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SENATE

S. No. 1432

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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."

On March 26, 1992, Republic Act (R.A.) No. 7305, or the Magna Carta for Public Health Workers (PHWs) was signed into law "to promote and improve the social and economic well-being of the health workers, their living and working conditions and terms of employment" which will benefit the greater public through delivery of effective and quality health care services;

Under the Magna Carta, PHWs are entitled to such benefits as: (a) subsistence allowance (b) laundry allowance; (c) longevity pay; (d) hazard pay; (e) higher salary grade upon retirement; (f) night shift differential; (g) quarters allowance; (h) salary step increment upon completion of a post graduate degree program; (i) remote assignment allowance for doctors, dentists, nurses and midwives; (j) free compulsory medical examination; and (k) and compensation for injuries.

Several circulars have been issued by Department of Budget and Management, Department of Health and the Civil Service Commission laying down the guidelines and qualifications in the payment of the benefits under the Magna Carta.

However, almost two (2) decades after the enactment of the Magna Carta, our PHWs remain overworked and undervalued.

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. Sadly, only the subsistence allowance and laundry allowances are being provided.

One of the problems pointed out by the PIDS is that the law failed to specify the 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 keepin with the growing clamor to enhance the general welfare of the people working in the health sector and further bolster their commitment and responsiveness to public service.

A new benefit is added in this bill -- the Loss of Earnings Benefit -- which aims to provide a monthly income to the affected PHW or his/her family, in times of death, injury, or illness while at work. We may recall some recent unfortunate incidents that have befallen our PHWS, such as 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 ¹, and the deaths and illnesses of our

¹ 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>.

public doctors, who were infected by the highly contagious COVID-19 virus while in the line of duty.

Also, this bill seeks to increase penalties for violations, while it proposes to hold the 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.

As to source of funding, the bill is tapping taxes collectible under the Sin Tax Law, and its amendments.

The selfless services and countless sacrifices of our public health workers have time and again confirmed their true status as heroes of our people. We in government should appreciate and value them by giving what they truly deserve in law and in life.

Immediate passage of this bill is earnestly sought.


LEILA M. DE LIMA

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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*
2 *Carta of Public Health Workers Act of 2020.*”

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

5 “Sec. 28. [~~Compensation for Injuries~~] **LOSS OF EARNINGS**
6 **BENEFIT** – Public health workers shall be protected against
7 the consequences of employment injuries, **ILLNESS OR**
8 **QUARANTINE**, in accordance with existing laws or
9 regulations. Injuries **OR ILLNESS** incurred while doing
10 overtime work shall be presumed work-connected.

11 **PUBLIC HEALTH WORKERS AND THEIR FAMILY, AS**
12 **MAY BE APPLICABLE, ARE ALSO ENTITLED TO LOSS**
13 **OF EARNING BENEFIT (LOEB), EQUAL TO SEVENTY-**
14 **FIVE PER CENT (75%) OF SUCH PUBLIC HEALTH**
15 **WORKER’S MONTHLY SALARY, IN CASE OF DEATH,**
16 **PERMANENT TOTAL DISABILITY,**
17 **DISMEMBERMENT, PERMANENT LOSS OF SIGHT,**
18 **HEARING OR SPEECH DEFECT, IF THE INJURY OR**

1 **ILLNESS HAS OCCURRED WHILE THE PUBLIC**
2 **HEALTH WORKER IS IN THE PERFORMANCE OF**
3 **DUTY.**

4 **THE PUBLIC HEALTH WORKER CONCERNED, OR**
5 **HIS/HER FAMILY, IS ENTITLED TO THE MONTHLY**
6 **LOEB UNTIL THE WORKER SHALL HAVE REACHED**
7 **THE AGE OF SIXTY-FIVE (65).**

8 **THE ENTITLEMENT TO LOEB IS SEPARATE AND**
9 **DISTINCT FROM WHATEVER THE WORKER OR**
10 **HIS/HER FAMILY SHALL RECEIVE AS DEATH**
11 **BENEFIT, OR LOSS-OF-INCOME BENEFITS FROM**
12 **THE GOVERNMENT SERVICE INSURANCE**
13 **COMMISSION (GSIS) BY VIRTUE OF THE DEATH,**
14 **SICKNESS, OR INJURY.”**

15 Sec. 3. Section 38 of R.A. No. 7305 is hereby amended to read as follows:

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

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

25 **APPROPRIATIONS. - SUCH AMOUNTS AS MAY BE**
26 **NECESSARY TO IMPLEMENT THIS ACT FOR THE CURRENT**
27 **YEAR SHALL BE CHARGED AGAINST THE SAVINGS OF THE**
28 **DEPARTMENT OF HEALTH. THEREAFTER, THE SUM**
29 **NECESSARY FOR THE FULL IMPLEMENTATION OF THIS**
30 **ACT SHALL BE SOURCED FROM THE PROCEEDS OF**
31 **REPUBLIC ACT NO. 10351, OR THE SIN TAX LAW, IN**

1 **ACCORDANCE WITH THE PERTINENT LAWS AND**
2 **REGULATIONS.”**

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

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

11 Sec. 5. Section 39 of R.A. No. 7305 is hereby amended to read as follows:

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

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

26 **ALL HOSPITALS, SANITARIA, HEALTH**
27 **INFIRMARIES, HEALTH CENTERS, RURAL HEALTH**
28 **UNITS, BARANGAY HEALTH STATIONS, CLINICS**
29 **AND OTHER HEALTH-RELATED ESTABLISHMENTS**
30 **OWNED AND OPERATED BY GOVERNMENT OR ITS**
31 **POLITICAL SUBDIVISIONS WITH ORIGINAL**
32 **CHARTERS THAT WILLFULLY CIRCUMVENT OR**

1 **VIOLATE THE LAW TO EVADE PROVISION OF**
2 **BENEFITS TO PUBLIC HEALTH WORKERS WILL BE**
3 **HELD LIABLE. THE PERSON DIRECTLY**
4 **RESPONSIBLE AS WELL AS THE HEAD OF AGENCY**
5 **OR THE LOCAL CHIEF EXECUTIVE WILL BE**
6 **SANCTIONED UNDER ADMINISTRATIVE LAW, CIVIL**
7 **SERVICE LAW AND OTHER APPROPRIATE LAWS.”**

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

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

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

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

Approved,