

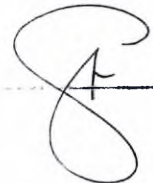
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NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



'22 JUL 25 A10 :29

**SENATE**  
S. No. 798

RECEIVED BY 

**Introduced by Senator Jinggoy Ejercito Estrada**

**AN ACT**  
**AMENDING CERTAIN SECTIONS REPUBLIC ACT NUMBER SEVEN THOUSAND**  
**THREE HUNDRED AND FIVE (R.A. 7305) OTHERWISE KNOWN AS THE**  
**MAGNA CARTA OF PUBLIC HEALTH WORKERS, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Section 18 Article II of the 1987 Constitution provides that the State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

The passage of Republic Act No 7305, otherwise known as the Magna Carta of Public Health Workers, which primarily aims to promote and improve the social and economic well-being, the working and living conditions and the terms of employment, among others, of our public health workers, was already a great accomplishment.

However, with our recent experience with the COVID-19 pandemic and with the challenges we face with the worsening inflation, said legislation has to be amended with the primary intention of further increasing the salary, allowances and benefits received by the country's public health workers.

This bill seeks to provide for an Expanded Magna Carta for Public Health Workers by expanding the coverage of what a public health worker is. It also provides

for a competitive salary by increasing the entry level salary for all government physicians and nurses and by establishing a new salary scale in accordance with the Salary Standardization Law. This bill also intends to provide expanded benefits for our public health workers by providing them with Special Risk Allowance, Rice Subsidy Allowance, Clothing Allowance and an increase in their current Subsistence Allowance and Monthly Hazard Pay.

Moreover, this bill also provides for a Loss of Earnings Benefit as a protection to our public health workers who suffer injury, illness or quarantine as a consequence of the performance of their duty. More importantly, this bill also provides that the funding necessary to carry out these provisions be taken from the income derived from the implementation of the Sin Tax Law.

Furthermore, the fine in the penal provision has been increased and any act of violation, circumvention or evasion in the provision of benefits to the public health worker will be met with administrative and civil sanctions, among others, as what other penalties in other appropriate laws may provide.

This legislative measure is a consolidation of related proposals filed in the 18<sup>th</sup> Congress in the House of Representatives which seek to amend RA 7305 with the end in view of promoting the welfare of our public health workers.

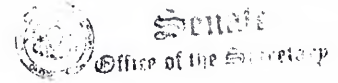
In order for the state to protect and promote the right to health of the people and instill health-consciousness among them, and to adopt an integrated and comprehensive approach to health development, we must take very good care of our public physicians, nurses, health workers and health care providers. These public health workers have saved our peoples' lives during the onslaught of the CoVid19 pandemic and they will continue saving Filipino lives, with or without health crisis or emergencies. They deserve to be well compensated and remunerated for the heroic role they fulfill every day.

Hence, passage of this important measure is earnestly sought.



**JINGGOY EJERCITO ESTRADA**

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MAGNA CARTA OF PUBLIC HEALTH WORKERS, AND FOR OTHER PURPOSES**

*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 "*Expanded Magna Carta*  
2 *of Public Health Workers Act*".

3 Sec. 2. - *Declaration of Policy.* –

4 a) The State affirms labor as a primary social economic force. It shall  
5 protect the rights of workers and promote their welfare;

6 b) The State guarantees the entry and retention of qualified and  
7 competent health workers in the public health care system by ensuring  
8 the commensurate remuneration for their work loads and the hazards  
9 of their respective professions.

10 Sec. 3. Section 3 of Republic Act Number Seven Thousand Three Hundred and  
11 Five (RA 7305) otherwise known as the "*Magna Carta of Public Health Workers*" is  
12 hereby amended to read as follows:

13 "Section. 3. [*Definition*] **COVERAGE.** [~~For purposes of~~  
14 ~~this Act, "health workers" shall mean all persons who are~~  
15 ~~engaged in health and health-related work, and all persons~~

1 ~~employed in all hospitals, sanitarium, health infirmaries, health~~  
2 ~~centers, rural health units, barangay health stations, clinics~~  
3 ~~and other health-related establishments owned and operated~~  
4 ~~by the Government or its political subdivisions with original~~  
5 ~~chargers and shall include medical, allied health professional,~~  
6 ~~administrative support personnel employed regardless of their~~  
7 ~~employment status.”] THIS ACT SHALL BE FOR THE~~  
8 ~~BENEFIT OF ALL PUBLIC HEALTH WORKERS. FOR~~  
9 ~~PURPOSES OF THIS ACT, “HEALTH WORKERS” SHALL~~  
10 ~~REFER TO PERSONS WHO ARE ENGAGED IN HEALTH~~  
11 ~~AND HEALTH-RELATED WORK IN ALL HEALTH~~  
12 ~~FACILITY OR OTHER RELATED ESTABLISHMENT~~  
13 ~~OWNED AND OPERATED BY THE GOVERNMENT OR ITS~~  
14 ~~POLITICAL SUBDIVISIONS, INCLUDING MEDICAL~~  
15 ~~AND ALLIED HEALTH PROFESSIONALS, ANCILLARY~~  
16 ~~AND ADMINISTRATIVE PERSONNEL OF SUCH HEALTH~~  
17 ~~FACILITY OR RELATED ESTABLISHMENT,~~  
18 ~~REGARDLESS OF THEIR EMPLOYMENT STATUS.”~~

19 Sec. 4. Section 19 of the same Act is hereby amended to read as follows:

20 “Section 19. *Salaries.* - In the determination of the  
21 salary scale of public health workers, the provisions of  
22 Republic Act No. 6758 shall govern, except that the  
23 benchmark for Rural Health Physicians shall be upgraded to  
24 grade [24]. ” **THE DEPARTMENT OF HEALTH (DOH) IN**  
25 **CONSULTATION WITH THE DEPARTMENT OF BUDGET**  
26 **AND MANAGEMENT, IS HEREBY MANDATED TO**  
27 **ESTABLISH A NEW SALARY SCALE FOR PUBLIC**  
28 **HEALTH WORKERS FOLLOWING THE SALARY GRADES**  
29 **UNDER REPUBLIC ACT 1466, OTHERWISE KNOWN AS**  
30 **THE ‘SALARY STANDARDIZATION LAW OF 2019.’**  
31 **PROVIDED THAT THE ENTRY LEVEL SALARY FOR ALL**  
32 **GOVERNMENT MEDICAL DOCTORS SHALL BE SALARY**

1           **GRADE 26 WHILE THE ENTRY LEVEL SALARY FOR ALL**  
2           **GOVERNMENT NURSES SHALL BE SALARY GRADE**  
3           **18.**

4           "X X X."

5           Sec. 5. Section 20 of the same Act is hereby amended to read as follows:

6                   "Section 20. *Additional Compensation.* –  
7           Notwithstanding Section 12 of Republic Act 6758 and the  
8           provisions of Republic Act 11466, public health workers shall  
9           receive the following **ADDITIONAL** allowances, **SPECIAL**  
10           **RISK ALLOWANCE**, subsistence allowance, **RICE**  
11           **SUBSIDY ALLOWANCE**, longevity pay, laundry and  
12           **CLOTHING** allowance, and remote assistance allowance.

13           "X X X."

14           Sec. 6. Section 21 of the same Act is hereby amended to read as follows:

15                   "Section 21. *Hazard Allowance.* - [~~Public health workers~~  
16           ~~in hospitals, sanitarium, rural health units, main health centers,~~  
17           ~~health infirmaries, barangay health stations, clinics and other~~  
18           ~~health-related establishments located in difficult areas, strife-~~  
19           ~~torn or embattled areas, distressed or isolated stations, prison~~  
20           ~~camp, mental hospitals, radiation exposed clinics,~~  
21           ~~laboratories or disease-infested areas or in areas declared~~  
22           ~~under state of calamity or emergency for the duration thereof~~  
23           ~~which expose them to great danger, contagion, radiation,~~  
24           ~~volcanic activity/eruption, occupational risk or perils to life as~~  
25           ~~determined by the Secretary of Health, shall be compensated~~  
26           ~~hazard allowances equivalent to at least twenty-five (25%) of~~  
27           ~~the monthly basic salary of health workers receiving salary~~  
28           ~~grade 19 and below, and five percent (5%) for health workers~~  
29           ~~with salary grade 20 and above.]. **ALL PUBLIC HEALTH**  
30           **WORKERS PERFORMING HEALTH AND HEALTH-**  
31           **RELATED WORK REGARDLESS OF WORK LOCATION,**  
32           **SHALL BE ENTITLED TO A MONTHLY HAZARD**~~

1           **ALLOWANCE AMOUNTING TO FIVE THOUSAND PESOS**  
2           **(PHP5,000.00): *PROVIDED*, THAT THIS RATE SHALL**  
3           **BE EXEMPTED FORM INCOME TAX: *PROVIDED***  
4           ***FURTHER*, THAT THE RATES SHALL BE REVIEWED**  
5           **PERIODICALLY AND INCREASED ACCORDINGLY BY**  
6           **THE SECRETARY OF HEALTH, IN CONSULTATION**  
7           **WITH THE APPROPRIATE GOVERNMENT AGENCIES**  
8           **AND HEALTH WORKERS ASSOCIATIONS,**  
9           **ORGANIZATIONS OR UNIONS.”**

10           Sec. 7. Section 21-A shall be inserted after Section 21 of the same Act to read  
11 as follows:

12                   **“SECTION 21-A. *SPECIAL RISK ALLOWANCE*. –**  
13           **IN CIRCUMSTANCES, SITUATIONS, AND LOCATIONS**  
14           **OF WORK WHEREIN THE PERFORMANCE OF THIER**  
15           **DUTIES AND RESPONSIBILITIES EXPOSE PUBLIC**  
16           **HEALTH WORKERS TO GREAT DANGER,**  
17           **OCCUPATIONAL RISKS, AND THREATS OF LIFE, AS**  
18           **DETERMINED BY THE SECRETARY OF HEALTH,**  
19           **CONCERNED PUBLIC HEALTH WORKER SHALL BE**  
20           **ENTITLED TO SPECIAL RISK ALLOWANCE OF AT LEAST**  
21           **TWENTY-FIVE PERCENT (25%) OF THE MONTHLY**  
22           **BASIC SALARY.”**

23           Sec. 8. Section 22 of the same Act is hereby amended to read as follows:

24                   “Section 22. Public health workers who are required to  
25           render service within **OR IN THE VICINITY OF** the premises  
26           of [~~hospitals, sanitaria, health infirmaries, main health~~  
27           ~~centers, rural health units and barangay health stations, or~~  
28           ~~clinics and other health-related establishments] **HEALTH**  
29           **FACILITIES AND OTHER RELATED ESTABLISHMENTS**  
30           in order to make their services available at any and all times,  
31           shall be entitled to a full subsistence allowance of three (3)  
32           meals which may be computed in accordance with the~~

1 prevailing circumstances as determined by the Secretary of  
2 Health in consultation with the Management-Health Workers'  
3 Consultative Councils as established under Section 33 of this  
4 Act: **PROVIDED, THAT SUBSISTENCE ALLOWANCE**  
5 **SHALL BE COMPUTED NOT LOWER THAN SEVENTY-**  
6 **FIVE PESOS (PHP75.00) PER MEAL; Provided,**  
7 **FURTHER,** that the representation and travel allowance shall  
8 be given to rural health physicians as enjoyed by municipal  
9 agriculturists, municipal planning and development officers  
10 and budget officers."

11 Sec. 9. A new Section 21-A shall be inserted after Section 21 of the same Act  
12 to read as follows:

13 **"SECTION 22-A. RICE SUBSIDY ALLOWANCE. –**  
14 **ALL PUBLIC HEALTH WORKERS SHALL BE ENTITLED**  
15 **TO A RICE SUBSIDY ALLOWANCE IN THE FORM OF**  
16 **CASH AMOUNTING TO ONE THOUSAND TWO**  
17 **HUNDRED FIFTY PESOS (PHP1,200.00)."**

18 Sec. 10. A Section 24 of the same Act is hereby amended to read as  
19 follows:

20 "Section 24. *Laundry AND CLOTHING Allowance.* –  
21 all public health workers required to regularly wear uniforms  
22 shall be entitled to laundry **AND CLOTHING** allowance  
23 equivalent to [~~One hundred twenty five pesos (P125.99)~~]  
24 **FIVE HUNDRED PESOS (PHP500.00)** per month:  
25 Provided, that this rate shall be reviewed periodically and  
26 increased accordingly by the Secretary of Health in  
27 consultation with the appropriate government agencies **AND**  
28 **HEALTH WORKERS ASSOCIATIONS,**  
29 **ORGANIZATIONS OR UNIONS** concerned, taking into  
30 account, existing laws, rules and regulations."

31 Sec. 11. A Section 28 of the same Act is hereby amended to read as  
32 follows:



1                   "Section 28. ~~[Compensation for Injuries.]~~ **LOSS OF**  
2                   **EARNINGS BENEFIT.** - Public health workers shall be  
3                   protected against the consequences of employment injuries,  
4                   **ILLNESS OR QUARANTINE**, in accordance with existing  
5                   law, or regulations. Injuries **OR ILLNESS** incurred while  
6                   doing overtime work shall be presumed work-connected.  
7                   **PUBLIC HEALTH WORKERS AND THEIR FAMILY, AS**  
8                   **MAY BE APPLICABLE, ARE ALSO ENTITLED TO LOSS**  
9                   **OF EARNING BENEFIT (LOEB), EQUAL TO SEVENTY-**  
10                   **FIVE PERCENT (75%) OF SUCH PUBLIC HEALTH**  
11                   **WORKER'S MONTHLY SALARY, IN CASE OF DEATH,**  
12                   **PERMANENT TOTAL DISABILITY, DISMEMBERMENT,**  
13                   **PERMANENT LOSS OF SIGHT, HEARING OR SPEECH**  
14                   **DEFECT, IF THE INJURY OR ILLNESS HAS OCCURRED**  
15                   **WHILE THE PUBLIC HEALTH WORKER IS IN THE**  
16                   **PERFORMANCE OF DUTY.**

17                   **"THE PUBLIC HEALTH WORKER CONCERNED,**  
18                   **OR HIS/HER FAMILY, IS ENTITLED TO THE MONTHLY**  
19                   **LOEB UNTIL THE WORKER SHALL HAVE REACHED**  
20                   **THE AGE OF SIXTY-FIVE (65).**

21                   **"THE ENTITLEMENT TO LOEB IS SEPARATE AND**  
22                   **DISTINCT FROM WHATEVER THE WORKER OR**  
23                   **HIS/HER FAMILY SHALL RECEIVE AS DEATH**  
24                   **BENEFIT, OR LOSS OF INCOME BENEFITS FROM THE**  
25                   **GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS)**  
26                   **BY VIRTUE OF THE DEATH, SICKNESS OR INJURY".**

27                   Sec. 12. Section 38 of the same Act is hereby amended to read as  
28 follows:

29                   "Section 38. ~~[Budget Estimates. The Secretary of~~  
30 ~~Health shall submit annually the necessary budget estimates~~  
31 ~~to implement the provisions of this Act in staggered basis~~  
32 ~~of implementation of the proposed benefits until the total of~~

1           ~~nine hundred forty six million six hundred sixty four thousand~~  
2           ~~pesos (P946,664,000.00) is attained within five (5) years.]~~

3           **APPROPRIATIONS. – SUCH AMOUNTS AS MAY BE**  
4           **DEEMED NECESSARY TO IMPLEMENT THIS ACT FOR**  
5           **THE CURRENT YEAR SHALL BE CHARGED AGAINST**  
6           **THE SAVINGS OF THE DOH. THEREAFTER, THE SUM**  
7           **NECESSARY FOR THE FULL IMPLEMENTATION OF**  
8           **THIS ACT SHALL BE SOURCED FORM THE PROCEEDS**  
9           **OF REPUBLIC ACT NO. 10351 OTHERWISE KNOWN AS**  
10           **THE SIN TAX LAW OF 2012, IN ACCORDANCE WITH**  
11           **THE PERTINENT LAWS AND REGULATIONS.”**

12           Sec. 13. A new Section 38-A is hereby inserted to read as follows:

13                   **“SECTION 38-A. BUDGETARY ESTIMATES. –**  
14                   **BUDGETARY ESTIMATES FOR THE SUCCEEDING**  
15                   **YEARS SHOULD BE REVIEWED AND INCREASED**  
16                   **ACCORDINGLY BY THE SECRETARY OF HEALTH IN**  
17                   **CONSULTATION WITH THE DEPARTMENT OF BUDGET**  
18                   **AND MANAGEMENT (DBM) AND THE CONGRESSIONAL**  
19                   **COMMISSION ON HEALTH (HEALTHCOM).”**

20           Sec. 14. Section 39 of the same Act is hereby amended with an additional  
21 paragraph to read as follows:

22                   “Section 39. *Penal Provision.* - Any person who shall  
23 willfully interfere with, restrain or coerce any public health  
24 worker in the exercise of his/her rights or shall in any manner  
25 commit any act of violation of any of the provisions of this Act,  
26 upon conviction, shall be punished by a fine of not less than  
27 [~~twenty thousand pesos (P20,000.00) but not more than Forty~~  
28 ~~Thousand Pesos (P40,000.00)] **FORTY-THOUSAND PESOS**~~  
29 **(P40,000.00) BUT NOT MORE THANT EIGHTY**  
30 **THOUSAND PESOS (P80,000.00) or imprisonment of not**  
31 **more than one (1) year or both at the discretion of the court.**

1            "If the offender is a public official, the court, in addition  
2 to the penalties provided in the preceding paragraph, may  
3 impose the additional penalty of disqualification from office.

4            **"ALL HOSPITALS, SANITARIA, HEALTH**  
5 **INFIRMARIES, HEALTH CENTERS, RURAL HEALTH**  
6 **UNITS, BARANGAY HEALTH STATIONS, CLINICS AND**  
7 **OTHER HEALTH-RELATED ESTABLISHMENTS OWNED**  
8 **AND OPERATED BY THE GOVERNMENT OF ITS**  
9 **POLITICAL SUBDIVISIONS WITH ORIGINAL**  
10 **CHAPTERS THAT WILLFULLY CIRCUMVENT OR**  
11 **VIOLATE THE LAW TO EVADE PROVISION OF**  
12 **BENEFITS TO PUBLIC HEALTH WORKERS WILL BE**  
13 **HELD LIABLE. THE PERSON DIRECTLY RESPONSIBLE**  
14 **AS WELL AS THE HEAD OF AGENCY OR THE LOCAL**  
15 **CHIEF EXECUTIVE WILL BE SANCTIONED UNDER**  
16 **ADMINISTRATIVE LAW, CIVIL SERVICE LAW AND**  
17 **OTHER APPROPRIATE LAWS.**

18            **"LOCAL GOVERNMENT OFFICIALS WHO**  
19 **WILLFULLY CIRCUMVENT OR VIOLATE THE GIVING**  
20 **OF SALARY, COMPENSATION, PAY AND ALLOWANCE**  
21 **OF PUBLIC RURAL HEALTH PHYSICIANS AND OTHER**  
22 **PUBLIC HEALTH WORKERS AS PROVIDED IN THIS**  
23 **ACT SHALL BE A GROUND FOR DISCIPLINARY**  
24 **ACTION."**

25            *Sec. 15. Implementing Rules and Regulations.* – The Secretary of Health after  
26 consultation with the appropriate agencies of the Government, such as, but not limited  
27 to, the DBM, the Department of Interior and Local Government (DILG), as well as  
28 professional and health workers' organizations or unions, shall formulate and prepare  
29 the revised implementing rules and regulations in accordance with this Act.

30            *Sec. 16. Separability Clause.* - If any provision or provision of this Act is declared  
31 unconstitutional or invalid, the remainder of this Act or any provisions not affected  
32 thereby shall remain in force and effect.

1            *Sec. 17. Repealing Clause.*- Any law, presidential decree or issuance, executive  
2 order, letter of instruction, administrative order, rule or regulation contrary to or  
3 inconsistent with the provisions of this Act is hereby repealed, modified or amended  
4 accordingly.

5            *Sec. 18. Effectivity Clause.*- This Act shall take effect fifteen (15) days from the  
6 date of its publication in the *Official Gazette* or in a newspaper of general circulation.

*Approved,*