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REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



Senate  
Office of the Secretary

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SENATE

S.B. No. 2442

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Introduced by Senator **JOSEPH VICTOR G. EJERCITO**

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**AN ACT PROHIBITING THE EXPLOITATION OF VOLUNTEER REGISTERED NURSES IN PUBLIC AND PRIVATE HOSPITALS, CLINICS AND HEALTH FACILITIES AND PROVIDING PENALTIES FOR VIOLATION THEREOF**

**EXPLANATORY NOTE**

Section 15 Article II of the 1987 Philippine Constitution provides that the State shall protect and promote the right to health of the people and instill health consciousness among them.

Likewise, Republic Act 9173 also known as the Philippine Nursing Act of 2002, particularly Section 2 of Article II states that, "it is declared the policy of the State to assume responsibility for the protection and improvement of the nursing profession by instituting measures that will result in relevant nursing education, humane working conditions, better career prospects and a dignified existence for our nurses".

Our Constitution mandates as well the protection and promotion of the right and freedom of people to choose on which profession to practice. With this, numerous Filipinos personally choose to engage in nursing profession pursuant to their advocacy of promoting of health consciousness among individual and assisting sick people, among others, and because of the assurance of finding a decent and respectable job opportunities within and outside the country.

However, in spite of these expressly provided state policies, nurse-trainees have been repeatedly reported to be victims of abusive hospitals, taking advantage of the "Volunteer Training Programs for Nurses". This program enables nurse-trainees to gain work experience and/or to obtain certificate of work experience for purposes of meeting the mandatory requirements for employment abroad, and hospitals in

turn collect training fees from nurse-trainees. Sad but true, some of Filipino nurses label themselves as "willing victims of hospitals"<sup>1</sup>.

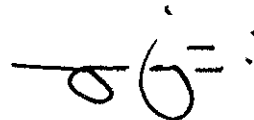
Most, if not all, hospitals practice the nurse volunteerism program in the guise of training programs, calling "nurse-volunteers" as "nurse-trainees" in order to justify the collection of training fees. With this scheme, hospitals save expense by not paying salaries, and at the same time effectively increasing their revenue through their collections.

To remedy the situation, Department of Health Secretary Enrique T. ONA issued Memorandum 2011-0238, which mandates the termination of all "Nurse Volunteer Programs", "Volunteer Training Programs for Nurses" and all similar or related programs, in all DOH-retained hospitals in the Philippines.<sup>2</sup>

Nevertheless, this institution is believed to be responsible for the protection of nursing profession in the country by aiming to provide relevant nursing education, humane working conditions, better career prospects and a dignified existence for our nurses in pursuant with the policy provided by law and the Constitution.

This bill seeks to prevent the exploitation of services rendered by volunteer registered nurses in public and private hospitals, clinics and health facilities by defining measures, which will regulate these controversial hospital practices, and to provide corresponding penalties on those who violates.

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



**JOSEPH VICTOR EJERCITO**

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<sup>1</sup> <http://www.gmanetwork.com/news/story/213475/news/specialreports/oversupply-of-nurses-forces-them-to-pay-to-work-for-free>

<sup>2</sup> <http://nurseslabs.com/no-more-nurse-volunteer-programs-doh-orders-termination-of-nurse-volunteer-programs/>

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1 **AN ACT PROHIBITING THE EXPLOITATION OF VOLUTEER**  
2 **REGISTERED NURSES IN PUBLIC AND PRIVATE HOSPITALS,**  
3 **CLINICS AND HEALTH FACILITIES AND PROVIDING PENALTIES**  
4 **FOR VIOLATION THEREOF**

5  
6 *Be it enacted by the Senate and House of Representatives of the*  
7 *Philippines in Congress assembled.*

8  
9 SECTION 1. *Short Title.* – This Act shall also be known as the “Anti  
10 Exploitation of Volunteer Registered Nurses Act”

11  
12 SECTION 2. *Declaration of Policy.* – As mandated by the Constitution,  
13 the state shall protect and promote the right to health of the people  
14 and instill health consciousness among them. The State also  
15 recognizes the vital role and contribution of Filipino nurses in  
16 providing quality health care services to the public.

17  
18 Towards this end, the State shall protect the dignity of the  
19 nursing profession and ensure that Filipino nurses are protected  
20 against exploitation.

21  
22 SECTION 3. *Definition of Terms.* – As used in this Act;

23  
24 (a) **Clinic** refers to a place in which patients avail of medical  
25 advice, receive medical attention or treatment on an out-  
26 patients basis;

27  
28 (b) **Fee for work experience** refers to any amount collected in  
29 exchange for the issuance of any certification of employment  
30 or work experience as an actual or perceived requirement for  
31 employment application here or abroad;

32  
33 (c) **Government hospitals** refers to a hospital operated and  
34 maintained either partially or wholly by the national,  
35 provincial, municipal or city government or other political

1 subdivision, or by any department, division, board or other  
2 agency thereof;

3  
4 (d) **Health facility** refers to any infrastructure where medical  
5 and other allied profession health services are offered and  
6 where patients receive health care. They include hospitals,  
7 clinics, outpatient care centers such as birthing centers and  
8 psychiatric care centers;

9  
10 (e) **Hospitals** refers to a place devoted primarily to the  
11 maintenance and operation of facilities for the diagnosis,  
12 treatment and care of individuals from illness, disease,  
13 injury or deformity, or in need of obstetrical or other medical  
14 and nursing care. The term 'hospital' shall also be construed  
15 as any institution, building or place where there are  
16 installed beds, or cribs, or bassinets for twenty-four-hour  
17 use or longer by patients in the treatment of diseases,  
18 diseased conditions injuries, deformities, or abnormal  
19 physical and mental states, maternity cases, and all  
20 institutions such as those for convalescence, sanitarium care,  
21 infirmities, nurseries, dispensaries and such other names by  
22 which they may be designated;

23  
24 (f) **Nurse trainee** refers to a registered nurse who undergoes  
25 training under accredited programs of the Department of  
26 Health (DOH) in partnership with the Professional  
27 Regulation Commission (PRC) Board of Nursing;

28  
29 (g) **Nurse Training Programs** refers to training programs that  
30 are approved and accredited by the DOH in partnership with  
31 the PRC Board of Nursing that support a definite career  
32 progression for registered nurses and are aimed at providing  
33 advanced or specialty training;

34  
35 (h) **Private Hospital** refers to a hospital which is privately-  
36 owned, established and operated with funds raised or  
37 contributed through donations, or by private capital or other  
38 means, by private individuals, association, corporation,  
39 religious organization, firm, company or joint stock  
40 association;

41  
42 (i) **Registered Nurse** refers to any Filipino nurse who has  
43 graduated with a degree in Bachelor of Science in Nursing,  
44 has passed the PRC Board of Nursing examinations, and  
45 whose registration has not been revoked by the PRC;

46  
47 (j) **Volunteerism** refers to an act involving a wide range of  
48 activities, including those involving traditional forms of  
49 mutual aid and developmental interventions that provides

1 an enabling and empowering environment both on the part  
2 of the beneficiary receiving and the volunteer rendering the  
3 act, undertaken for reasons arising from socio-  
4 developmental commitment or conviction for the attainment  
5 of an individual or public good and where monetary and  
6 other incentives or reward are not the primary motivating  
7 factors; and  
8

9 (k) **Volunteer registered** Nurse refers to any registered nurse  
10 who, for reasons arising from the persons commitment or  
11 conviction, contributes time, services and resources to a  
12 hospital, clinic or health facility for free or without  
13 compensation, on the belief that the activity is mutually  
14 meaningful and beneficial to the individual or public  
15 interest.  
16  
17

18 SECTION 4. *Assessment and accreditation.* – The DOH and the PRC  
19 Board of Nursing shall assess all the training programs for registered  
20 nurses that are being implemented in hospitals. Hospitals which offer  
21 such training programs shall be allowed to charge the nurse trainees  
22 corresponding fees to be determined jointly by the DOH and the PRC  
23 Board of Nursing.  
24

25 SECTION 5. *Hospital's capability.* – The DOH shall assess the  
26 capability of all hospitals to provide training programs for registered  
27 nurses. The minimum criteria for the assessment shall include bed  
28 capacity, appropriate facilities, and availability of qualified trainers.  
29

30 SECTION 6. *Protection of volunteer Registered Nurses.* – Any person,  
31 hospital or health facility that contracts or avails the services of a  
32 volunteer registered nurse is required to provide the following:  
33

- 34 (a) Health, sanitary and safety equipment to the volunteer  
35 registered nurse;  
36 (b) Free medical care, laboratory and hospitalization for any  
37 injury, sickness or disease that may be contracted by the  
38 volunteer registered nurse in the course of rendering  
39 volunteer service; and  
40 (c) Capacity-building and skills enhancement training by the  
41 hospital or health care facility.  
42

43 SECTION 7. *Prohibited Acts.* – To protect the welfare of volunteer  
44 registered nurses, the following acts shall be prohibited:  
45

- 46 1) Contracting or availing the services of a registered nurse by a  
47 hospital, clinic or health facility that requires rendering tasks  
48 and responsibilities expected of a regular staff or community  
49 nurse, with or without the promise of a monetary allowance,

- 1 employment benefits, or salaries below the applicable minimum  
2 wage for both private and public institutions;
- 3 2) Requiring any payment of money from a registered nurse who  
4 serves as volunteer in order to gain work experience in any  
5 hospital, clinic or health facility for employment purposes;
- 6 3) Requiring or obliging a volunteer registered nurse to do any of  
7 the following:  
8
- 9 (a) Perform the regular work functions or workloads expected  
10 from a regular Staff Nurse employed by the hospital, clinic or  
11 any health facility without proper compensation;
- 12 (b) Render full-time service as a condition for the continued  
13 availment of volunteer services; and
- 14 (c) Serve as the only registered nurse on duty, except during  
15 disasters and calamities where such service is critical to the  
16 public health emergency.  
17
- 18 4) Contracting or availing the services of a volunteer registered  
19 nurse in order to fill-up a vacant position that requires the  
20 employment of a regular registered nurse on a full-time basis;  
21 and
- 22 5) Contracting or availing the services of a volunteer registered  
23 nurse for free in exchange for the issuance of any type of  
24 certification by the hospital, clinic or health facility for  
25 employment purposes here and abroad.  
26

27 SECTION 8. *Penalties.* – Any person who shall commit any of the  
28 prohibited acts described in Section 7 hereof, shall suffer the penalty  
29 of imprisonment of not less than six (6) months but not more than one  
30 (1) year and a fine of not less than one hundred thousand pesos  
31 (P100,000.00) but not more than five hundred thousand pesos  
32 (P500,000.00).  
33

34 If the offender is an association, corporation, or any other  
35 judicial person, the aforementioned penalty shall be imposed upon the  
36 owner, president, treasurer, or any other person responsible for the  
37 violation. In addition, a warning shall be issued any other person  
38 responsible for the violation. In addition, a warning shall be issued to  
39 the hospital, clinic or health facility for its first offense, suspension of  
40 its license to operate for a period of not less than one (1) month but  
41 not more than six (6) months for second offense and cancellation of its  
42 license to operate for third offense.  
43

44 If the offender is a government facility under a national  
45 government agency, local government unit or government owned and  
46 controlled corporation, the above-stated penalty shall be imposed  
47 upon the concerned Department Secretary, Local Chief Executive,  
48 Chairman of the Board and the Hospital Director, Chief Hospital,

1 Provincial, City, Municipal Health Officer or head of the concerned  
2 health care facility, whichever is applicable.

3  
4 If the offender is a foreigner, the offender shall be summarily  
5 deported after the payment of fine and service of sentence and be  
6 barred permanently from entering the country.

7  
8 SECTION 9. *Refund and Compensation.* – A registered nurse found to  
9 have been a victim of any of the prohibited acts under Section 7 of  
10 this Act, shall be entitled to a:

11  
12 (a) Full refund of all legal fees illegally collected; and

13 (b) Payment of all unpaid salaries, which should not be less  
14 than the applicable minimum wage for the services  
15 rendered.

16  
17 SECTION 10. *Implementing Rules and Regulations.* – The DOH, in  
18 coordination with the Private Hospitals Association of the Philippines  
19 (PHAP), Department of Labor and Employment, and PRC, shall issue  
20 the rules and regulations to implement the provisions of this Act sixty  
21 (60) days from its effectivity.

22  
23 SECTION 11. *Separability Clause.* – If any portion or provision of this  
24 Act is declared unconstitutional or invalid, the other provisions hereof  
25 not affected thereby shall remain valid and effective.

26  
27 SECTION 12. *Repealing Clause.* – All laws, executive orders,  
28 presidential decrees, presidential proclamations, rules and regulations  
29 or parts thereof inconsistent with the provisions of this Act are hereby  
30 repealed or modified accordingly.

31  
32 SECTION 13. *Effectivity.* – This Act shall take effect fifteen (15) days  
33 after its publication in the Official Gazette or in a newspaper of  
34 general circulation.

35  
36 Approved,

37