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SENATE

S. No. 562

Introduced by **Senator Richard J. Gordon**



**AN ACT INSTITUTING THE COMPREHENSIVE POLICY FOR THE
NURSING PROFESSION IN THE PHILIPPINES AMENDING FOR
THIS PURPOSE REPUBLIC ACT NO. 9173 OTHERWISE KNOWN
AS "THE PHILIPPINE NURSING ACT OF 2002"**

EXPLANATORY NOTE

The current policy of the government for nurses is wrong. Nurses ought to be respected for the hard work that they do as front liners of the Philippine healthcare system. Respect is not given when the policy of the government is to send them abroad whilst leaving them exposed to labor abuses within the country, unprotected.

High cost of education which yields abysmally low wages not commensurate to their labor, contractualization, and the practice of paying for work in exchange for experience are but a few of the grievances of Filipino nurses working in the Philippines.

Their current deplorable working condition in the country leaves them with no choice but to aspire to leave the country and work overseas in view of a better career and a better life.

This, notwithstanding the fact that there is a big demand for nursing services in the country. Approximately, 6 out of 10 Filipinos die without ever seeing a healthcare professional.

The irony of the policy of sending nurses abroad while the country is suffering from lack of healthcare professionals to support the needs of its people must stop.

This bill proposes a new comprehensive policy for nurses that will give Filipino nurses choices, and an opportunity to upgrade themselves while sustaining the country's growing needs for a healthcare professional.

Once nurses graduate and become licensed, they should have the option to be hired by the government at a just pay and dispatched to places in the country where they are needed the most. They need not pay private hospitals just to have the experience they need to land a job overseas.

Should they decide to pursue a career overseas, program for language and culture training of their chosen country should be made accessible to them.

Further, a system that replaces those nurses who have chosen to work overseas will be instituted. This system will provide a mechanism wherein experienced nurses who worked overseas may go back to the country and train the nurses in the Philippines so that the standards and the skills of Filipino nurses may be upgraded, making the Filipino nurses a brand of its own-a brand of competence, professionalism and excellence. For this purpose, the immediate passage of this bill is earnestly sought.



RICHARD J. GORDON
Senator

OFFICE OF THE CLERK
SENATE
JULY 17, 2002

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

1 **SECTION 1.** *Declaration of Policy.*- Pursuant to Article II, Section 18 of the 1987
2 Philippine Constitution, which states that "the State affirms labor as a primary social
3 economic force. It shall protect the rights of workers and promote their welfare." It is
4 the policy of this law to provide a comprehensive scheme for nurses characterized by
5 continuous professional development and just payment of wages free from labor
6 exploitation, where nurses are provided with option either to stay in the Philippines or
7 work overseas; and that should they choose the latter, they are provided with access
8 to language and culture training to prepare them for their overseas career. This system
9 will also provide a mechanism wherein experienced nurses who worked overseas may
10 go back to the country and train the nurses in the Philippines so that the standards
11 and the skills of Filipino nurses may be upgraded, making the Filipino nurses a brand
12 of its own-a brand of competence, professionalism and excellence.

13 **SEC. 2.** Section 32 of Article VII in RA 9713 is hereby amended as follows:

14 **"Section 32. Salary.** - In order to enhance the general welfare, commitment to
15 service and professionalism of nurses the minimum base pay of nurses working in the
16 public health institutions shall not be lower than salary grade 15 prescribed under
17 Republic Act No. 6758, otherwise known as the "Compensation and Classification Act
18 of 1989": *Provided,* That for nurses working in local government units, [adjustments
19 to their salaries shall be in accordance with Section 10 of the said law.]-10% OF THE

1 INTERNAL REVENUE ALLOCATION OF THE LOCAL GOVERNMENT UNITS WHERE
2 THEY ARE EMPLOYED SHALL BE ALLOCATED FOR THEIR COMPENSATION.”

3 **SEC. 3.** A new Article VIII in RA 9713 is inserted to read as follows:

4 "ARTICLE VIII

5 NURSING LABOR RECRUITMENT AND DEPLOYMENT

6 SECTION 35. THE DEPARTMENT OF HEALTH (DOH) AND THE DEPARTMENT
7 OF LABOR AND EMPLOYMENT (DOLE) SHALL IN COOPERATION WITH THE
8 COMMISSION ON HIGHER EDUCATION (CHED) AND THE PROFESSIONAL
9 REGULATORY COMMISSION BOARD OF NURSING (PRC BOARD OF NURSING) DEVISE
10 A CONTINUING EMPLOYMENT PROGRAM THAT WILL MAXIMIZE THE HUMAN
11 CAPITAL OF NURSING GRADUATES BY PROVIDING THEM THE OPTION TO WORK
12 EITHER IN THE PRIVATE OR PUBLIC SECTOR FOR A JUST PAY IN ACCORDANCE
13 WITH ARTICLE VII SECTION 32 OF RA NO. 9173 OR THE PHILIPPINE NURSING ACT
14 OF 2002.

15 THE PROGRAM THAT THE DOH SHALL PROVIDE FOR THE EMPLOYMENT OF
16 NURSES IN THE PUBLIC SECTOR SHALL ENSURE THAT NURSES ARE DEPLOYED TO
17 AREAS OF THE COUNTRY WHERE BASIC HEALTHCARE SERVICES ARE NEEDED THE
18 MOST.

19 THE DOLE, IN THE PROGRAM FOR THE EMPLOYMENT OF NURSES IN THE
20 PRIVATE SECTOR SHALL ENSURE THAT THE PRACTICE OF PAYING HEALTHCARE
21 INSTITUTIONS IN EXCHANGE OF TRAINING AND OTHER ABUSIVE FORMS OF
22 "VOLUNTEERISM" AND CONTRACTUALIZATION ARE DISCONTINUED AND
23 PUNISHED.

24 SECTION 36. DOH AND DOLE SHALL IN COOPERATION WITH THE TECHNICAL
25 EDUCATION SKILLS DEVELOPMENT AUTHORITY (TESDA), DEPARTMENT OF
26 FOREIGN AFFAIRS-FOREIGN SERVICE INSTITUTE (DOF-FSI) AND THE PRC BOARD
27 OF NURSING SHALL INSTITUTE AND MAKE AVAILABLE A LANGUAGE AND CULTURE
28 TRAINING PROGRAM, FOR NURSES WITH INTENTION OF WORKING OVERSEAS.

29 SECTION 37. DOH, DOLE, CHED AND TESDA SHALL UPGRADE THE SKILLS OF
30 LOCAL NURSES BY PROVIDING A PROGRAM FOR DISSEMINATION TO LOCAL NURSES
31 OF SKILLS AND KNOWLEDGE ACQUIRED BY OVERSEAS FILIPINO NURSES THROUGH

1 THE INSTITUTIONALIZATION OF A KNOWLEDGE AND SKILLS EXCHANGE
2 PROGRAM.”

3 **SEC. 4.** A new section 36 is inserted under Article VIII of RA 9713 on Penal and
4 Miscellaneous Provisions, which shall read:

5 **“SECTION 35. ABUSE OF A NURSING PROFESSIONAL.** - A FINE OF NOT LESS
6 THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00) NOR MORE THAN ONE
7 MILLION PESOS (P1,000,000.00) OR IMPRISONMENT OF NOT LESS THAN ONE (1)
8 YEAR NOR MORE THAN SIX (6) YEARS OF THE BOARD OF DIRECTORS AND CHIEF
9 OPERATING OFFICER IN CASES OF A JURIDICAL ENTITY, OR BOTH, UPON THE
10 DISCRETION OF THE COURT, SHALL BE IMPOSED UPON:

11 (1) ANY PERSON, ENTITY OR CORPORATION WHO SHALL ENGAGE THE
12 SERVICES OF A NURSE BY PAYING THEM LESS THAN THE SALARY
13 REQUIRED BY LAW OR SUCH RULES AND REGULATIONS AS DULY
14 CONSTITUTED AUTHORITIES MAY PROVIDE;

15 (2) ANY PERSON, ENTITY OR CORPORATION ENGAGED IN THE PRACTICE OF
16 CONTRACTUALIZATION OF LABOR OF NURSES;

17 (3) ANY PERSON, ENTITY OR CORPORATION WHO IN EXCHANGE FOR A FEE
18 FROM A NURSING PROFESSIONAL ENGAGES THE NURSE IN ANY ACTIVITY
19 WHICH COULD BE CONSTRUED AS “EXPERIENCE FOR A FEE.”

20 **SEC. 5.** All other sections of RA 9713 are hereby renumbered accordingly.

21 **SEC. 6. Separability Clause** - If any provision of this Act is declared unconstitutional,
22 such sections or parts not affected thereby shall remain in full force and effect.

23 **SEC. 7. Repealing Clause** - Section 6 of Executive Order No. 811 and all laws, decrees,
24 executive orders, rules and regulations or parts thereof inconsistent with the
25 provisions of this Act are hereby repealed or modified accordingly.

26 **SEC. 8. Effectivity Clause** - This Act shall take effect fifteen (15) days after its
27 publication in the Official Gazette or in at least two (2) national newspaper of general
28 circulation.

29 *Approved,*