

## RECORD OF THE SENATE

WEDNESDAY, AUGUST 14, 2002

### OPENING OF THE SESSION

*At 3:47 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.*

**The President.** The ninth session of the Second Regular Session of the Twelfth Congress is hereby called to order.

Sen. Luisa "Loi" Ejercito Estrada will lead the Chamber in prayer.

*Everybody rose for the prayer.*

### PRAYER

**Senator Ejercito Estrada.**

Mahabaging Ama, Makapangyarihang Diyos,  
Mahal naming Panginoon:

Nitong mga nakaraang araw ay narinig Ninyo ang aming mga dalangin, humihingi ng Inyong liwanag at patnubay sa paggawa ng aming mga pasya.

Bigyan Mo po kami ng katatagan na magkaisa sa panahong ito na kami ay nahaharap sa iba't ibang uri ng pagsubok upang maihahon ang masang Pilipino sa pagkakalugmok sa kahirapan.

Inilalapit namin sa Inyo, Panginoon, ang kapalaran ng aming bayan. Tulungan Mo po kami sa lahat ng mga suliranin at krisis na hinaharap ng aming bansa.

Itigil na po sana ang bangayan at sisihan, bagkus ay bigyan Mo nawa ng lakas ng loob, tapang, tunay na pagmamahal at pagpapahalaga ang bawat isa sa amin.

Ipagkaloob Mo po sa mga namumuno ng pamahalaan ang liwanag at karunungan mula sa langit upang ang bayan namin ay mahango sa dusa at kahirapan.

Salamat, Panginoon, sa pagpapaalalang kami'y may mga pananagutang dapat naming gampanan. Salamat, Panginoon, sa pagtawag Mo kung kami'y naliligaw.

Salamat, Panginoon, sa pagtuwid Mo kung kami'y nag-aalinlangan. At salamat, Panginoon, sa pag-akay Mo sa amin sa landas ng katotohanan.

Panginoon, sa ngalan ng bawat Pilipino, kami ay patuloy na nananalig at nananalangin sa Iyo.

Amen.

**The President.** The Secretary will please call the roll.

### ROLL CALL

**The Secretary, reading:**

Senator Edgardo J. Angara .....	Present
Senator Teresa Aquino-Oreta .....	**
Senator Joker P. Arroyo .....	Present
Senator Robert Z. Barbers .....	Present
Senator Rodolfo G. Biazon .....	Present
Senator Renato L. Compañero Cayetano ...	Present
Senator Noli "Kabayan" De Castro .....	Present
Senator Luisa "Loi" P. Ejercito Estrada .....	Present
Senator Juan M. Flavies .....	Present
Senator Gregorio B. Honasan .....	Present
Senator Robert S. "JAWO" Jaworski .....	Present*
Senator Panfilo M. Lacson .....	Present
Senator Loren B. Legarda Leviste .....	Present
Senator Ramon B. Magsaysay Jr. ....	Present*
Senator John Henry R. Osmeña .....	Absent
Senator Sergio R. Osmeña III .....	Present
Senator Francis N. Pangilinan .....	Present
Senator Aquilino Q. Pimentel Jr. ....	Present
Senator Ralph G. Recto .....	Present*
Senator Ramon B. Revilla .....	Present
Senator Vicente C. Sotto III .....	Present
Senator Manuel B. Villar Jr. ....	Absent
The President .....	Present

**The President.** With 17 senators present, there is a quorum.

The Majority Leader is recognized.

### ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF VICE MAYOR AND COUNCILORS FROM TAGBILARAN CITY

Before we proceed with the business of the day, may we record the presence of Vice Mayor Jorge Cabalit and the councilors of Tagbilaran City.

### ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF LIMAY, BATAAN CHURCH WORKERS AND TRICYCLE OPERATORS AND DRIVERS ASSOCIATION

**Senator Legarda Leviste.** Mr. President, we would also like to acknowledge the Limay, Bataan Church workers who helped the indigenous people of Mount Kinaragan in Limay, Bataan headed by Mr. Ted Flores and Mr. Danny Salonga.

\* Arrived after the roll call

\*\* On official mission

ADOPTION OF P. S. RES. NOS. 402 AND 404

**The President.** There is a motion to adopt Proposed Senate Resolution No. 402, taking into consideration Proposed Senate Resolution No. 404.

Is there any objection? [*Silence*] There being no objection, Proposed Senate Resolution Nos. 402 and 404 are approved.

The Majority Leader is recognized.

SPECIAL ORDERS

**Senator Legarda Leviste.** Mr. President, I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders, Committee Report No. 68 on Senate Bill No. 2292, entitled

AN ACT PROVIDING FOR A MORE RESPONSIVE NURSING PROFESSION, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 7164, OTHERWISE KNOWN AS THE "PHILIPPINE NURSING ACT OF 1991" AND FOR OTHER PURPOSES.

**The President.** Is there any objection? [*Silence*] There being none, the motion is approved.

BILL ON SECOND READING

S. No. 2292 --- Philippine Nursing Act of 2002

**Senator Legarda Leviste.** Mr. President, I move that we consider Senate Bill No. 2292 as reported out under Committee Report No. 68.

**The President.** Is there any objection? [*Silence*] There being none, the motion is approved.

Consideration of Senate Bill No. 2292 is now in order. With the permission of the Body, the Secretary will read only the title of the bill without prejudice to inserting in the *Record* the whole text thereof.

**The Secretary.** Senate Bill No. 2292, entitled

AN ACT PROVIDING FOR A MORE RESPONSIVE NURSING PROFESSION, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 7164, OTHERWISE KNOWN AS THE "PHILIPPINE NURSING ACT OF 1991" AND FOR OTHER PURPOSES

*The following is the whole text of the bill:*

Senate Bill No. 2292

AN ACT PROVIDING FOR A MORE RESPONSIVE NURSING PROFESSION, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 7164, OTHERWISE KNOWN AS THE "PHILIPPINE NURSING ACT OF 1991" AND FOR OTHER PURPOSES

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

Article I

Title

SECTION 1. *Title.* - This Act shall be known as the "Philippine Nursing Act of 2002."

Article II

Declaration of Policy

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to assume responsibility for the protection and improvement of the nursing services by instituting measures that will result in relevant nursing education and in humane working conditions, better career prospects and a dignified existence for our nurses.

The State hereby guarantees the delivery of quality basic health services and safe nursing practice through an adequate nursing personnel system throughout the country.

Article III

Organization of the Board of Nursing

SEC. 3. *Creation and Composition of the Board.* - There shall be created a Board of Nursing, hereinafter referred to as the Board, to be composed of a Chairman and six (6) members. They shall be appointed by the President of the Republic of the Philippines from at least two (2) recommendees, per vacancy, of the Professional Regulation Commission, hereinafter referred to as the Commission, chosen and ranked from a list of at least three (3) nominees, per vacancy, of the accredited

professional organization of the nurses in the Philippines who possess the qualifications prescribed in Section 4 of this Act.

**SEC. 4. *Qualifications of the Chair and Members of the Board.*** - The Chair and members of the Board shall:

- (a) Be a citizen and resident of the Philippines;
- (b) Be a duly registered nurse of good standing and a member of the accredited professional organization;
- (c) Be a holder of a masteral degree in nursing conferred by a college or university duly recognized by the government;
- (d) Have at least ten (10) years of continuous practice of the profession prior to appointment: *Provided, however,* That the last five years of which shall be in the Philippines; and
- (e) Not have been convicted by final judgment of any offense involving moral turpitude;

*Provided,* That the membership to the Board shall represent the three (3) areas of nursing, namely: nursing education, nursing service and community health nursing.

**SEC. 5. *Requirements Upon Qualification as Member of the Board of Nursing.*** - Any person appointed as Chair or Member of the Board shall automatically resign from any teaching position in any school, college or university offering Bachelor of Science in Nursing and/or review program for the local nursing Board examinations or in any office or employment in the government or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries as well as those employed in the private sector. He or she shall not have any pecuniary interest in or administrative supervision over any institution offering Bachelor of Science in Nursing including review classes.

**SEC. 6. *Term of Office.*** - The Chair and members of the Board shall hold office for a term of three (3) years and until their successors shall have been appointed and qualified: *Provided,* That the Chairman and members of the Board may be reappointed for another term.

Any vacancy in the Board occurring within the term of a member shall be filled for the unexpired portion of the term only. Each member of the Board shall take the proper oath of office prior to the performance of his or her duties.

The incumbent Chair and members of the Board shall be allowed to continue to serve for the remainder of their term under Republic Act No. 7164 as Chair and members of the Board created under this Act until a new composition of the Board shall have been set up.

**SEC. 7. *Compensation of Board Members.*** - The Chair and members of the Board shall receive compensation and allowances similar to the compensation and allowances received by the Chair and members of the other professional regulatory Boards.

**SEC. 8. *Records.*** - All records of the Board, including examination papers, minutes of deliberations, records of administrative cases and investigations, and examination results shall be kept by the Commission under the direct custody of the person designated by the Chairman of the Commission. No record shall be removed, altered or examined without the prior authorization of the Board.

**SEC. 9. *Powers and Duties of the Board.*** - The Board shall supervise and regulate the practice of the nursing profession and shall have the following powers, duties and functions:

- (a) Conduct the licensure examination for nurses;
- (b) Issue, suspend or revoke certificates of registration for the practice of nursing;
- (c) Monitor and enforce quality standards of nursing practice in the Philippines and exercise the powers necessary to ensure the maintenance of efficient, ethical and technical, moral and professional standards in the practice of nursing taking into account the health needs of the nation;
- (d) Ensure quality nursing education by examining the prescribed facilities of universities or colleges of nursing or departments of nursing education and those seeking permission to open nursing courses to ensure that standards of nursing education are properly complied with and maintained at all times. The authority to

open and close colleges and/or nursing education programs shall be based upon the written recommendation of the Board of Nursing and the approval of the Commission on Higher Education (CHED);

- (e) Investigate violations of this Act. For this purpose, it may, through its Chair, with the approval of the Board, issue summons, *subpoena* or *subpoena duces tecum* to violators of this Act and witnesses thereof and to compel their attendance by an application with the courts for contempt;
- (f) Require nurses who graduate from state colleges and universities to render, after being issued the necessary board licenses, at least two (2) years of nursing service in the Philippines; and
- (g) Promulgate a Code of Ethics, decisions or adopt measures as may be necessary for the improvement of the nursing practice, for the advancement of the profession, and for the proper and full enforcement of this Act.

The policies, resolutions, rules and regulations, orders, decisions issued or promulgated by the Board shall be subject to the review and approval by the Commission.

SEC. 10. *Removal or Suspension of Board Members.*

- The President may remove or suspend any member of the Board on the following grounds after due process of law:

- (a) Continued neglect of duty or incompetence;
- (b) Commission or toleration of irregularities in the licensure examination; and
- (c) Unprofessional, immoral or dishonorable conduct.

Article IV

Examination and Registration

SEC. 11. *Licensure Examination.* - All applicants for license to practice nursing shall be required to pass examinations by the Board.

The licensure examination for the practice of nursing in the Philippines shall be given by the Board not earlier

than one (1) month but not later than two (2) months after the closing of the semester prescribed by CHED. The examination shall be held in the City of Manila or in such places as may be decided by the Board subject to the approval of the Commission.

SEC. 12. *Qualifications for Admission to the Licensure Examination.* - In order to be admitted to the examination for nurses, an applicant must, at the time of filing his or her application, establish to the satisfaction of the Board that:

- (a) He or she is a citizen of the Philippines, or a citizen or subject of a country which permits Filipino nurses to practice within its territorial limits on the same basis as the subject or citizen of such country: *Provided*, That the requirements for the registration or licensing of nurses in said country are substantially the same as those prescribed in this Act;
- (b) He or she is of good moral character; and
- (c) He or she is a holder of a bachelor's degree in Nursing from a college or university that complies with the standards of nursing education duly recognized by the proper government agency.

SEC. 13. *Scope of Examination.* - The scope of the examination for the practice of nursing in the Philippines shall be determined by the Board. The Board shall take into consideration the objectives of the nursing curriculum, the broad areas of nursing, and other related disciplines and competencies in determining the subjects of examinations.

SEC. 14. *Ratings.* - In order to pass the examination, an examinee must obtain a general average of at least seventy-five percent (75%) with a rating of not below sixty percent (60%) in any subject. An examinee who obtains an average rating of seventy-five percent (75%) or higher but gets a rating below sixty percent (60%) in any subject must take the examination again but only in the subject or subjects where he or she is rated below sixty percent (60%). In order to pass the succeeding examination, an examinee must obtain a rating of at least seventy five percent (75%) in the subject or subjects repeated.

SEC. 15. *Issuance of Certificate of Registration and Professional Identification Card.* - A certificate of

registration as a nurse shall be issued to applicant who passes the examination upon payment of the prescribed fees. Every certificate of registration shall show the full name of the registrant, the serial number, the signature of the Chairman of the Commission and of the members of the Board, and the official seal of the Commission.

A professional identification card, duly signed by the Chairman of the Commission, bearing the date of registration, license number, and the date of issuance and expiration thereof shall likewise be issued to every registrant upon payment of the required fees.

SEC. 16. *Fees for Examination and Registration.* - Applicants for licensure and for registration shall pay the prescribed fees set by Commission.

SEC. 17. *Automatic Registration of Nurses.* - All nurses whose names appear at the roster of nurses shall be automatically or *ipso facto* registered as nurses under this Act upon its effectivity.

SEC. 18. *Registration by Reciprocity.* - Certificate of registration and professional license may be issued without examination to nurses registered under the laws of foreign state or country: *Provided*, That the requirements for registration or licensing of nurses in said country are substantially the same as those prescribed under this Act: *Provided, further*, That the laws of such state or country grant the same privileges to registered nurses of the Philippines on the same basis as the subjects or citizens of such foreign state or country.

SEC. 19. *Practice Through Special/Temporary Permit.* - Special/temporary permit may be issued by the Board subject to approval by the Commission and payment of the fees it has prescribed and charged therefore to the following persons:

- (1) Licensed nurses from foreign countries/states whose service are either for a fee or free if they are internationally well-known specialists or outstanding experts in any branch or specialty of nursing;
- (2) Licensed nurses from foreign countries/states on medical mission whose services shall be free in a particular hospital, center or clinic; and
- (3) Licensed nurses from foreign countries/states employed by schools/colleges of

nursing as exchange professors in a branch or specialty of nursing.

SEC. 20. *Non-registration and Non-Issuance of Certificates of Registration and Professional Licenses or Special/Temporary Permits.* - No person convicted by final judgment of any criminal offense involving moral turpitude or any person guilty of immoral or dishonorable conduct or any person declared by the court to be of unsound mind shall be registered and be issued a certificate of registration and a professional license or a special/temporary permit.

The Board shall furnish the applicant a written statement setting forth the reasons for its actions, which shall be incorporated in the records of the Board.

SEC. 21. *Revocation and Suspension of Certificate of Registration and Cancellation of Special/Temporary Permit.* - The Board shall have the power to revoke or suspend the certificate of registration or cancel the special/temporary permit of a nurse upon any of the following grounds:

- (a) For any of the causes mentioned in the preceding section;
- (b) For unprofessional and unethical conduct;
- (c) For gross incompetence or serious ignorance;
- (d) For malpractice or negligence in the practice of nursing;
- (e) For the use of fraud, deceit, or false statements in obtaining a certificate of registration or a temporary/special permit;
- (f) For violation of this Act, the rules and regulations, Code of Ethics for nurses and technical standards for nursing practice, policies of the Board and the Commission, or the conditions and limitations for the issuance of the temporary/special permit; or
- (g) For practicing his or her profession during and/or beyond his or her suspension from such practice;

*Provided, however*, That, the suspension of the certificate of registration shall not be for a period in excess of four (4) years.

SEC. 22. *Re-issuance of Revoked Certificates and Replacement of Lost Certificates.* - The Board may, after the expiration of maximum of four (4) years from the date of revocation of a certificate, for reasons of equity and justice and when the cause for revocation has disappeared or has been cured and corrected, upon proper application therefor and the payment of the required fees, issue another copy of the certificate of registration.

A new certificate of registration to replace the certificate that has been lost, destroyed or mutilated may be issued, subject to the rules of the Board.

#### Article V

##### Nursing Education

SEC. 23. *Nursing Education Program.* - The nursing education program shall provide sound general and professional foundation for the practice of nursing.

The learning experiences shall adhere strictly to specific requirement embodied in the prescribed curriculum as promulgated by the Commission on Higher Education's policies and standards of nursing education.

SEC. 24. *Requirement for Inactive Nurses Returning to Practice.* - Nurses who have not practiced the profession at all for the past ten (10) years are required to undergo one (1) month of didactic training and three (3) months of practicum. For those who have some nursing practice for the past ten (10) years but stopped practicing for the last five (5) years, they are required to have two (2) weeks of didactic and one (1) month of practicum. The Board shall accredit hospitals to conduct the said training program.

SEC. 25. *Qualifications of the Faculty.* - A member of the faculty in a college of nursing teaching professional courses must:

- (a) be a duly registered nurse of good standing in the Philippines;
- (b) have at least one (1) year of clinical practice in a field of specialization;
- (c) be a member of the accredited professional organization;

- (d) preferably a holder of master's degree in nursing conferred by a college or university duly recognized by the government of the Republic of the Philippines;

In addition to the aforementioned qualifications, the dean of a college must have a master's degree in nursing. He/she must have at least five (5) years of experience in nursing.

#### Article VI

##### Nursing Practice

SEC. 26. *Scope of Nursing.* - A person shall be deemed to be practicing nursing within the meaning of this Act when he or she singly or in collaboration with another, initiates and performs nursing services to individuals, families and communities in any health care setting. It includes, but not limited to, nursing care during conception, labor, delivery, infancy, childhood, toddler, pre-school, school age, adolescence, adulthood and old age. As independent practitioners, nurses are primarily responsible for the promotion of health and prevention of illness. As members of the health team, nurses shall collaborate with other health care providers for the curative and rehabilitative aspects of care, restoration of health, alleviation of suffering, and when recovery is not possible, towards a peaceful death. It shall be the duty of the nurse to:

- (a) Provide nursing care through the utilization of the nursing process. Nursing care includes, but not limited to, traditional and innovative approaches, therapeutic use of self, executing health care techniques and procedures, essential primary health care, comfort measures, health teachings, and administration of written prescription for treatment, therapies, oral, topical and parenteral medications, internal examination during labor in the absence of antenatal bleeding and delivery. In case of suturing of perineal laceration, special training shall be provided according to protocol established;
- (b) Establish linkages with community resources and coordination with the health team;
- (c) Provide health education to individuals, families and communities;

- (d) Teach, guide and supervise students in nursing education program including the administration of nursing services in varied settings such as hospitals and clinics; undertake consultation services; engage in such activities that require the utilization of knowledge and decision-making skills of a registered nurse;
- (e) Undertake nursing and health human resource development training and research, which shall include, but not limited to, the development of advance nursing practice;

*Provided, That, Sec. 26 (a) to (e) shall not apply to nursing students who perform nursing functions under the direct supervision of a qualified faculty: Provided, further, That, in the practice of nursing in all settings, the nurse is duty-bound to observe the Code of Ethics for nurses, uphold the standards of safe nursing practice and maintain competence by continual learning through continuing professional education to be provided by any professional nursing organization.*

**SEC. 27. Qualifications of Nursing Service Administrators.** - A person occupying supervisory or managerial positions requiring knowledge of nursing must:

- (a) be a registered nurse of good standing in the Philippines;
- (b) have at least three (3) years experience in general nursing service administration;
- (c) possess a degree of Bachelor of Science in Nursing, with at least nine (9) units in management and administration courses at the graduate level; and
- (d) be a member of good standing of the accredited professional organization;

*Provided, That a person occupying the position of chief nurse or director of nursing service shall, in addition to the foregoing qualifications, possess:*

- (1) At least five (5) years of experience in a supervisory or managerial position in nursing; and
- (2) A master's degree major in nursing;

*Provided, further, That for primary hospitals, the maximum academic qualifications and experiences for a chief nurse shall be as specified in subsections (a), (b), and (c) of this section: Provided, furthermore, That for chief nurses in the public health agencies, those who have a master's degree in public health/community health nursing shall be given priority. Provided, even further, That for chief nurses in military hospitals, priority shall be given to those who have finished a master's degree in nursing and the completion of the General Staff Course (GSC): Provided, finally, that those occupying such positions before the effectivity of this Act shall be given a period of five (5) years within which to qualify.*

## Article VII

### Health Human Resource Development

#### Production and Utilization

**SEC. 28. Studies for Nursing Manpower Needs, Production, Utilization and Development.** - The Board and the accredited professional organization of nurses shall undertake studies and initiate and/or cooperate with appropriate government or private agencies in the conduct of studies for health human resource production, utilization and development. The Board and the accredited professional organization shall likewise develop a program that would encourage the retention of nurse specialists in the Philippines.

**SEC. 29. Standard Basic Pay.** - Based on current National Economic and Development Authority figures, the proper government office or agency shall fix a standard minimum pay for all nurses working in either public or private health agencies. The same standard basic pay shall be increased periodically to cope with the increase in the cost of living.

## Article VIII

### Penal and Miscellaneous Provisions

**SEC. 30. Prohibitions in the Practice of Nursing.** - A fine of not less than Fifty Thousand Pesos (P50,000.00) nor more than One Hundred Thousand Pesos (P100,000.00) or imprisonment of not less than one (1) year nor more than six (6) years, or both, upon the discretion of the court, shall be imposed upon:

- (a) Any person practicing nursing in the Philippines with the meaning of this Act:

- (1) Without a certificate of registration and professional license or special/temporary permit without having been declared exempt from examination in accordance with the provision of this Act;
  - (2) Who uses as his or her own the certificates of registration and/or professional license or special/temporary permit of another;
  - (3) Who uses an expired or invalid professional license, a suspended or revoked certificate of registration, or an expired or cancelled special/temporary permit;
  - (4) Who gives any false evidence to the Board in order to obtain a certificate of registration, a professional identification card or special permit;
  - (5) Who falsely poses or advertises as a registered and licensed nurse or uses any other means that tend to convey the impression that he or she is a registered and licensed nurse;
  - (6) Who appends B.S.N./R.N. (Bachelor of Science in Nursing/Registered Nurse) or any similar appendage to his or her name without having been conferred said degree or registration; or
  - (7) Who, as a registered and licensed nurse, abets or assists the illegal practice of a person who is not lawfully qualified to practice nursing.
- (b) Any person who undertakes in-service educational programs or who conducts review classes for both local and foreign examination without permit/clearance from the Board and the Commission; and
- (c) Any person violating any provision of this Act and its rules and regulations.

**SEC. 31. Enforcement of this Act.** - It shall be the duty of all duly constituted law-enforcement agencies and officers of national, provincial, city or municipal governments to enforce the provisions of this Act and to prosecute any person violating the same.

**SEC. 32. Appropriations.** - Such sums as may be

necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment and thereafter.

**SEC. 33. Rules and Regulations.** - The Board shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act.

**SEC. 34. Separability Clause.** - If any part of this Act is declared unconstitutional, the remaining parts affected thereby shall continue to be valid and operational.

**SEC. 35. Repealing Clause.** - Republic Act No. 7164, otherwise known as the "Philippine Nursing Act of 1991" is hereby repealed. All other laws, decrees, orders, circulars, issuances, rules and regulations and parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

**SEC. 36. Effectivity.** - This Act shall take effect fifteen (15) days upon its publication in any two (2) newspapers of general circulation in the Philippines.

Approved,

**Senator Legarda Leviste.** Mr. President, to sponsor the measure, I ask that the Senate President Pro Tempore and chairman of the Committee on Health and Demography, Sen. Juan M. Flavier, be recognized.

**The President.** Sen. Juan M. Flavier, the Senate Pro Tempore and chairman of the Committee on Health and Demography is recognized to sponsor Senate Bill No. 2292.

#### SPONSORSHIP SPEECH OF SENATOR FLAVIER

**Senator Flavier.** Ginoong Pangulo, sa atin pong gallery ay naroroon ang limpak-limpak at isang katutak nating mga panauhing upang ipamalas sa ating lahat ang kanilang pagsuporta sa Senate Bill No. 2292. Kaya kung hindi po natin pagtitibayin ito, aywan ko lamang kung ano ang kanilang gagawin. *[Laughter]*

Ang mga ito po ay binubuo ng Board of Nursing; members of the Professional Regulatory Commission; chiefs of the Association of Nursing Administrators of the Philippines; deans of the Association of Deans of the College of Nursing of the Philippines; Maternal and Child Nurses Association of the Philippines; Military Nurses Association of the Philippines; Cardiovascular Nurse Practitioners of the Philippines; Critical Care Nurses Association of the Philippines; Philippine Nurses Association; Nursing Specialty Certification Council of the



Philippines; Operating Room Nurses Association of the Philippines; League of Government Nurses of the Philippines; and the nursing students from Trinity College, Remedios Romualdez College of Nursing, Makati Medical Center and the De Ocampo College of Nursing.

### *Introduction*

Mr. President, during one of my visits to the United States, my American host and friend told me that when he is hospitalized, he requests for a Filipino nurse because of their excellent nursing care. And this is not only true in the US. Demand for Filipino nurses is also high in Europe and the Kingdom of Saudi Arabia. That speaks a lot of our nurses' skill and competence.

Today, Mr. President, I stand before this Chamber to seek the support of our colleagues for the speedy passage of Senate Bill No. 2292, under Committee Report No. 68, entitled "AN ACT PROVIDING FOR A MORE RESPONSIVE NURSING PROFESSION, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 7164, OTHERWISE KNOWN AS THE PHILIPPINE NURSING ACT OF 1991, AND FOR OTHER PURPOSES," taking into consideration the bills filed by this representation, Senators Legarda Leviste, Villar Jr. and Biazon.

Mr. President, at the outset, I would like to acknowledge the father of the Philippine Nursing Act of 1991, Sen. Edgardo J. Angara. I am sure, he would be interested to know why our committee opted for a repeal instead of introducing line by line amendments to R.A. No. 7164.

Mr. President, I posed the same question during the committee hearings and the technical working group meetings. I was informed that, although, most of the substantive provisions of the old law were retained, there are many articles and sections which need to be amended and enriched. It would be tedious to introduce amendments to every section of the 1991 law. Also, the House of Representatives already passed on Third Reading their version, which is a repeal of the old law. In order to facilitate an easier discussion, our committee likewise opted for a repeal process rather than an amendatory process.

In doing so, I would like to manifest, for the record, that Sen. Edgardo J. Angara be made the senior coauthor of this bill.

Having said that, let me now proceed to the salient features of the bill.

### *Organizational and Institutional Issues*

1. Increase of the membership of the Board of Nursing from the previous five (5) members to seven (7).

The increase in membership is called for because of the increase in the number of nurses, students and schools offering nursing courses. As of 2001, there are 344,656 registered nurses in the country, more than 2,000 hospitals and 232 nursing schools producing about 6,000 to 7,000 nursing graduates per year. The present number of board members is not adequate to conduct supervisory and regulatory functions of various hospitals, clinics, health centers, schools, factories and other institutions in the Philippines where the nurses are employed.

2. Increase the power and duties of the board by including the power to recommend closure of colleges and/or nursing education programs, which fail to meet the standards set to the Commission on Higher Education (CHED) as well as granting the board the power to promulgate a Code of Ethics for nurses.

The power of the board should not be limited to recommending opening up of colleges and/or nursing education programs but should likewise include the power to recommend its closure to CHED if these schools fail to meet the standards set by the board. Since the members of the board are the ones monitoring these colleges and/or nursing education programs across the country, their recommendatory powers to close the same should be given weight.

On the promulgation of a Code of Ethics for the nurses, just like in other professions, this would be the nurses' guide in upholding the standard of safe nursing practices.

3. Another additional power granted to the board is the requirement that graduates of state colleges and universities render nursing service in the Philippines for at least two (2) years.

The subsidy given to these nurses who have graduated from state colleges and universities should be paid back to the people. This is also a way of ensuring the availability of nurses in the Philippines.

4. On the qualifications of the chairman and the members of the board as provided in Section 4 of this proposed measure, particularly on the requirement for 10 years continuous practice, it is provided that the last five (5) years shall be in the Philippines.

This will make sure that the members of the board are attuned to current situations and problems besetting the nursing profession in the country. This will also act as incentive for those who choose to practice and stay in the Philippines.

### *Examination and Registration Issues*

5. One of the qualifications for admission to the licensure examination is that one be a holder of a bachelor's degree in

nursing from a college or university that complies with standards of the nursing education duly recognized by the proper government agency.

In R.A. No. 7164, an applicant is qualified to take the licensure examination if he or she is a graduate of a college or university as long as the school is recognized by the proper government agency. Now, this bill requires that the school not only be a recognized one but it must likewise comply with the standards of nursing education.

6. For humanitarian reasons, special or temporary permits are to be issued to the following persons who perform nursing functions in the Philippines: (a) internationally acclaimed specialists or outstanding experts in any branch or specialty of nursing from foreign countries or states whose services are either for a fee or free; (b) those on medical missions whose services are free but limited to indigent patients in a particular hospital, center or clinic; and (c) exchange professors in a branch or specialty of nursing who will teach in schools or colleges of nursing.

7. Upon commission of any of the grounds provided in Section 21 of the bill, the certificate of registration shall be revoked or suspended. The suspension of the certificate of registration shall, however, not be a period in excess of four (4) years. If the nurse fails to cure or correct the cause of suspension or revocation of his or her certificate of registration within the four (4) year period, the certificate of registration shall be permanently revoked.

#### *Nursing Education Issues*

8. The requirement that only those belonging to the upper 40% of the graduating class in secondary schools are allowed to enroll in nursing course was deleted.

Concerned sectors, especially the parents, have asked for the deletion of this discriminatory provision in the old law. We have to note that there are students who did not do well in high school for one reason or another but are great performers in college. We should not close the opportunity to these "late bloomers" as long as they pass the requirements of the school they will enroll in.

#### *Nursing Practice Issues*

9. Nurses are now recognized as independent health practitioners with specific duties. As members of the health team, they shall, however, collaborate with other health care providers for the preventive, curative and rehabilitative aspects of care.

In countries all over the world, nurses are now treated as independent health practitioners. They are now allowed to perform duties not only when directed by a medical doctor to perform a specific task but they are even allowed to open health clinics and

nursing homes. This bill will likewise recognize their independence as long as they do not violate the standard nursing practice and as long as they uphold the Code of Ethics for nurses.

10. In order to maintain the competitive edge of Filipino nurses, Continuing Professional Education (CPE) may be provided by any recognized professional nursing organization.

The practice of requiring the continuing professional education as a prerequisite for renewal of professional identification card had been removed under the Professional Regulatory Commission Modernization Law as this had been found to be mere money-making ventures.

In the bill, the CPE may still be provided, although it is no longer mandatory. The same may be provided by any recognized professional nursing organization, either for a fee or not.

11. Inactive nurses who opt to return to practice are required to undergo training, both didactic and practical. For those who have not practiced at all for past ten (10) years, a total of four (4) months' training is required—one (1) month didactic and three (3) months practicum. For those who have some nursing practice for the past ten (10) years but have stopped for the last five (5) years, a total of one and a half months training—two (2) weeks didactic and one (1) month practicum—is required.

Currently, there are inactive nurses who decide to go back to their profession. In order to protect the general public against possible malpractice, there is a need to retrain and retool them, especially because of new nursing techniques that are needed to be learned.

12. Except for chief nurses in primary hospitals, public health agencies and military hospitals, the general requirement, in addition to those mentioned in this bill, is that a chief nurse must be a holder of a master's degree in nursing.

This provision is to ensure professionalism and global competitiveness of nursing services in our hospitals. The exemption provided is in recognition of the fact that in primary hospitals and public health agencies, there are few qualified and of those qualified, only a few will take on the job. For military hospitals, priority shall be given to those with masteral degree and those who have completed the General Staff Course (GSC).

#### *Health Human Resource Development Issues*

13. To encourage the retention of nurses, especially the specialty nurse, in the Philippines, a comprehensive program shall be developed by the Board of Nursing and the accredited professional organization in collaboration with appropriate government or private agencies.

For many years now, there has been an exodus of nurses to other countries. Recently, the World Health Organization (WHO) has cited the Philippines as the largest exporter of registered nurses to foreign countries. The latest statistics shows that about 250,000 Filipino nurses are working all over the world. The top areas of destination are Saudi Arabia, United Kingdom and the United States.

The exodus has a tremendous impact on the health care delivery. How can we retain the nurses to maintain an equitable balance of supply as against demand? How can we satisfy the individual needs of nurses and their families for better life without sacrificing care for Filipinos who deserve the nurses' care most? How do we ensure the availability of nurses in the country?

For the moment, there is a surplus of nurses in the country but with the increasing demand, especially on nursing specialists, there will be a time when health care delivery will be imperiled.

Therefore, the Board of Nursing and the accredited professional organization shall develop a comprehensive program that will encourage the retention of the specialty nurses in the country.

14. A standard basic pay shall be fixed for all nurses working in either public or private health agencies.

In the Philippines, a nurse receives only about US\$170 a month, not to mention limited professional growth. With an entry level of Salary Grade 10, a nurse in a government hospital receives a basic salary of P9,939. In private hospitals, the basic salary is worse, what with an entry level of P5,000 to P8,000? Abroad, a nurse is offered a salary of US\$25 to US\$45 per hour or about P200,000 up to P350,000 a month.

In order to provide our nurses, at least, a decent life if they opt to remain in the country, the government shall fix a standard basic pay for all nurses, either in public or private sector.

#### *Conclusion*

Mr. President, in 1991, the Philippine Nursing Act R.A. No. 7164, was enacted. After more than 10 years since its passage, the nursing profession is faced with new challenges brought about by various factors such as demographic shift due to increase in life expectancy, changing patterns of morbidity and mortality, advances in medical science and technology, advances in the nursing profession, the effects of devolution of health services to local government units, the increasing regulation of professions and health care delivery, and more assertive clients.

Added to this, Mr. President, is the fact that the exodus of Filipino nurses to other countries has reached biblical proportions.

This bill, therefore, seeks a balance between ensuring the availability of globally competitive nurses in our hospitals for the Filipinos who deserve the nurses' care most but without depriving these nurses their right to earn a comfortable life abroad.

Mr. President, in our lifetime, we will always be recipients of a nurse's "tender loving care". As such, we need to recognize their sacrifices and therefore, compensate them well. We must also continue to train them to be globally competitive.

Mr. President, may I, therefore, seek everyone's support for the immediate passage of this measure.

Thank you and let's DOH it!

**The President.** Thank you, Senator Flavier.

The Majority Leader is recognized.

**Senator Legarda Leviste.** I ask that we recognize Sen. Sergio Osmeña III, Mr. President.

**The President.** For the period of interpellations, Sen. Sergio Osmeña is recognized.

**Senator Osmeña III.** Mr. President, I would like to rise on a matter of personal and collective privilege this afternoon.

**The President.** Can we just first terminate the sponsorship? And thereafter, we will recognize Sen. Sergio R. Osmeña III.

**Senator Legarda Leviste.** Mr. President, I just wanted to deliver a cosponsorship speech. Sen. Manuel B. Villar Jr. has also reserved for Monday.

**The President.** All right. The Majority Leader may proceed with her cosponsorship speech.

**Senator Legarda Leviste.** Yes, Mr. President.

#### SPONSORSHIP SPEECH OF SENATOR LEGARDA LEVISTE

I rise to cosponsor and support the measure sponsored by our good friend, Senate President Pro Tempore, Juan M. Flavier, to cosponsor the Philippine Nursing Act of 2002.

More than a decade has passed since the enactment of Republic Act No. 7164 and our nurses continue to face problems and challenges affecting their profession and ultimately their future. Some of these problems which constantly emerged in the agenda when the plight of the nursing profession is raised, ranged from the devolution of health services to the local government units, to the increasing regulation of professions and health care delivery.

The first bill this representation filed for the Twelfth Congress is Senate Bill No. 570 or "An Act Further Amending Republic Act No. 7164 Otherwise Known as the Philippine Nursing Act." This is our humble response to the call to promote nursing education and profession in our country, which is very essential to the provision of quality health care and services for our people.

The Philippine Nursing Act of 2002 aims to make the Philippine Nursing Act of 1991 more responsive to the rapidly changing standards and expectations of health care not only in our country but in the entire world. As other professions try to keep abreast with the changing times, our nurses deserve to be as equally competitive in a field that has gained for themselves recognition and acceptance, especially in hospitals and health-care facilities in the United States and Europe. Our nurses continue to be models of professionalism, competence and skills as a people. They are among our overseas Filipino workers who have evolved into our modern-day heroes for the Filipino nation.

The amendments to Republic Act No. 7164 will hopefully strengthen the vital components to enable the nursing profession maintain its integrity and remain close to its ideals. Amendments to the law will affect the Board of Nursing and a conduct of licensing examinations to make the curriculum more attuned to the times. It is also expected, Mr. President, that with the fine-tuning of this Act, we will see the expanded support and participation of the Philippine Nursing Association and other recognized nursing associations.

On a more personal level, I stand before this Chamber today because nurses have played a very special role in my life. In our compound in Malabon where I grew up, a very dear aunt took care of me. While my parents were both active in my upbringing, my aunt, Soterania Bautista, contributed her share in my physical and emotional development since birth. Although now retired, she remains to be considered a respected name in the nursing profession.

This representation, Mr. President, seeks the approval of this august Chamber together with its main sponsor of this measure, Sen. Juan M. Flavio, in the interest of our nurses who, to this day, make our nation and our people proud.

Thank you, Mr. President.

**The President.** Thank you, Majority Leader.

**MANIFESTATION OF SENATOR LEGARDA LEVISTE**  
(Senator Villar Will Deliver a Cosponsorship Speech  
on S. No. 2292 on Monday, August 19)

**Senator Legarda Leviste.** I would like to manifest that Sen.

Manuel B. Villar Jr. wishes also to deliver a cosponsorship speech on Monday.

#### SUSPENSION OF CONSIDERATION OF S. NO. 2292

I move now that we suspend consideration of Senate Bill No. 2292 under Committee Report No. 68.

**The President.** Is there any objection? *[Silence]* There being none, consideration of Senate Bill No. 2292 is suspended.

**Senator Legarda Leviste.** I move now that we recognize Sen. Sergio R. Osmeña III on a point of personal and collective privilege.

**The President.** Sen. Sergio R. Osmeña III is recognized on a question of personal and collective privilege.

#### QUESTION OF PRIVILEGE OF SENATOR OSMEÑA III (Press Release of President Ramos on the Energy Problem)

**Senator Osmeña III.** Thank you, Mr. President. This is a totally unscheduled speech on a matter of personal and collective privilege. But on my desk this afternoon, a press release dated 13 August 2002, issued by former President Fidel V. Ramos on the energy problems that are besetting this country was given to me, and his press release is entitled: "Shortage of Vision Equal Shortage of Energy; Shortage of Economic Growth Equal Shortage of Social Issues" by President Fidel V. Ramos.

The first paragraph is a little bit upsetting, Mr. President, because it reads as follows:

During the last few months, the emergence of the IPP/PPA issues has revealed the extreme shortsightedness and narrowmindedness of many so-called "national leaders" especially in the Senate opposition and some media professionals.

So he goes on to say that

Unfounded fabrications, pure self-serving propaganda and outright lies have come from various sources on this issue.

Now, Mr. President, I had thought that he would be referring to only my esteemed cousin from Cebu, Senator John, who is out of the country, and I would have been quite content to allow him to respond to this. As we all know, Sen. John Osmeña has openly invited President Ramos to appear before his committee, the Committee on Government Corporations and Public Enterprises, to explain his role in the overpurchase and overpricing of IPP projects during the Ramos administration.