

## RECORD OF THE SENATE

**TUESDAY, OCTOBER 8, 2002**

### OPENING OF THE SESSION

*At 3:49 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.*

**The President.** The 22nd session of the Second Regular Session of the Twelfth Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Ramon B. Revilla.

*Everybody rose for the prayer.*

### PRAYER

**Senator Revilla.**

Panginoon, umiral nawa tuwina ang diwa ng pagkakaisa sa Kapulungang ito at palayain sa anumang kapahamakan at karamdaman ang sinuman, at higit sa lahat ay pagalingin ang mga mayroong karamdaman.

Gayundin, Panginoon, nawa ay manumbalik nang maaga ang aking kalusugan.

Amen.

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

### ROLL CALL

**The Secretary, reading:**

Senator Edgardo J. Angara .....	Present
Senator Teresa Aquino-Oreta .....	Present*
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. Flavie .....	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**

\* Arrived after the roll call

\*\* On official mission

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. ....	Present
The President .....	Present

**The President.** With 19 senators present, there is a quorum.

**Senator Legarda Leviste.** Mr. President.

**The President.** The Majority Leader is recognized.

### THE JOURNAL

**Senator Legarda Leviste.** Mr. President, I move that we dispense with the reading of the *Journal* of the previous session and consider it approved.

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

**Senator Legarda Leviste.** Mr. President, I move that we proceed to the Reference of Business.

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

The Secretary will read the Reference of Business.

### REFERENCE OF BUSINESS

#### BILLS ON FIRST READING

**The Secretary.** Senate Bill No. 2365, entitled

AN ACT AMENDING SECTION 40 OF REPUBLIC ACT NO. 7277 OTHERWISE KNOWN AS AN ACT PROVIDING FOR THE REHABILITATION, SELF-DEVELOPMENT AND SELF-RELIANCE OF DISABLED PERSONS AND THEIR INTEGRATION INTO THE MAINSTREAM OF SOCIETY AND FOR OTHER PURPOSES

Introduced by Senator Flavie

**The President.** Referred to the Committees on Local Government; and Social Justice, Welfare and Rural Development

**The Secretary.** Senate Bill No. 2366, entitled

AN ACT COMPELLING INTERMEDIATE GRADE SCHOOLERS, SECONDARY AND COLLEGE

**The President.** Is there any objection? *[Silence]* There being none, voting on Third Reading on House Bill No. 4065 is now in order.

The Secretary will please read only the title of the bill.

**The Secretary.** House Bill No. 4065, entitled

AN ACT GRANTING THE PROVINCIAL AIRWAYS CORPORATION A FRANCHISE TO ESTABLISH, OPERATE AND MAINTAIN DOMESTIC AND INTERNATIONAL AIR TRANSPORT SERVICES

**The President.** We will now vote on the bill and the Secretary will call the roll.

**The Secretary.** *Senators*

Angara .....	Yes
Aquino-Oreta .....	Yes
Arroyo .....	Yes
Barbers .....	Yes
Biazon .....	Yes
Cayetano .....	Yes
De Castro .....	Yes
Ejercito Estrada .....	Yes
Flavier .....	Yes
Honasan .....	Yes
Jaworski .....	Yes
Lacson .....	Yes
Legarda Leviste .....	Yes
Magsaysay Jr. ....	Yes
Osmeña (J.) .....	
Osmeña III .....	Yes
Pangilinan .....	
Pimentel Jr. ....	Yes
Recto .....	
Revilla .....	Yes
Sotto III .....	Yes
Villar Jr. ....	Yes
The President .....	Yes

#### APPROVAL OF H. NO. 4065 ON THIRD READING

**The President.** With 20 affirmative votes, no negative vote, and no abstention, House Bill No. 4065 is approved on Third Reading.

#### CONFERENCE COMMITTEE REPORT ON S. NO. 2292/H. NO. 1084 (Philippine Nursing Act of 2002)

**Senator Legarda Leviste.** Mr. President, we are in receipt of

the Bicameral Conference Committee Report on the disagreeing provisions of Senate Bill No. 2292 and House Bill No. 1084. The Bicameral Conference Committee Report has been duly filed and copies have been distributed to the members of this Chamber.

I ask that the chairman of the Committee on Health, Sen. Juan M. Flavier, be recognized to present the Bicameral Conference Committee Report.

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

Consideration of the Bicameral Conference Committee Report on House Bill No. 1084 and Senate Bill No. 2292 is in order.

Sen. Juan M. Flavier is recognized to render the report.

#### REPORT OF SENATOR FLAVIER

**Senator Flavier.** Mr. President, it is my honor and pleasure to report on the joint explanation of the Bicameral Conference Committee on the disagreeing provisions of the Nursing Act of 2002.

Mr. President, our Senate panel was composed of Sen. Edgardo J. Angara, Sen. Loren Legarda Leviste, Sen. Manuel B. Villar, Sen. Rodolfo G. Biazon, and this representation as the chairperson of the Senate Committee on Health and Demography.

Mr. President, after having met and fully discussed the subject matter, I have submitted a detailed joint explanation of the Conference Committee on the disagreeing provisions of House Bill No. 1084 and Senate Bill No. 2292, the Philippine Nursing Act. May I manifest that the same be read into the *Record of the Senate*.

Therefore, let me just give the highlights of the Bicameral Conference Committee.

1. The Senate version was adopted as the working draft.
2. Of the 70 conflicting provisions, 14 were adopted from the House version, six were consolidated versions, and the rest were taken from the Senate version.
3. One of the more controversial provisions which generated some discussion was on the provision on the qualifications of the chairperson and the members of the Board of Nursing. There was a consensus that as a minimum requirement, the chairperson and the members of the board shall be a registered nurse.

As regards the requirement that they be a holder of a master's degree, masterates in other fields such as education and other allied medical professions are allowed but majority of the

members shall be a holder of a master's degree in nursing. The chairperson shall, however, be a holder of a master's degree in nursing.

Finally, the three areas of nursing, namely, nursing education, nursing service, and community health nursing must be represented in the board.

4. The other issues questioned by the House panel were related to appropriation provisions, particularly on the funding for the Comprehensive Nursing Specialty Program, Salary and Incentives and Benefits. There were no House counterpart provisions. The Senate version was finally adopted.

Thank you, Mr. President.

APPROVAL OF THE CONFERENCE COMMITTEE  
REPORT ON S. NO. 2292/H. NO. 1084

Senator Legarda Leviste. Mr. President, I move that we approve the Bicameral Conference Committee Report.

**The President.** Is there any objection? [*Silence*] There being none, the Bicameral Conference Committee Report on the disagreeing provisions of House Bill No. 1084 and Senate Bill No. 2292 as reported out by Sen. Juan M. Flavie, with the joint explanation to be made of record in detail, is hereby approved.

*The following is the whole text of Conference Committee Report on H. No. 1084 and S. No. 2292:*

JOINT EXPLANATION OF THE CONFERENCE  
COMMITTEE ON THE DISAGREEING PROVISIONS  
OF HOUSE BILL NO. 1084 AND SENATE BILL NO. 2292

The Conference Committee on the disagreeing provisions of House Bill No. 1084 and Senate Bill No. 2292, after having met and fully discussed the subject matter, hereby report to both Houses the following, that:

1. The Senate version was adopted as the working draft;
2. Section 2 of the House version was adopted as Section 2 (*Declaration of Policy*) of the reconciled version;
3. Section 3 of the both House and Senate versions were merged, modified and adopted as Section 3 of the reconciled version, to read as follows:

"SEC. 3. CREATION AND COMPOSITION OF THE BOARD. - THERE SHALL BE CREATED

A PROFESSIONAL REGULATORY BOARD OF NURSING, HEREINAFTER REFERRED TO AS THE BOARD, TO BE COMPOSED OF A CHAIRPERSON AND SIX (6) MEMBERS. THEY SHALL BE APPOINTED BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES FROM AMONG TWO (2) RECOMMENDEES, PER VACANCY, OF THE PROFESSIONAL REGULATION COMMISSION, HEREINAFTER REFERRED TO AS THE COMMISSION, CHOSEN AND RANKED FROM A LIST OF THREE (3) NOMINEES, PER VACANCY, OF THE ACCREDITED PROFESSIONAL ORGANIZATION OF NURSES IN THE PHILIPPINES WHO POSSESS THE QUALIFICATIONS PRESCRIBED IN SECTION 4 OF THIS ACT."

4. The first paragraph of Section 4 of the Senate version was adopted with modification to read as follows:

SEC. 4. *QUALIFICATIONS OF THE CHAIRPERSON AND MEMBERS OF THE BOARD.* - THE CHAIRPERSON AND MEMBERS OF THE BOARD SHALL, AT THE TIME OF THEIR APPOINTMENT, POSSESS THE FOLLOWING QUALIFICATIONS:

5. Subsections (a) and (b) of Section 5 of the House version was adopted as subsections (a) and (b) of Section 4 (*Qualifications of the Chair and Members of the Board*) of the reconciled version.
6. Subsection c of Section 5 of the House version was adopted as subsection c of Section 4 (*Qualifications of the Chair and Members of the Board*) of the reconciled version with modifications to read as follows:

c. BE A REGISTERED NURSE AND A HOLDER OF A MASTER'S DEGREE IN NURSING, EDUCATION OR OTHER ALLIED MEDICAL PROFESSION CONFERRED BY A COLLEGE OR UNIVERSITY DULY RECOGNIZED BY THE GOVERNMENT: *PROVIDED*, THAT THE MAJORITY OF THE MEMBERS OF THE BOARD SHALL BE HOLDERS OF A MASTER'S DEGREE IN NURSING: *PROVIDED, FURTHER*, THAT THE CHAIRPERSON SHALL BE A HOLDER OF A MASTER'S DEGREE IN NURSING;

7. Subsection (d) of Section 5 of the House version was adopted as subsection (d) of Section 4 (*Qualifications of the Chair and Members of the Board*) of the reconciled version;

8. The following phrase was added as last paragraph of Section 4 (*Qualifications of the Chair and Members of the Board*) of the reconciled version:

"PROVIDED, THAT THE MEMBERSHIP TO THE BOARD SHALL REPRESENT THE THREE (3) AREAS OF NURSING, NAMELY: NURSING EDUCATION, NURSING SERVICE AND COMMUNITY HEALTH NURSING."

9. Subsection (d) of Section 9 of the Senate version and subsection (d) of Section 4 of the House version were consolidated and adopted as subsection (d) of Section 9 (*Powers and Duties of the Board*) of the reconciled version, which shall read as follows:

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 OF NURSING AND/OR NURSING EDUCATION PROGRAMS SHALL BE VESTED ON THE COMMISSION ON HIGHER EDUCATION UPON THE WRITTEN RECOMMENDATION OF THE BOARD;

10. Subsection (g) of Section 9 of the Senate version was modified and adopted as subsection (g) of Section 9 (*Powers and Duties of the Board*) of the reconciled version to read as follows:

(g) RECOGNIZE NURSING SPECIALTY ORGANIZATIONS IN COORDINATION WITH THE ACCREDITED PROFESSIONAL ORGANIZATION;

11. Subsection (h) of Section 9 of the Senate version and subsection (f) of Section 4 of the House version were merged and adopted as subsection

(h) of Section 9 (*Powers and Duties of the Board*) of the reconciled version to read as follows:

(h) PRESCRIBE, ADOPT, ISSUE AND PROMULGATE GUIDELINES, REGULATIONS, MEASURES AND DECISIONS AS MAY BE NECESSARY FOR THE IMPROVEMENT OF THE NURSING PRACTICE, ADVANCEMENT OF THE PROFESSION AND FOR THE PROPER AND FULL ENFORCEMENT OF THIS ACT SUBJECT TO THE REVIEW AND APPROVAL BY THE COMMISSION.

12. Section 38 (*Annual Report*) of the Senate version was adopted as the new Section 10 of the reconciled version. The succeeding sections were renumbered accordingly.

13. Section 11 of the Senate version was modified and adopted as Section 12 of the reconciled version to read as follows:

SEC. 12. *LICENSURE EXAMINATION*. - ALL APPLICANTS FOR LICENSE TO PRACTICE NURSING SHALL BE REQUIRED TO PASS A WRITTEN EXAMINATION, WHICH SHALL BE GIVEN BY THE BOARD IN SUCH PLACES AND DATES AS MAY BE DESIGNATED BY THE COMMISSION: *PROVIDED*, THAT IT SHALL BE IN ACCORDANCE WITH REPUBLIC ACT NO. 8981, OTHERWISE KNOWN AS THE "PRC MODERNIZATION ACT OF 2000".

14. Section 12, subsection c of the House version was adopted as subsection c of Section 13 (*Qualifications for Admission to the Licensure Examination*) of the reconciled version.

15. Section 24, subsections (a) and (c) of the House version were adopted as subsections (a) and (c) of Section 27 (*Qualifications of the Faculty*) of the reconciled version.

16. Subsection (d) of Section 24 of the House version was modified and adopted as subsection (d) of Section 27 (*Qualifications of the Faculty*) of the reconciled version, which shall read as follows:

d. BE A HOLDER OF MASTER'S DEGREE IN NURSING, EDUCATION, OR OTHER ALLIED MEDICAL AND HEALTH SCIENCES CONFERRED BY A COLLEGE OR UNIVERSITY

DULY RECOGNIZED BY THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES.

17. The last paragraph of Section 27 of the Senate version was modified and adopted as the last paragraph of Section 28 (*Scope of Nursing*) of the reconciled version, which shall read as follows:

*PROVIDED*, THAT THIS SECTION 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 AND UPHOLD THE STANDARDS OF SAFE NURSING PRACTICE. THE NURSE IS REQUIRED TO MAINTAIN COMPETENCE BY CONTINUAL LEARNING THROUGH CONTINUING PROFESSIONAL EDUCATION TO BE PROVIDED BY THE ACCREDITED PROFESSIONAL ORGANIZATION OR ANY RECOGNIZED PROFESSIONAL NURSING ORGANIZATION: *PROVIDED, FINALLY*, THAT THE PROGRAM AND ACTIVITY FOR THE CONTINUING PROFESSIONAL EDUCATION SHALL BE SUBMITTED TO AND APPROVED BY THE BOARD.

18. Section 29 and 27 of the Senate and House version respectively were merged, modified and adopted as Section 30 of the reconciled version, which shall read as follows:

SEC. 30. *STUDIES FOR NURSING MAN-POWER NEEDS, PRODUCTION, UTILIZATION AND DEVELOPMENT.* - THE BOARD, IN COORDINATION WITH THE ACCREDITED PROFESSIONAL ORGANIZATION AND APPROPRIATE GOVERNMENT OR PRIVATE AGENCIES SHALL INITIATE, UNDERTAKE AND CONDUCT STUDIES ON HEALTH HUMAN RESOURCE PRODUCTION, UTILIZATION AND DEVELOPMENT.

19. Section 30 of the Senate version was modified as Section 31 of the reconciled version to read as follows:

SEC. 31. *COMPREHENSIVE NURSING SPECIALTY PROGRAM.* - WITHIN NINETY

(90) DAYS FROM THE EFFECTIVITY OF THIS ACT, THE BOARD IN COORDINATION WITH THE ACCREDITED PROFESSIONAL ORGANIZATION, RECOGNIZED SPECIALTY ORGANIZATIONS AND THE DEPARTMENT OF HEALTH IS HEREBY MANDATED TO FORMULATE AND DEVELOP A COMPREHENSIVE NURSING SPECIALTY PROGRAM THAT WOULD UPGRADE THE LEVEL OF SKILL AND COMPETENCE OF SPECIALTY NURSE CLINICIANS IN THE COUNTRY, SUCH AS BUT NOT LIMITED TO THE AREAS OF CRITICAL CARE, ONCOLOGY, RENAL AND SUCH OTHER AREAS AS MAY BE DETERMINED BY THE BOARD.

THE BENEFICIARIES OF THIS PROGRAM ARE OBLIGED TO SERVE IN ANY PHILIPPINE HOSPITAL FOR A PERIOD OF AT LEAST TWO (2) YEARS OF CONTINUOUS SERVICE.

20. Section 31 of the Senate version was modified and adopted as Section 32 of the reconciled version, which shall read as follows:

SEC. 32. *SALARY.* - IN ORDER TO ENHANCE THE GENERAL WELFARE, COMMITMENT TO SERVICE AND PROFESSIONALISM OF NURSES, THE MINIMUM BASE PAY OF NURSES WORKING IN THE PUBLIC HEALTH INSTITUTIONS SHALL NOT BE LOWER THAN SALARY GRADE 15 PRESCRIBED UNDER RA 6758, OTHERWISE KNOWN AS THE "COMPENSATION AND CLASSIFICATION ACT OF 1989;" *PROVIDED*, THAT FOR NURSES WORKING IN LOCAL GOVERNMENT UNITS, ADJUSTMENTS TO THEIR SALARIES SHALL BE IN ACCORDANCE WITH SECTION 10 OF THE SAID LAW.

21. Section 32 of the Senate version was modified and adopted as Section 33 of the reconciled version to read as follows:

SEC. 33. *FUNDING FOR THE COMPREHENSIVE NURSING SPECIALTY PROGRAM.* - THE ANNUAL FINANCIAL REQUIREMENT NEEDED TO TRAIN AT LEAST TEN PERCENT (10%) OF THE NURSING STAFF OF THE PARTICIPATING GOVERNMENT HOSPITAL SHALL BE CHARGEABLE AGAINST THE

INCOME OF THE PHILIPPINE CHARITY SWEEPSTAKES OFFICE AND THE PHILIPPINE AMUSEMENT AND GAMING CORPORATION, WHICH SHALL EQUALLY SHARE IN THE COSTS AND SHALL BE RELEASED TO THE DEPARTMENT OF HEALTH SUBJECT TO ACCOUNTING AND AUDITING PROCEDURES: *PROVIDED*, THAT THE DEPARTMENT OF HEALTH SHALL SET THE CRITERIA FOR THE AVAILMENT OF THIS PROGRAM.

22. Section 35 of the Senate version was modified and adopted as Section 36 of the reconciled version to read as follows:

SEC. 36. *ENFORCEMENT OF THIS ACT.* - IT SHALL BE THE PRIMARY DUTY OF THE COMMISSION AND THE BOARD TO EFFECTIVELY IMPLEMENT THIS ACT. ANY DULY LAW ENFORCEMENT AGENCIES AND OFFICERS OF NATIONAL, PROVINCIAL, CITY OR MUNICIPAL GOVERNMENTS SHALL, UPON THE CALL OR REQUEST OF THE COMMISSION OR THE BOARD, RENDER ASSISTANCE IN ENFORCING THE PROVISIONS OF THIS ACT AND TO PROSECUTE ANY PERSONS VIOLATING THE SAME.

23. Section 30 (*Appropriations*) of the House version was adopted as Section 37 of the reconciled version.

24. Sections 37 and 31 of the Senate and House versions respectively were merged, modified and adopted as Section 38 of the reconciled version, which shall read as follows:

SEC. 38. *RULES AND REGULATIONS.* - WITHIN NINETY (90) DAYS AFTER THE EFFECTIVITY OF THIS ACT, THE BOARD AND THE COMMISSION, IN COORDINATION WITH THE ACCREDITED PROFESSIONAL ORGANIZATION, THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF BUDGET AND MANAGEMENT AND OTHER CONCERNED GOVERNMENT AGENCIES, SHALL FORMULATE SUCH RULES AND REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT. THE IMPLEMENTING RULES AND REGULATIONS

SHALL BE PUBLISHED IN THE *OFFICIAL GAZETTE* OR IN ANY NEWSPAPER OF GENERAL CIRCULATION.

25. The Title of the Bill shall read, as follows:

“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”

In case of conflict between the statements/ amendments stated in this Explanatory Statement and that of the provisions of the reconciled version in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

(Sgd.) HON. JUAN M. FLAVIER  
*Chairperson, Senate Panel*

(Sgfd.) HON. ELADIO “Boy” M. JALA  
*Chairperson, House Panel*

#### CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of House Bill No. 1084, 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

and Senate Bill No. 2291, 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,

after full and free conference, has agreed to recommend and do hereby recommend to their respective Houses that House Bill No. 1084, in consolidation with Senate Bill No. 2292, be approved in accordance with the attached copy of the bill as reconciled and approved by the conferees.

**CONFEREES ON THE PART OF THE  
SENATE OF THE PHILIPPINES:**

(Sgd.) HON. JUAN M. FLAVIER

(Sgd.) HON. LOREN LEGARDA LEVISTE

(Sgd.) HON. MANUEL B. VILLAR JR.

(Sgd.) HON. RODOLFO G. BIAZON

(Sgd.) HON. EDGARDO J. ANGARA

**CONFEREES ON THE PART OF THE  
HOUSE OF REPRESENTATIVES:**

(Sgd.) HON. ELADIO "Boy" M. JALA

(Sgd.) HON. HARLIN CAST. ABAYON

(Sgd.) HON. EDGAR M. CHATTO

(Sgd.) HON. ANTONIO EDUARDO B. NACHURA

(Sgd.) HON. CARLOS M. PADILLA

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 profession  
by instituting measures that will result in relevant nursing  
education, humane working conditions, better career  
prospects and a dignified existence for our nurses.

The State hereby guarantees the delivery of  
quality basic health services 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 Professional Regulatory  
Board of Nursing, hereinafter referred to as the Board,  
to be composed of a Chairperson and six (6) members.  
They shall be appointed by the President of the  
Republic of the Philippines from among two (2)  
recommendations, per vacancy, of the Professional  
Regulation Commission, hereinafter referred to as the  
Commission, chosen and ranked from a list of three (3)  
nominees, per vacancy, of the accredited professional  
organization of nurses in the Philippines who possess  
the qualifications prescribed in Section 4 of this Act.

**SEC. 4. Qualifications of the Chairperson and  
Members of the Board.** - The Chairperson and Members  
of the Board shall, at the time of their appointment,  
possess the following qualifications:

- a. Be a natural born citizen and resident of  
the Philippines;
- b. Be a member of good standing of the  
accredited professional organization of  
nurses;
- c. Be a registered nurse and holder of a  
master's degree in nursing, education or  
other allied medical profession conferred by  
a college or university duly recognized by  
the Government: *Provided*, That the  
majority of the Members of the Board shall  
be holders of a master's degree in nursing:  
*Provided, further*, That the Chairperson  
shall be a holder of a master's degree in  
nursing;
- d. Have at least ten (10) years of continuous  
practice of the profession prior to  
appointment: *Provided, however*, That the  
least five (5) years of which shall be in the  
Philippines; and
- e. Not have been convicted 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 Chairperson or Member of the Board shall immediately resign from any teaching position in any school, college, university or institution 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/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 Chairperson 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 Chairperson 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/her duties.

The incumbent Chairperson and Members of the Board shall continue to serve for the remainder of their term under Republic Act No. 7164 until their replacements have been appointed by the President and shall have been duly qualified.

SEC. 7. *Compensation of Board Members.* - The Chairperson and Members of the Board shall receive compensation and allowances comparable to the compensation and allowances received by the Chairperson and members of other professional regulatory boards.

SEC. 8. *Administrative Supervision of the Board, Custodian of its Records, Secretariat and Support Services.* - The Board shall be under the administrative supervision of the Commission. All records of the Board, including applications for examinations, administrative and other investigative cases conducted by the Board shall be under the custody of the

Commission. The Commission shall designate the Secretary of the Board and shall provide the secretariat and other support services to implement the provisions of this Act.

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 of nursing and/or nursing education programs shall be vested on the Commission on Higher Education upon the written recommendation of the Board;
- (e) Conduct hearings and investigations to resolve complaints against nurse practitioners for unethical and unprofessional conduct and violations of this Act, or its rules and regulations and in connection therewith, issue *subpoena ad testificandum* and *subpoena duces tecum* to secure the appearance of respondents and witnesses and the production of documents and punish with contempt persons obstructing, impeding and/or otherwise interfering with the conduct of such proceedings, upon application with the court;



- (f) Promulgate a Code of Ethics in coordination and consultation with the accredited professional organization of nurses within one (1) year from the effectivity of this Act;
- (g) Recognize nursing specialty organizations in coordination with the accredited professional organization; and
- (h) Prescribe, adopt, issue and promulgate guidelines, regulations, measures and decisions as may be necessary for the improvement of the nursing practice, advancement of the profession and for the proper and full enforcement of this Act subject to the review and approval by the Commission.

SEC. 10. *Annual Report.* - The Board shall at the close of its calendar year submit an annual report to the President of the Philippines through the Commission giving a detailed account of its proceedings and the accomplishments during the year and making recommendations for the adoption of measures that will upgrade and improve the conditions affecting the practice of the nursing profession.

SEC. 11. *Removal or Suspension of Board Members.*  
- The President may remove or suspend any member of the Board after having been given the opportunity to defend himself/herself in a proper administrative investigation, on the following grounds:

- (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. 12. *Licensure Examination.* - All applicants for license to practice nursing shall be required to pass a written examination, which shall be given by the Board in such places and dates as may be designated by the Commission: *Provided*, That it shall be in accordance with Republic Act No. 8981, otherwise known as the "PRC Modernization Act of 2000".

SEC. 13. *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/her application, establish to the satisfaction of the Board that:

- (a) He/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/she is of good moral character; and
- (c) He/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. 14. *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. 15. *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/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. 16. *Oath.* - All successful candidates in the examination shall be required to take an oath of profession before the Board or any government official authorized to administer oaths prior to entering upon the nursing practice.

SEC. 17. *Issuance of Certificate of Registration/ Professional License and Professional Identification*

*Card.* - A certificate of registration/professional license as a nurse shall be issued to an applicant who passes the examination upon payment of the prescribed fees. Every certificate of registration/professional license shall show the full name of the registrant, the serial number, the signature of the Chairperson 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 Chairperson 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. 18. Fees for Examination and Registration.** - Applicants for licensure and for registration shall pay the prescribed fees set by Commission.

**SEC. 19. 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. 20. Registration by Reciprocity.** - A certificate of registration/professional license may be issued without examination to nurses registered under the laws of a 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. 21. Practice Through Special/Temporary Permit.** - A special/temporary permit may be issued by the Board to the following persons subject to the approval of the Commission and upon payment of the prescribed fees:

- (a) 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;
- (b) Licensed nurses from foreign countries/states on medical mission whose services shall be free in a particular hospital, center or clinic; and

- (c) Licensed nurses from foreign countries/states employed by schools/colleges of nursing as exchange professors in a branch or specialty of nursing;

*Provided, however*, That the special/temporary permit shall be effective only for the duration of the project, medical mission or employment contract.

**SEC. 22. Non-registration and Non-Issuance of Certificates of Registration/Professional License or Special/Temporary Permit.** - 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/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. 23. Revocation and Suspension of Certificate of Registration/Professional License and Cancellation of Special/Temporary Permit.** - The Board shall have the power to revoke or suspend the certificate of registration/professional license 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/professional license 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/her profession during his/her suspension from such practice;

*Provided, however,* That the suspension of the certificate of registration/professional license shall be for a period not to exceed four (4) years.

**SEC. 24. *Re-issuance of Revoked Certificates and Replacement of Lost Certificates.*** - The Board may, after the expiration of a 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/professional license.

A new certificate of registration/professional license 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. 25. *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 requirements embodied in the prescribed curriculum as promulgated by the Commission on Higher Education's policies and standards of nursing education.

**SEC. 26. *Requirement for Inactive Nurses Returning to Practice.*** - Nurses who have not actively practiced the profession for five (5) consecutive years are required to undergo one (1) month of didactic training and three (3) months of practicum. The Board shall accredit hospitals to conduct the said training program.

**SEC. 27. *Qualifications of the Faculty.*** - A member of the faculty in a college of nursing teaching professional courses must:

- a. Be a registered nurse in the Philippines;
- b. Have at least one (1) year of clinical practice in a field of specialization;
- c. Be a member of good standing in the accredited professional organization of nurses; and

- d. Be a holder of a master's degree in nursing, education, or other allied medical and health sciences 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. 28. *Scope of Nursing.*** - A person shall be deemed to be practicing nursing within the meaning of this Act when he/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, preventive, 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 programs 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; and
- (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 this section 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 and uphold the standards of safe nursing practice. The nurse is required to maintain competence by continual learning through continuing professional education to be provided by the accredited professional organization or any recognized professional nursing organization. *Provided, finally*, That the program and activity for the continuing professional education shall be submitted to and approved by the Board.

SEC. 29. *Qualifications of Nursing Service Administrators.* - A person occupying supervisory or managerial positions requiring knowledge of nursing must:

- a. Be a registered nurse in the Philippines;
- b. Have at least two (2) 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 of nurses;

*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 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

#### Production, Utilization and Development

SEC. 30. *Studies for Nursing Manpower Needs, Production, Utilization and Development.* - The Board, in coordination with the accredited professional organization and appropriate government or private agencies shall initiate, undertake and conduct studies on health human resource production, utilization and development.

SEC. 31. *Comprehensive Nursing Specialty Program.* - Within ninety (90) days from the effectivity of this Act, the Board in coordination with the accredited professional organization, recognized specialty organizations and the Department of Health is hereby mandated to formulate and develop a comprehensive nursing specialty program that would upgrade the level of skill and competence of specialty nurse clinicians in the country, such as but not limited to the areas of critical care, oncology, renal and such other areas as may be determined by the Board.

The beneficiaries of this program are obliged to serve in any Philippine hospital for a period of at least (2) years of continuous service.

SEC. 32. *Salary.* - In order to enhance the general welfare, commitment to service and professionalism of nurses, the minimum base pay of nurses working in the public health institutions shall not be lower than salary grade 15 as prescribed under RA 6758, otherwise known as the "Compensation and Classification Act of 1989"; *Provided*, That for nurses working in local government units, adjustments to their salaries shall be in accordance with Section 10 of the said law.

SEC. 33. *Funding for the Comprehensive Nursing Specialty Program.* - The annual financial requirement needed to train at least ten percent (10%) of the nursing staff of the participating government hospital shall be chargeable against the income of the Philippine Charity Sweepstakes Office and the Philippine Amusement and Gaming Corporation, which shall equally share in the costs and shall be released to the Department of Health subject to accounting and auditing procedures: *Provided*, That the Department of Health shall set the criteria for the availment of this program.

SEC. 34. *Incentives and Benefits.* - The Board of Nursing, in coordination with the Department of Health and other concerned government agencies, association of hospitals and the accredited professional organization shall establish an incentive and benefit system in the form of free hospital care for nurses and their dependents, scholarship grants and other non-cash benefits. The government and private hospitals are hereby mandated to maintain the standard nurse-patient ratio set by the Department of health.

#### Article VIII

##### Penal and Miscellaneous Provisions

SEC. 35. *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 within the meaning of this Act:
  - 1. Without a certificate of registration/professional license and professional identification card or special temporary permit or without having been declared exempt from examination in accordance with the provision of this Act; or
  - 2. Who uses as his/her own certificates of registration/professional license and professional identification card or special temporary permit of another; or
  - 3. Who uses an invalid certificate of registration/professional license, a suspended or revoked certificate of registration/professional license, or an expired or cancelled special/temporary permit; or

- 4. Who gives any false evidence to the Board in order to obtain a certificate of registration/professional license, a professional identification card or special permit; or
- 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/she is a registered and licensed nurse; or
- 6. Who appends B.S.N./R.N. (Bachelor of Science in Nursing/Registered Nurse) or any similar appendage to his/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 or the chief executive officer of a juridical entity 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; or
- (c) any person or employer of nurses who violates the minimum base pay of nurses and the incentives and benefits that should be accorded them as specified in Sections 32 and 34; or
- (d) any person or the chief executive officer of a juridical entity violating any provision of this Act and its rules and regulations.

#### Article IX

##### Final Provisions

SEC. 36. *Enforcement of this Act.* - It shall be the primary duty of the Commission and the Board to effectively implement this Act. Any duly law enforcement agencies and officers of national, provincial, city or municipal governments shall, upon the call or request of the Commission or the Board, render assistance in enforcing the provisions of this Act and to prosecute any persons violating the same.

SEC. 37. *Appropriations.* - The Chairperson of the Professional Regulation Commission shall immediately

include in its program and issue such rules and regulations to implement the provisions of this Act, the funding of which shall be included in the Annual General Appropriations Act.

**SEC. 38. Rules and Regulations.** - Within ninety (90) days after the effectivity of this Act, the Board and the Commission, in coordination with the accredited professional organization, the Department of Health, the Department of Budget and Management and other concerned government agencies, shall formulate such rules and regulations necessary to carry out the provisions of this Act. The implementing rules and regulations shall be published in the *Official Gazette* or in any newspaper of general circulation.

**SEC. 39. Separability Clause.** - If any part of this Act is declared unconstitutional, the remaining parts affected thereby shall continue to be valid and operational.

**SEC. 40. 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. 41. Effectivity.** - This Act shall take effect fifteen (15) days upon its publication in the *Official Gazette* or in any two (2) newspapers of general circulation in the Philippines.

Approved,

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**BILL ON SECOND READING**  
**S. No. 2104 — The Absentee Voting Act of 2002**  
*(Continuation)*

**Senator Legarda Leviste.** Mr. President, I move that we resume consideration of Senate Bill No. 2104 as reported out under Committee Report No. 39.

**The President.** Is there any objection? [*Silence*] There being none, resumption of consideration of Senate Bill No. 2104 is now in order.

**Senator Legarda Leviste.** Mr. President, we are still in the period of individual amendments.

I ask that Senator Angara be recognized.

**The President.** Senator Angara is recognized.

**Senator Angara.** Mr. President, at least four of our colleagues indicated that they will introduce individual amendments. In fact, three of our colleagues have already submitted to me their individual amendments, namely, Sen. Luisa Ejercito Estrada, Sen. Loren Legarda Leviste and Sen. Ramon B. Revilla.

In addition to the three, Senator Lacson also indicated that he will propose an amendment on the floor.

With that, Mr. President, perhaps we can call now on Senator Ejercito Estrada to introduce her individual amendments.

**The President.** Sen. Luisa P. Ejercito Estrada is recognized.

**EJERCITO ESTRADA AMENDMENTS**

**Senator Ejercito Estrada.** Mr. President, on page 5, line 27, insert a comma (,) after the word "shall" and after the inserted comma (,) insert the phrase **ASA GENERAL RULE**. In the same line insert a comma (,) after the words "GENERAL RULE" and delete the comma (,) after the word "permanent".

In line 26, Mr. President, on the same page, delete the phrase "special process to be prescribed by the Commission" and in lieu thereof, insert the phrase **ANY OF THE FOLLOWING CASES:** after the words "except through".

The sentence on page 5, lines 24 to 26, shall now be read as follows: "The entries in the Registry of Absentee Voters and the annotations as absentee voters in the Certified Voters' List shall, **ASA GENERAL RULE**, be permanent and cannot be cancelled or amended except through **ANY OF THE FOLLOWING CASES:**"

On page 5, after line 26, insert the following enumeration...

**The President.** Excuse me, Senator Ejercito Estrada.

**Senator Ejercito Estrada.** Yes, Mr. President.

**The President.** May the Chair be guided and may the Chamber be guided which version we are using for purposes of the individual amendments. We have an original committee report which was used by Senator Angara. We have before us a second draft "with approved committee amendments as of October 6, 2002," which amendments are subject to the continuing reservation of Senator Arroyo.

May we know which version is being referred to by Senator Ejercito Estrada so that we can follow the amendments.

**Senator Ejercito Estrada.** The version is "with the approved amendments as of October 6, 2002 (subject to the continuing reservation of Senator Arroyo)."