

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
3rd Regular Session

House Bill No. **10993**



Introduced by Representatives ERIC GO YAP and EDVIC G. YAP

EXPLANATORY NOTE

The 1987 Constitution guarantees the protection and promotion of the right to health of the people and availability of health services to its citizens at an affordable cost. The pursuit towards this constitutional mandate primarily includes the role of health workers in our country in order to swiftly and effectively deliver health services.

The country is witness to the heroic deed of healthcare workers in order uplift the state of health services in the country, more so during the height of the COVID-19 pandemic. Prominent among these healthcare workers are the nurses, whom through the years have been substantially declining in number due to depressed working conditions. A study conducted by Rowalt Alibudbud entitled “Empowering Nurses to Engage in Self-Care Practices During and Beyond the COVID-19 Pandemic in the Philippines” in 2023 highlighted that in the Philippines, burnout has emerged as an ongoing challenge confronting Filipino nurses which led to decreased work productivity, resignation, change of profession, and eventual migration to other countries, which can further exacerbate the shortage of local nurses and pose a significant threat to the Philippine healthcare system. This situation is even worsened by the incomprehensible nurse to patient ratio which typically stands at 1:20 but can escalate to 1:50, far exceeding the 1:12 standard set by the Philippine Department of Health and can lead to shifts lasting 12 to 16 hours without overtime pay.¹

It is in this regard that as Legislators, we put the rights and welfare of our nurses at the forefront which include, but are not limited to, mobilizing resources to accommodate permanent positions for the nurses’ security of tenure; ensuring that they are provided with good pay and benefits and working conditions; and most especially, standardizing the salaries between private and public health workers to avoid distinction across the different cadres of our health workers. Hence, it is in this pursuit that this Bill seeks to regulate and limit the consecutive working hours of nurses, especially without corresponding pay.

In view of the foregoing, the approval of this Bill is earnestly sought.


HON. ERIC GO YAP


HON. EDVIC G. YAP

¹Tamayo R. L. J., Quintin-Gutierrez M. K. F., Campo M. B., Lim M. J. F., Labuni P. T. (2022). Rationing of nursing care and its relationship to nurse practice environment in a tertiary public hospital. *Acta Medica Philippina*, 56(3), 64–71.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
3rd Regular Session

House Bill No. **10993**

Introduced by Representatives ERIC GO YAP and EDVIC G. YAP

AN ACT
PROMOTING THE RIGHTS AND WELFARE OF NURSES BY REGULATING
AND LIMITING THEIR CONSECUTIVE HOURS OF WORK

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

SECTION 1. *Short Title.* – This Act shall be known as “*Care for Nurses Welfare Act of 2024.*”

SEC 2. *Definition of Terms.* – As used in this Act, the following terms shall be defined as follows:

- a) “**Emergency**” is defined as an unforeseen event that could not be prudently planned for and does not regularly occur in the facility;
- b) “**Health Care Employer**” shall mean any individual, partnership, association, corporation, or any person or group of persons acting directly or indirectly on behalf of or in the interest of the employer, which provides Health care services in a facility licensed to operate as such including any facility operated by the State, a Political Subdivision or a Public Corporation;
- c) “**Nurse**” shall mean a registered professional nurse as certified by the Professional Regulatory Board;
- d) “**Regularly Schedule Work Hours**” shall mean those hours a nurse has agreed to work and is normally scheduled to work pursuant to the budgeted hours allocated to the nurse’s position by the health care employer; and if no such allocation system exists, some other measure generally used by the health care employer to determine when an employee

is minimally supposed to work, consistent with the collective bargaining agreement, if any;

SECTION 3. *Prohibition of Excessive Work Hours.* – Notwithstanding any other provision of law:

- a) No health care employer shall require a nurse to remain an duty for a period longer than eight consecutive hours, or forty hours in a seven day work week, except as consistent with the nurse's regularly schedule work hours; and
- b) No health care employer shall require a nurse to work more than that nurse's regularly schedule work hours, except pursuant to subdivision three of this Act.

SEC 4. *Exceptions to the Prohibition.* – The Limitation provided for in this section shall not apply in the case of:

- a) Health care Disaster such as a natural or other type of disaster that increases the need for health care personnel, unexpectedly affecting the country; or
- b) A declaration of emergency in effect in the region in which the licensed health care employee is employed; or
- c) Where a health care employer determines there is an emergency necessary to provide safe patient care, in which case the health care provider shall, before requiring an on-duty employee to remain, make a good faith effort to be have overtime covered on a voluntary basis, including, but not limited to, calling per diems, agency nurses, assigning floats, or requesting an additional day off work from off-duty employees;

SEC 5. *No Prohibition Against Voluntary Overtime.* – Nothing in this Act shall prohibit a nurse from voluntarily working overtime.

SEC 6. *Penalty.* – The Health Care Employer found guilty of violating this Act shall be fined the amount of One Hundred Thousand Pesos (P100,000.00) in addition to other damages that shall be imposed by the imposed court.

SEC. 7. *Implementing Rules and Regulations.* - The Department of Health and Department of Labor and Employment shall jointly issue the implementing rules and regulations necessary for the effective implementation of this Act, including the supervision and monitoring of compliance among healthcare facilities.

SEC 8. *Separability Clause.* - If any provision of this Act or any part thereof shall be declared unconstitutional or invalid, the other provisions, as far as they are separable, shall remain in force and effect.

SEC 9. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or thereof which are inconsistent with the provisions of this Act is hereby repealed, amended or modified accordingly.

SEC 10. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,