

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



'22 JUL 12 P1:52

SENATE
S. No. 396

RECEIVED

INTRODUCED BY SENATOR JOSEPH VICTOR "JV" G. EJERCITO

AN ACT
PROVIDING FOR THE MAGNA CARTA OF BARANGAY HEALTH WORKERS

EXPLANATORY NOTE

The 1987 Constitution provides, in Article II, Section 15: "The State shall protect and promote the right to health of the people and instill health consciousness among them." If the State is indeed to be true to its duty, then it follows that the health and well-being of all Filipinos must be secured and preserved, regardless of their position or status in life.

Barangay Health Workers (BHWs) are the government's infantry; the ground forces mobilized to carry on its health agenda. They are the first line of defense in the recent spread of the pandemic and for the longest time, the first degree of government help felt by our people. Immunizations, dental checks and information dissemination would be a burdensome task if not for the dedication of BHWs. They are heroes in their own right, risking their own safety to serve our people.

Enacted in 1995, Republic Act No. 7883 or "The Barangay Health Workers' Benefits and Incentives Act of 1995" provides benefits and allowances to BHWs. While the law recognizes and acknowledges the service of BHWs through institutionalized benefits, the threat of whimsical termination surrounds in the course of their performance of their duties and responsibilities. In order to address this, the proposed bill provides that a duly

accredited and appointed BHWs can only be terminated for just cause and after due hearing.

No amount of monetary consideration can equal the service and dedication of our BHWs. However, let this be a way for us to honor and appreciate them. Let us ensure that our BHWs are properly recognized and compensated. Afterall, if not for our BHWs, the swift, efficient and responsible delivery of our health services would be close to impossible.

The swift passage of this bill shall stand as yet another proof that the State takes seriously its task of promoting the health of every Filipino by strengthening and safeguarding the rights of our BHWs.



JOSEPH VICTOR "JV" G. EJERCITO

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**AN ACT
PROVIDING FOR THE MAGNA CARTA OF BARANGAY 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 the "*Magna Carta of Barangay*
2 *Health Workers*".

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 people and adopt an integrated and
5 comprehensive approach to health development. Pursuant thereto, it shall endeavor to
6 make essential goods, healthcare, and other social services available to all the people. In
7 line with the country's commitment to accomplish health indicator targets under United
8 Nations' Millennium Development Goals (MDGs), the State shall adopt policies that
9 promote the welfare and well-being of barangay health workers who are the forefront of
10 the delivery of healthcare at die grassroots level, and which shall effectively harness their
11 potential as partners in development.

12 Sec. 3. *Definition.* - As used in this Act, the term "barangay health worker" refers
13 to a person who has undergone training under any accredited government and
14 nongovernment organization and who voluntarily renders primary healthcare services in
15 the community after having been accredited to function as such by the local health board

1 in accordance with the guidelines promulgated by the Department of Health (DOH)
2 pursuant to Section 3 of Republic Act No. 7883 otherwise known as the "Barangay Health
3 Workers' Benefits and Incentives Act of 1995."

4 *Sec. 4. Registration.* — Barangay health workers (BHWs) shall be registered with
5 the local health board in the city or municipality in which they render service. The
6 registered health workers shall be given appropriate proof of said registration.

7 The municipal and city health offices shall regularly maintain and update the BHW
8 Registry with the assistance of the BHW Federation and shall submit the same to the
9 municipal or city health board. The local health offices shall submit a copy of their
10 respective updated BHW registry to the Provincial Health Office which shall consolidate
11 all registries. Upon the validation of the Provincial BHW Federation, the consolidated
12 Provincial Registry shall be submitted to the Provincial Health Board, and the same shall
13 be posted in the municipal or city bulletin boards and barangay health centers.

14 The Provincial BHW Registry shall be submitted on or before April 30 of every year
15 to the DOH at the regional and national levels for consolidation. The DOH is hereby
16 mandated to maintain a national register of BHWs.

17 In order to qualify for registration, a barangay health worker must:

- 18 (a) Have rendered basic community health care services continuously and
19 satisfactorily for at least six (6) months immediately preceding the date of
20 the filing of application for registration in the barangay as certified by the
21 Rural Health Midwife (RHM) or public health nurse assigned to the barangay
22 and by the head of the barangay health workers association;
- 23 (b) Have completed the basic orientation and training for BHWs as prescribed
24 by the DOH and conducted by an accredited government agency, or DOH-
25 recognized academic institution, or nongovernmental organization (NGO);
- 26 (c) Be at least eighteen (18) years of age at the date of the filing of the
27 application for registration; and,
- 28 (d) Be physically and mentally fit.

1 It shall be the duty of the municipal and city health offices, in cooperation with the
2 Provincial Health Office and DOH, to provide the BHW applicants with basic orientation
3 and training within six (6) months from the date of approval of their application.

4 *Sec. 5. Accreditation.* - To further professionalize the health care services rendered
5 by the BHWs and ensure the health and welfare of the community, a duly registered BHW
6 must be accredited by the municipal or city health board.

7 The municipal or city health board shall issue the certificate of accreditation to
8 qualified BHWs. In order to qualify for accreditation, the applicant BHW must:

9 (a) Be registered in accordance with Section 4 hereof;

10 (b) Have completed in the locality at least two (2) years of continuous and
11 satisfactory service immediately prior to the filing of application for
12 accreditation;

13 (c) Have completed a regular training program on health care service and
14 community-based health program, that would upgrade and develop the
15 skills and competency of BHWs to perform their roles. The training program
16 shall be institutionalized by the DOH, in cooperation with local government
17 units (LGUs).

18 It shall be the duty of the municipal and city LGUs, in cooperation with the
19 provincial government and the DOH, to provide the applicant BHWs the necessary support
20 and opportunities for accreditation.

21 A BHW must complete the regular training program on health care service and
22 community-based health program within five (5) years from registration.

23 The municipal and city health boards or through their registration and accreditation
24 committee shall act on the applications for accreditation of BHWs not later than thirty
25 (30) days from the date of application.

26 The DOH shall also maintain an updated roster of accredited BHWs that is
27 accessible to the general public.

28 *Sec. 6. Number and Role of Barangay Health Workers.* - Notwithstanding the
29 limitations prescribed under Section 325(a) of Republic Act No. 7160, as amended,

1 otherwise known as "The Local Government Code of 1991", each barangay shall at least
2 have one (1) BHW for every twenty (20) households.

3 *Sec. 7. Mandatory Appointment of Barangay Health Worker (BHW).* - There shall
4 be appointed at least one (1) BHW in every barangay for every twenty (20) households
5 who shall be under the supervision and control of the DOH. The BHW so appointed shall
6 coordinate closely with the local government health officer in the implementation of
7 health programs in the locality. As far as practicable, the BHW to be employed must be
8 a resident of the barangay.

9 The DOH shall determine the ratio of barangay health workers according to the
10 number of households: *Provided*, That there shall be at least one (1) BHW for every
11 twenty (20) households: *Provided, further*. That the total number of barangay health
12 workers nationwide shall not be less than one percent (1%) of the total population.

13 No person duly accredited and appointed as a BHW shall be removed except for a
14 valid cause to be determined by the DOH through the Local Health Board (LHB); *Provided*,
15 That if found to be unjustly removed from service, a BHW shall be entitled to
16 reinstatement without loss of benefits and incentives from the time of termination up to
17 the time of his reinstatement. The LHB shall resolve termination cases against a BHW
18 judiciously not later than ninety (90) days from the receipt of a complaint.

19 *Sec. 8. Incentives and Benefits.* - All BHWs who are actively and regularly
20 performing their duties shall be entitled to monthly honoraria in the amount of not less
21 than Three thousand pesos (P3,000.00) subject to adjustment based on the prevailing
22 market value, in addition to the following incentives and benefits:

23 (a) *Privileges for the BHWs.* - All accredited BHWs shall be entitled to twenty
24 percent (20%) discount on all the items enumerated under Section 4(a) of
25 Republic Act No. 9994 otherwise known as the "Expanded Senior Citizens
26 Act of 2010": *Provided*, That the privileges shall not be claimed if the BHW
27 is eligible for a higher discount that may be granted by the commercial
28 establishment or other existing laws.

29 The commercial establishment may claim the discount granted under
30 this Section as tax deduction based on the cost of goods sold or services

1 rendered: *Provided*, that the discount shall be allowed as deduction from
2 the gross income for the same taxable year that the discount is granted:
3 *Provided, further*, that the total amount of the claimed tax deduction net of
4 value-added tax, if applicable, shall be included in their gross sales receipt
5 for tax purposes and shall be subject to proper documentation and to the
6 provisions of the National Internal Revenue Code of 1997, as amended.

7 (b) *Hazard Allowance*. - All accredited BHWs shall be entitled to hazard
8 allowance in an amount to be determined by the local health board of the
9 LGU concerned, which in no case shall be less than One thousand pesos
10 (P1,000.00) per month, subject to existing laws, rules, and regulations;

11 (c) *Subsistence Allowance*. - All accredited BHWs who render service within the
12 premises of isolated barangay health stations shall be entitled to
13 subsistence allowance equivalent to the meals they take in the course of
14 their duty, which shall be computed in accordance with prevailing
15 circumstances as determined by the LGU concerned, such allowance shall,
16 in no case, be less than One hundred pesos (P100.00) per day;

17 (d) *Transportation Allowance*. - All accredited BHWs, in the performance of
18 their official duties, shall be entitled to a transportation allowance of not
19 less than One thousand pesos (P1,000.00) per month, subject to auditing
20 rules and regulations;

21 (e) *One-time Retirement Cash Incentive*. - An accredited BHW who has
22 continuously and satisfactorily served for at least fifteen (15) years shall be
23 entitled to a one-time retirement cash incentive of not less than Ten
24 thousand pesos (P10,000.00) in recognition of their loyalty and dedication,
25 which shall be borne by the municipality or city concerned. The provincial
26 government may provide assistance for this purpose, in the case of
27 component cities;

28 (f) *Training, Education and Career Enrichment Programs*. — The DOH shall, in
29 coordination with the Department of Education (DepEd), Commission on
30 Higher Education (CHED), Technical Education and Skills Development

1 Authority (TESDA), DOH-recognized academic institutions, other concerned
2 agencies and nongovernment organizations, provide information on and
3 opportunities for education and career enrichment for accredited BHWs,
4 such as in the following programs:

- 5 (1) Educational programs which credit the years of primary healthcare
6 service of the BHW towards higher education completion in
7 institutions with stepladder curricula thus allowing them to upgrade
8 their skills and knowledge for community work or to pursue further
9 training as midwives, pharmacists, nurses or doctors;
- 10 (2) Continuing education, study and exposure tours, grants, field
11 immersion, and scholarships, among others;
- 12 (3) Scholarship benefits in the form of tuition fees in state colleges, to
13 be granted to one (1) child of every barangay health worker who will
14 not be able to take advantage of the programs described in
15 paragraphs (1), (2), and (3) hereof; and
- 16 (4) Special training programs such as traditional medicine, disaster
17 preparedness and other programs that address emergent community
18 health problems and issues.

19 (g) *Health Benefits.* - All accredited BHWs shall be entitled to the following
20 health benefits during their incumbency:

- 21 (1) Free medical care, including surgery and surgical expenses
22 medicines, x-ray and other laboratory fees, when confined in any
23 public hospital or health institution;
- 24 (2) Emergency assistance not exceeding the amount of Five thousand
25 pesos (P5,000.00) chargeable against the fund of the barangay
26 concerned, for expenses incurred in the nearest private hospital or
27 clinic in case of extreme emergency where there is no available
28 public hospital;
- 29 (3) Mandatory and immediate membership in the PhilHealth as indirect
30 contributors.

1 The LGUs concerned shall also endeavor to provide other health benefits
2 to accredited BHWs not otherwise provided by law;

3 (h) *Insurance Coverage.* - Accredited BHWs shall be granted insurance
4 coverage and benefits by the Government Service Insurance System (GSIS)
5 which shall be borne by the LGU concerned. For this purpose, the GSIS shall
6 design an insurance benefit package suited to the needs and unique
7 circumstances of the BHWs;

8 (i) *Sick, Vacation and Maternity Leaves.* — All accredited BHWs shall be entitled
9 to sick, vacation and maternity leaves as may be prescribed in the
10 implementing rules and regulations of this Act: *Provided, That,* the BHWs
11 shall continue to receive their monthly honoraria while on leave, for such
12 period in accordance with existing laws and practices;

13 (j) *Cash Gift.* - All accredited BHWs are entitled to a cash gift not less than the
14 minimum monthly honoraria to be given every December from the general
15 fund of the barangay or from such other funds appropriated by the national
16 government for the purpose;

17 (k) *Disability Benefit.* - An accredited BHW who sustains an injury or falls ill in
18 the course of the performance of their duties shall be entitled to Two
19 thousand pesos (P2,000.00) for every year of service.

20 (l) *Civil Service Eligibility.* - A first grade eligibility shall be granted to accredited
21 BHWs who have rendered three (3) years continuous service as such:
22 *Provided, That* should a BHW become a regular employee of the
23 government, the total numbers of years served as such shall be credited to
24 the BHW's service in the computation of retirement benefits.

25 (m) *Free Legal Services.* - Legal representation and consultation services shall
26 be immediately provided by the Public Attorney's Office to a BHW in cases
27 of coercion, interference, and in other civil and criminal cases filed by or
28 against the BHW arising out of or in connection with the performance of
29 their duties as such; and

1 (n) *Preferential Access to Loan Facilities.* - The DOH in coordination with other
2 concerned government agencies shall provide, within one hundred eighty
3 (180) days after the effectivity of this Act, a mechanism that shall provide
4 organized BHWs access to loan services. The agencies providing loan
5 services will set aside one percent (1%) of their loanable funds for
6 organized BHW groups that have community-based income generating
7 projects in support of health programs or activities.

8 *Sec. 9. Review by the Local Health Board.* — Every incentive or benefit for BHWs
9 requiring expenditure of local funds shall be reviewed and approved by the LHB. Such
10 benefits and incentives may be increased, upon review of die LHB, after considering,
11 among others, the present Consumer Price Index (CPI) as published by the Philippine
12 Statistics Authority (PSA)."

13 *Sec. 10. Discrimination Prohibited.* - Discrimination against any BHW by reason of
14 gender, civil status, creed, religious or political beliefs and ethnic groupings in the exercise
15 of their functions and responsibilities is hereby prohibited.

16 *Sec. 11. Protection of BHWs.* — The municipal, city, provincial governments and
17 the Department of the Interior and Local Government (DILG) shall establish a grievance
18 mechanism as a means of processing complaints of BHWs against alleged acts of
19 discrimination and unjust removal from the service. A BHW may appeal their grievances
20 to the DILG.

21 *Sec. 12. Right to Self-organization.* - A BHW shall have the right to freely form,
22 join or assist organizations to obtain redress of their grievances through peaceful
23 concerted activities, in a manner not contrary to law, and with utmost regard to service
24 to patients and the continuous operation of barangay health services in the interest of
25 public health, safety, or survival of patients.

26 *Sec. 13. Representation in the Local Health Board and Primary Health Care*
27 *Provider Network.* - The president of the municipal or city association of BHWs shall be a
28 member of the municipal or city local health board. The presidents of the association of
29 BHWs of each component city and municipality associations of a province shall elect from
30 among themselves their representative to the provincial health board: *Provided.* That,

1 the BHW representatives to the health boards shall not be allowed to vote on the
2 registration, accreditation and disciplinary or removal complaints of BHWs.

3 The BHWs shall also form part of the healthcare provider network and shall
4 participate in the implementation of healthcare services and programs.

5 *Sec. 14. Continuous Capacity Building for BHWs.* — The DOH shall conduct
6 continuous capacity building for BHWs to enhance and upgrade their knowledge and
7 skills, including training programs conducted online and in major Philippine dialects.

8 The DOH shall, in coordination with TESDA and other concerned agencies shall
9 also assist the LGUs in the development of education modules or materials that highlight
10 the collective experiences and learnings of BHWs and the use of traditional and
11 complementary medicine.

12 The LGUs shall endeavor to establish their own training centers for their-BHWs-
13 and other health workers in coordination with TESDA, NGOs, and other agencies
14 concerned.

15 The LGUs shall also implement a development program for BHWs that will allow
16 diem to benefit from ladderized training as provided under Republic Act No. 10968,
17 otherwise known as the "PQF Act," and Republic Act No. 10647, otherwise known as the
18 "Ladderized Education Act of 2014," including academic credits for health-related courses.

19 *Sec. 15. Penalty Clause.* - Any local government official who violates any provision
20 of this Act may be administratively and criminally charged in accordance with law.

21 *Sec. 16. Appropriations.* — The amount necessary for the implementation of this
22 Act shall be charged against the National Tax Allotment (NTA) of the LGUs, other local
23 funds and the special health fund under Republic Act No. 11223 otherwise known as the
24 "Universal Health Care Act".

25 *Sec. 17. Implementing Rules and Regulation.* - The DOH and the DILG shall, in
26 consultation with the DepEd, the CSC, the GSIS, and other concerned government
27 agencies and nongovernmental entities, promulgate the rules and regulations to
28 implement this Act not later than one hundred eighty (180) days from the effectivity of
29 this Act.

1 Sec. 18. *Separability Clause.* - If any portion or provision of this Act is declared
2 invalid or unconstitutional, other provisions hereof shall remain in full force and effect.

3 Sec. 19. *Repealing Clause.* — Republic Act No. 7883 otherwise known as the
4 “Barangay Health Workers’ Benefits and Incentives Act of 1995” is hereby repealed. All
5 laws, decrees, executive orders, rules and regulations, which are inconsistent with this
6 Act are hereby repealed, or modified accordingly.

7 Sec. 20. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication
8 in die *Official Gazette* or in a national newspaper of general circulation.

Approved,