



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5765



Introduced by REPRESENTATIVE ALYSSA MICHAELA "MICA" M. GONZALES

**AN ACT TO FURTHER PROMOTE THE GENERAL WELFARE AND ENHANCE 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**

EXPLANATORY NOTE

Public Health Workers (PHWs) are one of the most overworked yet underpaid workers in the national health sector. Grueling hours of work shifts and tending to hundreds, if not thousands of patients every day with little to no support, they are further confronted with underwhelming benefits, incommensurate to their already unacceptable low wages. This sad state has been going on for quite a long time and a change has long been overdue.

This bill seeks to further promote the general welfare and enhance the statutory benefits and incentives of PHWs by amending certain provisions of Republic Act No. 7305, otherwise known as the "Magna Carta of Public Health Workers," which was enacted in 1989. It has been almost 40 years since, and the need to incorporate new provisions that further strengthen and empower our PHWs have come.

Finally, this aims to achieve commensurate remuneration and sufficient benefits to the country's health frontliners, thereby strengthening the public health care system and encouraging qualified professionals to join and remain in government service.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


REP. ALYSSA MICHAELA "MICA" M. GONZALES
3rd District, Pampanga



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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:

“SEC. 3. Definition. – For purposes of this Act, “health workers” shall mean all persons who are engaged in health-related work, and all persons employed in the Department of Health (DOH) Central Office (CO), Centers for Health Development (CHD), Treatment and Rehabilitation Centers (TRC), Attached Agencies (AA), Provincial Health Office (PHO), City Health Office (CHO), Municipal Health Office (MHO) and all public hospitals, sanatoria, health centers, rural health units, barangay health stations, clinics, Bagong Urgent Care and Ambulatory Service (BUCAS) centers, 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 in other national government agencies (NGAs), including State Universities and Colleges (SUCs), Government-Owned and Controlled-Corporations (GOCCs), Government Finance Institutions (GFIs) and Local Government Units (LGUs) holding permanent or temporary status; casual or contractual whose salaries are charged against Personal Services (PS) lump sum appropriation, rendering services on full-time or part-time basis and whose positions are covered by Republic Act No. 6758 otherwise known as the “Compensation and Position Classification Act of 1989.

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

“SEC. 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, 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:

“SEC. 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 a party-in-interest, 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:

“SEC. 18. *Night Shift Differential.* – (a) Every Public Health Worker shall be paid a night shift differential of twenty percent (20%) of his or her regular wage for each hour of work performed specifically between six (6) o’clock in the evening to six (6) o’clock in the morning.

(b) Every health worker required to work on the period covered after his or her regular schedule shall be entitled to his or 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 perform during the night-shifts between six (6) o’clock in the evening to six (6) o’clock in the morning.

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

“SEC. 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 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:

“SEC. 22. *Subsistence Allowance.* – All Public Health Workers shall be entitled to full subsistence allowance equivalent to Php 500.00 per day for rendering actual services and shall be readjusted periodically in accordance with prevailing circumstances as determined by the Secretary of Health in consultation with the Management-Health Workers’ Consultative Councils.

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

“SEC. 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 (1,000.00) per month and shall readjusted periodically in accordance with prevailing circumstances as determined by the Secretary of Health in consultation with the Management-Health Workers’ Consultative Councils.

SEC. 8. Section 34 (b) of Republic Act No. 7305 is hereby amended to read as follows:

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 as determined by the appointing authority based on organizational needs, performance, and existing civil service rules. *Provided*, That it shall not be more 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.

SEC. 9. Section 35 of Republic Act No. 7305 is hereby amended to read as follows:

“SEC. 35. *Implementing Rules and Regulations.* - The Secretary of Health after consultation with appropriate agencies of the Government as well as 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.10. Section 36 of Republic Act no. 7305 is hereby amended to read as follows:

“SEC. 36. Periodic Review of the Magna Carta for Public Health Workers. – 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. 11. Proposed new section shall 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 38 of Republic Act No. 7305 is hereby amended to read as follows:

“SEC. 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. 13. Proposed new section shall 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. 14. *Separability Clause* - If any provision of this Act or part thereof is declared unconstitutional, the other provisions or parts not affected thereby shall remain valid and effective.

SEC. 15. *Repealing Clause* - All other laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 16. *Effectivity* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette and in at least two (2) national newspapers of general circulation.