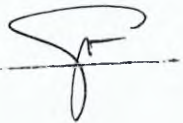


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

22 JUL 12 P5:26

SENATE
S. No. 434

RECEIVED BY: 

INTRODUCED BY SENATOR RONALD "BATO" DELA ROSA

AN ACT
MANDATING THE APPOINTMENT OF BARANGAY HEALTH WORKERS IN
BARANGAYS, AND PROVIDING FOR THEIR DUTIES AND
RESPONSIBILITIES, COMPENSATION AND BENEFITS, AND FOR OTHER
PURPOSES

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.

There are unsung heroes in our midst who willingly put themselves at risk, if only to deliver health-related services to the parts of our communities that may be difficult to access. One can think of barangay immunizations, dental checks, and even the emergent need for contact tracing as demanded by the pandemic, and realize that these were possible only because there were barangay health workers (BHWs) who fulfilled these often difficult tasks, the foot soldiers of our healthcare system.

Republic Act No. 7883 or "The Barangay Health Workers' Benefits and Incentives Act of 1995" provides benefits and allowances to BHWs. The problem, however, is that under this law the position remains without job security.

That is the gap that this bill aims to address. By mandating the appointment of Barangay Health Workers in every barangay, which is to be done by the city or municipal government, we thereby repeal RA 7883. At the same time, this proposed

bill grants BHWs security of tenure by ensuring that they will not be terminated without just cause.

By ensuring that our BHWs are properly recognized and compensated, we are also helping to ensure that the delivery of our health services is swift, efficient, and responsibly done. 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 position of our BHWs.


RONALD "BATO" DELA ROSA

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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 "*Barangay Health*
2 *Workers 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 by providing the conditions of
5 health empowerment, where each individual has adequate access to information and
6 services that will bring about health and well-being, and by delivering effective health
7 care programs and services based on the needs of the communities.

8 Towards this end, the State recognizes that the Primary Health Care Approach
9 is an effective strategy towards realizing health empowerment and effective health
10 care programs and services through community-based participatory strategies. The
11 State recognizes, moreover, the indispensable role of Barangay Health Workers as the
12 frontliners in the Primary Health Care Approach; and the importance of strengthening
13 and systematizing their services, and of providing them just compensation, consistent
14 with the principle of equal pay for equal work and work of equal value.

15

1 Sec. 3. *Definition.* - As used in this Act, the term "Barangay Health Worker
2 (BHW)" shall refer to a person who has undergone training programs under any
3 accredited government and non-government organization and who voluntarily renders
4 primary health care services in the community after having been accredited to function
5 as such by the local health board in accordance with the guidelines promulgated by
6 the DOH;

7 Sec. 4. *Appointment and Qualifications.* — There shall be appointed in each
8 barangay such number of BHWs as the Department of Health (DOH) shall determine
9 and recommend in consideration of the number of households in a barangay:
10 *Provided,* That the total number of BHWs per barangay shall not be less than three
11 (3), nor more than one percent (1%) of the barangay's total population.

12 The city or municipal mayor, as the case may be, shall appoint the BHWs in all
13 barangays in the city or municipality on the strength of their accreditation by the local
14 health board: *Provided,* That the local health board shall only issue accreditation to
15 the following:

16 (a) A person who has completed the BHW training program of the DOH, or the
17 Technical Education and Skills Development Authority (TESDA), or
18 undergone a training specific for BHW by a TESDA-accredited or DOH-
19 accredited institution, and has passed the BHW training assessment, and
20 obtained the equivalent certification;

21 (b) All active barangay health workers at the time of the effectivity of this Act,
22 regardless of accreditation or training status, who have previously served for
23 at least one (1) year: *Provided,* That they undergo and pass the BHW
24 assessment by DOH/TESDA-accredited assessors, and obtained the equivalent
25 certification.

26 All active and existing barangay health workers accredited by the local health
27 board under Republic Act No. 7883 shall be given preference in the appointment of
28 BHWs pursuant to this Act.

29 Sec. 5. *Duties and Responsibilities.* - The BHWs shall perform in their respective
30 barangays the following duties and responsibilities:

31 (a) Those which the DOH, or the city, municipality or barangay *Sanggunian*
32 shall provide by ordinance, subject to the guidelines to be promulgated

1 jointly by the DOH and the Department of Interior and Local Government
2 (DILG), in connection with the delivery of basic and primary health care
3 services, the implementation of family planning, feeding and nutrition, and
4 immunization programs, disaster response and mitigation, sanitation
5 programs, and anti-drug abuse rehabilitation and information campaigns,
6 and the establishment of national or local health management information
7 systems;

8 (b) Provide assistance to physicians, dentists, nurses, nutritionists, or midwives
9 who are employed, stationed, or are otherwise providing services at the
10 barangay health center, daycare center or birthing center;

11 (c) Administer first aids, and respond in natural calamities and disaster; and,

12 (d) Gather data about the health profile of the barangay, incidence of
13 communicable or chronic diseases, environmental or health hazards in the
14 barangay, and other public health-relevant event or information, and report the
15 same to the local health board.

16 *Sec. 6. Incentives and Benefits.* - All BHWs who are actively and regularly
17 performing their duties shall be entitled to monthly honoraria in the amount of not
18 less than Three thousand pesos (P3,000.00) subject to adjustment based on the
19 prevailing market value, in addition to the following incentives and benefits:

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

26 The commercial establishment may claim the discount granted
27 under this Section as tax deduction based on the cost of goods sold or
28 services rendered: *Provided,* that the discount shall be allowed as
29 deduction from the gross income for the same taxable year that the
30 discount is granted: *Provided, further,* that the total amount of the
31 claimed tax deduction net of value-added tax, if applicable, shall be
32 included in their gross sales receipt for tax purposes and shall be subject

1 to proper documentation and to the provisions of the National Internal
2 Revenue Code of 1997, as amended.

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

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

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

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

25 (f) *Training, Education and Career Enrichment Programs.* — The DOH shall,
26 in coordination with the Department of Education (DepEd), Commission
27 on Higher Education (CHED), Technical Education and Skills
28 Development Authority (TESDA), DOH-recognized academic institutions,
29 other concerned agencies and nongovernment organizations, provide
30 information on and opportunities for education and career enrichment
31 for accredited BHWs, such as in the following programs:

1 (1) Educational programs which credit the years of primary
2 healthcare service of the BHW towards higher education
3 completion in institutions with stepladder curricula thus allowing
4 them to upgrade their skills and knowledge for community work
5 or to pursue further training as midwives, pharmacists, nurses or
6 doctors;

7 (2) Continuing education, study and exposure tours, grants, field
8 immersion, and scholarships, among others;

9 (3) Scholarship benefits in the form of tuition fees in state colleges,
10 to be granted to one (1) child of every barangay health worker
11 who will not be able to take advantage of the programs described
12 in paragraphs (1), (2), and (3) hereof; and

13 (4) Special training programs such as traditional medicine, disaster
14 preparedness and other programs that address emergent
15 community health problems and issues.

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

18 (1) Free medical care, including surgery and surgical expenses
19 medicines, x-ray and other laboratory fees, when confined in any
20 public hospital or health institution;

21 (2) Emergency assistance not exceeding the amount of Five
22 thousand pesos (P5,000.00) chargeable against the fund of the
23 barangay concerned, for expenses incurred in the nearest private
24 hospital or clinic in case of extreme emergency where there is no
25 available public hospital;

26 (3) Mandatory and immediate membership in the PhilHealth as
27 indirect contributors.

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

30 (h) *Insurance Coverage.* - Accredited BHWs shall be granted insurance
31 coverage and benefits by the Government Service Insurance System
32 (GSIS) which shall be borne by the LGU concerned. For this purpose,

1 the GSIS shall design an insurance benefit package suited to the needs
2 and unique circumstances of the BHWs;

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

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

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

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

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

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

1 Sec. 7. *Security of Tenure.* - All duly appointed BHWs shall not be terminated
2 except for just cause and only after notice and hearing: *Provided,* That if a BHW is
3 found to be unjustly dismissed from work, they shall be entitled to reinstatement
4 without loss of seniority rights.

5 Sec. 8. *Implementing Agencies.* - Within one (1) year from the effectivity of
6 this Act, the DOH, DILG, TESDA, and local government units shall immediately
7 appropriate funds necessary for the full implementation of this Act. Within the same
8 period, the DOH, DILG and TESDA shall formulate, launch and institutionalize the BHW
9 training program, assessment, and national certification program.

10 Sec. 9. *Implementing Rules and Regulations.* - Within six (6) months from the
11 effectivity of this Act, the DOH, DILG, in consultation with the local government units,
12 and existing health workers union and barangay health workers organizations, shall
13 promulgate the implementing rules and regulations to carry out the provisions of this
14 Act.

15 Sec. 10. *Repealing Clause.* - Republic Act No. 7883, otherwise known as the
16 "Barangay Health Workers Benefits and Incentives Act of 1995", is hereby repealed.
17 All other laws, decrees, orders, circulars, issuances, rules and regulations or parts
18 thereof which are inconsistent with this Act are hereby repealed, amended or modified
19 accordingly.

20 Sec. 11. *Separability Clause.* - If any provision or part hereof is held invalid or
21 unconstitutional, the remainder of the law or the provision or part not otherwise
22 affected shall remain valid and subsisting.

23 Sec. 12. *Effectivity.* - This Act shall take effect fifteen (15) days after its
24 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,