

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
Third Regular Session

HOUSE BILL NO. 10587



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

The **1987 Constitution** mandates the state to support **health workers** through appropriate technology and research, adequate financial services and other support services.

The state shall instill health consciousness among our people to effectively carry out the health programs and projects of the government essential for the growth and health of the nation. Towards this end, this Act aims: **(a)** to promote and improve the social and economic well-being of the health workers, their living and working conditions and terms of employment; **(b)** to develop their skills and capabilities in order that they will be more responsive and better equipped to deliver health projects and programs; and **(c)** to encourage those with proper qualifications and excellent abilities to join and remain in government service.

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, sanatoria, health infirmaries, health centers, rural health units, barangay health stations, clinics and other health-related establishments owned and operated by the Government or its political subdivisions with original charters and shall include medical, allied health professional, administrative and support personnel employed regardless of their employment status.

In addition to the foregoing criteria, within such reasonable time as respectively to promote and improve the social and economic well-being of the health workers.

This House Bill seeks to achieve and attain a higher degree of efficiency in the organization, administration, and compensation of **health workers** with the end view that harmony and order shall be maintained more effectively, and the laws enforced with more impartiality.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a long horizontal line extending to the right.

MICHAEL L. ROMERO Ph.D.

Republic of the Philippines
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AN ACT

AMENDING **REPUBLIC ACT NO. 7305, “MAGNA CARTA OF PUBLIC HEALTH WORKERS”**, TO PROMOTE EFFICIENCY AND ORGANIZATIONAL EFFECTIVENESS, PROVIDING FOR STIFFER PENALTIES AND SANCTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. DECLARATION OF POLICY — The state shall instill health consciousness among our people to effectively carry out the health programs and projects of the government essential for the growth and health of the nation. Towards this end, this Act aims:

(a) to promote and improve the social and economic well-being of the health workers, their living and working conditions and terms of employment.

(b) to develop their skills and capabilities in order that they will be more responsive and better equipped to deliver health projects and programs; and

(c) to encourage those with proper qualifications and excellent abilities to join and remain in government service.

The state recognizes the important role of health workers for nation-building and promotes the sustained development of reservoir of health workers whose competence have been determined by honest and credible licensure examinations whose standards of professional practice and service are world-class and internationally recognized, globally competitive through preventive regulatory measures, programs and activities that foster their continuing professional development.

It shall be imperative for the state to promote and make quality health services and support accessible to all Filipino citizens.

For these purposes, the state shall provide the mechanisms to improve our health sector by maximizing the use of existing resources of all government agencies and branches, recognizing in the process the government's responsibility to provide a wholistic approach as having priority over its other functions.

It is a declared policy of the state in conformity with the mandate of the Constitution, to promote and make quality **health services/workers** accessible to all Filipino citizens. The state hereby recognizes the complementary roles of **health workers** and the invaluable contribution that they have made and will make to the republic.

For these purposes, the state shall provide the mechanisms to improve health workers status by maximizing the use of existing resources, recognizing in the process the government's responsibility to provide **compensation** as having priority over its other functions.

SECTION 2. section 38 of RA7305 is hereby amended to read as follows:

Section 38. Budgetary Estimates. - The **Secretary of DOH** shall submit annually the necessary budgetary estimates to implement the provisions of this Act, for the implementation of the proposed benefits.

Budgetary estimates for the succeeding years should be reviewed and increased accordingly by the **Secretary of DOH** in consultation with the **Department of Budget and Management DBM**.

The amount needed to implement these programs shall be provided for in the annual General Appropriations Act. The appropriation of Five **billion** pesos (**P5,000,000,000.00**) already appropriated under the General Appropriations Act shall be used for this purpose.

Thereafter, such amount as is necessary to carry out the provisions of this Act shall be included in the **annual General Appropriations Act (GAA)**.

The **Department of Budget and Management (DBM)** shall rationalize the existing organizational structure and staffing pattern of the **DOH** in accordance with the prevailing provisions and relevant compensation and position classification laws, rules and regulations.

The Fund shall be chargeable against funds for the purpose and other sources recommended by the **Department of Budget and Management (DBM)**

Thereafter, the amount needed for the continued implementation of this act shall be included in the annual **General Appropriations Act (GAA)**

The Fund shall be administered by the **Secretary of DOH** in accordance with existing government budgeting, accounting, and auditing rules and regulations.

SECTION 3. section 39 of 7305 is hereby amended to read as follows:

Section 39. Penal Provision. - Any person who shall willfully interfere with, restrain or coerce any public health worker in the exercise of his/her rights or shall in any manner commit any act in violation of any of the provisions of this Act, upon conviction, shall be punished by a fine of not less than Two hundred thousand pesos **(P200,000.00)** but not more than Five hundred thousand pesos **(P500,000.00)** or imprisonment of not less than six **(6)** years or both at the discretion of the court.

If the offender is a public official, the court, in addition to the penalties provided herein, **shall** impose the additional penalty of disqualification from office.

SECTION 4. HEALTH WORKERS - shall mean all persons who are engaged in health and health-related work, and **all persons employed** in all hospitals, sanitarium, health infirmaries, health centers, rural health units, barangay health stations, clinics and other health-related establishments owned and operated by the Government or its political subdivisions with original charters and shall include medical, allied health professional, administrative and support personnel employed regardless of their employment status.

SECTION 4. PRESCRIPTION OF CRIMES. – The crime punishable under this act shall be prescribed in twenty **(20)** years.

SECTION 5. INCREASE OF PERSONNEL. – The **DOH** shall maintain a sufficient staffing pattern. Hence, it is authorized to increase its manpower to meet such required and may continue to increase personnel per percentage rate increase of committed mandates annually or as the need arises.

SECTION 6. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 7. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 8. SAVING CLAUSE. All pending cases shall be absorbed by **DOH** after the publication of the **Manual of Operations** containing rules and regulations relative to such matters.

Within three **[3]** years from the approval of this Act, assistance shall be given to all public health workers Provided, That the present allocation of **DOH** shall be used at the same proportion and allocation as provided by law.

in accordance with **Republic Act No. 7305**, subject to compliance with the requirements prescribed by the **DOH**.

SECTION 10. PROHIBITION- No corporation, partnership, association or entity shall operate without securing a permit/license from **DOH**, which shall be issued only after it has satisfied itself that such establishment is properly staffed/accredited.

Any unethical practice as may be defined in a **Code of ethics and Code of Technical Standards** to be prepared by the **DOH**, is prohibited

SECTION 11. ADDITIONAL COMPENSATION. - Notwithstanding **Section 12 of Republic Act No. 6758**, public health workers shall receive the following allowances: as indicated in **RA7305** (*hazard allowance, subsistence allowance, longevity pay, laundry allowance and remote assignment allowance*).

SECTION 12. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 13. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 14. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,