

'18 MAY -3 A11 :37

SENATE  
S. NO. 1793

RECEIVED



---

Introduced by **SENATOR LEILA M. DE LIMA**

---

**AN ACT**  
**AMENDING SECTIONS 28, 38 AND 39 OF REPUBLIC ACT NO. 7305,**  
**OTHERWISE KNOWN AS THE "MAGNA CARTA OF PUBLIC HEALTH**  
**WORKERS"**

**EXPLANATORY NOTE**

Article 2, Section 18 of the Constitution provides that, "[t]he State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare." However, the reality of today shows that despite the significant role of public health workers in the lives of every Filipino, they receive less than what they truly deserve. It is no secret as well that because of insufficient compensation, our health workers are among the most underpaid professionals in the Philippines. Thus, they are either tempted to shift careers or to leave the country and look for other high-paying opportunities abroad.

According to the Philippine Overseas Employment Agency (POEA), 92,277 nurses have fled the country since 2012, amounting to a total of 19,000 leaving the Philippines every year.<sup>1</sup> Meanwhile, a CNN Philippines news article, dated 13 October 2016, reported that as of 2016, the country is only producing 2,600 doctors a year, which results to a ratio of one doctor to 33,000 Filipinos. This is far from the ideal 1 or 1.5 doctor for every 1,000 population recommended by the World Health Organization (WHO).<sup>2</sup>

---

<sup>1</sup> Hapal, Don Kevin. *Why our nurses our leaving*. 2 September 2017. Rappler. Retrieved from: <https://www.rappler.com/move-ph/180918-why-nurses-leave-philippines>.

<sup>2</sup> Cabato, Regine. *DOH Secretary: Philippines lacks 15,000 doctors*. 13 October 2016. CNN news. Retrieved from: <http://cnnphilippines.com/news/2016/10/13/department-of-health-lack-of-doctors.html>.

A report from the Organisation for Economic Co-Operation and Development (OECD) in 2016 also stated that India and the Philippines were the top two largest exporters of nurses and doctors in Europe.<sup>3</sup> With this alarming data, the Philippines is left with an unfortunate reality of having a grossly disproportionate and inadequate number of health workers in the country thus resulting to an inadequate healthcare system.

In addition, this meager state of our health workers is further aggravated by the non-implementation of benefits mandated by the Magna Carta of Public Health Workers or Republic Act No. 7305 (R.A. No. 7305), such as overtime pay, nightshift differential, on call pay and hazard pay. According to a 2011 Philippine Institute for Developmental Studies (PIDS) study, successive governments have failed to fully provide for the payment of all benefits prescribed in the law. In particular, only the subsistence allowance and laundry allowances are provided.

One of the problems pointed out by the PIDS is that the law failed to specify source of funds for payment of all benefits. Section 38 of R.A. No. 7305 merely provides that budgetary estimates for the succeeding years should be reviewed and increased accordingly by the Secretary of Health in consultation with DBM and the Congressional Commission on Health (HEALTHCOM). The creation of the latter body is mandated under Sec. 34 of the same law. However, the HEALTHCOM is yet to be convened.

With the above-mentioned myriad challenges faced by our health workers and the expanse of hardwork and sacrifice that they give, it is therefore imperative that reforms and regulations be made and adopted by amending and expanding R.A. No. 7305.

This bill aims to protect the welfare of our health workers by providing them their well-deserved benefits and incentives in accordance with the need to enhance the general welfare of the people working in the health sector and further develop their commitment and responsiveness to public service.

---

<sup>3</sup> Laguipo, Angela. *India is Europe's Largest Exporter of Doctors and Nurses*. 1 January 2016. Tech Times News. Retrieved from: <http://www.techtimes.com/articles/120064/20160101/india-is-europes-largest-exporter-of-doctors-and-nurses.htm>.

A new benefit is added, which is the Public Health Worker Emergency Compensation, which aims to indemnify public health worker victims immediately following unfortunate incidents like what happened to Dr. Dreyfuss Perlas, a physician who was killed while deployed in Lanao Del Norte under the government's Doctors to Barrios program.<sup>4</sup>

Aside from increasing penalties of violators, this bill also holds heads of government-owned hospitals and other public health centers and facilities and Local Chief executives administratively liable if they willfully circumvent or evade the provision of benefits for the Public Health Workers.

It is further proposed that the funding be sourced from proceeds of the Sin Tax Law.

  
LEILA M. DE LIMA

---

<sup>4</sup> Geronimo, Jee Y. *After death of Lanao del Norte doctor, LGUs urged to secure health workers*. Rappler. 12 March 2017. Retrieved from: <https://www.rappler.com/nation/163967-local-government-units-secure-health-workers>.



'18 MAY -3 A11 :37

SENATE  
S. NO. 1793

RECEIVED 

---

Introduced by **SENATOR LEILA M. DE LIMA**

---

**AN ACT**  
**AMENDING SECTIONS 28, 38 AND 39 OF REPUBLIC ACT NO. 7305,**  
**OTHERWISE KNOWN AS THE "MAGNA CARTA OF PUBLIC HEALTH**  
**WORKERS"**

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

1 Section 1. *Short Title.* – This Act shall be known as “Expanded Magna Carta  
2 of Public Health Workers Act of 2018.”

3 Sec. 2. Section 28 of Republic Act No. 7305 (R.A. 7305) is hereby amended to  
4 read as follows:

5 “Sec. 28. [~~Compensation for Injuries~~] **PUBLIC HEALTH WORKER**  
6 **COMPENSATION.** – Public health workers shall be protected against  
7 the consequences of employment injuries in accordance with existing  
8 laws. Injuries incurred while doing overtime work shall be presumed  
9 work-connected.

10 **PUBLIC HEALTH WORKERS AND THEIR FAMILY, AS MAY**  
11 **BE APPLICABLE, ARE ALSO ENTITLED TO PUBLIC HEALTH**  
12 **WORKER EMERGENCY COMPENSATION, EQUAL TO ONE**  
13 **HUNDRED PERCENT (100%) OF SUCH PUBLIC HEALTH**  
14 **WORKER’S MONTHLY SALARY, IN CASE OF DEATH,**  
15 **PERMANENT TOTAL DISABILITY, DISMEMBERMENT, LOSS**  
16 **OF SIGHT, HEARING OR SPEECH INDEMNITY, IF THE**  
17 **ACCIDENT WAS CAUSED WHILE THE PUBLIC HEALTH**  
18 **WORKER IS DISCHARGING HIS/HER DUTY ESPECIALLY IF**

1 THE PUBLIC HEALTH WORKER IS DEPLOYED IN  
2 HOSPITALS, SANITARIA, RURAL HEALTH UNITS, MAIN  
3 HEALTH CENTERS, HEALTH INFIRMARIES, BARANGAY  
4 HEALTH STATIONS, CLINICS AND OTHER HEALTH-  
5 RELATED ESTABLISHMENTS LOCATED IN DIFFICULT  
6 AREAS, STRIFE-TORN OR EMBATTLED AREAS,  
7 DISTRESSED OR ISOLATED STATIONS, PRISON CAMPS,  
8 MENTAL HOSPITALS, RADIATION-EXPOSED CLINICS,  
9 LABORATORIES OR DISEASE-INFESTED AREAS OR IN  
10 AREAS DECLARED UNDER STATE OF CALAMITY OR  
11 EMERGENCY FOR THE DURATION THEREOF WHICH  
12 EXPOSE THEM TO GREAT DANGER, CONTAGION,  
13 RADIATION, VOLCANIC ACTIVITY/ERUPTION,  
14 OCCUPATIONAL RISKS OR PERILS TO LIFE AS  
15 DETERMINED BY THE SECRETARY OF HEALTH OR THE  
16 HEAD OF UNIT WITH THE APPROVAL OF THE SECRETARY  
17 OF HEALTH.”

18 Sec. 3. Section 38 of R.A. 7305 is hereby amended to read as follows:

19 “Sec. 38. [~~Budgetary Estimates.—The Secretary of Health shall submit~~  
20 ~~annually the necessary budgetary estimates to implement the provisions~~  
21 ~~of this Act in staggered basis of implementation of the proposed benefits~~  
22 ~~until the total of Nine hundred forty six million six hundred sixty four~~  
23 ~~thousand pesos (P946,664,000.00) is attained within five (5) years.~~

24 ~~Budgetary estimates for the succeeding years should be reviewed and~~  
25 ~~increased accordingly by the Secretary of Health in consultation with the~~  
26 ~~Department of Budget and Management and the Congressional~~  
27 ~~Commission on Health (HEALTHCOM).]~~

28 **APPROPRIATIONS. - SUCH AMOUNTS AS MAY BE**  
29 **NECESSARY TO IMPLEMENT THIS ACT FOR THE CURRENT**  
30 **YEAR SHALL BE CHARGED AGAINST THE SAVINGS OF THE**  
31 **DEPARTMENT OF HEALTH. THEREAFTER, THE SUM**  
32 **NECESSARY FOR THE FULL IMPLEMENTATION OF THIS**  
33 **ACT SHALL BE SOURCED FROM THE PROCEEDS OF**



1           **REPUBLIC ACT NO. 10351 OR THE SIN TAX LAW IN**  
2           **ACCORDANCE WITH THE PERTINENT LAWS AND**  
3           **REGULATIONS.”**

4           Sec. 4. A new Section 38-A is hereby inserted to read as follows:

5           **“SEC. 38-A. BUDGETARY ESTIMATES. - BUDGETARY**  
6           **ESTIMATES FOR THE SUCCEEDING YEARS SHOULD BE**  
7           **REVIEWED AND INCREASED ACCORDINGLY BY THE**  
8           **SECRETARY OF HEALTH IN CONSULTATION WITH THE**  
9           **DEPARTMENT OF BUDGET AND MANAGEMENT AND THE**  
10           **CONGRESSIONAL COMMISSION ON HEALTH**  
11           **(HEALTHCOM).”**

12          Sec. 5. Section 39 of R.A. 7305 is hereby amended to read as follows:

13          “Sec. 39. Penal Provision – Any person who shall wilfully interfere  
14          with, restrain or coerce any public health worker in the exercise of  
15          his/her rights or shall in any manner commit any act in violation of  
16          any of the provisions of this Act, upon conviction, shall be punished by  
17          a fine of not less than [~~Twenty thousand pesos (P20,000.00) but not~~  
18          ~~more than Forty thousand pesos (P40,000)] **FORTY THOUSAND**  
19          **PESOS (P40,000.00) BUT NOT MORE THAN EIGHTY**  
20          **THOUSAND PESOS (P80,000.00)** or imprisonment of not more  
21          than (1) year or both at the discretion of the court.~~

22          If the offender is a public official, the court, in addition to the penalties  
23          provided in the preceding paragraph, may impose the additional  
24          penalty of disqualification from office.

25          **ALL HOSPITALS, SANITARIA, HEALTH INFIRMARIES,**  
26          **HEALTH CENTERS, RURAL HEALTH UNITS, BARANGAY**  
27          **HEALTH STATIONS, CLINICS AND OTHER HEALTH-**  
28          **RELATED ESTABLISHMENTS OWNED AND OPERATED BY**  
29          **GOVERNMENT OR ITS POLITICAL SUBDIVISIONS WITH**  
30          **ORIGINAL CHARTERS THAT WILLFULLY CIRCUMVENT OR**  
31          **VIOLATE THE LAW TO EVADE PROVISION OF BENEFITS TO**  
32          **PUBLIC HEALTH WORKERS WILL BE HELD LIABLE. THE**

1           **PERSON DIRECTLY RESPONSIBLE AS WELL AS THE HEAD**  
2           **OF AGENCY OR THE LOCAL CHIEF EXECUTIVE WILL BE**  
3           **SANCTIONED UNDER ADMINISTRATIVE LAW, CIVIL**  
4           **SERVICE LAW AND OTHER APPROPRIATE LAWS.”**

5           *Sec. 6. Implementing rules.* – Within one hundred and eight days (180) days  
6           from the effectivity of this Act, the Department of Health (DOH), the Department  
7           of Interior and Local Government (DILG) and the Department of Budget and  
8           Management (DBM) shall promulgate the necessary rules and regulations to  
9           implement the provisions of this Act.

10          *Sec. 7. Repealing Clause.* - All laws, executive orders, presidential decrees,  
11          presidential proclamations, letters of instruction, rules and regulations or parts  
12          thereof which are inconsistent with the provisions of this Act are hereby repealed  
13          or modified accordingly.

14          *Sec. 8. Separability Clause.* - If any provision of this Act is declared  
15          unconstitutional or invalid, other parts or provisions hereof not affected thereby  
16          shall continue to be in full force and effect.

17          *Sec. 9. Effectivity.* - This Act shall take effect fifteen (15) days following its  
18          publication in the Official Gazette or in two (2) newspapers of general circulation  
19          in the Philippines.

*Approved,*