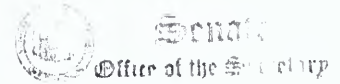


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



22 JUL 12 P5:24

SENATE
S. No. 433

RECEIVED BY: _____

Introduced by SENATOR RONALD "BATO" DELA ROSA

AN ACT
PROVIDING FOR INCENTIVES AND BENEFITS FOR HEALTH WORKERS IN
THE PRIVATE SECTOR, APPROPRIATING FUNDS THEREFOR, AND FOR
OTHER PURPOSES

EXPLANATORY NOTE

The 1987 Constitution of the Philippines expressly states that it shall be the duty of the State to "establish and maintain an effective food and drug regulatory system and undertake appropriate health manpower development and research, responsive to the country's health needs and problems."

Based on this provision, it is then given that the State is obliged to establish a healthcare system that will provide for proper personnel development. Nowhere in the provision do we see that there is preference for only public or government-hired health care workers (HCWs); all healthcare workers must be given due attention. And yet, without a piece of legislation that specifically provides for incentives and benefits for our HCWs in the private sector, it would appear that they are at a disadvantage.

Such is what this bill aims to address. The emergence of the COVID-19 pandemic has made us all realize, not only that we ought not to take our personal health for granted, but also that we ought to pay more attention to the country's health care infrastructure, including its personnel, be they public or private. Hence, in

response to this need, this bill proposes the institutionalization of several incentives and benefits for our HCWs in the private sector, in full cognizance of their invaluable contribution in securing the well-being of our people.

The bill institutionalizes the following allowances for private HCWs: a monthly Health Care Worker Allowance, a Special Risk Allowance, and a Subsistence Cash allowance, as well as a Living Quarters Allowance. Further, should they be injured or contract a disease in the performance of their duty, they shall be entitled to the amount of P100,000.00. Should they die in the performance of the same, they shall be entitled to the amount of P1,000,000.00.

According to the Department of Health, the Philippines has a 63,772-strong private health care workforce. It is my fervent hope that with this humble offering of a package of incentives and benefits for them, they shall feel, more than ever, that their government sees and appreciates the noble work that they do. Recognition and appreciation that are made more real precisely because they have been translated into law.

In view of the foregoing, I earnestly seek the swift passage of this bill.


RONALD "BATO" DELA ROSA

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OTHER PURPOSES

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

1 CHAPTER 1

2 GENERAL PROVISIONS

3 Section 1. *Short Title.* – This Act shall be known as the "Private Health Workers
4 Incentives and Benefits Act."

5 *Sec. 2. Declaration of Policies.* – The State has the duty to protect its citizens,
6 and to promote their right to health. This constitutional mandate ensures the general
7 welfare and protection of the people. Pursuant thereto, it is imperative to establish a
8 system where:

- 9 1. A universal access to a comprehensive health care system is guaranteed to all
10 citizens, regardless of status, race or religion;
- 11 2. Health workers, whether in the public or private sector, are adequately
12 compensated, protected and safeguarded from all forms of abuse and
13 discrimination;

- 1 3. The indispensable role of the private sector, even in the health care system is
2 encouraged, and recognized;
- 3 4. As part of the labor sector, and as equally provided for among the members
4 of the public health sector, the rights and interests of private health workers
5 are protected and guaranteed by the State.

6 *Sec. 3. Coverage of this Act.* – The provisions and benefits provided for under
7 this Act shall be given to all members of the private health sector. For purposes of this
8 Act, “private health care workers” shall mean all persons who are engaged in health
9 and health-related work in health facilities and other health-related establishments
10 wholly owned and operated by private individuals or corporations. It shall include
11 medical, allied health professional, administrative and support personnel including
12 maintenance, janitorial and security personnel, employed regardless of their
13 employment status.

14 *Sec. 4. Incentives and Benefits for Private Health Care Workers.* – The
15 following incentive and benefits shall be given to private health workers subject to
16 limitations provided for in this Act:

- 17 1. Health Care Workers Allowance amounting to Five Thousand Pesos
18 (P5,000.00) per month shall be given to all private health workers regardless
19 of location of work: *Provided,* That health workers shall receive
20 proportionate amount corresponding to the number of days he/she reported
21 for work;
- 22 2. In the event of pandemics or health crisis as determined by the Secretary
23 of Health, Special Risk Allowance equivalent to maximum of 25% of monthly
24 basic salary shall be given to private health care workers who have great
25 exposure to occupational health risks, perils to life, and physical hardships
26 in the line of duty;
- 27 3. Subsistence cash allowance shall be granted to all private health care
28 workers computed based on the number of meals included in the duration
29 when they rendered actual work per month: *Provided,* That subsistence
30 allowance shall be computed not less than Seventy Five Pesos (P75.00) per
31 meal;

- 1 4. Living Quarters' allowance shall be given to private health care workers
2 who, by nature of their work and gravity of the medical workload being
3 handled, are required to stay in the hospital premises' or rent living quarters
4 near the hospital where they are employed, to be computed based on the
5 prevailing rental rate in the locality: *Provided*, That in lieu of the cash
6 allowance, the employer of private health workers may provide free living
7 quarters and housing within or near the premises of health facilities;
8 5. Notwithstanding any law to the contrary, private health care workers who
9 may be injured or contract any disease while in the performance of their
10 duties shall be entitled to the amount of One hundred Thousand Pesos
11 (P100,000.00): *provided*, that the amount of One Million Pesos
12 (P1,000,000.00) shall be given to health care workers who may die while in
13 the performance of their duty: *provided, further*, that entitlement to
14 allowance for work-related injuries and diseases under this Act shall not
15 preclude health care workers to claim other benefits for the same injury or
16 disease provided for by other laws.

17 Sec. 5. *Source of Funds.* – The initial amount needed to carry out the objectives
18 of this Act shall be charged against the current year's Miscellaneous Personnel Benefit
19 Fund under the General Appropriations Act. Thereafter, such sums as may be
20 necessary for the continued implementation of this Act shall be included in the General
21 Appropriations Act.

22 In addition, funds needed for the implementation of this Act may be sourced
23 from the annual remittances of PAGCOR, under section 7 (a) of PD 1869, otherwise
24 known as the PAGCOR Charter, and 10% of the remittances of the Philippine Charity
25 Sweepstakes Office (PCSO), under Section 6 (b) of the PCSO Charter, Republic Act
26 1169, as amended by Batas Pambansa 42.

27 Sec. 6. *Implementing Rules and Regulations.* – Within ninety (90) days after
28 the approval of this Act, the Department of Labor and Employment (DOLE), and the
29 Department of Health (DOH), in consultation with professional healthcare
30 organizations and unions, healthcare provider organizations and other stakeholders,
31 shall jointly promulgate the necessary rules and regulations for the implementation of
32 this Act.

1

2 Sec. 7. *Separability Clause.* – If, for any reason, any section or provision of this
3 Act is declared unconstitutional or invalid, such other sections or provisions not
4 affected thereby shall remain in full force and effect.

5 Sec. 8. *Repealing Clause.* – All laws, decrees, executive orders, rules and
6 regulations or parts thereof inconsistent with any of the provisions of this are hereby
7 repealed, amended or modified accordingly.

8 Sec. 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
9 publication in the Official Gazette or in at least two (2) national newspapers or general
10 circulation.

Approved,