



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3695

Introduced by Jonathan Keith T. Flores

EXPLANATORY NOTE

The Magna Carta for Public Health Workers was passed into law thirty (30) years ago with 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.

Sadly, the nominal amounts provided in the 30-year-old law remained fixed despite changing economic cycles over the years. To remedy this, we propose in this bill to increase the nominal amounts for the mandated benefits, thereby providing better living conditions for our public health workers, especially as we navigate the recessionary effects of the pandemic.

The measure likewise 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 150,000 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.

HON. JONATHAN KEITH T. FLORES
Representative





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AN ACT
FURTHER PROMOTING THE GENERAL WELFARE, AND ENHANCING
THE STATUTORY BENEFITS AND INCENTIVES OF PUBLIC HEALTH
WORKERS, AMENDING FOR THE PURPOSE CERTAIN PROVISIONS OF
REPUBLIC ACT NO. 7305, OTHERWISE KNOWN AS THE MAGNA
CARTA OF PUBLIC HEALTH WORKERS

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

SEC. 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, sanatoria, treatment and rehabilitation centers, health centers, rural health units, barangay health stations, clinics, health offices, agencies attached to the Department of Health 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 full time 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 (PHW) shall not be discriminated against with regard to political or religious affiliations, sex, sexual orientation and gender identity, civil status, age, disability, or ethnicity in the exercise of his or 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 or officer designated by the disciplining authority, 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 laws, rules and regulations.

For local public health workers, administrative charges shall be heard by a committee or officer created or designated by the Provincial or City Health Board, in accordance with pertinent rules and regulations.

The committee or hearing officer shall submit recommendation to the appropriate disciplining authority within thirty (30) days from the termination of the investigation and hearings.

Where the provincial health officer or head of health facilities has been determined to be an interested party, the members of the committee or the designated officer shall be appointed by the Secretary of Health.”

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 twenty percent (20%) of his/her regular wage for each hour of work performed during the night-shifts customarily adopted by hospitals, sanatoria, treatment and rehabilitation centers, 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 twenty percent (20%) of such overtime rate for each hour of work performed between 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. - 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 Twenty Five Percent (25%) of their basic monthly salary across the board 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. - All Public Health Workers shall be entitled to full subsistence allowance which shall not be less than Three Hundred Pesos (PhP 350.00) per day for rendering actual services. Provided, that after one (1) year from the effectivity of this Act, it shall be increased to four Hundred Pesos (PhP 400.00). Provided further, that after two (2) years from the effectivity of this Act, it shall be increased to Five Hundred Pesos (PhP 500.00). Provided finally, that it shall be reviewed every three (3) years and may be further increased by the Secretary of Health, in consultation with the Management-Health Worker's Consultative Councils”

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 Thousand Pesos (Php 1,000.00) per month and shall be increased based on the prevailing economic circumstances as may be warranted in the future by the Secretary of Health in consultation with the Management-Health Workers Consultative Council.”

SEC. 8. Insert a new section on tax exemption to read as follows:

“Section xxx. Tax Exemption. – the hazard allowance, subsistence allowance, and laundry allowance received by covered public health workers under this Act, shall be exempt from application of income tax.”

SEC. 9. Section 34 (b) of Republic Act No. 7305 is hereby amended to read as follows:

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“b.) opportunity for health workers to grow and develop their potentials and experience a sense of worth and dignity in their work. Public health workers who undertake relevant post-graduate studies in a degree course shall be entitled for an upgrade in position or promotion, or a raise in pay: *Provided*, That it shall not be more often than every two (2) years: *Provided, further*, That upon promotion to a higher position, the public health worker shall carry over and retain the step increment in the position held before the upgrade in position or promotion, or a raise in pay.”

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SEC. 10. 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 which shall take effect thirty (30) days after publication in a newspaper of general circulation.”

SEC. 11. Insert a new section to read as follows:

“Section xxx. Incentives for Length of Service and Post Graduate Degree Completion. – there shall be one salary step increment for every post graduate degree completion of PHW, provided that the post graduate degree is completed during employment as PHW. The one salary step increment shall be carried over during transfer and promotion; provided further, that the one salary step increment shall not be more often than every two (2) years.

The grant of step increment due to length of service shall be granted in addition to the longevity pay of PHW, provided that it shall be based on the salary grade allocation of the position in the applicable salary schedule for the NGA, GOCC, or LGU concerned.

There shall be no step increment for PHW already at step 8 or the last step of the salary schedule for the grant of longevity pay, length of service, and post graduate degree completion.”

SEC. 12. Section 36 of Republic Act No. 7305 is hereby amended to read as follows:

“Section. 36. Periodic Review of the Magna Carta - All provisions with

monetary implications shall be reviewed by the Council periodically to be recommended to the Secretary of Health for approval in consultation with the appropriate government agencies concerned under existing laws, rules, and regulations. and prevailing practices.”

SEC. 13. Section 38 of Republic Act No. 7305 is hereby repealed and a new Section 38 shall be inserted as follows:

“Section. 38. Budget Estimates. - For National Government Agencies (NGAs) including SUCs:

The amounts required for the payment of Magna Carta benefits shall be charged against the respective agency’s appropriations or budget. The payment Magna Carta benefits of the public health workers in the government shall be charged to the appropriations authorized in the General Appropriations Act (GAA). Augmentation thereof from any available savings of the agency shall be subject to the approval of the DBM.

The Magna Carta benefits for contractual and casual personnel shall be charged against the respective agency lump sum appropriations from which their salaries or wages are drawn. For GOCCs and GFIs, the amounts required shall be charged against their respective corporate funds in the approved corporate operating budget.”

SEC. 14. *Separability Clause.* - If any provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and in effect.

SEC. 15. *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. 16. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette and in a newspaper of general circulation.