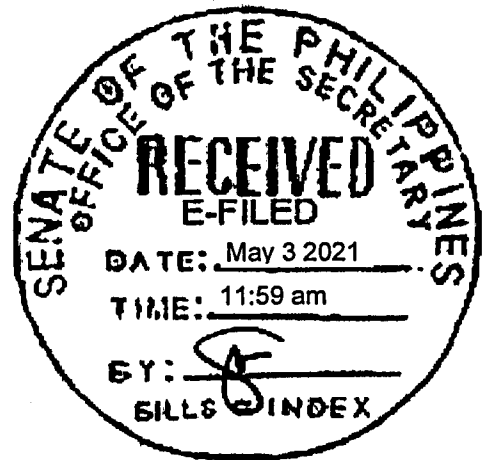


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

S. No. 2151



Introduced by Senator Ralph G. Recto

AN ACT
PROVIDING FOR BENEFITS, INCENTIVES, ALLOWANCES AND OTHER
ENTITLEMENTS FOR BARANGAY HEALTH WORKERS, PROVIDING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The global pandemic brought about by COVID-19 has been a continuing challenge to our health care system. Our experience since last year has shown the importance of having a good primary health care system – one that is accesible, efficient, effective and capable of responding to the health care needs of the people right in the community especially during emergencies.

When the highly transmissible virus hit home, many people were caught offguard and at a lost on what to do and where to go. And, as the virus continues to infect our households and communities, one person or one family at a time, fear and confusion was amplified in the struggle of many Filipinos to survive the health and economic crisis.

Our barangays being the basic units of government nearest to the people were once again tasked to provide the first response. The Barangay Health Emergency Response Teams (BHERTs) which were born out of a dire necessity to combat the SARS outbreak in 2003 were activated and strengthened to help people navigate the public health care system. The BHERTs, majority of which consist of

Barangay Health Workers (BHWs) have been continuously serving as the first line responders in our communities to help manage all COVID-19 related healthcare concerns. Our tireless BHWs also take care of disseminating health protocol guidelines and updates to their assigned households while at the same time monitoring infected patients, including those locally stranded individuals and returning residents who are in mandatory quarantine. In many cases, they also act as contact tracers. These responsibilities make them vulnerable to infection as they are exposed to the virus while doing their work everyday.

In addition to the pandemic-related tasks, our BHWs are also providing public health services like first aid intervention in barangay health stations and assistance in immunization of infants, children and senior citizens. At the same time, they act as on-call first responders to health emergencies in the barangay.

And yet, despite the immense task imposed on them, our BHWs are still considered voluntary workers and they rank the lowest, among all civil servants, in terms of incentives, benefits, and privileges enjoyed and received.

This bill is filed in recognition of the invaluable contribution of our BHWs in the delivery of much needed health care services at the grassroots. It mandates the provision of a menu of incentives, benefits and allowances as well as non-monetary compensation currently provided to our BHWs under existing laws.


Moreover, the bill provides additional benefits to BHWs such as death and burial benefits, emergency assistance, loyalty award, and legal indemnification, among others. It also directs a mandatory review of the BHWs' benefits, incentives and allowances every three years to take into account inflation.

To finance these benefits, the necessary funding shall be sourced from the additional proceeds arising from the share of local government units in the national taxes collected by the Bureau of Customs in accordance with the decision of the

Supreme Court in *Mandanas vs. Executive Secretary*, G.R. No. 199802 dated July 3, 2018.

These interventions are proposed with the intention of honoring our BHWs for all the valuable services they render to the community. These will build a strong foundation for a good primary health care system in the country by maintaining a motivated and competent corps of BHWs in every barangay. These are our meaningful contribution in taking care of those who ensure the health and well-being of Filipinos whether in normal conditions or in times of crisis.

In light of the foregoing, immediate passage of the bill is earnestly sought.



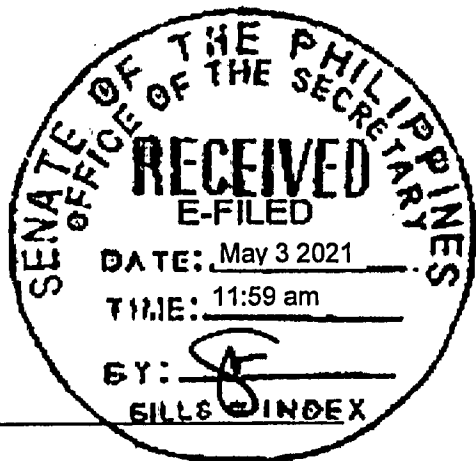
RALPH G. RECTO

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**AN ACT
PROVIDING FOR BENEFITS, INCENTIVES, ALLOWANCES AND OTHER
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THEREFOR, AND FOR OTHER PURPOSES**

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

1 Section 1. *Title.* – This Act shall be known as the “*Barangay Health Workers*
2 *Benefits Act.*”

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 protect and promote the right to health of the people and to provide conditions for
5 health empowerment, where each individual has access to information and services
6 that will bring about health and well-being. The Primary Health Care approach which
7 is embodied in the Universal Health Care Act is recognized as the major strategy
8 towards health empowerment by providing accessible and acceptable health services
9 at the grassroots level. In line with this policy and in cognizance of the crucial role
10 of Barangay Health Workers as front liners in primary health care, the State shall
11 ensure the promotion of their rights and welfare and the faithful performance of
12 their duties and functions, through the recognition of their rights as civil servants
13 and the provision of remuneration, benefits, allowances and other entitlements
14 commensurate to the service they render to the country.

15 Sec. 3. “*Barangay Health Worker (BHW)*”. – A BHW shall refer to a person
16 who has undergone training programs under any accredited government and non-
17 government organization and who voluntarily renders primary health care services in
18 the community after having been accredited to function as such by the local health

1 board in accordance with the guidelines promulgated by the Department of Health
2 (DOH). The accredited BHW shall be given a copy of the proof of said accreditation.

3 Sec. 4. *Coverage.* – This Act shall apply to all BHWs as defined in Section 3 of
4 this Act: *Provided,* That when the BHW receives a fixed salary by virtue of a
5 permanent appointment in any other government office, by election to another
6 public office or by employment in the private sector, their coverage under this Act
7 shall automatically cease and they shall then be covered under other appropriate
8 laws.

9 Sec. 5. *Registry.* – The local health boards shall maintain and update a
10 registry of accredited BHWs in their respective local government units (LGUs) and
11 shall submit an updated copy to the DOH every year. The DOH shall maintain a
12 national registry of BHWs which shall serve as the reference of the national
13 government in crafting health policies and in implementing health care programs.
14 The registry shall be the basis for the release of appropriations for the payment of
15 honoraria and the remittance of mandatory contributions to GSIS, PhilHealth and
16 PagIBIG Fund as provided in Section 7 of this Act.

17 Sec. 6. *Number of BHWs.* – The DOH, in consultation with the Department of
18 the Interior and Local Government (DILG) shall determine the ideal ratio of BHWs to
19 the number of households per barangay: *Provided,* That the total number of BHWs
20 nationwide shall not be less than one percent (1%) of the total population.

21 Sec. 7. *Incentives, Benefits and Allowances.* – BHWs shall be entitled to the
22 following:

23 a. *Honoraria* – BHWs shall receive a monthly honoraria of not less than Three
24 thousand pesos (P3,000.00);

25 b. *Membership in the Government Service Insurance System (GSIS)* – The
26 GSIS shall establish a social insurance program to provide life insurance
27 and social protection to BHWs. It shall be mandatory for barangay
28 governments to pay the monthly contributions to life insurance,
29 retirement, and social protection coverage of their respective BHWs.

30 Barangay governments shall include in its annual appropriations the
31 amounts necessary for its share of contributions;

1 c. *Enrolment in the National Health Insurance Program of the Philippine*
2 *Health Insurance Corporation* – BHWs shall be enrolled into the National
3 Health Insurance Program in accordance with existing laws, rules and
4 regulations.

5 Barangay governments shall include in its annual appropriations the
6 amounts necessary for its share of contributions;

7 d. *Membership in the Home Development Mutual Fund* – BHWs shall be
8 covered under the mutual provident savings system of the Home
9 Development Mutual Fund (PagIBIG Fund);

10 Barangay governments shall include in its annual appropriations the
11 amounts necessary for its share of contributions;

12 e. *Hazard Allowance* – BHWs who render service in areas declared under
13 state of calamity or emergency shall be entitled to a hazard allowance
14 equivalent to ten percent (10%) of their monthly honoraria until such
15 declaration has been lifted by a competent authority;

16 f. *Subsistence Allowance.* – BHWs who render services in barangay health
17 stations located in geographically isolated and disadvantaged areas shall
18 be entitled to a daily subsistence allowance amounting to not less than
19 One hundred pesos (P100.00);

20 g. *Transportation Allowance* – BHWs shall be entitled to a monthly
21 transportation allowance amounting to not less than One thousand pesos
22 (P1,000.00): *Provided,* That for official travel such as attendance in
23 seminars, conferences and transportation of patients outside of their
24 respective barangays, the travel expenses shall be shouldered by the
25 Barangay government concerned and shall not be deducted from the
26 travel allowance of BHWs: *Provided, further,* That BHWs shall be entitled
27 to ten percent (10%) discount in transportation fare during their
28 incumbency;

29 h. *Emergency assistance* – BHWs shall be entitled to emergency assistance
30 amounting to Five thousand pesos (P5,000.00) for expenses incurred
31 during health emergencies;

1 i. *Sick, vacation and maternity or paternity leave* – BHWs shall be entitled to
2 sick, vacation and maternity or paternity leaves as may be prescribed by
3 the Barangay governments: *Provided*, that BHWs shall continue to receive
4 their monthly honoraria and other allowances applicable, while on
5 authorized leave of absence;

6 j. *Christmas bonus or cash gift* – BHWs shall receive a Christmas bonus or
7 cash gift which shall not be less than their monthly honoraria once a year;

8 k. *Death and Burial Benefits* – In the event of the death of BHWs during their
9 incumbency, they shall be entitled to death and burial benefits amounting
10 to Twenty-five thousand pesos (P25,000.00) to be paid to their respective
11 legal beneficiaries.

12 In addition to the death benefits herein provided, a burial benefit of Two
13 thousand pesos (P2,000.00) shall be paid to the beneficiaries of BHWs
14 within twenty-four (24) hours after written notice and satisfactory proof of
15 death.

16 In case the death of a BHW occurred by reason, or on the occasion of the
17 performance of official duties and functions, the legal beneficiaries of the
18 BHW concerned shall be entitled to twice the death and burial benefits
19 provided herein;

20 l. *Loyalty Award* – BHWs shall be given a loyalty award for every five (5)
21 years of continuous and meritorious service rendered, as recommended
22 and certified by the punong barangay concerned or by the local health
23 boards. A loyalty incentive which shall not be less than the BHW's monthly
24 honoraria along with a Certificate of Appreciation shall be provided to
25 qualified BHWs;

26 m. *Training, Education and Career Enrichment Program* – BHWs shall be
27 prioritized in all relevant training and education opportunities as well as
28 career enrichment programs of the DOH, Commission on Higher
29 Education, Technical Education and Skills Development Authority,
30 Department of Education and other government agencies concerned;

31 n. *Civil Service Eligibility* – Qualified BHWs shall be conferred with the
32 appropriate civil service eligibility in accordance with existing laws, rules

1 and regulations: *Provided*, That when a BHW becomes a regular employee
2 of the government, the total number of years served as a BHW shall be
3 included in the computation of retirement benefits;

4 o. *Legal Indemnification* – BHWs shall be entitled to an equitable legal
5 indemnification package in the form of legal assistance and other forms of
6 legal protection and indemnification for all legal costs and expenses
7 reasonably incurred in any administrative, civil, or criminal action, suit or
8 proceeding to which they have been made a party by reason of the
9 performance of their official functions or duties, unless they are finally
10 adjudged in such action or proceeding to be guilty of an offense;

11 p. *Employment Preference in Agencies and Instrumentalities of Government*
12 – Qualified BHWs shall be accorded with preferential treatment in
13 employment with national government agencies, local government units,
14 or government-owned or -controlled corporations, subject to the minimum
15 standards and guidelines prescribed by the CSC, and in accordance with
16 existing laws, rules and regulations; and

17 q. *Other benefits, incentives and allowances* – Other benefits, incentives and
18 allowances not enumerated in this Act may be provided by the LGUs
19 subject to availability of funds.

20 **Sec. 8. *Periodic Review.*** – The local health boards shall conduct a mandatory
21 review of all benefits, incentives and allowances enumerated in this Act every three
22 (3) years taking into consideration the current Consumer Price Index as published by
23 the Philippine Statistics Authority.

24 **Sec. 9. *Security of Tenure.*** – The services of accredited BHWs shall not be
25 co-terminous with elected barangay officials, except in cases where there is a valid
26 cause under existing laws and after due process: *Provided*, That if a BHW, upon
27 appeal, is found by the Civil Service Commission (CSC) to be unjustly dismissed from
28 service, the said BHW shall be entitled to reinstatement without loss of incentives,
29 benefits and allowances from the time of termination up to the time of
30 reinstatement: *Provided, further*, That the CSC shall resolve termination cases
31 against BHWs not later than ninety (90) days upon receipt of complaints.

1 Sec. 10. *Prohibition Against Discrimination.* – Discrimination against a BHW
2 due to gender, civil status, creed, religion, political affiliation and beliefs or ethnic
3 groupings is prohibited.

4 Sec. 11. *Appropriations.* – The amount necessary for the implementation of
5 the provisions of this Act shall be sourced from the share of LGUs from the national
6 taxes collected by the Bureau of Customs (BOC) based on the collection of the third
7 fiscal year preceding the current fiscal year: *Provided,* That in the event that such
8 amount is insufficient to effectively implement the provisions of this Act or when the
9 amount exceeds the limitations on Personnel Services as provided in Section 331(b)
10 of Republic Act No. 7160, as amended, otherwise known as the "*Local Government*
11 *Code of 1991*", the *Sangguniang Barangay* concerned shall formulate a mechanism
12 to prioritize and adjust the benefits, incentives and allowances provided under this
13 Act.

14 Sec. 12. *Implementing Rules and Regulations.* – The Department of Budget
15 and Management (DBM) and the DILG, in coordination with the DOH, CSC, *Liga ng*
16 *mga Barangay*, and other government agencies concerned, shall promulgate the
17 necessary implementing rules and regulations within thirty (30) days upon the
18 effectivity of this Act.

19 Sec. 13. *Separability Clause.* – If any provision, section or part of this Act shall
20 be declared unconstitutional or invalid, such judgment shall not affect, invalidate or
21 impair any other provisions, sections or parts hereof.

22 Sec. 14. *Repealing Clause.* – All laws, acts, decrees, executive orders,
23 issuances, and rules and regulations or parts thereof which are contrary to and
24 inconsistent with this Act are hereby repealed, amended or modified accordingly.

25 Sec. 15. *Effectivity.* – This Act shall take effect fifteen (15) days following its
26 publication in at least two (2) newspapers of general circulation or in the *Official*
27 *Gazette.*

Approved,