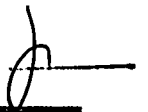


20 SEP 21 A10:50

SENATE

S. No. 1837

RECEIVED



Introduced by **SENATOR CYNTHIA A. VILLAR**

AN ACT

**DIRECTING THE NATIONAL WAGES PRODUCTIVITY COMMISSION OF THE
DEPARTMENT OF LABOR AND EMPLOYMENT TO ESTABLISH A MINIMUM
WAGE FOR NURSES IN PRIVATE HOSPITAL**

EXPLANATORY NOTE

The Constitution states that "Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good."¹

It also mandates that the "State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all" and "guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law." It gives the workers the guaranty that they "shall be entitled to security of tenure, humane conditions of work, and a living wage" and gives them the right to "participate in policy and decision-making processes affecting their rights and benefits as may be provided by law."²

The COVID-19 pandemic has wreaked havoc on the economies and health of almost every nation in the world. The imposition of community quarantines, while

¹ Article XIII, Section 1, 1987 Philippine Constitution

² Article XIII, Section 3, 1987 Philippine Constitution

necessary in preventing the spread of the virus and helping our existing medical facilities cope with the growing number of infected, has undesired but unavoidable consequences. The pandemic has led to a temporary halt in the operations of different industries and closure of many commercial establishments, thus resulting in job loss; and all of these are happening while the people linger in fear of getting infected, changing the way people live.

This pandemic indeed continues to affect the lives of many Filipinos. According to the recent data from the Department of Health, there are already 286,743 cases as of September 20, 2020.³ With the number of cases continuing to rise, the country's health care system continues to get overburdened as well. However, despite the discouraging picture of the current health dilemma we are facing, medical frontliners stay faithful to their commitment to provide quality health care service to the people.

At the forefront of this battle are the nurses who play a very crucial role in responding to this public health emergency. Without them, health care institutions would not be able to provide sufficient care to patients, especially at this time when their services are greatly needed.

Despite the critical importance of nurses in these desperate times, they are still being compensated considerably far less than what their counterparts are receiving in other countries. Based on the research conducted by data aggregator iPrice Group, which recorded the salaries of mid-level frontliners in seven ASEAN countries, experienced registered nurses in the Philippines earn about PHP40,381 a month. This is the lowest in comparison to Vietnam's PHP 62,200.00 per month, Indonesia's PHP 79,000.00 per month, Thailand's PHP 83,000.00 per month, Malaysia's PHP97,000.00 per month, and Singapore's PHP236,400.00 per month.⁴

The Bureau of Local Employment of the Department of Labor and Employment reported that entry-level registered nurses receive salary ranging from PHP 8,000.00

³ "COVID-19 Tracker: Department of Health Website," COVID-19 Tracker | Department of Health website, accessed September 20, 2020, <https://www.doh.gov.ph/covid19tracker>.

⁴ Doris Dumlao-Abadilla, "PH Salary for Nurses, Med Techs Lowest in Southeast Asia," INQUIRER.net, September 3, 2020, <https://newsinfo.inquirer.net/1330556/ph-salary-for-nurses-med-techs-lowest-in-southeast-asia>.

to PHP 13,500.00 a month.⁵ Registered nurses hired at hospitals commonly receive PHP 9,757.00 a month.⁶

Recently, pursuant Section 32 of the Republic Act No. 9173, otherwise known as the "Philippine Nursing Act of 2002", and as held valid by the Supreme Court in *Ang NARS Party-list, et. al. vs. The Executive Secretary, et. al.* (G.R. No. 215746), the government upgraded the entry-level of Nurse positions in public health institutions to SG - 15, thereby increasing their basic monthly salaries from PHP 22,316.00 to PHP 32,503.00. However, while this law is definitely very beneficial to nurses working in the government, this does not include nurses working in the private hospitals.

The nurses working in private hospitals continue to receive meager salaries. While they are burdened with long hours of work and constantly exposed to health risks, the low salaries they receive do not reasonably and fairly recompense them. It is time to show our gratitude to our nurses by making their salaries and benefits not only commensurate to the services they provide but also comparable to those of government nurses.

I strongly urge a faithful enforcement of the provisions embodied in the Constitution that mandate our government to enact measures that will protect and enhance the right of all the people to human dignity and reduce economic inequalities. With this bill, I seek to provide our government an avenue by which it shall perform its constitutional duties. In essence, this bill seeks to give solutions that will address the current disparity between the salaries of nurses working in the government and in private hospitals, with a view of further protecting the welfare of the nurses, such as:

- a. Directing the National Wages Productivity Commission of the Department of Labor and Employment to set a minimum wage exclusively for nurses employed in private hospitals, taking into consideration all relevant factors, that ensures nurses are reasonably and fairly recompensed for the services they provide;

⁵ Department of Labor and Employment – Bureau of Local Employment, "Nurse", accessed September 15, 2020, <http://ble.dole.gov.ph/index.php/nurse>.

⁶ Ibid.

- b. Promoting the inclusivity of all stakeholders, especially those representing nurses, by mandating the conduct of a public hearing prior to setting the minimum wage to ensure that all affected stakeholders will be heard and their inputs taken into consideration; and
- c. Penalizing any private hospital or person that will violate the provisions of the law.

For these reasons, I recommend the approval of this measure, which is a Senate counterpart of House Bill No. 7569 filed by Representatives Paolo Z. Duterte (1st District of Davao City), Claudine Diana D. Bautista (DUMPER PTDA Party-list), and Eric G. Yap (ACT-CIS Party-list).

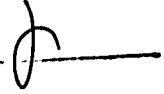

CYNTHIA A. VILLAR

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SENATE

S. No. 1837

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Introduced by **SENATOR CYNTHIA A. VILLAR**

AN ACT

**DIRECTING THE NATIONAL WAGES PRODUCTIVITY COMMISSION OF THE
DEPARTMENT OF LABOR AND EMPLOYMENT TO ESTABLISH A MINIMUM
WAGE FOR NURSES IN PRIVATE HOSPITAL**

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

1 Section 1. *Short Title.* – This Act shall be known as the "Minimum Wage for
2 Nurses in the Private Sector Act of 2020".

3 *Sec. 2. Declaration of Policy.* – The State has a duty to ensure that our nurses,
4 who are medical frontliners by the nature of their work, are provided with adequate
5 remuneration and benefits in order to compensate them for the dangers they face
6 daily. Moreover, the State must ensure that nurses in the private sector are properly
7 compensated to encourage talented nurses to stay in the country, rather than look for
8 more lucrative work engagement abroad.

9 *Sec. 3. Directing the National Wages Productivity Commission (NWPC) of the*
10 *Department of Labor and Employment (DOLE) to set an increased minimum wage for*
11 *nurses in private hospitals.* – The Department of Labor and Employment, through
12 the National Wages Productivity Commission (NWPC), shall set a minimum wage for
13 nurses employed in private hospitals, taking into consideration the following relevant
14 factors:

- 1 (1) The cost of living;
- 2 (2) The wage established for work in the public sector or in other
3 jurisdictions by employers who voluntarily maintain reasonable
4 standards;
- 5 (3) The location of the private hospital;
- 6 (4) The private hospital's bed capacity; and
- 7 (5) Fair return of the employer's capital.

8 A minimum wage to be established under this Act for nurses in private hospitals
9 shall be that which is as adequate as is economically feasible to maintain the minimum
10 standard of living necessary for the health, efficiency, effectiveness and general well-
11 being of nurses in private hospitals, and must also take into consideration the
12 particular circumstances of private nurses' government counterparts. Additionally,
13 nurses who are receiving salaries higher than the minimum wage that will be set by
14 the NWPC shall be adjusted and increased accordingly.

15 *Sec. 4. Public hearing requirement before the setting of the minimum wage for*
16 *nurses in private hospitals.* – Prior to the setting of the minimum wage, a report to
17 the Secretary of Labor and the NWPC shall first be submitted on the recommended
18 minimum wage for nurses in the private sector. Thereafter, notice of the report shall
19 be given to Department of Health (DOH), the Philippine Nursing Association, the
20 Philippine Board of Nursing, as well as other stakeholders including, but not limited to,
21 the Private Hospitals Association of the Philippines, and a public hearing shall be
22 conducted thereon within fifteen (15) days from submission of the report. Notice of
23 any hearing provided for in this section shall be given by publication in such
24 newspapers of general circulation and by such other means as the Secretary of Labor
25 deems reasonably necessary to give general notice to stakeholders/interested parties.
26 The rules of procedure that shall govern the conduct of the public hearings to be held
27 for this purpose shall be determined by the Secretary of Labor.

28 *Sec. 5. Issuance of the Wage Order by the NWPC.* – Within ten (10) days
29 after the public hearing, the NWPC shall release an order containing the approved

1 minimum wage based on the result of the public hearing. No such order shall take
2 effect until fifteen (15) days from its publication in a newspaper of general circulation.

3 **Sec. 6. *Benefits.*** – Nurses working in private hospitals shall be entitled to all
4 the benefits provided under the Labor Code, Magna Carta of Public Health Workers or
5 Republic Act No. 7305, and other relevant laws, government announcements, rules,
6 or regulations, including, but not limited to, overtime pay, night-shift differential, on-
7 call pay, hazard pay, subsistence allowance, housing allowance, free annual physical
8 examination, and free hospitalization.

9 **Sec. 7. *Penalties.*** – Any private hospital who violates the provisions of this
10 Act shall pay a fine of not less than One Hundred Thousand Pesos (PhP 100,000.00)
11 and not more than One Million Pesos (PhP 1,000,000.00) for each violation.

12 Any nurse who is a victim of a violation of this Act shall be entitled to back
13 wages and full payment of unpaid benefits, as well as to the refund of attorney's fees
14 that may have been incurred in enforcing the concerned nurse's claim under this Act.

15 **Sec. 8. *Separability Clause.*** – If any portion or provision is declared
16 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
17 remain in force and effect.

18 **Sec. 9. *Repealing Clause.*** – Any law, presidential decree or issuance, executive
19 order, letter of instruction, administrative order, rule, or regulation inconsistent with
20 the provisions of this Act is hereby repealed or modified accordingly.

21 **Sec. 10. *Effectivity Clause.*** – This Act shall take effect after fifteen (15) days
22 following its complete publication in the Official Gazette or a newspaper of general
23 circulation.

24 Approved,