN ACT GRANTING NIGHT SHIFT DIFFERENTIAL PAY TO GOVERNMENT EMPLOYEES INCLUDING THOSE IN GOVERNMENT-OWNED OR -CONTROLLED CORPORATIONS AND ITS RULES AND REGULATIONS.”

SEC. 5. Section 21 of Republic Act No. 7305 is hereby amended to read as follows:

~~“Section 21. Hazard Allowance. – [Public health workers in hospitals, sanitaria, rural health units, main health centers, health infirmaries, barangay health stations, clinics and other health-related establishments located in difficult areas, strife-torn or embattled areas, distressed or isolated stations, prisons camps, mental hospitals, radiation-exposed clinics, laboratories or disease-infested areas or in areas declared under state of calamity or emergency for the duration thereof which expose them to great danger, contagion, radiation, volcanic activity/eruption, occupational risks or perils to life as determined by the Secretary of Health or the Head of the unit with the approval of the Secretary of Health, shall be compensated hazard allowances equivalent to at least twenty-five percent (25%) of the monthly basic salary of health workers receiving salary grade 19 and below, and five percent (5%) for health workers with salary grade 20 and above.]~~ **BY THE NATURE OF THEIR WORK, WHICH SUBJECT THEM TO HEALTH HAZARDS AND OCCUPATIONAL RISKS, ALL PUBLIC HEALTH WORKERS REGARDLESS OF THE DEGREE OF THEIR EXPOSURE TO SUCH HAZARDS AND RISKS SHALL BE ENTITLED TO A MONTHLY HAZARD ALLOWANCE OF TEN THOUSAND PESOS (PHP 10,000.00) WITHOUT PREJUDICE TO INCREASE OF THIS AMOUNT AS MAY BE WARRANTED IN THE FUTURE BY THE SECRETARY OF HEALTH.**

SEC. 6. Section 22 of Republic Act No. 7305 is hereby amended to read as follows:

Section 22. Subsistence Allowance. – ~~[Public health workers who are required to render service within the premises of hospitals, sanitaria, health infirmaries, main health centers, rural health units and barangay health stations, or clinics, and other health-related establishments in order to make their services available at any and all times, shall be entitled to full subsistence allowance of three (3) meals which may be computed in accordance with prevailing circumstances as determined by the Secretary of Health in consultation with the Management Health Worker's Consultative Councils, as established under Section 33 of this Act: provided, that representation and travel allowance shall be given to rural health physicians as enjoyed by municipal agriculturists, municipal planning and development officers and budget officers.]~~ **ALL PUBLIC HEALTH WORKERS SHALL BE ENTITLED TO FULL SUBSISTENCE ALLOWANCE EQUIVALENT TO ONE HUNDRED FIFTY PESOS (P150.00) PER DAY FOR RENDERING ACTUAL SERVICES WITHOUT PREJUDICE TO INCREASE OF THIS AMOUNT AS MAY BE WARRANTED IN THE FUTURE BY THE SECRETARY OF HEALTH.**

SEC. 7. Section 24 of Republic Act No. 7305 is hereby amended to read as follows:

Section 24. Laundry Allowance. - All public health workers who are required to wear uniforms regularly shall be entitled to laundry allowance equivalent to ~~[One hundred twenty-five pesos (P125.00)]~~ **FIVE HUNDRED PESOS (P500.00)** per month without prejudice to increase of this amount as may be warranted in the future by the Secretary of Health.

SEC. 8. Section 35 of Republic Act No. 7305 is hereby amended to read as follows:

Section 35. Rules and Regulations. - The Secretary of Health after consultation with appropriate agencies of the Government as well as **ACCREDITED** professional and health workers' organizations or unions, shall formulate and prepare the necessary rules and regulations to

implement the provisions of this Act [. Rules and regulations issued pursuant to this Section], **WHICH** shall take effect thirty (30) days after publication in a newspaper of general circulation.

SEC. 9. Section 38 of Republic Act No. 7305 is hereby repealed and a new Sections 38 shall be inserted as follows:

"SEC. 38. APPROPRIATIONS. – THE AMOUNTS NECESSARY FOR THE IMPLEMENTATION OF THIS ACT SHALL BE CHARGED AGAINST THE CURRENT YEAR AVAILABLE APPROPRIATIONS OF THE RESPECTIVE AGENCIES. THEREAFTER, THE AMOUNT NECESSARY FOR ITS CONTINUOUS IMPLEMENTATION SHALL BE INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS."

SEC. 10. *Separability Clause.* – If any provision of this Act is declared invalid, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SEC. 11. *Repealing Clause.* – All laws, presidential decrees, executive orders and their implementing rules, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 12. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette and in a newspaper of general circulation.

Approved,