

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 panauhin 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.

RECORD OF THE SENATE

TUESDAY, AUGUST 20, 2002

OPENING OF THE SESSION

At 3:59 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 11th 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. Juan M. Flavier.

Everybody rose for the prayer.

PRAYER

Senator Flavier. This prayer is based on the prayer for peace written by Inayat Khan in 1921.

Our Lord and our God:

Send Your peace, O Lord, which is perfect and everlasting, that our souls may radiate peace.

Send Your peace, O Lord, that we may think, act and speak harmoniously.

Send Your peace, O Lord, that we may be contented and thankful for Your bountiful gifts.

Send Your peace, O Lord, that amidst our worldly strife, we may enjoy Your bliss.

• Send Your peace, O Lord, that we may endure all, tolerate all, and in the thought of Your grace and mercy.

Send Your peace, O Lord, that our lives may become a Divine vision and in Your light, all darkness may vanish.

Send Your peace, O Lord, our Father and Mother, that we, Your children of this nation, may all unite in one family.

Amen.

ROLL CALL

The President. The Secretary will please call the roll.

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. Flavier 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 Present
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 20 senators present, there is a quorum.

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 10th session, August 19, 2002, and consider it approved.

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

ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF NURSING STUDENTS FROM EMILIO AGUINALDO COLLEGE, MEMBERS OF THE VARIOUS NURSING ASSOCIATIONS IN THE PHILIPPINES AND DELEGATES TO THE 29TH SHIP SOUTHEAST ASIAN YOUTH PROGRAM

Senator Legarda Leviste. Mr. President, we would like to acknowledge the nursing students from the Emilio Aguinaldo College, the Philippine Nursing Association members, the members of the Board of Nursing, the National League of Government Nurses, the Mother and Child Nurses' Association of the Philippines, the Military Nurses Association and the Operating Room Nurses Association who are present in the hall today.

Also, we would like to acknowledge the presence of the delegates to the 29th Ship for Southeast Asian Youth Program or

* Arrived after the roll call

** On official mission

Very truly yours,

(Sgd.) GLORIA MACAPAGAL ARROYO

cc. HON. JOSE C. DE VENECIA JR.

Speaker
House of Representatives
Quezon City

BILL ON THIRD READING

S. No. 2101 — Instituting a *Balikbayan* Program

Senator Legarda Leviste. Mr. President, in view of the certification, I move that we vote on Third Reading on Senate Bill No. 2101.

The President. Is there any objection? [*Silence*] There being none, voting on Third Reading on Senate Bill 2101 is now in order.

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

The Secretary. Senate Bill No. 2101, entitled

AN ACT AMENDING REPUBLIC ACT NO. 6768,
ENTITLED "AN ACT INSTITUTING A
BALIKBAYAN PROGRAM," BY PROVIDING
ADDITIONAL BENEFITS AND PRIVILEGES TO
BALIKBAYAN AND FOR OTHER PURPOSES

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

The Secretary. Senators

Angara	Yes
Aquino-Oreta	
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.)	Yes
Osmeña III	Yes
Pangilinan	Yes
Pimentel Jr.	Yes

Recto	Yes
Revilla	Yes
Sotto III	Yes
Villar Jr.	
The President	Yes

The President. With 21 affirmative votes, no negative vote, and no abstention, Senate Bill No. 2101 is hereby approved on Third Reading.

The Majority Leader is recognized.

BILL ON SECOND READING

S. No. 2292 — The Philippine Nursing Act of 2002
(Continuation)

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

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

Senator Legarda Leviste. We are now in the period of interpellations. I ask that Sen. Juan M. Flavie, the sponsor, be recognized.

The President. Sen. Juan M. Flavie is recognized.

Senator Legarda Leviste. And to interpellate, I ask that Sen. Edgardo J. Angara be recognized.

The President. Sen. Edgardo J. Angara is recognized.

Senator Angara. Thank you, Mr. President.

Mr. President, will the dynamic former secretary of Health and our leading doctor in the House answer some questions for clarification?

Senator Flavie. With pleasure, Mr. President, to the author of landmark medical health bills in the Senate and the senior author of the Philippine Nursing Act of 2002.

Senator Angara. With that, Mr. President, I would like to sit down and terminate my interpellation. [*Laughter*]

Mr. President, we must really commend the distinguished author and sponsor for this modernization and updating of the Philippine Nursing Law. We had the opportunity to author the original one, but I am very happy that the version that we are now discussing will replace that old one and in a way incorporate some basic provisions that would modernize the whole profession.

Mr. President, I am very partial and biased in favor of nurses. Both my parents were nurses, my sister is a nurse, some of my nieces are nurses, so I am quite interested in the progress of our nursing profession.

Mr. President, the statistics indicate—and I want the statistics confirmed as a background to our discussion of the Nursing Law—that at present, according to the professional regulatory body, we have some... *[Pause]* I want to check the figures.

Senator Flavier. Is the gentleman referring to the number of registered nurses?

Senator Angara. To the number of registered nurses.

Senator Flavier. Yes, there are 344,656.

Senator Angara. That is correct, Mr. President.

On a per capita basis, it is said that the Philippines has one of the more favorable nurse-to-population ratio. Is that not correct, Mr. President?

Senator Flavier. That is correct, Mr. President.

Senator Angara. And out of the supply of over 300,000 nurses, our annual demand, I understand, is 178,000.

Senator Flavier. Yes, Mr. President. And today, the records of the World Health Organization say that there are now 250,000 Filipino nurses worldwide.

Senator Angara. Making us the number one exporter of nurses to the rest of the world.

Senator Flavier. That is correct, Mr. President.

Senator Angara. And so, when we have a supply of over 300,000 and a demand of 178,000, naturally we have a surplus of some 128,000 nurses.

Senator Flavier. That is correct, Mr. President, although I am afraid that will be transitory because eventually, with the annual exodus, a point will be reached—it is predicted to be about four or five years from now—when there will be a direct shortage.

Senator Angara. In fact, I want to indicate, for the record, Mr. President, that for school year 1999-2000, we graduated some 6,000 nurses.

Senator Flavier. That is correct, Mr. President. Our high point is 7,000 but I will accept the 6,000.

Senator Angara. But ten years ago, Mr. President, in 1993-1994, we graduated 32,375 nurses.

Senator Flavier. That is correct, Mr. President, especially at the height of the demand and the laxity in the traveling of these nurses. However, there was a point when the strictness put to bear and many of the nursing schools began to limit and thus resulted in 6,000 to 7,000 per year, which is the data today.

Senator Angara. So, Mr. President, from a high of 32,000 ten years ago, we are now down to 6,000 to 7,000. On the other hand, the demand for Filipino nurses is rising. Is it not correct?

Senator Flavier. That is correct, Mr. President.

Senator Angara. Therefore, the theoretical surplus of 128,000 nurses at home can easily vanish at the rate the developed countries are recruiting Filipino nurses. Would it not be the case, Mr. President?

Senator Flavier. That is correct, Mr. President.

Senator Angara. And, therefore, we ought not to be content with having surplus nurses, expert health workers because this can soon vanish without our realizing it.

Senator Flavier. Very, very legitimate and realistic concern, Mr. President.

Senator Angara. And one obvious reason for it is that a Philippine nurse makes US\$170 a month on the average.

Senator Flavier. That is right, Mr. President.

Senator Angara. While if one is working abroad, Mr. President, he may make as high as P200,000 to P300,000 a month.

Senator Flavier. That is correct, Mr. President, and projected at about sometimes as high as US\$45 per hour.

Senator Angara. And that should translate, on a monthly basis, to as high as P200,000.

Senator Flavier. That is correct, Mr. President.

Senator Angara. So, the gross disparity between local pay and foreign pay is a very powerful pull for our nurses to go abroad. Is that not correct, Mr. President?

Senator Flavier. That is a very realistic statement, Mr. President. The economic pull is just too overwhelming.

Senator Angara. Now, I am trying to establish this basis, Mr. President, because this bill, by itself, is already excellent. It has provision for upgrading training. It has provision for upgrading facilities. It has provision for upgrading the profession in general. But I would like to see specific provision that will now upgrade

and improve the living conditions of an individual nurse, so that if we cannot hold him or her back, at least we keep him or her for a certain period to attend to the critical needs of our country.

Senator Flavier. Yes, Mr. President. I recall very distinctly during the hearing where the distinguished senator from Baler and Quezon dutifully attended, he raised this very point. And this was taken up by the technical working group in an effort to review possible ways of answering or replying to the legitimate concern of the good senator. And in this particular bill, may I be allowed to enumerate specifically Section 9 (f). This will require nurses who graduate from state universities and colleges to render at least two years of nursing service in the country. At present, the SUCs produce 2,000 to 3,000 graduates per year. Those who passed the licensure examination will be required to render two years of service in the country, thus assuring the supply of nurses in the country. That is number one.

I am answering the gentleman's questions broadly, Mr. President.

Senator Angara. Yes, Mr. President.

Senator Flavier. Number two, Section 28 provides for the development—and this was the point the gentleman underscored very heavily during the hearing, Mr. President—of a comprehensive program to encourage the retention of nurse specialists in the Philippines. And I am happy to report to the good senator and to the Chamber that the Philippine General Hospital has already begun evolving a comprehensive program precisely to meet the point of the good senator. And this, I understand, will be used by the other hospitals and other nursing schools as the model for implementation in the whole country.

Number three, Section 29 provides for a standard minimum pay for all nurses which shall be periodically increased to cope with the rising cost of living. Apparently, our hospitals cannot compete with the salaries that are given to nurses who are working abroad. However, we can provide our nurses who remain in the country with better working conditions.

Under Section 9, the Board of Nursing is empowered to make decisions or adopt measures for the improvement of the nursing practice and for the advancement of the profession, Mr. President.

There are also provisions regarding the requirement to become members of the Board of Nursing which will require the last five years of their experience to be in the Philippines.

These are some of the points.

Regarding the salary, we found it a little bit difficult to be more specific but it is mandated by the provisions that the

NEDA will come into the picture and help out in structuring some attempt to take care of the entry payments in the public nursing field and in the private nursing profession.

Senator Angara. Yes, I appreciate that, Mr. President, the sponsor pointing out specific provisions that would enhance and improve the living standards of individual nurses.

Mr. President, is the entry level salary of a nurse in the country not Grade 10, which is about P9,939?

Senator Flavier. Yes, that is for the public. But for the private, it is even worse, Mr. President.

Senator Angara. Yes, P5,000 to P6,000.

Senator Flavier. That is right, Mr. President.

Senator Angara. How much RATA does a public nurse receive, nothing?

Senator Flavier. Not that I... Except when they reach a certain supervisory level, which is rare and far between.

Senator Angara. So that is all in, P9,900. That is the monthly pay if one is an entry level?

Senator Flavier. Yes, Mr. President.

Senator Angara. As the gentleman will clearly recall, Mr. President, we have just increased the pay of policemen or police and soldiers to the extent that a private on entry will get a total of P14,000 a month. Does the gentleman recall that?

Senator Flavier. I recall that, Mr. President.

Senator Angara. Does he also recall that the police entry level will also receive the same amount which is about P14,000?

Senator Flavier. That is correct, Mr. President.

Senator Angara. Is it not amazing, Mr. President, and probably reflects our sense of value that our health... We have to call for a suspension of session so that there will only be one session.

SUSPENSION OF SESSION

The President. The session is suspended, if there is no objection. *[There was none.]*

It was 4:25 p.m.

RESUMPTION OF SESSION

At 4:26 p.m., the session was resumed.

The President. The session is resumed.

Senator Angara. So that our audience nurses who are in the gallery will see that we are all interested in this bill, Mr. President, I am glad that the Chair adjourned the other session. *[Laughter]*

The President. Is the gentleman referring to the Minority Leader? *[Laughter]*

Senator Angara. Now, comparing entry level salary, Mr. President, it is now ironic that a critical health worker like a nurse gets only, let us round it off, P10,000.

Senator Flavier. Yes, Mr. President.

Senator Angara. And a private soldier will get P14,000 at entry level. A policeman will also get P14,000 at entry level. A soldier under our law, under our regulation, need not even be a college graduate.

Senator Flavier. That is correct, Mr. President.

Senator Angara. But a nurse is trained for at least four years' bachelors degree, is it not?

Senator Flavier. That is correct, Mr. President.

Senator Angara. So, there are some inherent inequities in the setup, Mr. President. Are we going to upgrade through this law the salary grades of our nurses?

Senator Flavier. Yes, Mr. President.

Senator Angara. We will.

Senator Flavier. Yes, except that the mechanics that we chose was through the NEDA so that it becomes one that will consider the totality of the problem and will not be a single shot that may not even be appropriate. So the NEDA together with the Civil Service Commission for the public nurses, and the NEDA together with the Department of Labor and Employment will take care of those in the private sector. But yes, that is the intent.

Senator Angara. That is the intent. If that is the case, Mr. President, we can wait forever for NEDA to adjust the basic salary. I was thinking that maybe through the instrument of this law we will already upgrade or raise the salary grade of our nurses.

Senator Flavier. If the good gentleman will provide an amendment that would restructure that section to make it even more specific but consistent with the situation in the military and the police, I would be very happy to accept it, Mr. President.

Senator Angara. Because my own personal experience, Mr. President, in the Senate is that unless a law specifically orders and

mandates the Department of Budget and Management it will not move to raise any salary. As the gentleman said, it is going to look at the whole universe and forget the agency. But if we have a specific law mandating it, the DBM will follow it. Of course, we should be considerate of the plight of the other public servants so that we do not create gross disparity.

Senator Flavier. The gentleman is correct. The experience today is such that unless we are very specific, it gets lost in the whole maze of the bureaucracy. However, I hope that in this model, we will be able to keep in mind the other health workers—

Senator Angara. Yes, Mr. President.

Senator Flavier. —whom the gentleman is also concerned about. But, yes, I would be very happy to accept an amendment.

Senator Angara. In fact, if I may claim the credit, Mr. President, I wrote and put together the Magna Carta for Public Health Workers that upgraded the salary for the first time of all health workers.

Senator Flavier. Yes, that is one of the landmark laws that the gentleman authored, Mr. President.

Senator Angara. Now, going back to the impending shortage.

Right now—I think our colleagues in the nursing profession and even the distinguished author can correct me—there is, I believe, a rising shortage of what we call specialty nurses?

Senator Flavier. Yes, Mr. President, specialty nurses like operating room nurses.

Senator Angara. Operating room nurses, Mr. President. I am glad that the sponsor said that. Several hospital directors told me explicitly that there is now a shortage of operating room nurse in our country. I guess if we project that, from operating room nurse to cardiovascular nurse, to emergency nurse and the other specialty nurses, we may find ourselves empty of all these specialty nurses because all these skilled and highly trained people would have already gone abroad. Is that not a possibility?

Senator Flavier. No, Mr. President. In fact, it is now happening starting with some of the more popular. For example, the intensive care unit nurses are now getting depleted very quickly. The physical therapy field of those nurses is also getting quickly depleted and therefore, it is our hope that through the comprehensive program, a special effort will be made to help retain some of those specialty nurses.

Senator Angara. Well, I appreciate the provision of the law. For instance, if one is a graduate of a state college or university,

he must return service for at least two years. I can also understand and appreciate the need for training and development. But I think we must go beyond the exhortation that they should stay or that we must develop a program by offering an incentive because people are moved by incentives, especially financial incentives in the case of nurses.

On the one hand, we will be asking them to stay in the country for, say, three to five years, but in exchange we must attract them and appeal to their sense of service by, first, assuring that their professional growth will continue. Second, I think it is just human that the financial return to them, while not as great and as high as abroad will at least approximate—not approximate, but maybe 70% to 80% of what they would have earned abroad in exchange for their being here at home with their loved ones.

So I thought, Mr. President, that the comprehensive training and development program must be strongly complemented by a system of incentives personal to the nurse because he is our object of attraction, and to the hospital or institution where he or she is working. So we encourage the PGH of this country, the Davao General Hospital and even private hospitals to institute and run that kind of incentive program. Otherwise, it would be too hard, in fact, almost cruel, to tell these young, highly trained people that they must be patriotic and stay home when the attractions from abroad are so powerful.

Senator Flavier. That is very well-taken, Mr. President. Fortunately, the same concern has been expressed by the Human Resource Development of the Department of Health and the PGH. As I alluded to earlier, the comprehensive program will take this into consideration and I am happy to note that part of the gentleman's concern in terms of the incentives will take into consideration the Makati Medical Center model where the relatives of the nurse are given free hospitalization as part of the incentive. I think that is the kind of thing that the gentleman has in mind, if I read it correctly.

Senator Angara. Yes, Mr. President, both professional and financial. If we can ask our colleagues from the nursing profession and organization to put together such a provision, I hope that we can put it in black and white in this law.

Senator Flavier. So what I hear the gentleman saying is that he would like to see the nursing profession, including the board, to craft a section to be incorporated as an amendment already. That would be the idea.

Senator Angara. Yes, as an essential feature of this new nursing law, Mr. President.

Senator Flavier. Yes. Otherwise, we concluded during the technical working group that since they were not ready, we

included the comprehensive program approach to be developed by the Board of Nursing and the accredited professional organizations. But without reservation, I support the gentleman's view if our friends from the nursing profession can be ready with the amendment in time.

Senator Angara. I am sure they are quite ready, Mr. President.

Senator Flavier. All right, we will return to them. Most of them are here, Mr. President, as part of their support.

Senator Angara. Yes, I can see them. They look so lovely and intelligent.

Senator Flavier. Yes, Mr. President. Most of them were my girlfriends before. *[Laughter]* They concur.

Senator Angara. Now, just a question of definition, Mr. President.

Nurses are now recognized as independent health practitioners. What does that really mean?

Senator Flavier. Traditionally, Mr. President, a nurse has been considered as an appendage of a doctor to the extent that they are limited to the orders being made by the doctors. This time, we are going to declare them as independent, meaning, they are able to function even alone because the trend in the world now is "clinics that are manned solely by nurses." So we want to make it clear that they can act independently. Of course, if they need to get the advice and consultation of the doctor consultant, they are at liberty. But, at least, it clarifies that vague portion of our provisions. But they have to follow, more or less, the standard nursing practice, which is defined by the board and the professional organization—that they uphold the Code of Ethics for Nurses.

Senator Angara. Are they authorized to give prescription, Mr. President?

Senator Flavier. No, Mr. President. That is, in fact, the problem now with another bill that we are considering, wherein the prescription was extended to the doctors. And the pharmacists are really up in arms.

Senator Angara. The pharmacists will lose their jobs.

Senator Flavier. Yes, Mr. President. That is why that will be no. And in parallel vein, the nurses will also not be. But the administration of written prescription for treatment, therapies, and oral topical will be the scope of work of the nursing practice. The nurses will administer the written prescription for treatment.

Senator Angara. A chief nurse, according to the bill, must have a master's degree. What does a chief nurse do?

Senator Flavier. He is in charge of the whole administrative and operational functions of the nurses, Mr. President.

Senator Angara. Is he the chief nurse of the whole hospital, of one ward or just...

Senator Flavier. It can differ. He can be a chief nurse for the whole hospital or for a certain section of the hospital. For example, the nursing service of the operating rooms or of the Out-Patient Department. That would be part of the delineation, Mr. President.

Senator Angara. Mr. President, this is a little tricky. Because under the law, the gentleman would wish that a standard basic pay be set even for nurses in the private sector. I am all for that. But my only problem there is, if we set now a minimum wage in the private sector, is there not danger that there will be less nurses that will be employed in the private sector if we set it high enough, just as what we are experiencing under the minimum wage? If we had a more flexible wage policy, I think more people will be able to work and the employer can almost tailor the pay structure according to the needs of the place and the industry. In this case, if we lay down a national standard basic pay, first: What would be the criteria for the wage setting? And No. 2: Is there not a standard existing right now?

Senator Flavier. Let me answer it first by confirming the gentleman's point about the imbalance that may occur. Because when we adjusted the salaries of teachers if we recall—because the gentleman was also in the forefront of this effort, Mr. President,—the net effect was good for the public schoolteachers but the private schoolteachers began to transfer. Therefore, we have to get into a balancing act to make sure that in doing good to the public sector, we do not jeopardize the private sector.

Having said that, Mr. President, this was precisely the point that bothered us about a definite amount because we were in doubt as to our ability to implement, and therefore the NEDA route was explored although, as I also said earlier, I would have no problem with the gentleman's specific. I am sure the gentleman considers other factors.

Also, there is the idea that came out of the technical working group to peg this at a percentage above the minimum wage law. We considered that too but we did not put it in the bill because we were afraid to clutter it, plus of course, a very heavy approval in the nonfinancial perks that we might be able to do, like the hospitalization of the relatives and also...

Senator Angara. Noncash medical...

Senator Flavier. Noncash basis, and also a clearer provision, as championed by the Department of Health, on their professional growth if they remain in the hospital.

Senator Angara. So do I understand the gentleman then that we can be flexible in the wage fixing that we need not come up with a standard basic salary applicable throughout the country?

Senator Flavier. We were a little afraid of that precisely because of the implementation. Earlier, the gentleman alluded to the fact that the ones in the public hospitals are already getting somewhere over P9,000 but those in the private hospitals are getting about P3,000 to P4,000. So that alone will be a problem immediately and we took the route of the NEDA which has, of course, the problem that it might be glossed over.

Senator Angara. Yes, yes. I think it would be easy for us to say that the P5,000 to P6,000 standard pay of nurses in the private sector ought to be raised to P7,000 or P8,000 or P9,000. But my fear there, Mr. President, by legislating the salary, we may be limiting the number of nurses that may henceforth be employed. Because payroll will become more expensive, a hospital owner may start recruiting or hiring less nurses and perhaps, hire more paramedics.

Senator Flavier. That is the inherent danger that we have, Mr. President.

Senator Angara. Yes, yes. That is my point.

Senator Flavier. So in an effort to help the nurses we might unwittingly also—

Senator Angara. Contract the employment pool.

Senator Flavier. —contract the employment pool or possibilities for these nurses. So we have to make a balancing act, Mr. President.

Senator Angara. Yes. For instance, Mr. President, I think the sponsor and I know very well that perhaps 40% of employers in this country do not really comply with the Minimum Wage Law.

Senator Flavier. Yes, I heard that in a hearing with the Department of Labor and Employment, and I heard something like 30% and over.

Senator Angara. So that is my difficulty with that proposal, Mr. President.

Now, the Board of—is it the Board of Nursing?—Nursing is now authorized to effect the closing of colleges and schools of nursing.

Senator Flavier. Yes, Mr. President, but it is worded as recommendatory to the—

Senator Angara. CHED?

Senator Flavier. —Nursing Division of the Professional Regulation Commission because today, under the bill of the distinguished gentleman, they are given the right to recommend the opening of schools of nursing. In this particular bill, Mr. President, we completed the cycle by allowing them also to recommend the closure if they do not meet certain standards or requirements of the nursing profession.

Senator Angara. Yes. The law does not cite or mention those standards or criteria, Mr. President.

Senator Flavier. It is supposed to be existent already as practiced through the Commission on Higher Education. The CHED—again, without unduly flattering the distinguished senator, a product of his educational commission which separated the college level to the CHED—is holding on to that, and together with the Nursing Division of the Professional Regulation Commission will then act on the recommendation of the board.

Senator Angara. For instance, Mr. President, a school of nursing that has not succeeded in getting any of its graduates to pass the licensure test or examination for three consecutive years, would that not be a good ground for closing the school?

Senator Flavier. Yes. In fact, that is one of the specific criteria that they are now using to operate. They have a certain percentage that the school must achieve, and below which for three successive years or thereabouts, it will then be recommended for closure.

Senator Angara. Yes. Well, I wish that criterion is also applicable to law schools, Mr. President.

Senator Flavier. Yes, Mr. President.

Senator Angara. One final query, Mr. President. I know that a Code of Ethics is always necessary in any profession, and I think that is what distinguishes a profession from a trade.

Now, my own experience, Mr. President, as former president of the Bar is, it is so difficult to put together a code of professional responsibility in the case of the Bar. We had to do tremendous amount of consultations, workshops, seminars, and invite even foreigners to tell the different chapters of the Bar throughout the country that this is necessary for us.

How does the nursing profession or the board intend to formulate this Code of Ethics? Would it be a code that is already

formulated or is it a code that will originate out of the consultations with the branches of the Philippine Nurses Association?

Senator Flavier. That is a very good point, Mr. President. First of all, we are putting it in the law as part of their specific mandate or duty. Second, there is already a present Code of Ethics. However, there is a feeling that this Code of Ethics is, by the nature of our global relationship, copied from other countries, and there is a feeling that we should localize it. Therefore, the point of the distinguished senator about consultation and workshop will be employed.

Now, maybe implicit in the point of the senator is that we put a certain time frame so that it does not take them forever, and I will be happy to consider the amendment of the senator in that, Mr. President.

Senator Angara. Otherwise, this can take a very long protracted process, Mr. President.

Senator Flavier. That is right, Mr. President.

Senator Angara. Now, the continuing professional education. This is not a mandatory requirement, is it, or is it not anymore?

Senator Flavier. Not anymore because of the Professional Regulation Commission law that we passed two years ago. It specifically prohibited the mandatory nature of the continuing education because the reports received was a widespread commercialization of the process that people frowned upon and therefore was not mandated as a course. However, it is encouraged to be done by the professional organizations, Mr. President.

Senator Angara. But is it not better, Mr. President, to make it a competitive undertaking rather than put it solely as an in-house in the sense that it is the professional group that will be solely authorized to conduct a continuing professional education?

Senator Flavier. If I get the gentleman's drift right, what he is saying is not to be a monopoly of the professional group...

Senator Angara. Yes, Mr. President.

Senator Flavier. I would have no problem, especially because of the gentleman's comment, it dawns on me that maybe a combination of the academe or the nursing schools, plus the regulatory board, plus the professional organizations must team up to produce this. I do not know, somewhere there we can put a provision on the competitiveness by encouraging everybody to produce certain...

Senator Angara. That will probably encourage and lead to a more innovative, probably more progressive curriculum.

And even trainors and teachers will be attracted if there is a diversity of training programs offered by different groups.

Senator Flavier. That is correct, Mr. President. It will enrich it.

Senator Angara. It will enrich the profession.

Now, I know I said it is a final question, Mr. President, but what is the gentleman's prognosis on the future demand for Filipino nurses in the next five to ten years? Will it be greater? If it is greater, will we be able to cope with it and at the same time maintain certain skills critical to the maintenance of health in this country?

Senator Flavier. It is a very good point and a little difficult to reply but I will make an attempt, Mr. President.

From the drift of the ongoing growing demand and growing relaxation of the entry, the United States, Great Britain and Saudi Arabia are each competing. For example, in Great Britain, the incentives it gives that we are only talking about are already in place. They are given a lot of scholarships and a lot of perks that not only include salaries but also housing, insurance and the like. Therefore, the pull from there, I think, will be in the rise.

About three months ago, Mr. President, I was pleasantly surprised to find that the leading hospital in America, the Johns Hopkins University Hospital—where, by the way, I took my public health course—sent its whole administrative staff to recruit doctors from the Philippines, which attests to the quality of our nursing personnel. But most of all, it validates what happened when I talked with one of my friends who said to me that everytime this American friend goes to a hospital, he makes it a point to require that the nurse who will attend to him be a Filipino. It was partly because of the kind of nature we have.

Senator Angara. Tender loving care.

Senator Flavier. We are very lovable people, Mr. President. Not only that. The facility of language is a major consideration.

Therefore, my own prediction, prognosis is an increasing demand. The other good news is that I am confident that with the relaxation and the demand, the production of nurses in the Philippines will go higher. Because today, it is at a low of 6,000 nurses.

Senator Angara. Yes, very low.

Senator Flavier. But we were able to reach a high of 32,000 nurses and my friends who run nursing schools told me that their closure was a function of the strictness that the

countries imposed. But if they will liberalize this, as they are now doing, I am sure that the schools will again go back to the old production level of 32,000 nurses.

Senator Angara. Is it true that the appeal of nurses is such that even some of the Filipino male doctors have taken up nursing just to be able to...

Senator Flavier. That is correct, Mr. President. In fact, the reason is that the doctors are having more and more difficulty getting slots in foreign countries. But the nurses are getting the better part of the deal because the relaxation is there and then the requirements are less. To the extent that I personally was given certain brochures of certain nursing schools where they specify that if one is a doctor and he enrolls for nursing, he only has to attend something like one and one-half to two years because those are just the subjects he has not covered under medicine course.

Yes, Mr. President, and growing everyday.

Senator Angara. Is there a course for lawyers, Mr. President?
[Laughter]

Senator Flavier. Fortunately, none yet, Mr. President.

Senator Angara. Mr. President, I must thank the distinguished sponsor for his answers, and I think this is a good piece of legislation that we all hope will pass very quickly. Thank you.

Senator Flavier. Thank you, Mr. President.

The President. The Chair would like some clarification particularly on the continuing professional education.

Senator Flavier. Yes, Mr. President.

The President. I heard the sponsor say that the continuing professional education is no longer compulsory because of the previous experience of commercialization of these seminars for CPEs. Is that correct?

Senator Flavier. That is correct, Mr. President. It used to be compulsory, but the experience was so negative in terms of commercialization and was monopolized by certain groups that made a lot of money out of this.

The President. In that case, may I suggest that the wording in lines 8, 9, 10 and 11 on page 11 be rephrased or amended at the appropriate time so that there will be no mistake as to the interpretation that the CPEs are not compulsory. The way this is crafted right now, it can be

interpreted as compulsory because the nurse is duty-bound to maintain competence by continual learning through the continuing professional education. In other words, the continual learning can only be done through CPEs.

Senator Flavier. We will take that into consideration, Mr. President.

The President. Maybe the gentleman can recast that portion at the appropriate time.

Senator Flavier. Thank you for the suggestion, Mr. President.

The President. The Chair thanks Senator Flavier.

Meanwhile, there was a reservation by Sen. Tessie Aquino-Oreta, but the same has since then been withdrawn. The Majority Leader is recognized.

Senator Legarda Legarda. I move now that we recognize Sen. Luisa Ejercito Estrada for interpellation.

The President. Senator Ejercito Estrada is recognized.

Senator Ejercito Estrada. Will the distinguished sponsor, my colleague, a very lovable person, yield for a few clarificatory questions?

Senator Flavier. With pleasure, Mr. President, to the woman who if she becomes President, I shall be very happy to be her "First Lady." [Laughter]

Senator Ejercito Estrada. Mr. President, Section 3 of the bill states that the chairman and members of the board shall be appointed by the President from two recommendees of the Professional Regulation Commission chosen from a list of at least three nominees of the accredited professional organizations. My question is: How many professional nursing organizations are currently existing, and how many are accredited?

Senator Flavier. Yes, Mr. President. There is only one accredited, but there are 19 professional subgroups.

Senator Ejercito Estrada. Who will accredit the professional nursing organization?

Senator Flavier. The Professional Regulation Commission is the one that accredits. And at the right time, we may want to recast this so that it is clearer because it is rather ambiguous in terms of who will recommend—if I get the drift of the question of the lady senator, Mr. President.

Senator Ejercito Estrada. Is my impression correct, Mr. President, that any accredited nursing organization may nominate members of the board?

Senator Flavier. In principle, yes. Except that today, there is only one that has been accredited, but there are 19 professional organizations in existence.

Senator Ejercito Estrada. Mr. President, the board is given the power to monitor and enforce quality standards of nursing practice as well as examine the prescribed facilities of universities or colleges of nursing. May we know if the board has enough support staff or manpower to undertake this kind of activity?

Senator Flavier. The distinguished lady senator is correct that that is now mandated. But I am afraid that if the point is manpower, there is not enough yet, but we hope that... That is the reason, Mr. President, part of this bill also increases the number of members of the Board of Nursing. But in order to monitor, it has to work closely with the Commission on Higher Education. But implicit in the question of the lady senator is whether they would be given more people.

Senator Ejercito Estrada. Yes, Mr. President.

Senator Flavier. Maybe in this bill, we should specify that they should have sufficient or adequate personnel to implement that particular mandate, Mr. President.

Senator Ejercito Estrada. Thank you, Mr. President.

In Section 19, with regard to the issuance of special and temporary permit of the bill, for how long will the permit be effective?

Senator Flavier. The distinguished lady senator is referring to the special permits to nurses who are specialists and who come in in relation to medical missions that the lady senator is very famous for?

Senator Ejercito Estrada. Yes, Mr. President.

Senator Flavier. The general rule, Mr. President, is rather flexible, but if I may reduce that to one sentence, it is equivalent to the period of their project. For example, if their medical mission is for one month, the permit is for one month.

Senator Ejercito Estrada. I see.

Senator Flavier. It is very limited.

Senator Ejercito Estrada. Thank you, Mr. President.

I understand, Mr. President, that it is the Commission on Higher Education (CHED) which promulgates the prescribed nursing curriculum. Does the Commission on Higher Education

get recommendation and inputs from the Board of Nursing before it prescribes such curriculum?

Senator Flavier. Yes, Mr. President. The last say is with the Commission on Higher Education but the inputs come from several sources: from the Nursing Division of the Professional Regulatory Commission; also from the Nursing Board; and also from the nursing schools. That is where the deans and the Association of Deans of nursing schools come into the picture.

Senator Ejercito Estrada. The continuing professional education in Section 26 is indeed one effective avenue to maintain professional competence. I understand though the mandatory nature of this continuing professional education has been abolished under the PRC Modernization Law and is no longer a requirement for renewal of license. We discussed that.

Senator Flavier. That is correct.

Senator Ejercito Estrada. My question, Mr. President, is: What is the legal effect if a nurse does not pursue this continuing professional education?

Senator Flavier. It will be up to the professional organizations to make the decision because it is something that we should encourage for the retention of the quality of nursing. And it is my understanding that they will have to make certain agreements because in the earlier interpellation of Senator Angara, he was in favor of a more multi-disciplinary approach to include also the academe, the CHED and the professional organization. But they are supposed to need this for purposes of the registration of those nurses because they are supposed to be reregistered every three years. Therefore, if they do not do this, they can be penalized for malpractice.

So again it will be built into the system, Mr. President.

The problem is that the law that was passed for the Professional Regulation Commission specifically banned the mandatory requirement because of the fact that it became commercialized and people took advantage to monopolize the whole business for monetary purposes. So, this is an in between where they will also have the training but will be handled differently, Mr. President.

The President. Just on that point. But there is nothing to prevent the committee, if it so desires, to recommend to the plenary that the CPE be made compulsory for the nurses if there are enough policy considerations?

In other words, the mere fact that we have provided in the charter of the PRC that CPEs are no longer compulsory would not prevent this Senate and this law from making an exception in the case of nurses, if that is a policy decision of the committee recommended to the Senate as a whole?

Senator Flavier. That is correct, Mr. President. However, in the technical working group, the group decided to stay consistent with the law because it will create a lot of confusion if in a commission with say, 19 professions, there will be one that will be exempted, I can almost predict that the others will seek the same.

Therefore, I would like to propose through the intercession of... The various professional groups can take this as a matter of their own decision, Mr. President.

The President. No, but if the law, the Nursing Act that we will pass will provide that CPEs will only be voluntary, the professional organization cannot make it compulsory.

Senator Flavier. Yes, I understand that, Mr. President. However, they can require this as a matter of the professional organization's decision to have this review for purposes of standard-setting.

But I see what the Chair is saying. The Chair is saying that if it is against the law because of the mandate, then the professional organizations may not be able to enforce that same requirement.

Is that the point of the Chair?

The President. That is my point. In other words, first, what the Chair is saying is we should not be totally bound by the PRC Charter if the nurses as a professional organization believe that they should have a compulsory CPE and that the Senate agrees with that principle.

In other words, what I am saying is that the Senate or the committee may wish to examine the validity of having a compulsory CPE for nurses. If it is the decision of the committee to recommend to the Senate that the CPE be also voluntary on the part of the nursing profession, then we take that as a policy judgment not because the PRC law says so, but because that is a policy that the committee believes is appropriate for the nursing profession. That is all that the Chair is saying.

Senator Flavier. We shall certainly be happy to revisit this particular section and say that... Because the matter of the skills improvement is a global phenomenon and therefore we can easily build that into the bill so that as a matter of policy at least for nurses, we would like to see them go into continuing professional education.

The President. I guess what we have to resolve is: Do we make it compulsory for the nurses in the continued exercise of their profession to go through a compulsory professional education or do we make it purely voluntary? I think that is a policy issue that we have to address.

Senator Flavier. Yes, it is, Mr. President, especially in light of the fact that it is no longer a requirement for renewal of license.

But the point that the Chair is making, let us not lose sight, is a decision of a policymaker to make a specific provision for the need for continuing professional education. We will revisit it, Mr. President.

The President. Thank you, Senator Ejercito Estrada.

Senator Flavier. Thank you, Mr. President.

Senator Ejercito Estrada. Mr. President, in Section 29, the bill proposes to provide for a standard minimum pay for all nurses, both in public and private sector, to somehow ensure that our nurses will stay in the Philippines. But given the huge disparity between the salaries of our local nurses and those nurses working abroad, it is really difficult to put a stop to the continued migration of our nurses.

My question, Mr. President, is: May I know from the distinguished sponsor the other privileges, allowances and benefits available to our nurses here?

Senator Flavier. There is practically none, Mr. President, except on a case-to-case basis.

As I mentioned earlier, for example, in the Makati Medical Center, they provide for hospitalization privileges for their families and the Department of Health human resource group are strongly recommending a comprehensive factor that would allow them to go into better educational opportunities. And also the magna carta, if implemented, will, at least, help because it will provide for more nonfinancial privileges.

But earlier, we also discussed with Senator Angara the possibility of, at least, a minimum that we will calibrate within the context of reality. Because in this bill, we took the position that it is very difficult to set the amount but we would have the NEDA look into it, and looking at the whole horizon, work towards the DOLE and the DBM a certain break to be done together with the Civil Service Commission and the DOLE especially for the specialty nursing field.

Senator Ejercito Estrada. Mr. President, what is the view of the distinguished sponsor if we institutionalize the grant of these benefits so it will help augment the financial conditions of our nurses?

Senator Flavier. In principle, I am in favor, Mr. President, except I have certain doubts in terms of, one, the ability, for example, of the government or the private hospitals to implement or fulfill the mandate of our rates; and two, is a realistic problem

which may rebound to the effect that instead of having more openings in the nursing pool, it might be contracted by the hospital due to the high rates.

Those are some of the factors and the equation we have to bear in mind, Mr. President.

But Senator Angara will help us craft a provision that hopefully can consider all of those.

Senator Ejercito Estrada. I thank the Senate President and our distinguished sponsor. They have my support for the passage of this measure.

**MANIFESTATION OF SENATOR FLAVIER
(That All Senators Present Be Made
Additional Coauthors of S. No. 2292)**

Senator Flavier. Thank you, Mr. President.

May I also make a manifestation, Mr. President, of the interest of almost all of our colleagues to be made additional coauthors of the bill and therefore all of those who are present here and the Majority Leader will restate what I already said.

With the permission of the senators, we will make them additional coauthors, Mr. President.

The President. All right.

Senator Legarda Leviste. To interpellate, I ask that Sen. Joker P. Arroyo be recognized.

The President. Sen. Joker P. Arroyo is recognized.

Senator Arroyo. Thank you, Mr. President. Will the distinguished sponsor yield for some questions?

Senator Flavier. With pleasure, Mr. President, to my soul mate in the Senate.

Senator Arroyo. Thank you, Mr. President.

Senator Flavier. Because we both admire Senator Legarda Leviste when she passes through the senator's seat.

Senator Arroyo. Mr. President, my interest is only in Article VI, entitled Nursing Practice more particularly Section 26.

Senator Flavier. What page, Mr. President?

Senator Arroyo. It is on page 10.

Senator Flavier. Page 10, under "NURSING PRACTICE."

Senator Arroyo. Yes, Mr. President.

Senator Flavier. Section 26.

Senator Arroyo. Yes, *Scope of Nursing*.

Senator Flavier. Yes, Mr. President. Please proceed.

Senator Arroyo. As I understand it, this bill is intended to uplift or raise the level of nursing to approximate other professions.

Do I understand this correctly that the purpose of the bill is to elevate the profession of nursing to a higher level?

Senator Flavier. That is correct, Mr. President.

Senator Arroyo. Now, when we give nurses a higher level of dignity that carries, of course, also the corresponding responsibilities.

Senator Flavier. That is correct, Mr. President.

Senator Arroyo. And it is on this subject that I would like to concentrate on.

In the interpellations of Senator Angara to the sponsor, Mr. President, the sponsor mentioned that nurses presently are simply assistants of doctors, of physicians. They cannot make independent judgments.

Now, would I get a confirmation from the sponsor, who is a very distinguished doctor, just what would be the degree now of independence of the nurses in relation to their dealings with physicians?

Senator Flavier. Yes, Mr. President. Specifically, the independent nursing practitioners will be allowed to do promotion of health and prevention of illness on their own without the supervision of the physician. And in collaboration with other members of the health team, they 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, and then other duties that we try to enumerate.

Senator Arroyo. Yes, Mr. President.

Senator Flavier. And they can also open wellness clinics.

Senator Arroyo. Yes, we have that.

Senator Flavier. Yes, Mr. President.

Senator Arroyo. Now, if I understand the sponsor, nurses now can act independently of the doctors if this bill is passed.

My question is: When they are given added responsibilities, the bill does not specify what are the constraints or the liabilities of nurses.

In the case of doctors, they are liable for medical malpractice. Will there be such a thing now as nursing malpractice? I am saying that, Mr. President, because unlike other professions, the profession of medicine and nursing attends to the health and life of people. We lawyers, if we lose a case, is bad for our clients but in that case what they lose are perhaps their liberty, their life or their property. If an engineer does something wrong, it is the building that collapses. But in the case of doctors and, now with this bill, the nurses, it is the health and safety of the patients. For the added recognition and powers that we give to the nurses, what would be their liabilities because of this?

Senator Flavier. That is a very legitimate and important point, Mr. President. On the same page that the gentleman alluded to, or Section 26, it is enumerated here the parameters of what they can do. But directly on the malpractice, we have Section 21, which mandates revocation and suspension of certificate of registration and cancellation of special and temporary permit due to a list of grounds which are found on page 8.

Senator Arroyo. Mr. President, almost all professions have this kind of penalty. Whether it be engineers, lawyers, doctors, their licenses can be cancelled. What I am thinking about is the remuneration, material or monetary responsibility of nurses, just like doctors.

In the Philippines, medical malpractice cases are not yet very common, although in the United States it is widely pressed. Now, we will add nurses. I am just thinking aloud whether we could incorporate in the bill certain accountability on the part of nurses because they will be telling patients, "You do this; you do that." Supposing they do something wrong, or supposing they are lazy or they do not exercise good judgment, they give the wrong advice. What does the good sponsor think we would do in a situation like that?

Senator Flavier. I get the gentleman's point, Mr. President. I am not sure we have a specific item, but on page 8, Section 21, as I mentioned, letter (d), it says: "For malpractice or negligence in the practice of nursing." My understanding is that this will refer to the standard of nursing practice which is now in existence and the Code of Ethics of the Nurses. Whether that is specific enough for the gentleman, I do not know.

Senator Arroyo. When we file a medical malpractice suit, usually it is not only the revocation of the license of a

doctor that is considered but that he has to pay for the pecuniary losses of the patient.

I am not prepared to apply that to the nurses,... I mean, we are treading on fresh grounds here. But what would be the constraints on nurses so that they do a good job? We are giving them more power. But commensurate to that, we should say, "We give you this kind of powers, then you must have added responsibilities. Because these are *de cajon*, what we call the violation of the act, the Code of Ethics. Every profession has this. But in the medical profession where one is dealing with lives, nurses, as I understand it, will now practically substitute for doctors in cases that are very serious.

So, would the distinguished sponsor put in something that would be a constraint on nurses so that they will do a good job whenever they are called upon?

Senator Flavier. I understand, Mr. President, and I will be open to such an amendment. But what comes to mind is a set of new bills; in fact, three of them, specifically on malpractice in medicine. And to the best of my knowledge, also dentistry, and maybe we can include nursing and other allied professions in the bill.

Senator Arroyo. Yes. With this, a nurse who is called upon may prescribe a medicine and supposing something goes wrong. Things like that. That is just a concern.

Senator Flavier. Yes, we have to have a specific provision on that. Maybe the malpractice law that we are now crafting might be a more suitable answer, Mr. President.

Senator Arroyo. Now, if that would be addressed by the distinguished sponsor, I cannot be more knowledgeable in the field of medicine or nursing because I have no basic knowledge on this. But if those will be incorporated, then I think what will come out will be a very good bill, an uplifting bill for the profession. But as I have said, my thesis is, if we have to give them now new powers, then they should also have added responsibilities.

Senator Flavier. Definitely, Mr. President.

Senator Arroyo. If that is the case, then this bill would be a very good bill, and I would leave it to the distinguish sponsor to put in the necessary amendments which I articulated this afternoon.

Thank you, Mr. President.

Senator Flavier. I would like to thank the good senator.

The President. The Majority Leader is recognized.

Senator Legarda Leviste. May I ask that Sen. Aquilino Q. Pimentel Jr. be recognized for interpellation.

The President. Sen. Aquilino Q. Pimentel Jr. is recognized.

Senator Pimentel. Thank you very much, Mr. President.

Will the gentleman kindly yield for a few questions, Mr. President?

Senator Flavier. With deep pleasure, Mr. President.

Senator Pimentel. In answer to some questions raised by Senator Angara, the sponsor said that we have a certain number of nurses in this country that cannot be accommodated abroad. Meaning to say, there is an oversupply of nurses relative to the demands for nursing abroad. Is that correct, Mr. President?

Senator Flavier. That is correct, Mr. President. Specifically it is pegged, for the moment, at 128,065 nurses.

Senator Pimentel. That 128,065 nurses are in this country?

Senator Flavier. Yes, Mr. President, surplus.

Senator Pimentel. Can the gentleman kindly tell us how many of these nurses are gainfully employed, either in government or in the private sector? Would these data be available, Mr. President?

Senator Flavier. Yes, Mr. President. The data we have are the local and also a figure for international. For the international, it is 150,800, more or less. The one for local is divided into three: for the government hospitals and other institutions, 17,500; for the private hospitals and other private institutions, 7,500; and for the educational field, 2,000 nurses are involved.

Senator Pimentel. Would the figure of local nurses' employment, as read by the gentleman, indicate that all nurses therefore in the country today are gainfully employed? Is that the tenor of the gentleman's answer?

Senator Flavier. I do not think so, Mr. President. What has happened is that some of them get employed but not as nurses, because the absorptive capacity, especially in the public hospitals, is already somewhat reached.

Senator Pimentel. Of the total number of nurses then in this country, for the present, how many are not employed as nurses? Would we have any data on that, Mr. President?

Senator Flavier. We do not have the exact figure but we can get a rough estimate, Mr. President. The best estimate we have, Mr. President, is that there is about 30% that are not employed—

Senator Pimentel. As nurses.

Senator Flavier. —as nurses, Mr. President.

Senator Pimentel. And in all likelihood, would be the candidates for easier recruitment abroad considering that they cannot be gainfully employed here as nurses.

Senator Flavier. That is correct, Mr. President, except that in practice the ones that are being recruited are those who have experience—

Senator Pimentel. That is correct.

Senator Flavier. —and are those in the hospitals now.

Senator Pimentel. So, these figures are important because as policymakers we have to anticipate the needs of the country, and probably we would try to do whatever we can to ensure that the supply of nurses for our people may not also be unduly depleted by the aggressive recruitment policies that are now being waged even by the gentleman's alma mater—the Johns Hopkins Hospital.

Senator Flavier. That is true, Mr. President.

Senator Pimentel. Under the circumstances then, Mr. President, assuming that the aggressive recruitment of nurses continues within the next several years, how many nurses would still be, in the gentleman's estimate, available in this country for local and domestic service?

Senator Flavier. I do not have the exact figure, Mr. President, but I would say that we would need a period of, say, five years, at least, a buffer of 100,000 nurses. That is an educated guess.

Senator Pimentel. Which means that 20,000 nurses a year should be available under the gentleman's estimate.

Senator Flavier. Yes, Mr. President. And the good news is that at the height of our production—I used the word “production” for want of a better term—we were producing 32,000 nurses a year.

Senator Pimentel. Yes, that was at the height, probably, before the demand slumped over a certain period.

Senator Flavier. Yes, Mr. President, and the requirements were made stricter.

Senator Pimentel. I understand that now the nursing schools are teeming with applicants for nursing. At the rate nursing schools are going, it would take maybe four more years before we can turn out nursing graduates sufficient for our needs locally and for the needs of other counties. We have a four-year nursing course. Is that not correct, Mr. President?

Senator Flavier. Yes, Mr. President.

Senator Pimentel. Probably, four more years before we can really fill the gap of the need for nurses abroad and for nurses to stay domestically in service of our people. So we are looking at maybe 2006 using the current year as the reckoning period for our estimates to start, Mr. President.

Senator Flavier. I would be glad to accept that especially remembering that the current level of graduates is about 6,000 to 7,000 a year. But the trend is upward and is increasing at the rate of about 200% to 300% every year because of the demand worldwide, Mr. President.

Senator Pimentel. Yes. Mr. President, I understand that in some countries abroad, for example, in Ireland, our nurses need not take additional examinations to qualify. I wonder if the gentleman would be familiar with that information.

Senator Flavier. Yes, Mr. President. Also in Great Britain.

Senator Pimentel. United Kingdom, yes.

Senator Flavier. In the United Kingdom, I am familiar with a few friends who tell me that this is also true in the Netherlands in recognition of the quality of our graduates but very, very dominantly in their minds is our English proficiency, Mr. President.

Senator Pimentel. Now, the good quality of the nurses of the Philippines I think is a given. That is, more or less, a universal acclaim that our nurses get. But I suppose that the reason in the United Kingdom and in Ireland the nurses are not required to take additional examinations for employment in these two countries, including the Netherlands now, is the fact that nursing in these states only takes three years, while we have a four-year course which more than makes up for any additional information that their stringent qualification requirements would impose on nurses entering their country for service in the nursing field. Would that be a correct assumption also?

Senator Flavier. That is correct, Mr. President. But I would also add that in some places, they have even as low as two years for nursing. There is now an effort to make it higher that is why the three years would be much more realistic and therefore, ergo, those who come from the Philippines have an extra one to two years that they can benefit from.

Senator Pimentel. Mr. President, for people studying nursing in the United States, would the sponsor know how long the requirement for that course is?

Senator Flavier. Yes, Mr. President. Normally, it is also four years. But I am told that there is an effort to make it shorter.

Senator Pimentel. In the United States?

Senator Flavier. In the United States. However, most of the hospitals would rather not do that but hire those from the Philippines who completed four years, to begin with.

Senator Pimentel. Yes. This is exactly what I am trying to go into now as a policy issue.

Why is it that nurses being employed in the United States are made to undergo additional examinations? For example, the qualifications in nursing schools, the length of time one can earn a degree are practically the same. Why is it that nurses entering the United States as far as I could gather from information are being required to take additional examinations?

Senator Flavier. That is a correct observation, Mr. President. When I had a dialogue with a few administrators from the American universities, they told me loosely that they would be happy to accept Filipino nurses without the examination. Except that in order to make sure that the applicants from other countries are not prejudiced, they have these examinations. But the examinations are really a wide range of examination. There is the federal law that requires the Council for Foreign Nursing Graduates to undergo an examination and, more importantly, the so-called TOEFL which is really an English examination.

Senator Pimentel. Mr. President, our government should exert effort to remove this apparent unnecessary examination as far as our nurses are concerned. Probably, with the exception of TOEFL which is required of all professionals wishing to exercise that profession in the United States coming from foreign countries. But on matters of qualification, I think we should aggressively ask our—is it CHED which is in charge of this?

Senator Flavier. Yes, Mr. President. It is CHED.

Senator Pimentel. And the Department of Foreign Affairs.

Senator Flavier. Department of Foreign Affairs, yes.

Senator Pimentel. I am sure Ka Blas has all the strength to follow this through.

Senator Flavier. Definitely. I am sure the gentleman and I will support this initiative, Mr. President.

Senator Pimentel. Yes, Mr. President. I cannot understand really why the United States should lump us together with other countries as if there is no such special relationship between the United States and the Philippines. It is as if the

Philippines is not the most vocal ally of the United States in the fight against Al-Qaeda and Osama bin Laden.

In other words, there are so many things which the United States and the Philippines hold in common dearly like the principles of democracy, the fight against terrorism, and also the fact that we have a long relationship to boot between the United States and the Philippines. Still, sometimes we feel that we are really being discriminated against.

Just to cite a case in point, the most recent one was the canned tuna preference that was extended by the United States to Bolivia, Colombia, Ecuador and Peru to the exclusion of canned tuna from the Philippines.

Senator Flavier. That is correct, Mr. President.

Senator Pimentel. I am not saying that our nurses are like canned tunas. What I am saying is, on another plane, perhaps, our government should really take the initiative in trying to ease restrictions that should not be applied to us.

First, as far as our nurses are concerned, they are equally if not even better-trained and qualified than, perhaps, even the nurses trained in the United States. Of course, if England, for example, the United Kingdom, Ireland, and the Netherlands, as the gentleman pointed out, are willing to grant our nurses easy access to their domestic nursing service, I would honestly say that we should also qualify for that in the United States without too much restrictions or too much inhibitions, Mr. President.

Senator Flavier. I agree heartily with the gentleman's views, Mr. President.

Senator Pimentel. Finally, Mr. President, on the matter of supervision of the nursing education in this country. I was listening to the interjection of the Senate President and I agree with him that perhaps if the nursing profession believes that continuing professional advancement seminars or conferences should be a requirement for the maintenance of license of a nurse in this country, then maybe we should put it here in this bill also. Because it will be an exception to that regulation that we have passed, I think, two congresses ago, where we did away with the requirement of the Professional Regulation Commission on yearly or, maybe, twice a year seminars to upgrade skills in other professions.

Senator Flavier. Yes, we will certainly revisit that section and make the necessary adjustments or amendments accordingly, Mr. President.

Senator Pimentel. Just one final point, Mr. President. On the issue of inducing our nurses to stay here, I think the first thing that we should do as government is to find out how

many nurses do we really need for every given year. And then create a situation where nurses could be compensated properly, perhaps, at the same level. If that is not possible, probably just a little lower than what they would be compensated abroad.

I really do not know how to do it as of this time. I have no idea as to what kind of proposals we can make for inclusion in this bill. But I think we should already begin to plan on the basis of the number of actual nurses that we need here so that we can make proposals for enticing them. I mean proposals that will, at least, induce the nurses to stay here rather than go abroad. Because, obviously, the thing that induces them to go abroad is the huge amount of earnings that nurses earn abroad.

Senator Flavier. Definitely, Mr. President. Fortunately, the Department of Health has an ongoing study along that line to determine manpower needs now and in the near future. However, there is no consensus yet on how to fulfill the necessary perks to encourage them to stay because the economic returns in the United States is just staggeringly wide. In the United States, they can get as much as US\$40 per hour, compared to ours where they get something like, in the private hospitals, P3,000 to P4,000 a month.

Senator Pimentel. In the general region of Misamis Oriental and Lanao, particularly in Iligan City, I was informed that as of last month, there were 35 medical doctors who are now studying to be nurses, Mr. President.

I mean, it is a sad commentary of the kind of income that are available to doctors of medicine so that they are now thinking of getting a nursing degree to enable them to go abroad easier and land higher-paying jobs.

The point I am trying to put in the record, Mr. President, is, we know, it is very difficult for us as a developing country to compete with the developed world in terms of levels of compensation. I do not think we will ever be able to do that within the next several years although some people say, "you cannot eat patriotism." Well, probably, that is one of the reasons that we will have to emphasize to our nursing professionals that this is where they are needed most actually. And probably, that is the reason we must, by the very nature of things, just determine exactly what are our nursing needs for domestic service and the number of nurses that we can afford to let go. Because once they are graduates, I am not too sure that we have any right to keep them here by operation of law. Of course, the proposal in this bill is to make them serve for two years, I think?

Senator Flavier. Yes, Mr. President.

Senator Pimentel. That is the present.

Senator Flavier. For state universities and colleges.

Senator Pimentel. Yes, after graduation they are to serve two years. And some probably would have reservations on that—"Why don't you let us go immediately after graduation?" But it is actually also for their good because in the meantime they will acquire the necessary expertise and perhaps, qualify easier to enter or to meet the requirements of the United States or other countries where they have set their eyes on for employment abroad, Mr. President.

Senator Flavier. I agree, Mr. President.

Senator Pimentel. So would the two years be done... Does the gentleman remember that provision about rural service? Would that be in the nature of that thing or...?

Senator Flavier. Analogous, Mr. President, except that the one for medicine was only for six months.

Senator Pimentel. Yes, but this one is for two years?

Senator Flavier. For two years.

Senator Pimentel. What do we expect them to do within the two-year period, Mr. President?

Senator Flavier. Well, first of all, to serve the hospitals that are being threatened with shortages because more and more will be recruited from this hospital, so at least, we have a backup. And second, as the gentleman correctly said, at least this will be a pool of experience for them that will enrich their curriculum vitae and make them even more qualified to serve elsewhere.

Senator Pimentel. Yes. And therefore probably that positive aspect should be emphasized so that they would not feel as if we are trying to curtail and prevent them from improving their lives by going abroad. Because as a matter of fact... Does the gentleman believe that the two-year period is sufficient?

Senator Flavier. Well, if I had my way, maybe it should be longer, but even that is already a big leap forward.

My experience with the doctor-to-the-barrios program for two years was very positive, Mr. President. And implicit in what the gentleman mentioned, the dimension of patriotism and love of country was a very important value that we instituted especially the appeal being we are going to serve the municipalities that had had no doctors for the past 20 years. Therefore, this became the attraction and the appeal to these idealistic medical graduates that are still in existence in our country.

Senator Pimentel. So probably, we can refine the concept of the two-year requirement to stay in this country after graduation for the nurses, and probably require that they be distributed to areas which need the services of nurses along the lines of the, *ano*? Barangay service, did we call it that?

Senator Flavier. Doctor-to-the-barrios, Mr. President.

Senator Pimentel. Doctor-to-the-barrios service.

Senator Flavier. Yes, definitely. That is a very good suggestion, Mr. President.

Senator Pimentel. Thank you very much, Mr. President.

Senator Flavier. Thank you, Mr. President.

Senator Legarda Leviste. Mr. President, may this representation seek some clarification from the good sponsor? This will be very, very brief.

Senator Flavier. With pleasure to the senior coauthor of this bill.

Senator Legarda Leviste. The most senior, the one who calendars it everyday.

Senator Flavier. Yes, without whom, we would be nowhere. *[Laughter]*

Senator Legarda Leviste. Mr. President, just very brief questions on the standard basic pay of the nurses. I am not sure if this has been asked by the previous senators who interpellated, but under Section 29, the standard basic pay for nurses shall be based on NEDA figures. Just for clarification. Which figures or what NEDA figures is this section referring to? How shall we base the standard minimum pay for nurses if we say it is based on NEDA figures?

Senator Flavier. Can the lady senator be more specific in her paging, Mr. President? She is talking...

Senator Legarda Leviste. I think that will be Section 29.

Senator Flavier. Section 29, yes, Mr. President, there is actually a listing based on the grades. And according to the present valuation, the public hospital nurses are getting at the rate of about P9,000, but those from the private are pegged at about P3,000 to P4,000 only. So, the trick or at least the effort will be to get the NEDA to get all these figures and in relation to other health services come up with a figure. Senator Angara is more in favor of a more specific figure, even if he admits that this is going to be difficult. But this will be based on the NEDA and the realities in the field, and of course, affordability.

Senator Legarda Leviste. How is that possible, Mr. President, that the figures he mentioned are too low and do not really provide adequate compensation for the nurses? They do not deserve such a low compensation if we are to...

Senator Flavier. If we pass the magna carta, then it will cover this, and hopefully also bridge the gap between those two. As of now, it is the market and affordability that govern the nursing pay, Mr. President.

Senator Legarda Leviste. In the same section, Mr. President, it is also mentioned here that the proper government office or agency shall fix a standard minimum pay for nurses. Does this refer to NEDA? Or would it be appropriate if we provide for a particular government agency which shall fix the minimum pay for nurses, let us say, the Department of Labor and Employment or the Department of Health?

Senator Flavier. That is a good point, Mr. President, because in actuality, for the public hospitals, the Civil Service Commission will come in; for the private hospitals and the nurses, the DOLE will be much more involved.

Senator Legarda Leviste. Yes, Mr. President.

Senator Flavier. So mentioning them would make it even clearer.

Senator Legarda Leviste. Yes, Mr. President, because I thought it was in purpose, the sponsor left the government agency provision purposely open. Or would it be possible at the proper time to define which government agency would fix the standard minimum pay for nurses for more clarity in the bill?

Senator Flavier. Clarity and definiteness I think are both desirable in the bill, Mr. President.

Senator Legarda Leviste. So at the proper time, this representation will clarify that.

Senator Flavier. Yes, Mr. President.

Senator Legarda Leviste. There is a question from the Minority Leader, but he is asking me to clarify, which I also... It is very common that we hear the term "registered nurse" but never really bothered to find out what is the difference between a "nurse" and a "registered nurse." Are there unregistered nurses or undocumented nurses? *[Laughter]*

Senator Flavier. Maybe that is now misnomer. In the old days when I was younger and shorter—

Senator Legarda Leviste. When I was not even born yet, I suppose.

Senator Flavier. The lady senator was not yet born, she was only a glimmer in the eyes of her mother.

There was a category called "registered nurse," and this actually had only two years, then there was the Bachelor of Nursing which was four years. But now this has been more or less standardized. So we only have the four years.

Senator Legarda Leviste. And the two-year nursing course was phased out.

Senator Flavier. Yes. But because of the fact that for purposes of licensure, they are still to be registered, the word here "registration" has remained, but no longer in the context of the old two and four years.

Senator Legarda Leviste. Are there nurses still practicing who are just graduates of a two-year course?

Senator Flavier. No more, Mr. President.

Senator Legarda Leviste. What year was that phased out, Mr. President?

Senator Flavier. In the 1970s, at about the year the Majority Leader was born, Mr. President.

Senator Legarda Leviste. Yes, Mr. President. Well, that just completes my interpellation. I am eager to pass this very important piece of legislation. As I mentioned in my cosponsorship speech, I believe that this bill would be very important, very relevant especially to professionalize and improve the nursing profession. I think, as I mentioned earlier, all our colleagues here have manifested to be coauthors of this measure.

I congratulate the good sponsor for more than adequately answering all the interpellation questions.

Senator Flavier. I would like to thank the Majority Leader for her full support. If we can terminate the period of interpellations, we can then go to the amendments and the Body may be interested to know that the certification as "urgent" of this bill is now on its way to the Senate.

Senator Legarda Leviste. Yes. Lest the gentleman sounds that he is dictating to the Majority Leader, Mr. President, I had actually intended to do that.

Senator Flavier. Because I saw it in the Majority Leader's note, Mr. President.

Senator Legarda Leviste. Yes. I therefore move that the period of interpellations be closed on Senate Bill No. 2292 under Committee Report No. 68.

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

SUSPENSION OF CONSIDERATION OF S. NO. 2292

Senator Legarda Leviste. I move that we suspend consideration of Senate Bill No. 2292.

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

MANIFESTATION OF SENATOR LEGARDA LEVISTE (Senator Recto to Replace Senator Cayetano as a Member in the Government Corporations and Public Enterprises Committee)

Senator Legarda Leviste. Just a few manifestations before we adjourn, Mr. President.

In the Committee on Government Corporations and Public Enterprises, Sen. Ralph G. Recto will replace Sen. Renato L. Cayetano as a member.

The President. Is there any objection? *[Silence]* There being none, Sen. Ralph G. Recto is elected in place of Sen. Renato L. Cayetano.

Senator Legarda Leviste. Mr. President, we need to constitute the Oversight Committee on the Official Development Assistance. The two members from the Minority are Sen. Aquilino Q. Pimentel Jr. and Sen. John H. Osmeña. We still have to receive the members from the administration, from the Majority, from the chairman of the Committee on Ways and Means.

ADJOURNMENT OF SESSION

I move that we adjourn the session today until three o'clock in the afternoon tomorrow, Wednesday, August 21, 2002.

The President. Is there any objection? *[Silence]* There being none, the session is adjourned until three o'clock in the afternoon tomorrow, August 21, 2002.

It was 5:58 p.m.

RECORD OF THE SENATE

WEDNESDAY, AUGUST 21, 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 12th 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. Gregorio B. Honasan.

Everybody rose for the prayer.

PRAYER

Senator Honasan.

Almighty Father, bless us all today as we continue the task of lawmaking to help build a strong nation.

Give us clarity of thought and purity of spirit that we may fully appreciate every word, action and good intention emanating from this Chamber.

We also ask that our countrymen renew their trust and confidence in our capacity to work together for public interest, despite our shortcomings.

Inspire us to learn from Ninoy Aquino, whose 19th death anniversary we commemorate today, who believed and showed by example that the Filipino is worth dying for.

May we honor his memory together with other Filipino patriots in realizing that the Filipinos are also worth living and striving for.

All these we humbly ask in Your Most Holy Name.

Amen.

ROLL CALL

The President. The Secretary will please call the roll.

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. Flavio	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	Present*
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.	Present
The President	Present

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

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 11th session, August 20, 2002, and consider it approved.

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

Senator Pimentel. Mr. President, may I request to be recognized on a matter of personal and collective privilege.

The President. Sen. Aquilino Q. Pimentel Jr. is recognized on a question of personal and collective privilege.

PRIVILEGE SPEECH OF SENATOR PIMENTEL (Mr. Ramos' Burden)

Senator Pimentel. Mr. President, I first heard the news of Ninoy Aquino's assassination in the afternoon of August 21, 1983 on radio. I was at my home in Cagayan de Oro City where I was detained under house arrest by order of Pres. Ferdinand E. Marcos.

Although I did not know the circumstances of Ninoy's killing, I had no doubt that Mr. Marcos was responsible for it. The reason for that conclusion of mine was that Mr. Marcos had placed the country under martial rule since 1972 and he, therefore, was

* Arrived after the roll call

heroes got two points; Marcelo H. del Pilar got one point; Ninoy Aquino got one point; Richard Gomez got eight points; and Aga Muhlach got something like that.

So the distinguished gentleman asked the question: Have we learned anything from the example of Ninoy Aquino? Nothing unfortunately. If that survey is correct which was replicated three years after, the same results came out.

Now, the values for which he died for have not been recognized by the youth. Part of the reason for that is, our textbooks have not been changed. The textbooks that were published under martial law or 14 years ago, for these 14 years, our textbooks were not changed at all. So we would see in the textbooks that on the pages where President Marcos was hailed as a hero, that still remains up to now. Why? Because they are still being sold by those suppliers of books. These have not been updated. So only a few know that Ninoy did this or did that. We can ask anyone, our youth: Who is Ninoy? They just say, "He was killed." Ask: "What did he do?" They would not know the answer.

So this is our situation and it is very lamentable because the values he died for; even what he said that "The Filipino is worth dying for," I wonder what he would say if he were alive, that only a few recognized his deeds, only a few felt that he was a great man. That is the reality of it, then that is how it is.

That is the answer to the question of the gentleman.

Senator Biazon. Thank you, Mr. President.

Mr. President, I will not prolong the questions. I just stood up because I thought we have to examine what Ninoy's death should mean to us. What should Ninoy's death teach us? And I think that if, indeed, we are dreaming of a strong republic, we first have to examine how strong are the institutions in this republic.

I think strengthening institutions in this republic means we cannot just treat cavalierly the issue of having to refer to the Constitution anytime we have controversial issues to be resolved in this country that is related to the Constitution.

For example, the way we are parading the suspects before the public forgetting that the Constitution provides: "One is presumed innocent until proven otherwise." And this parading of suspects before the public is actually an indictment immediately of the suspects.

For example, the issue of the rule of law when we are just disregarding institutional issues such as constitutionality and sovereignty; issues relative to how we allow Americans to come here in this country.

Such issues, Mr. President, I think what Ninoy Aquino is trying to teach us in his death is that we need to strengthen the social, political and governmental institutions in this country if we are, indeed, dreaming of a strong republic. We must first see to it that we strengthen these institutions.

That is all I wanted to bring out, Mr. President.

Thank you.

The President. I would like to thank the distinguished gentleman.

The Majority Leader is recognized.

ACKNOWLEDGMENT OF THE STUDENTS FROM
A UNIVERSITY AND COLLEGES

Senator Legarda Leviste. Mr. President, we would like to acknowledge in the gallery today students from the University of Makati, the Emilio Aguinaldo College and the Malabon Community College.

The President. Yes. Can we dispense with the reading of the Reference of Business and proceed with the agenda for the day?

Senator Legarda Leviste. Mr. President, may I hear the Chair's request again? Is the Chair asking to dispense with the reading of the Reference of Business?

The President. That is correct and we can do it at a later hour.

BILL ON SECOND READING
S. No. 2292 — **Philippine Nursing Act**
(Continuation)

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

The President. Is there any objection? [Silence] There being none, resumption of consideration of Senate Bill No. 2292 is now in order.

Senator Osmeña III. Mr. President.

The President. Sen. Sergio R. Osmeña III is recognized.

MANIFESTATION OF SENATOR OSMEÑA III
(Senator Magsaysay as Coauthor of S. No. 2262)

Senator Osmeña III. May I manifest that Sen. Ramon Magsaysay Jr. is a coauthor of Senate Bill No. 2262, entitled

AN ACT AMENDING CERTAIN SECTIONS OF
REPUBLIC ACT 9160 OTHERWISE KNOWN AS

THE ANTI-MONEY LAUNDERING ACT OF
2001 AND FOR OTHER PURPOSES.

Thank you, Mr. President.

Senator Legarda Leviste. Mr. President, we are in the period of committee amendments.

Senator Pimentel. Mr. President.

The President. What is the pleasure of Senator Pimentel?

Senator Pimentel. May I be allowed to ask one or two questions before we go to committee amendments?

The President. In which case, we have to reopen the period of interpellations.

Senator Pimentel. I would so move, Mr. President.

Senator Legarda Leviste. Yes, Mr. President. I ask that the sponsor, Sen. Juan M. Flavie, be recognized.

The President. Sen. Juan M. Flavie is recognized.

MOTION OF SENATOR LEGARDA LEVISTE
(To Reopen the Period of Interpellations on S. No. 2292)

Senator Legarda Leviste. I move that we reopen the period of interpellations.

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

Senator Legarda Leviste. I ask that Sen. Aquilino Q. Pimentel Jr. be recognized.

The President. Sen. Aquilino Q. Pimentel Jr. is recognized.

Senator Pimentel. Thank you very much, Mr. President.

The principal point I would like to ask the sponsor is: What would be the rationale for requiring graduates of nursing schools to stay for two years to serve domestically if the government is not providing any support for those who are taking up nursing? In other words, I assume that the two-year requirement for them to stay after graduation applies to all graduates of nursing schools. Is my assumption correct, Mr. President?

Senator Flavie. Not accurate, Mr. President. The two-year mandate is limited to graduates of state universities and colleges and therefore is the basis for that requirement as a form of payment of sorts for the subsidy of the government.

Senator Pimentel. Yes, that clarifies the issue because, obviously, if they go to public institutions like state universities and colleges the tuition there would be subsidized in effect by the government. Would that not be correct, Mr. President?

Senator Flavie. That is correct, Mr. President, and that is the main rationale. However, let me also add that in the gentleman's interpellations he added a new dimension, which is included in the committee amendment, and that is, as much as possible the service must be in the underserved areas of the country, which we will be adopting shortly.

Senator Pimentel. And probably also, we will make an appeal to all graduates even of private nursing institutions to serve the country for a number of years, Mr. President. I mean, a general appeal to that effect.

Now, having said that, I realized that by imposing this two-year period for nursing graduates of public institutions, we are in effect placing a handicap on state institution of nursing graduates, a two-year requirement for them to stay while there is no requirement for nursing graduates of private institutions of nursing schools to stay for the same period of time in the country. In other words, *mukhang may advantage iyong nasa* private schools in this respect.

Senator Flavie. On the surface, that is true, Mr. President, but in practice, actually those who have experience end up having the advantage. Because in the recruitment period, they look very carefully at the period of experience the candidate has. So, in the end that will... The gentleman is right that in a manner of speaking it looks unfair, but this is also because of our earlier point that those who took their courses in private schools paid for their own schooling and therefore should not be subjected to the same requirement.

The other is that in the study during the hearings, we found out that if we require all of the graduates, we will not be able to absorb them, Mr. President. So, the happy compromise was also the more practicable solution and that is limited to the state universities and colleges graduates, Mr. President.

Senator Pimentel. Yes, and I would like to thank the sponsor for that answer which is full of wisdom. As we discussed yesterday, that was precisely the point I was trying to drive at—that the two-year period requiring nursing graduates of public institutions to stay here should not be looked at as if it were just an imposition.

Actually, it is a good training ground for them to gain experience that would enable them to land jobs easier, not only in this country but elsewhere, Mr. President.

Senator Flavier. That is correct, Mr. President. And in practice, at least that was my experience with the Doctor to the Barrios Program. With the right appeal and motivation, our young people from the private sectors do respond as is borne out by the fact that in the Doctor to the Barrios, I would say around 90% come from the private medical schools.

Senator Pimentel. But if we are using the Doctor to the Barrios Program as the point of comparison, my understanding of that program was that it was a volunteer program. Is that a correct assessment, Mr. President?

Senator Flavier. That is a correct assessment, Mr. President. It was a volunteer program and all those who joined are volunteering for two years.

Senator Pimentel. It is just a wild thought, Mr. President. Why do we not require the local governments to absorb them, the nurses that the gentleman is talking about?

In other words, if we impose this requirement thoroughly as a volunteer kind of mission, probably there will be a little resentment. But if we ask the local governments to absorb them, perhaps give them honoraria for the work that they will be doing in their respective areas, that probably will ease the burden a little bit, Mr. President.

Senator Flavier. We can experiment on that but the problem would be even more resented because my own reading—but the gentleman is the more authority than I am—is that the local government units may not have the financial capability to fund this and absorb them on a financial economic basis, Mr. President.

Senator Pimentel. Can we not get it from *jueteng* sources, Mr. President?

Senator Flavier. That would be very generous source, Mr. President.

Senator Pimentel. Thank you very much, Mr. President.

Senator Flavier. Thank you, Mr. President.

The President. If there are no further interpellations, the Chair is prepared to receive a motion to close the period of interpellations.

Senator Legarda Leviste. I move that the period of interpellations be closed.

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

Senator Legarda Leviste. I move that we open the period of committee amendments.

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

Senator Flavier is recognized.

COMMITTEE AMENDMENTS

Senator Flavier. Mr. President, I have here a list of committee amendments numbering seven of them.

On page 4, line 18, delete the words "in the Philippines" and in lieu thereof, insert the phrase **PREFERABLY IN THE UNDERSERVED AREAS OF THE COUNTRY.**

Therefore, Section 9(f) would now read as follows, and this is consistent with the point of Senator Pimentel on the areas where they will be: "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 **PREFERABLY IN THE UNDERSERVED AREAS OF THE COUNTRY.**"

The President. Is there any objection?

Senator Pimentel. Mr. President.

The President. Senator Pimentel is recognized.

Senator Pimentel. Mr. President, this is not to object but to place on record my concern. Most of these graduates of nursing schools come from middle-class families. The parents are really expecting that upon graduation, their children could start earning a living.

Of course, there is the element of patriotism here, I understand, and there is the element of our wanting them to get some experience. I would certainly hope that we can find a way whereby the nurses who will be dispersed to the various local governments could somehow be absorbed even if they are not given, shall we say, a definite salary—because that probably will be out of the question—but an honorarium or a *per diem* basis. Because certainly, when they are assigned to the far-flung areas of this country, they will be spending their own money and incurring additional expenses.

I do not know, Mr. President, how we can tackle this issue but I certainly wish to place that on record as part of my concern.

Senator Flavier. The concern is legitimate. But these are not nonpaid, they are going to be paid. They will be regularly employed as nurses in the various government hospitals, and there are about 2,000 of our hospitals that will be able to absorb them. They will be paid, Mr. President.

Senator Pimentel. Mr. President, the issue of how many nurses are expected to be graduated per year and how many hospitals are there available to absorb them, I think, would be a very crucial information that should be inputted into this discussion.

Senator Flavier. Yes, Mr. President. During the hearing, we were informed that there are about 6,000 to 7,000 nursing graduates in the whole country. However, from the state universities and colleges, it is only at about the level of 2,000. There are 2,000 hospitals in the Philippines and, therefore, we hope that the matching will be in place.

The President. Senator Sotto, the Minority Leader, is recognized.

Senator Sotto. Mr. President, I have reservations on the phrase that is being added concerning assigning them to...How did the gentleman place it—far-flung?

Senator Flavier. No, it says, "PREFERABLY IN THE UNDERSERVED AREAS," in other words...

Senator Sotto. UNDERSERVED AREAS. All right.

Senator Flavier. In other words, Mr. President, given to places with openings we would favor those areas that are underserved in the country, which is the basic rationale of the Doctor to the Barrios Program where we selected those towns that had no doctor for the past 20 years. And there were 271 of these.

Please proceed, Mr. President.

Senator Sotto. Mr. President, the reasons I have reservations about it is that, in the first place, I already have reservations about asking the graduates to remain or to stay and serve for two years when they graduate from a state university or college. Because of the fact that we should also look at a perspective that most of the students who would graduate or study in state universities and colleges would come from a lower bracket side of society.

Senator Flavier. That is true, Mr. President.

Senator Sotto. So, most of them, after graduation, would look not only at the aspect of serving his or her fellowmen but would also look at the possibility of earning a living which would help their family. So, would this provision not hold them back for two years from doing so?

Senator Flavier. No, Mr. President, because the basic assumption is that the position will have an item that will pay them adequate salary. But given to places where one is more remote than the other or underserved, we would encourage them to go to the underserved. However, it is not compulsory. If the student or the

nursing graduate prefers a more urban doctor this will also be honored. That is why the phrase is PREFERABLY IN THE UNDERSERVED AREAS OF THE COUNTRY, which is Senator Pimentel's amendment.

Senator Sotto. Who decides now what is preferable or not? It is not in the law, Mr. President.

Senator Flavier. It is not in the law, Mr. President, it is silent. But I would answer the gentleman by saying that this particular mandate will then be implemented by the provincial health officer who will be responsible for the recruitment of, say, nurses and personnel in the provincial hospital.

Senator Sotto. I would have no problem with this, Mr. President, if we are sure that there are more nursing graduates than we can handle. Is that a fact?

Senator Flavier. It is a fact, Mr. President, because we have 2,000 graduates from the state universities and colleges.

Senator Sotto. What about from the private institutions?

Senator Flavier. About 4,000 to 5,000, Mr. President.

Senator Sotto. A year?

Senator Flavier. A year.

Senator Sotto. And how many can be absorbed in the Philippines per year?

Senator Flavier. From the 2,000, they can easily be absorbed because of the emerging shortage and tightness.

For example, the report we got is that the turnover of nurses because of the foreign recruitment is now as high as 30%, that is why the accommodation will be rather assured.

Senator Sotto. What then if I took up nursing in a state university or college for three years and in my last year I entered a private institution?

Senator Flavier. Let me beg the question by saying that that is generally frowned upon by schools—those nursing students who transfer on their last year. But granting that they transferred, I would be willing to give them the benefit of the doubt and say that, for practical purposes, they are graduates of the private school where they transferred.

Senator Sotto. Anyway, Mr. President, I am not objecting to the provision. But, as I said, I just would like to place on record my reservations on this bill.

Thank you, Mr. President.

Senator Flavier. I thank the gentleman for his concern, Mr. President.

Senator J. Osmeña. Mr. President.

The President. Sen. John H. Osmeña is recognized.

Senator J. Osmeña. Mr. President, from a very, shall we say, ideological point of view. I have a very strong reservation about legislating laws that control human behavior. Furthermore, we are all aware that a lot of our, shall we say, people send their children to school to pursue courses of study that would provide them with opportunities of employment abroad. I do not know if statistically this will be supported. But I think there is an increase of males who are even studying nursing because it provides for opportunities abroad.

So given these two things that opportunities abroad are the objectives of the choice of a career path, and a very deep-seated apprehension on any effort of government to regulate human behavior as long as it is within the law and that is not criminal, I have very strong reservations and perhaps, we should set this aside. I would like to register an option, if we approve this, to seek a reconsideration after we have studied this provision that the committee is presenting.

Thank you, Mr. President.

Senator Flavier. Mr. President, the assumption of the gentleman from Cebu is correct—that there is a great impetus for taking up nursing, for example, not only for males which is correct, but even from doctors who are already MD holders because of the fact that the opportunities for nurses are much higher. However, what we tried to do in this particular point is to balance the need of our country and the opportunities abroad. What we were trying to do was to contain the supply for the local hospitals which is beginning to be the case. Therefore, we sought a happy balance that we thought would enable us to, at least, fulfill the needs of our hospitals and still allow them to go. I heard what the gentleman said, and I will be very happy to be open to further thought on this after we have already approved it.

Senator Angara. Mr. President.

The President. Sen. Edgardo J. Angara is recognized.

Senator Angara. Thank you, Mr. President, and with the permission of the distinguished sponsor and Senator Osmeña.

I just want to clarify that concept of “return service,” Mr. President. This is going to be mandatory for graduates of state colleges and universities, is it not?

Senator Flavier. That is correct, Mr. President.

Senator Angara. And this will not be applicable to graduates of private nursing schools or institutions, is it not?

Senator Flavier. No, Mr. President.

Senator Angara. The possible rationale—and which I think will be able to help Senator Osmeña—is that nursing fees in state colleges and universities are probably about a tenth of the normal tuition fee in private schools and colleges of nursing. Is it not?

Senator Flavier. Yes, Mr. President.

Senator Angara. And on the theory that if one is a “iskolar ng bayan,” his education is largely financed by our taxpayers. Is it not also reasonable to ask for “return service,” not for free but for pay, and give up in a sense two years of the opportunity to earn more in return for the scholarship that in a way one has obtained from the State?

Senator Flavier. That is the concept, Mr. President. That is analogous to a scholarship that we enjoy. For example, a government employee or official, or professor goes to the United States for advanced training. For every year of scholarship, he is required by contract to serve for two years and that is the analogy of making.

As I said earlier, while the point of Sen. John Osmeña is very legitimate, the experience that the nurses will get in the early years will redound to a plus because in the recruitment for foreign jobs, preference is highly placed on those with experience. That is why PGH is very worried not only because PGH is an excellent hospital but those who have served there are the target of recruitment because of their experience. Therefore, while it is true that they lose two years—but the two years they are paid because they are regular nursing employees of the government—they would then be repaid by a higher premium because of their experience. I am rationalizing, Mr. President.

Senator Angara. So, all in all, Mr. President, the two years that one is going to give back to our country are not really lost years. These are years when one accumulates experience that will add to his—I do not want to say that but—monetary value when he goes abroad or to his hiring rate.

As I said, it is also a repayment of the scholarship he has obtained from the States. I also share the view of Sen. John Osmeña that we ought not to effect a change in human behavior just by coercion.

That is why, at the beginning of my interpellation, I said in this case, there is really a value-for-value trade-off. That is why I said, just mere exhortation that they should be patriotic and stay longer

in the country may not work by itself. But if we couple it with an incentive, both financial and institutional, then we may be able to ask the nurses to stay because their professional growth will be assured, and then their financial return will also be answered but not as fully as when they leave for abroad.

At the proper time, I will introduce such a special scheme, Mr. President, for specialty nurses, for critical skills that we are now slowly losing so that we can have a critical mass of specialty nurses that will stay with us like operating room nurses, nurses treating cancer patients...

Senator Flavier. Oncology nurses.

Senator Angara. Oncology nurses, et cetera.

Senator Flavier. Yes, that would be most welcome, Mr. President.

Senator Angara. Thank you, Mr. President.

The President. Sen. Serge Osmeña is recognized.

Senator Osmeña III. Mr. President, my concern about including in the bill a provision that will not be enforceable bothers me. Essentially, a nursing graduate will make an economic decision when he or she graduates. And I do not think any amount of contract will force her to work locally if she gets a good offer abroad. So there is a supply-and-demand situation. If there is little demand abroad, she will look for a job locally anyway. But to force her to spend two years here, I think, will not work.

Mr. President, essentially also, specialty nursing does not happen until 10 to 15 years of experience.

When I was in Los Angeles in exile, the nurses, ICU nurses, the critical care nurses, those who are, say, hired by very wealthy people to take care of them in their homes usually get to that level after about 10 to 20 years experience because they are earning about \$1,000 a day.

Senator Flavier. That is true, Mr. President.

Senator Osmeña III. So the two years will not make them specialists in anything much. Perhaps, what we can do is just let the economic condition dictate whether they want to leave or stay. Because that is exactly the way they will be making their decisions, Mr. President.

Essentially, what we can do is to give them a scholarship loan and for them to pay it back over five years when they can afford it, but not to force them to work here especially when we do not have that many jobs.

What we are trying to do here I think, Mr. President, is to project a shortage. But that is not necessarily true because the law of supply and demand eventually balances this out. When we see that there is a shortage, more people go into the nursing course and when there is a surplus, more leave nursing. So, that will tend to correct itself. I do not think we should legislate that, Mr. President. We cannot legislate the law of supply and demand.

Senator Flavier. I thank the gentleman for that insight, Mr. President. First of all, what we are trying to avert is the point of shortage. First, the gentleman is correct that at this point we do not have that, but this is the time when it is manageable. Second, I would just like to emphasize that this is precisely the time when we have a fighting chance. This will not be implemented later or these nurses will leave first and then they will serve later. What will happen is, upon graduation there will be a requirement for this service which is paid where we will have a trade-off of their experience and therefore, make them even more valuable and in demand in exchange for the scholarship that they receive in school.

Senator Osmeña III. There are two points I want to raise in connection with that. Suppose we do not have a shortage, are we still going to hire nurses?

Senator Flavier. Yes, because the...

Senator Osmeña III. So we will have a surplus of nurses?

Senator Flavier. Well, the need for nurses in the public hospitals is there, Mr. President.

Senator Osmeña III. I see. So right now there is a shortage of nurses locally?

Senator Flavier. Yes, defined as the nurses are being recruited too fast because of the need, for example, in the United States, I understand that they need about 120,000 nurses every year. While it is true that there are other countries that are sources, the Philippines is the favorite sourcing of the nurses. So this is what we are trying to grapple with. I understand the gentleman's point about the supply and demand. I do appreciate the fact that if we can do away with this requirement, it would be easier...

Senator Osmeña III. How many registered nurses do we have today in this country?

Senator Flavier. The registry is pegged at about 344,656.

Senator Osmeña III. Roughly 350,000?

Senator Flavier. Yes, Mr. President.

Senator Osmeña III. And the gentleman said that the demand in America is roughly 120,000 a year?

Senator Flavier. A year, Mr. President.

Senator Osmeña III. That does not look to me like a demand that can continue infinitely into the future.

Senator Flavier. Does the gentleman mean the 120,000?

Senator Osmeña III. Well, there is an elasticity of hospital supply. As we know, Americans do not build hospitals right and left in America. I mean, as a matter of fact, some have closed down. Therefore, I do not expect this 120,000 a year to continue. What is the projection?

Senator Flavier. The projection is upwards, No. 1, mainly because of the increasing demand for health care and the sophistication of health care in the United States. Number two, there are less and less Americans wanting to go into nursing forces. That is why it becomes a double whammy in terms of the supply. This is the situation which augurs well for our own graduates because here, we do have a surplus.

Senator Osmeña III. All right. So, that being the case, there is no need. If there is a demand, there is no need for government to subsidize this through scholarships. They will automatically go. More and more Filipinas will automatically enroll in nursing courses for the simple reason that they know that at the end of four years, they have a job out there somewhere.

Senator Flavier. Yes, Mr. President.

Senator Osmeña III. So what is the need for the government subsidizing? I mean I think we are in a very lucky situation wherein it is supplier's market now.

The President. No. The Chair does not think there is any scholarship that is being contemplated here. The Chair thinks the debate was that those graduates of public schools were presumed studying on subsidized taxpayers' money, but there is no subsidy.

Senator Osmeña III. So we are talking about state colleges, UP, et cetera.

The President. That is correct.

Senator Osmeña III. All right. Let me go to my second point, Mr. President. Are we going to arrest them if they do not serve?

Senator Flavier. We did not contemplate that yet because our prison facilities are not adequate, Mr. President. But we have a built-in control because of our registration system through the

Professional Regulation Commission that can require them to have this before they can be qualified for work abroad.

Senator Osmeña III. Does the sponsor know what will happen at the PRC? They will be selling licenses there.

Senator Flavier. Well, that is a possibility, Mr. President.

Senator Osmeña III. Not only a possibility, Mr. President; I am telling the senator, it is a probability. There will be a demand for licenses because who wants to go through a two-year job locally when he has a job waiting at US\$30,000, US\$40,000 a year in the United States?

Senator Flavier. That is true, Mr. President.

Senator Osmeña III. So they will pay for it.

Senator Flavier. Let me rationalize by saying that there is an additional, at least, safeguard that we must get a certification from the hospital where they served to fulfill the requirement.

Senator Osmeña III. They will be selling that also, Mr. President.

Senator Flavier. I am afraid that is also possible.

Senator Osmeña III. But, Mr. President, I do not really understand the concern because if, as the sponsor says, there is a big demand there, *di mawa-wipe out ang existing supply natin dito sapagkat iyan ang unang-unang pipiliin—iyong may ekspirensiya na— di ba, Ginoong Pangulo?*

Senator Flavier. Yes, Mr. President.

Senator Osmeña III. All right. So, the new ones will now have to fill 300,000, 400,000 jobs. So, there is no need to require them to do that.

Now, if they are exceptionally brilliant, if they are asked by foreign hospitals to come and train with them because they saw their scholastic records and thought that they would have a good future there, I do not see why we have to force them because I know that we cannot arrest them and put them in prison.

Senator Flavier. Let me put it this way, Mr. President. They were trained by our state universities and colleges—I am rationalizing—with the end in view of servicing the health needs of our people, specifically through our public hospital system. And it is the hope that we can at least alleviate the outward flow of these nurses by this...

Senator Osmeña III. By capturing them for two years?

Senator Flavier. Yes, Mr. President.

Senator Osmeña III. But that is not going to change the supply-and-demand situation, Mr. President. So what in essence the sponsor is trying to resolve is that, may shortage *po tayo rito*, let us keep them here. But in the meantime, there are nurses from India, nurses from Korea who are filling the gap in America, and I do not want that to happen because we forced them to stay here for two more years.

Now, Mr. President, remember, an overseas Filipino worker sends money back home also to our economy.

Senator Flavier. That is true, Mr. President.

Senator Osmeña III. As a matter of fact, in my interviews in Europe and in the United States, they send an average of one half of what they earn, of their gross earnings. In Italy, for example, they were making US\$900 to US\$1,000 a month and they were sending at home US\$500 a month.

Senator Flavier. That is true, Mr. President.

Senator Osmeña III. *Kaya nakakatulong po sila sa ating ekonomiya*, and that is a more natural way of doing things than forcing them to do something which they would not do anyway. If they are good enough to go abroad right after graduation, fine. Between the sponsor and I, I do not think.... They will get the experienced nurses, they will pirate the experienced nurses here first—those who have five, ten years of experience—rather than a brand-new graduate. So they will really look for local jobs. If there are openings, they will be able to land one. If, as the gentleman says, the shortage is going to be critical, then certainly they will be able to find jobs.

I do not think we should force them, Mr. President. It really bothers me because I know this is unenforceable. I know it will create a racket in the PRC or in the hospitals which are required to issue licenses or certifications. And it just is not going to work. So, perhaps the good sponsor might want to consider that.

Senator Flavier. Do I hear the gentleman saying he would like to propose that we do away with this particular provision, Mr. President?

Senator Osmeña III. Yes, Mr. President. First, I think that the economic situation, as the sponsor explained it, the supply-demand equation, is so favorable that we do not really need it anyway.

Second, even if it were not favorable, believe me, I do not think we can enforce this. There has always been that moral question

in our minds. UP-trained doctors, UP-trained scientists, UP-trained computer science majors, and yet if they are really good, they get to be pirated almost immediately.

But there is nothing we can do about that, Mr. President, because our economy has not seemed fit to expand to be able to absorb the bright boys and girls that we graduate every year. *Kasalanan ng ekonomiya iyan*. It is not because we can force them, because we cannot force them. They vote with their feet, that is why there are seven million Filipinos abroad. They voted with their feet because they feel they will be able to provide a brighter economic future for their families. I do not think it is fair. I also feel bad if a nurse can go abroad, let us say, after graduation, earn US\$2,000 a month, send US\$1,000 to her family and we are saying, "No, you cannot. You stay here for 24 months."

Senator Flavier. I also hear the gentleman saying that the supply-and-demand forces will take care of the situation. Is that a fair interpretation?

Senator Osmeña III. If as what the sponsor is saying we have 50,000 nurses, if what he is saying is correct that there is a demand for 120,000 new nurses in America every year, essentially, we stand still this year. In three years we will have no single nurse in the country. I am oversimplifying. The supply and demand is so good in our favor that I feel it would be superfluous to insert this in the law now. Later on, maybe, two or three years from now, if there is such a necessity, maybe we would consider it. But I have always been averse to putting non-enforceable provisions in the law.

Senator Flavier. I heard that, Mr. President. Just a final remark.

Since this is something that may happen in the foreseeable future, we are trying to make provisions on a preventable basis. But I heard the gentleman's very persuasive statement and I will be open to a reconsideration of this point. I think there will be many nurses who will applaud if we relax this. But I hope that it will not prejudice the health needs of the country in the future.

Senator Osmeña III. Mr. President, that second part of the sponsor's statement might be premised on a wrong assumption because he is assuming that a graduate is going to be able to get a job in the United States or in Europe immediately. I am not. The ones we should be holding back are those who already have 10 years experience and we can try to force them and say, "Stay here two more years because we will run short of experienced nurses." Essentially, what the sponsor is going to say is that there is going to be an outflow of experienced nurses. But we are going to have also a lot of inexperienced and new nurses who, I do not think, will anyway be hireable so soon after graduation. So, maybe, if the sponsor can consider that, I would appreciate it.

Senator Flavier. I am certainly very open to reconsidering this, and if it will be acceptable to our colleagues, I do not mind deleting this particular section.

Senator Osmeña III. Thank you very much, Mr. President.

Senator Jaworski. Mr. President.

The President. Sen. Robert S. Jaworski is recognized.

STATEMENT OF SENATOR JAWORSKI
(Agreeing with the Concerns of Other Speakers to Put
Off the Two-Year Condition on Nursing Graduates)

Senator Jaworski. Mr. President, I would just like to be identified with the concern of the other previous speakers on the subject for the reasons stated. And more than that, considering the very basic title, the responsiveness of the nursing profession, I am of the belief that if we put this two-year condition, we might even prevent the natural growth of the nursing profession because of the fact that, as earlier mentioned, the economic dynamics should be considered. We must also understand that hopefully, if indeed the fresh graduates are accepted in the international nursing arena, the economic contribution to the country is far greater than those that are considered based on the monies forwarded by state colleges and universities. That is all, Mr. President.

Senator Flavier. I thank the gentleman for the contribution, Mr. President.

The President. May the Chair be clarified as to the exact status of the committee amendments. As far as the Chair recalls, the amendment has been proposed by the committee. There were manifestations and oppositions, and there were certain manifestations by the sponsor which affect not only the proposed amendment but the entire section where the amendment is supposed to be incorporated.

Senator Flavier. Yes, Mr. President. We are willing to reconsider and delete that particular amendment that would require the two-year service.

The President. The amendment was not on the two years. The amendment was on the underserved areas in the Philippines.

Senator Sotto. May I offer a suggestion, Mr. President.

The President. Yes, Senator Sotto.

Senator Sotto. May I suggest that the proposed committee amendment be withdrawn and probably wait until the individual amendments and then we can propose an amendment to this section.

The President. That appears to be the more logical process.

Senator Flavier. That is very acceptable. In other words, we withdraw the "underserved" provision and later on amend by the deletion of the paragraph on the two-year requirement. That would be acceptable to me, Mr. President.

The President. That is the proper procedure, unless the committee is now decided to propose an amendment by just deleting the entire paragraph (f).

Senator Flavier. No, I am willing to be patient and wait for the proper time, Mr. President.

The President. Then the proposed committee amendment has been withdrawn.

Senator Flavier. Yes, Mr. President.

Senator Osmeña III. Mr. President.

The President. Senator Osmeña is recognized.

Senator Osmeña III. May I just inquire, Mr. President. Do we allow foreign nurses to come into this country?

Senator Flavier. In only very special cases. For example, number one, when there is a medical mission of very limited time. Number two, when there are superspecialists who come here and serve in the Philippines. But they are not allowed to just serve here as nurses unless they take on the course and the requirements in the Philippines.

Senator Osmeña III. Is there a constitutional provision? Is there, or is there not? I am not clear on this. I am asking: Is there a constitutional provision prohibiting the practice of professions in this country, like lawyers? I know there are some professions that prohibit foreigners from practicing here.

Senator Flavier. To the best of my knowledge, there is no prohibition, Mr. President.

Senator Osmeña III. There is no prohibition on nursing.

Senator Flavier. There is no clear-cut prohibition, but I suppose that the general dictum will be followed. Because architects are prohibited, doctors are prohibited, and now it is supposed that nursing will be prohibited.

Senator Osmeña III. I was just curious because if there is none, perhaps the law can be more flexible and give the, whoever—the regulatory commission is here aside from the PRC—the power to allow foreign nurses to come in if we have such shortages.

This is exactly what is happening in the United States. They have a shortage, so they bring in nurses to fill the shortages which cannot be filled locally. They have quotas. I think they give us H-1 visas or whatever.

Senator Flavier. Yes, Mr. President.

Senator Osmeña III. We should do the same thing because there are lower-cost countries. There are countries that have less per capita income than we have and their nurses may want to come over here also and practice. So in case of a shortage, we should do what America is doing also.

Senator Flavier. In the bill, Mr. President, Section 19 identifies three situations where we would allow it, but what I hear the distinguished senator saying is a much more extended situation, which might be included in the prohibition. Although for the exchange, for the medical mission and for the special situation, these are allowed.

Senator Osmeña III. That is too narrow. If I heard the distinguished senator right, Mr. President, we are talking about thousands, shortages in the thousands in the future if by the senator's projection, most Filipino nurses with experience are going to be landing jobs in the United States.

If, in fact, we do face such a large numerical shortage, then we are going to have to find a way to fill the gap by inviting or allowing also foreign nurses to come into this country because after all, that is the way the world works.

Senator Flavier. Yes, in theory, that is true, but with the rates we are offering, I have very great doubts they would come.

Senator Osmeña III. Mr. President, the rates will follow the demand. Believe me, the market will take care of that. The nursing salaries will go up as soon as we see shortage of nurses. I mean, that is the way it works. That is why, I would rather not tamper with the market because if there is a surplus of nurses, believe me, the starting salaries are going to be low. But if there is going to be a shortage of nurses, believe me, the salaries are going to go through the roof. So why do we not just let the market mechanisms take care of that?

Senator Flavier. All right, Mr. President.

Senator Osmeña III. Thank you, Mr. President.

Senator Flavier. I thank the gentleman, Mr. President.

The second amendment, Mr. President, is on the same page...

The President. Page?

Senator Flavier. Page 4, Mr. President, line 19, this was the point on the Code of Ethics where we wanted to put a time frame.

So, we would insert, after the phrase "Code of Ethics" WITHIN A YEAR FROM THE EFFECTIVITY OF THIS ACT.

SEC. 9 (g) would now read as follows:

"Promulgate a Code of Ethics WITHIN A YEAR FROM THE EFFECTIVITY OF THIS ACT, decisions or adopt measures as may be necessary for the improvement of the nursing practice," et cetera.

DRILON AMENDMENT

The President. Can we use WITHIN ONE (1) YEAR rather than A YEAR?

Senator Flavier. WITHIN ONE (1) YEAR FROM THE EFFECTIVITY OF THIS ACT.

The amendment is accepted, Mr. President.

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

Senator Flavier. On page 11, Mr. President, line 9, insert the article AND and delete the comma (.). After the word "practice", add period (.) and delete the article "and". In the same line, rephrase the sentence by inserting the new phrase before the word "maintain", THE NURSE IS REQUIRED TO.

The sentence beginning in line 7 would now read as follows:

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 continued learning through continuing professional education to be provided by any professional nursing organization.

The President. Query from the Chair. The CPEs in this case would become compulsory.

Senator Flavier. Yes, Mr. President, but it will be done through the professional nursing organization.

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

Senator Flavier. The next amendment, Mr. President, is on Section 28, page 12, line 15. Before the word "program", insert the word COMPREHENSIVE. The sentence in line 14 shall now read

as follows: "The Board and the accredited professional organization shall likewise develop a COMPREHENSIVE program that would encourage the retention of nurse specialists in the Philippines."

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

Senator Flavio. The next amendment, Mr. President, is on page 12, Section 29, line 17. Rephrase the entire sentence to read as follows:

SEC. 29. 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. ADJUSTMENTS TO THEIR SALARY SHALL BE BASED ON THE SALARY STANDARDIZATION LAW: *PROVIDED*, THAT, FOR NURSES WORKING IN THE PRIVATE SECTOR, THEIR MINIMUM BASE PAY SHALL BE COMPARABLE TO THE AMOUNT BEING RECEIVED BY NURSES IN THE PUBLIC SECTOR AND THAT THE GAP BETWEEN THE SALARIES OF PUBLIC AND PRIVATE NURSES SHALL AS FAR AS PRACTICABLE NOT BE MORE THAN TWENTY PERCENT (20%); *PROVIDED, FURTHER*, THAT, THE SALARY OF NURSES WORKING IN LOCAL GOVERNMENT UNITS SHALL BE IN ACCORDANCE WITH REPUBLIC ACT NO. 6758.

The President. Is there any objection?

Senator Recto. Mr. President.

The President. Sen. Ralph G. Recto is recognized.

Senator Recto. Mr. President, for the same reasons already earlier mentioned following the economics and dynamics of the economics of such, I will have no problem with having a standard pay for public nurses, but there would be a problem if we adopt the same standard pay for private nurses.

Senator Flavio. That is true that is why the phraseology, Mr. President, is such that we included the words "AS FAR AS PRACTICABLE" recognizing that...

Senator Recto. Could I request again the sponsor to read the proposed committee amendment?

Senator Flavio. From the beginning, Mr. President?

Senator Recto. Yes, please.

Senator Flavio. It says:

SEC. 29. 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—which is to say comparable with the...

RECTO AMENDMENT

Senator Recto. I think we should stop there and have a period there. And the second part which talks about having a comparable salary in private sector...

Senator Flavio. Maybe we can complete the sentence, Mr. President, 15. ADJUSTMENTS TO THEIR SALARY SHALL BE BASED ON THE SALARY STANDARDIZATION LAW.

Then the proviso which refers to the private sector—

The President. Can be deleted.

Senator Flavio. —and what I hear the distinguished gentleman saying is he would like to recommend that we delete that portion.

Senator Recto. That is right because there was a lengthy discussion earlier on the economics of this already. And if we propose a cap on salary or a minimum cap in the private sector, the private sector will have difficulty in hiring nurses, and more so that they might leave the country.

The President. All right, what does the sponsor say?

Senator Flavio. I am open to that.

The President. So the proposal is to put a period after...

Senator Flavio. The words STANDARDIZATION LAW. And delete the rest of the...

The President. Is there any objection to the committee amendment as amended by Senator Recto? *[Silence]* There being none, the amendment is approved.

Senator Flavio. On page 12, line 22, insert a new section on nonmonetary benefits to read as follows and will be Section 30.

SEC. 30. 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. *FURTHER*, THE GOVERNMENT AND PRIVATE HOSPITALS ARE MANDATED TO MAINTAIN THE STANDARD NURSE-PATIENT RATIO SET BY THE DEPARTMENT OF HEALTH.

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

Senator Flavio. Finally, Mr. President, we will of course have to renumber the sections because of the addition of this Section 30. That completes the committee amendments.

The President. The Majority Leader is recognized.

We can now proceed with the period of individual amendments.

**MANIFESTATION OF SENATOR FLAVIO
(The Need to Have a New Copy of the Bill with the
Approved Committee Amendments)**

Senator Flavio. May I manifest the need to have a new copy with the amendments already approved so that we will be ready for the individual amendments by Monday, I understand.

Senator Legarda Leviste. I therefore move that we close the period of committee amendments.

The President. The period of committee amendments is hereby terminated.

SUSPENSION OF CONSIDERATION OF S. NO. 2292

Senator Legarda Leviste. Mr. President, I move that we suspend consideration of Senate Bill No. 2292.

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

The Secretary is directed to prepare a new version of the measure incorporating the committee amendments as approved by the Body today.

Senator Legarda Leviste. Mr. President, before the privilege hour, I do not think we proceeded earlier with the reading of the Reference of Business.

The President. The Secretary will read the Reference of Business.

REFERENCE OF BUSINESS

BILLS ON FIRST READING

The Secretary. Senate Bill No. 2307, entitled

AN ACT AMENDING CERTAIN SECTIONS OF
REPUBLIC ACT NO. 7165 AND FOR OTHER
PURPOSES

Introduced by Senator Cayetano

The President. Referred to the Committees on Education, Arts and Culture; and Finance

The Secretary. Senate Bill No. 2308, entitled

AN ACT PROHIBITING THE PUBLICATION OF
LEWD PHOTOGRAPHS AND SEX STORIES
AND ARTICLES IN PRINT MEDIA, PROVIDING
PENALTIES THEREFOR AND FOR OTHER
PURPOSES

Introduced by Senator Legarda Leviste

The President. Referred to the Committee on Public Information and Mass Media

ADDITIONAL REFERENCE OF BUSINESS

MESSAGES OF THE PRESIDENT OF THE PHILIPPINES

The Secretary.

August 14, 2002

HON. FRANKLIN M. DRILON
Senate President
Philippine Senate
Pasay City

Dear Senate President Drilon:

Pursuant to the provisions of Article VI, Section 26 (2) of the 1987 Constitution, I hereby certify to the necessity of the immediate enactment of Senate Bill No. 2248, under Committee Report No. 67, entitled

AN ACT PROVIDING FOR THE MODERNIZATION,
STANDARDIZATION AND REGULATION OF
THE PROCUREMENT ACTIVITIES OF THE
GOVERNMENT AND FOR OTHER PURPOSES,

to address the public emergency as a consequence of the pervasive graft and corruption in government

RECORD OF THE SENATE

MONDAY, AUGUST 26, 2002

OPENING OF THE SESSION

At 3:59 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 13th session of the Senate in 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. Robert S. Jaworski.

After the prayer, the Napolcom Chorale will lead us in the singing of the national anthem. The choir will also render another song, entitled *Isang Lahi*.

Everybody rose for the prayer.

PRAYER

Senator Jaworski. Let us bow our heads and acknowledge the presence of our Lord. Let us pray.

Dear God, You have once again brought us forth to the creation of this new day. As we begin another work week, we seek Your benevolent guidance that our words and actions be in consonance with Your master plan.

We ask You to keep our loved ones and the whole Senate family away from harm and evil. Give us the strength to carry out our duty to put country above self.

Help us realize the many blessings You constantly bestow upon us, instead of focusing on the unreasonable wants and ostentatious needs we wish we could have.

We also pray for our brothers and sisters who are presently faced with a multitude of trials. May Your loving grace carry them through these times of hardship.

Lastly, we pray that our minds and hearts be cleansed with Your merciful and unconditional love, that we may be worthy of the wonderful gift of life that You have privileged us with.

Amen.

NATIONAL ANTHEM

Everybody remained standing for the singing of the national anthem.

The President. The Chamber extends its appreciation to the Napolcom Chorale for that beautiful rendition of the Philippine National Anthem and the song *Isang Lahi*.

ROLL CALL

The Secretary will please call the roll.

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	Absent **
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
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 20 senators present, there is a quorum.

Senator Legarda Leviste. Mr. President.

The President. The Majority Leader is recognized.

SUSPENSION OF SESSION

Senator Legarda Leviste. Mr. President, before I move for the approval of the *Journal*, may I request a one-minute suspension of the session to allow our colleagues to greet two of our colleagues who celebrated their birthdays recently—Sen. Vicente C. Sotto III, our Minority Leader, and Sen. Francis N. Pangilinan. They both celebrated their birthdays on August 24.

The President. The session is suspended for one minute, if there is no objection. [*There was none.*]

* On official mission

** Absent on account of illness

The Majority Leader is recognized.

BILL ON SECOND READING

S. No. 2292 — Philippine Nursing Act of 2002
(Continuation)

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

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

Senator Legarda Leviste. We are in the period of individual amendments, I ask that the sponsor, Sen. Juan M. Flavie, be recognized.

The President. Sen. Juan M. Flavie is recognized.

MANIFESTATION OF SENATOR FLAVIER
(To Enter into the *Record* and *Journal* the Cosponsorship Speech of Senator Villar on S. No. 2292)

Senator Flavie. Thank you, Mr. President. Before we start the individual amendments, may I manifest for the record that Sen. Manuel B. Villar Jr. wishes to enter his cosponsorship speech into the *Record* and *Journal* without reading it.

The President. The Chair would also make it of record that the basis of the debates will be the version of Senate Bill No. 2292 with the proposed committee amendments as of 21 August 2002.

Senator Flavie. Yes, Mr. President.

The following is the written cosponsorship speech of Senator Villar Jr.:

SPONSORSHIP SPEECH OF SENATOR VILLAR

One of the reasons the Philippine economy continues to thrive amidst the global recession is the valuable contribution of our OFWs. Part of this sector, hailed as the country's modern heroes, are our nurses.

However, despite being the lifeblood of most of our hospitals that lack the much-needed doctors, our nurses remain part of the most neglected workers of the labor force.

This unfortunate occurrence has prompted a large number of them to seek better opportunities overseas. Thus, we need policies to enhance the competitiveness

and professionalism of Filipino nurses and at the same time, respond to the health care needs of our people, particularly those in the rural areas.

Hence, I rise today to cosponsor the Philippine Nursing Act of 2002. This bill commissions the State to assume responsibility for the protection and improvement of the nursing profession by instituting the measures that will result to relevant nursing education, humane conditions, better career prospects and a dignified existence for our nurses.

Nursing schools are tasked by this Act to enhance the quality of nursing education by coming up with a program that shall provide a sound and professional foundation for future practitioners and by setting higher standards when hiring faculty members.

This proposed measure also seeks to guarantee the delivery of basic health services through an adequate and competent nursing personnel system throughout the country, among others.

Needless to say, this bill will truly benefit our countrymen, and will likewise show the appreciation fitting for one of the country's acknowledged heroes.

Hence, this representation highly recommends the immediate and favorable passage of this bill.

The President. The Majority Leader is recognized.

Senator Legarda Leviste. I ask that Sen. Luisa Ejercito Estrada be recognized for her amendments, Mr. President.

The President. Sen. Luisa Ejercito Estrada is recognized.

EJERCITO ESTRADA AMENDMENTS

Senator Ejercito Estrada. Mr. President, on page 3, line 10, delete the phrase "be allowed to"; then in line 11, delete the phrase beginning with the word "as" up to "set up" in line 13 and replace it with the following: UNTIL THEIR REPLACEMENTS HAVE BEEN APPOINTED BY THE PRESIDENT AND SHALL HAVE BEEN DULY QUALIFIED.

Thus, it will now read as follows: "The incumbent Chair 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."

Senator Flavier. It is accepted, Mr. President.

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

Senator Ejercito Estrada. And on page 4, delete the entire subparagraph (e) and replace it with the following: 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.

Senator Flavier. It is accepted, Mr. President.

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

Senator Ejercito Estrada. Still on page 4, line 18, delete the word "and"; in line 19, after the word "Ethics", insert the following phrase: IN COORDINATION AND CONSULTATION WITH THE ACCREDITED PROFESSIONAL ORGANIZATION OF NURSES.

Senator Flavier. It is accepted, Mr. President.

Senator Ejercito Estrada. Thus, the subparagraph will now read: "Promulgate a Code of Ethics, IN COORDINATION AND CONSULTATION WITH THE ACCREDITED PROFESSIONAL ORGANIZATION OF NURSES, WITHIN ONE YEAR FROM THE EFFECTIVITY OF THIS ACT.

Senator Flavier. It is accepted, Mr. President.

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

Senator Ejercito Estrada. Still on the same page, line 20, change the comma (,) after the word "ACT" to a semicolon (;), then put the word AND. Delete the phrase beginning from the word "decisions" up to "Commission" in line 25 and in lieu thereof, insert a new subparagraph (H) to read as follows: (H.) PRESCRIBE, ADOPT AND ISSUE GUIDELINES, REGULATIONS AND MEASURES AS MAY BE NECESSARY FOR THE IMPROVEMENT OF THE NURSING PRACTICE, ADVANCEMENT OF THE PROFESSION AND FOR THE PROPER AND FULL ENFORCEMENT OF THE ACT, SUBJECT TO THE REVIEW AND APPROVAL BY THE COMMISSION.

Senator Flavier. It is accepted, Mr. President.

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

Senator Ejercito Estrada. On page 5, line 2, delete the phrase beginning from the word "on" up to the word "law" in line 3 and substitute it with the following:

AFTER HAVING BEEN GIVEN THE OPPORTUNITY TO DEFEND HIMSELF/HERSELF IN A PROPER ADMINISTRATIVE INVESTIGATION, ON THE FOLLOWING GROUNDS:

Thus, Section 10 will now read:

"SEC. 10. *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 OR 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.

Senator Flavier. It is accepted, Mr. President.

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

Senator Ejercito Estrada. Still on page 5, line 10, insert the words A WRITTEN between the words "pass" and "examinations"; change the word "examinations" to EXAMINATION; insert the word WHICH after the word "examination"; then delete the phrase beginning with "by" up to "Philippines" in line 11. Thus, Section 11 will now read:

SEC. 11. *Licensure Examination.* - All applicants for license to practice nursing shall be required to pass A WRITTEN examination WHICH 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.

Senator Flavier. It is accepted, Mr. President.

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

Senator Ejercito Estrada. On page 6, after line 13, insert a new Section 15 to read as follows:

SEC. 15. 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 PRACTICE OF REGISTERED NURSE.

Senator Flavier. It is accepted, Mr. President.

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

Senator Ejercito Estrada. So, we have to renumber the succeeding sections accordingly.

The President. Omnibus amendment, the subsequent sections are renumbered accordingly.

Senator Ejercito Estrada. On page 7, after line 21, insert a new paragraph to read as follows:

PROVIDED, HOWEVER, THAT THE SPECIAL/ TEMPORARY PERMIT SHALL BE EFFECTIVE ONLY FOR THE DURATION OF THE PROJECT, MEDICAL MISSION OR EMPLOYMENT CONTRACT.

Senator Flavier. It is accepted, Mr. President.

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

Senator Ejercito Estrada. On page 8, I propose that we rephrase lines 19 to 20.

The President. Lines 19 to 20.

Senator Ejercito Estrada. Yes. I propose that we delete the word "not" in line 19, and in line 20, change the words "in excess of" with the words NOT TO EXCEED.

Thus, it will now read:

Provided, however, That, the suspension of the certificate of registration shall be for a period NOT TO EXCEED four (4) years.

Senator Flavier. It is accepted, Mr. President.

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

Senator Ejercito Estrada. On the same page, line 25, change the spelling of the word "therefore" to THEREFOR, without the last letter "e". Because "therefore" with "e" means "as a result"

or "for that reason" while "THEREFOR" without "e" is used in legal terminology as a substitute for "for it", Mr. President.

Senator Flavier. It is accepted, Mr. President.

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

Senator Ejercito Estrada. On page 11, line 13, replace the period (.) with a colon (:) and insert the following sentence:

PROVIDED, FINALLY, THAT THE PROGRAM AND ACTIVITY FOR THE CONTINUING PROFESSIONAL EDUCATION SHALL BE SUBMITTED TO AND APPROVED BY THE BOARD.

The President. What does the sponsor say?

Senator Flavier. It is accepted, Mr. President.

Senator Ejercito Estrada. Thank you, Mr. President.

Senator Flavier. Thank you, Mr. President.

The President. The Majority Leader is recognized. Are there other individual amendments?

SUSPENSION OF SESSION

Senator Ejercito Estrada. Mr. President, I move that we suspend the session for one minute.

The President. The session is suspended for one minute, if there is no objection. [There was none.]

It was 5:20 p.m.

RESUMPTION OF SESSION

At 5:23 p.m., the session was resumed.

The President. The session is resumed.

Senator Legarda Leviste. Mr. President, I move that Sen. Francis N. Pangilinan be recognized for his individual amendments.

The President. Sen. Francis N. Pangilinan is recognized.

Senator Pangilinan. Thank you, Mr. President. I would like to know if the good sponsor is willing to accept additional amendments.

Senator Flavier. With pleasure, Mr. President, to Atty. Cuneta. *[Laughter]*

Senator Pangilinan. Mega attorney, Mr. President.

PANGILINAN AMENDMENTS

Mr. President, on page 10, line 10, insert before the word "curative" the word PREVENTIVE and add a comma (,) for it to read: "...with other health care providers for the curative, PREVENTIVE, and rehabilitative aspects..."

The President. Is it before or after the word "curative?"

Senator Pangilinan. After the word "curative", Mr. President.

The President. What does the sponsor say?

Senator Flavier. It is accepted, Mr. President.

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

Senator Pangilinan. Thank you, Mr. President.

Again, another amendment on page 12, line 14. Actually, it is in line 15. After the word "professional", insert the word SPECIALTY and make the word "organization" in the plural form so as to read: "... professional SPECIALTY organizations."

The President. What does the sponsor say?

Senator Flavier. It is accepted, Mr. President.

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

Senator Pangilinan. I have no other proposed amendment, Mr. President. Thank you.

Senator Flavier. I would like to thank the gentleman.

Senator Legarda Leviste. Our other colleagues, Mr. President, also reserved to propose individual amendments. Unfortunately, they are also not present today, at this time. I now move that we suspend the period of individual amendments.

The President. Is there any objection? *[Silence]* There being none, the period of individual amendments on Senate Bill No. 2292 is hereby suspended.

SUSPENSION OF CONSIDERATION OF S. NO. 2292

Senator Legarda Leviste. I now move that we suspend consideration of Senate Bill No. 2292.

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

BILL ON SECOND READING S. No. 1945 — Allowing Private Lawyers to Act as Prosecutors on Behalf of the Ombudsman (Continuation)

Senator Legarda Leviste. Mr. President, I move that we resume consideration of Senate Bill No. 1945 as reported out under Committee Report No. 16.

The President. Is there any objection? *[Silence]* There being none, resumption of consideration of Senate Bill No. 1945 is now in order.

Senator Legarda Leviste. Mr. President, we are in the period of interpellations. I move that the sponsor, Sen. Francis N. Pangilinan, be recognized.

The President. Sen. Francis N. Pangilinan is recognized.

Senator Pangilinan. Thank you, Mr. President.

Senator Legarda Leviste. To interpellate, I move that the Minority Leader, Sen. Vicente C. Sotto III, be recognized.

The President. The Minority Leader is recognized. The principal sponsor is likewise recognized.

Senator Sotto. Thank you, Mr. President. Will the distinguished birthday celebrant last Saturday yield for a few questions?

Senator Pangilinan. Willingly, Mr. President, to the birthday celebrant last Saturday, the Minority Leader.

Senator Sotto. I was reluctant to celebrate because, as we know, it is difficult when one reaches the age of 40. *[Laughter]*

I am wondering why the puzzlement on the face of the Senate President.

Anyway, how is the Office of the Ombudsman organized in terms of divisions? By the way, before the gentleman starts answering this question, I would just like to inform the distinguished gentleman that I have gone through most of the contents of the

RECORD OF THE SENATE

TUESDAY, AUGUST 27, 2002

OPENING OF THE SESSION

At 4:06 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

The President. The 14th session of the Senate in 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. Panfilo M. Lacson.

Everybody rose for the prayer.

PRAYER

Senator Lacson.

O God Almighty, we thank You for sending us sunrise every morning. And even when the sun sets in the evening, we thank You for making us productive for the day that was.

We thank You, Lord, whenever we want to talk, You listen. You can live anywhere in this universe but You always choose to be in our hearts.

It is true You do not provide us days without pain, laughter without sorrow, sun without rain. But You give us strength for the day, comfort for our tears, and light for our way.

We thank You for all the blessings. We pray that You continue to give us hope in our daily lives and in our lifetime.

Amen.

ROLL CALL

The President. The Secretary will please call the roll.

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

The President. With 13 senators present, there is a quorum. 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 13th session, August 26, 2002, and consider it approved.

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

Senator Lacson. Mr. President.

The President. Senator Lacson is recognized.

Senator Lacson. Mr. President, I rise on a point of personal and collective privilege.

The President. Will the senator please state on record the point of personal privilege for which he seeks to be recognized.

Senator Lacson. This is about a letter from the US Department of Justice.

The President. Senator Lacson may proceed and he is recognized on a point of personal privilege.

QUESTION OF PRIVILEGE OF SENATOR LACSON
(That Mr. Latimer of the US Department of Justice
Was not Aware of Either the Video Recording or Its
Airing on Television by the Philippine Press)

Senator Lacson. Mr. President, I rise on a question of personal and collective privilege. If I may be allowed, I would like to read a letter from the US Department of Justice dated August 14, 2002 anent my letter to them last June 7 of the same year.

* Arrived after the roll call

** On official mission but arrived after the roll call

*** On official mission

**** Absent on account of illness

The President. Referred to the Committees on Education, Arts and Culture; Science and Technology; Ways and Means; and Finance

The Acting Secretary [Atty. Reyes]. Senate Bill No. 2317, entitled

AN ACT ESTABLISHING A NATIONAL HIGH SCHOOL IN BARANGAY OZAMIZ (GUBA), MUNICIPALITY OF CLARIN, PROVINCE OF MISAMIS OCCIDENTAL, TO BE KNOWN AS THE OZAMIZ (GUBA) NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR

Introduced by Senator Legarda Leviste

The President. Referred to the Committee on Rules

RESOLUTION

The Acting Secretary [Atty. Reyes]. Proposed Senate Resolution No. 413, entitled

RESOLUTION DIRECTING THE SENATE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS AND OTHER APPROPRIATE COMMITTEE(S) TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ALLEGED COLLUSION AMONG TOP OFFICIALS IN THE DEPARTMENT OF HEALTH (DOH), BUREAU OF FOOD AND DRUGS (BFAD) AND MULTINATIONAL DRUG COMPANIES IN BLOCKING THE IMPORTATION, ACCREDITATION AND REGISTRATION OF NEW, CHEAP AND BRANDED MEDICINES THEREBY DELAYING AND PREVENTING THEIR SALE AND DISTRIBUTION AND FOR OTHER PURPOSES

Introduced by Senator Revilla

The President. Referred to the Committees on Health and Demography; and Trade and Commerce

BILL ON SECOND READING

S. No. 2292 — The Philippine Nursing Act of 2002
(Continuation)

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

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

Senator Legarda Leviste. We are in the period of individual amendments. I move that the sponsor, Sen. Juan M. Flavie, be recognized.

The President. For the period of individual amendments, the principal sponsor, Sen. Juan M. Flavie, is recognized.

The Chair suggests that we go page by page and we use the version of August 26, 2002, if that is in order.

Senator Flavie. Mr. President, I have with me the proposed amendments of four senators and I will take them up one by one in their order.

The President. May the Chair request the Majority Leader to manage the discussion on a page-by-page amendment of the proposed measure.

SUSPENSION OF SESSION

With the permission of the Chamber, the session is suspended for one minute, if there is no objection. *[There was none.]*

It was 4:21 p.m.

RESUMPTION OF SESSION

At 4:24 p.m., the session was resumed.

The President. The session is resumed. The Majority Leader is recognized.

ACKNOWLEDGMENT OF THE OFFICIAL VISIT OF THE FACULTY MEMBERS OF PEDRO MENDIOLA SR. MEMORIAL TECHNOLOGICAL AND POLYTECHNIC COLLEGE OF SAN JOSE, MINDORO OCCIDENTAL AND STUDENTS FROM THE UNIVERSITY OF ASIA AND THE PACIFIC AND UNIVERSITY OF PERPETUAL HELP, RIZAL COLLEGE OF LAW

Senator Legarda Leviste. Mr. President, before we proceed with the individual amendments, may we just acknowledge the presence of the following groups in the Session Hall today: the faculty members of the Pedro Mendiola Sr. Memorial Technological and Polytechnic College from San Jose, Mindoro Occidental, headed by their superintendent Bernabe Macaraig; the students from the University of Asia and the Pacific, headed by Ms. Judy Aca; and the first year law students of the University of Perpetual Help-Rizal, College of Law under Prof. Rolando Villacorta.

I now ask that the sponsor, Sen. Juan M. Flavie, be recognized.

The President. Sen. Juan M. Flavie is recognized.

Senator Flavie. Mr. President, we have agreed to go page by page in order to have a more orderly amendment on an individual basis.

The President. Will the Majority Leader manage the floor debates so that we can have an orderly amendment?

Senator Legarda Leviste. Yes, Mr. President.

Senators Villar and Aquino-Oreta already submitted their individual amendments. These are now with the sponsor. The sponsor will just manifest their individual amendments according to page.

Senator Flavie. Yes, Mr. President. However, there was a slight change. The Minority Leader, Sen. Tito Sotto, has very kindly offered to hold on to the amendments of Senator Aquino-Oreta. I will be holding on to the amendments of Senator Villar. Therefore, we will make the proceedings more orderly.

The President. So, on page 1, is there any amendment?

Senator Legarda Leviste. We will start on page 1 then. May we request Senators Angara and Osmeña III to kindly include their individual amendments when the pages concerning the amendments are reached.

We will now proceed to page 1.

Senator Flavie. I have a Villar amendment on page 1.

VILLAR AMENDMENT

In Section 2, line 6, insert the words OF FILIPINO NURSES after the words "for the protection" and insert the article THE before the phrase "...improvement of the nursing services..." to provide proper attribution as to who the State intends to protect.

The sentence shall now read: "It is hereby declared the policy of the State to assume responsibility for the protection OF THE FILIPINO NURSES and THE 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 President. What does the sponsor say?

Senator Flavie. I accept the amendment, Mr. President.

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

Are there any other amendments on page 1?

Senator Legarda Leviste. There are no more amendments, Mr. President. We now proceed to page 2.

Senator Osmeña III. Mr. President, I have an amendment on page 2.

Senator Legarda Leviste. Mr. President, I ask that Sen. Sergio Osmeña be recognized to make his amendments.

The President. Sen. Sergio Osmeña is recognized.

Senator Osmeña III. Mr. President, in line 6, Provided, That...

SUSPENSION OF SESSION

Mr. President, I move that we suspend the session for one minute.

The President. Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

It was 4:28 p.m.

RESUMPTION OF SESSION

At 4:30 p.m., the session was resumed.

The President. The session is resumed. Sen. Sergio R. Osmeña may proceed.

Senator Osmeña III. Mr. President, my proposed amendment will fall in lines 10 and 11.

The President. On what page?

Senator Legarda Leviste. Page 2.

Senator Osmeña III. Page 2, lines 10 and 11.

The President. All right.

OSMEÑA III AMENDMENTS

Senator Osmeña III. After the words "duly registered nurse", insert the phrase OR AN EDUCATOR OR A HOLDER OF A MASTER'S DEGREE IN HOSPITAL MANAGEMENT. Subject to style, Mr. President.

The President. What does the sponsor say?

Senator Flavie. It is accepted, Mr. President.

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

Senator Osmeña III. In line 14, after the word "continuous", may I propose to insert the words AND ACTIVE. So it will read: "continuous AND ACTIVE practice."

Mr. President, let me explain. I remember that about ten years ago, when a chairman was appointed to the Comelec, one of the qualifications to become chairman of Comelec would be ten years of continuous practice. This gentleman, of course, who is a personal friend, did not have ten years of practice in law but was in business. Although there was a loophole that was found, he was deemed fit and qualified to take over the chairmanship of the Comelec.

I just wanted to make sure that we would have nurses or appointees to the Nursing Board in keeping with the intent of Congress. If the intent of Congress is to make sure that they have not lost their expertise in the field of nursing, then I would like to insert the words AND ACTIVE.

Senator Flavier. It is accepted, Mr. President.

The President. Before we ask for a vote, may the Chair inquire of the proponent of the amendment how line 14 now would be applied in the face of the amendment accepted and approved in line 10, OR AN EDUCATOR OR A HOLDER OF A MASTER'S DEGREE IN HOSPITAL MANAGEMENT.

Senator Osmeña III. Understood, Mr. President. We know that there will be some confusion here, which is why, after all the amendments we inserted today, I was going to propose that a clean copy with the styling already approved by the distinguished sponsor be furnished us so that we shall be able to fine-tune the various amendments that are being proposed today.

We may even have to add another subparagraph, but I leave that to the sponsor how he wants it...

Senator Flavier. We will be happy to do that, Mr. President, and the intent is that tomorrow, we shall have another clean copy and hopefully, a very quick run through will solve all those problems.

Senator Osmeña III. I agree, Mr. President.

The President. The Osmeña amendment was accepted by the sponsor. Is there any objection? *[Silence]* There being none, the amendment is approved.

Senator Osmeña III. I have another proposed amendment in line 14, and again, this is really subject to style.

I spoke with the sponsor yesterday and he agreed to widen the scope of those who would be qualified to be members of the board, not limiting it merely to the nursing profession but to the health-care industry.

So I propose to delete the word "profession" and insert in its place the words HEALTH CARE INDUSTRY.

Senator Flavier. It is accepted, Mr. President.

The President. Is there any objection? *[Silence]* There being none, the amendment is approved. HEALTHCARE instead of "profession."

Senator Osmeña III. In line 23, I propose to delete the first word "automatically" and in its place insert the word IMMEDIATELY.

Senator Flavier. It is accepted, Mr. President.

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

Senator Osmeña III. Those are all my amendments on page 2.

Senator Legarda Leviste. Page 3. May we find out if there are any amendments on page 3? Senator Sotto.

AQUINO-ORETA AMENDMENTS

Senator Sotto. Mr. President, this is a proposed amendment by Senator Aquino-Oreta. It will be in lines 19 to 23 of page 3. The proposal is to delete lines 19 to 23. And in view of the deletion, she proposed that the following section number be inserted instead, subject to style:

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 EXAMINATION, 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.

Senator Flavier. It is accepted, Mr. President.

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

Senator Flavier. Page 4.

Senator Legarda Leviste. Page 4.

Senator Sotto. Mr. President.

The President. Are there no more amendments on page 3?

Senator Sotto. Subject to style, this could be on page 3 or page 4. This is another section concerning the board. So may I propose this, with the permission of the Chair:

SEC. ____ *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.

The President. Subject to the appropriate placement.

Senator Sotto. Yes, Mr. President.

Senator Flavier. It is accepted, Mr. President, with the proviso.

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

Senator Sotto. Thank you, Mr. President.

Senator Legarda Leviste. If there are no more amendments on page 4, Senator Osmeña III has amendments on page 4.

Senator Osmeña III. On page 4, Mr. President, I propose to delete lines 16 to 18.

Senator Legarda Leviste. May we hear from the sponsor if he is agreeable to that deletion?

The President. Lines 16 to 18, starting from what to what?

Senator Osmeña III. The entire line 16, line 17 and line 18, the entire subsection (f).

The President. Line 16 starts with the word "ACT".

Senator Osmeña III. No, I am sorry. The Majority Leader mentioned page 4.

Senator Legarda Leviste. Page 4, yes.

The President. Yes.

Senator Legarda Leviste. We are holding the August 26 amended copy.

Senator Osmeña III. Oh!

SUSPENSION OF SESSION

May I ask for a one-minute suspension of the session, Mr. President.

The President. Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

It was 4:38 p.m.

RESUMPTION OF SESSION

At 4:39 p.m., the session was resumed.

The President. The session is resumed. The Majority Leader is recognized.

Senator Legarda Leviste. There are no amendments on page 4. We now proceed to page 5.

The President. There is just a typographical error. It was pointed to me by the staff that there was a phrase omitted in the Ejercito Estrada amendment in line 22 after the word "PROCEEDINGS." Instead of a period (.), it should be a comma (,) UPON APPLICATION WITH THE COURTS.

That was a typographical error.

Senator Flavier. With the nodding of Senator Ejercito Estrada, I accept, Mr. President.

The President. That was already accepted yesterday. There was an error in the...

Senator Flavier. That is right. That is why I based it on the nodding of Senator Ejercito Estrada.

Senator Legarda Leviste. We now proceed to page 5. There are no more amendments on page 4. I ask that Sen. Sergio R. Osmeña be recognized for his amendments on page 5.

The President. Sen. Sergio R. Osmeña III is recognized for his amendments on page 5.

OSMEÑA III AMENDMENT

Senator Osmeña III. On page 5, Mr. President, I propose to delete lines 1, 2 and 3.

Senator Flavier. It is accepted, Mr. President.

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

Senator Legarda Leviste. There are no more amendments on page 5.

The President. The Secretariat will just reletter the subsequent paragraphs.

Senator Legarda Leviste. We proceed to page 6. There are no amendments on page 6. We proceed to page 7.

VILLAR AMENDMENTS

Senator Flavier. There is a Villar amendment on page 7, Mr. President. Section 16, line 15, insert the article AN before the word "applicant". The article must have been missed out accidentally. The sentence shall now read: "A certificate of registration as a nurse shall be issued to AN applicant who passes the examination upon payment of the prescribed fees."

It is accepted, Mr. President.

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

Senator Legarda Leviste. We proceed to page 8.

Senator Flavier. There is a Villar amendment on page 8, Section 20, line 12. Insert the article THE before the word "approval"; delete the word "by" and replace it with the word OF. The sentence shall now read: "Special/temporary permit may be issued by the Board subject to THE approval OF the Commission and payment of the fees it has prescribed and charged therefore to the following persons:."

It is accepted.

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

Senator Flavier. Still on page 8, Section 20 (2), line 17, add S to the word "state" to make it plural. It will now read, "(2) Licensed nurses from foreign countries/stateS on medical mission whose services shall be free in a particular hospital, center or clinic;"

It is accepted, Mr. President.

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

Senator Flavier. That is all for page 8, Mr. President.

Senator Legarda Leviste. We proceed now to page 9. There are no amendments on page 9. We proceed to page 10.

Senator Flavier. There is a Villar amendment on page 10, Mr. President.

On page 10, Section 24, line 7, add S to the word "requirement". The sentence shall now read: "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."

It is accepted, Mr. President.

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

Senator Osmeña III. Mr. President, is that on page 10?

The President. We are still on page 10.

Senator Legarda Leviste. We are still on page 10, Mr. President.

Senator Osmeña III. I do not see that in line 7 in my copy.

Senator Legarda Leviste. We are using the amended...

The President. It is in line 9, Senator Osmeña. The amendment is in line 9.

Senator Osmeña III. Thank you, Mr. President.

The President. Senator Osmeña can proceed.

Senator Angara. Excuse me, Mr. President.

The President. I am sorry. Yes, Senator Angara.

Senator Angara. On what page are we now?

Senator Legarda Leviste. Page 10.

ANGARA AMENDMENT

Senator Angara. Can I have an anterior amendment on page 9, with the permission of the gentlemen?

On page 9, Section 22, line 20, this is the *Revocation and Suspension of Certificate of Registration*. I propose to delete in line 20(g) the phrase "and/or beyond of". So that the remaining sentence will read: "For practicing his or her profession during his or her suspension from such practice."

The President. What does the sponsor say?

Senator Flavier. It is accepted, Mr. President.

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

LEGARDA LEVISTE AMENDMENT

Senator Legarda Leviste. Mr. President, in the same line, I have just noticed that the word "practicing" is spelled with a "c". It should be with an "s" since it is a verb.

The President. A typographical error. That should be corrected, if there is no objection. *[There was none.]*

Senator Legarda Leviste. We now proceed to page 10.

Senator Flavier. Page 10, Mr. President.

The President. Senator Serge Osmeña is recognized.

OSMEÑA III AMENDMENTS

Senator Osmeña III. In line 13, after the word "not", insert the word ACTIVELY.

The President. What does the sponsor say?

Senator Flavier. It is accepted, Mr. President.

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

Senator Osmeña III. And after the word "profession", delete the words "at all".

The President. What does the sponsor say?

Senator Flavier. It is accepted, Mr. President.

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

Senator Osmeña III. And after the word "for", delete the words "the past ten (10)" and insert the words THREE (3) CONSECUTIVE. For THREE(3) CONSECUTIVE years—that is how it shall read. We insert the words THREE (3) CONSECUTIVE.

Senator Flavier. In other words, the gentleman wants to reduce the 10 years to THREE (3) CONSECUTIVE years?

Senator Osmeña III. Yes. May I explain, Mr. President?

Senator Flavier. Yes, please.

Senator Osmeña III. I think 10 years is rather a long time for a nurse not to practise the nursing profession. I would be very worried if a nurse would come to me tomorrow and say, "Well, I am back in active practice now, I have not practised for 10 years."

Medicine is growing fast and there are new technologies being discovered everyday. So it would be important that we tighten up the licensing procedure, or the relicensing, so that those who have not practised for three consecutive years—and that is a pretty long time to me too, but this is obviously a compromise—must undergo one month of didactic training and three months of practicum.

Senator Flavier. Mr. President, I understand the point. But in the committee hearings, there was some firm request that we put a reasonable time. And if the gentleman will accept the FIVE (5) years, I will accept the amendment.

Senator Osmeña III. It is accepted, Mr. President, although I am worried about the quality of our nursing care. We are not penalizing them. We are just asking them to update their skills. So we have to refer to the one month of didactic training and three months of practicum. If obviously they could leave the nursing profession for a certain period of time, they must certainly dedicate a certain amount to renewing their skills and their knowledge. We are aware that in the United States, doctors and nurses have to go annual upgrades to learn the latest.

Senator Flavier. Yes, Mr. President.

Senator Osmeña III. If that is what it will take it, it is better than 10 years.

Senator Flavier. Yes, Mr. President. We will agree or accept the FIVE (5) years.

Senator Osmeña III. It is agreed.

The President. The amendment is now for FIVE (5) years in line 13. That is accepted by the sponsor.

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

Senator Osmeña III. In line 14, starting with the phrase "For those" up to lines 15, 16 and 17, after the words "of practicum", I propose to delete the entire sentence.

Senator Flavier. The gentleman is saying that for purposes of consistency?

Senator Osmeña III. That is correct, Mr. President.

Senator Flavier. It is accepted, Mr. President.

The President. Is there any objection to the deletion of the last sentence of Section 25 found in lines 14 to 17 as proposed by Sen. Serge Osmeña and accepted by the sponsor? *[Silence]* There being none, the amendment is approved.

Senator Osmeña III. Those are all my amendments, Mr. President.

Senator Flavier. I understand this leaves, however, in line 17, "The Board shall accredit hospitals to conduct the said training program."?

Senator Osmeña III. That remains.

Senator Flavier. Thank you, Mr. President.

The President. That remains. All right. The last sentence on Section 25 remains in line 17.

The Majority Leader is recognized.

Senator Legarda Leviste. Senator Angara has some amendments.

ANGARA AMENDMENT

Senator Angara. Yes, Mr. President, in line 24, if there are no more anterior amendments.

I would just want this qualification to fall in line with the CHED Memo No. 30 cited by our sponsor that the teacher of nursing must be a holder of master's degree. Therefore, I would suggest that the word "preferably" in line 24, small letter (d), be deleted.

Senator Flavier. The amendment is accepted, Mr. President.

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

Senator Legarda Leviste. We proceed to page 11.

No amendments on page 11.

We proceed to page 12.

VILLAR AMENDMENT

Senator Flavier. There is a Villar amendment on page 12, line 1. Add an S to the word "program" to make it plural.

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

Senator Flavier. That is all for the Villar amendment, Mr. President.

Senator Legarda Leviste. If there are no more amendments on page 12, we proceed to page 13.

Senator Angara. Page 13, Mr. President.

The President. Senator Angara is recognized.

ANGARA AMENDMENTS

Senator Angara. Yes, in line 20, beginning with the phrase "The Board" and ending in line 22 with the phrase "in the Philippines", delete the whole sentence and in lieu thereof, insert a new section which will be a new paragraph, and the new section will be entitled: *COMPREHENSIVE NURSING SPECIALTY PROGRAM*.

My proposal, Mr. President, is as follows:

WITHIN NINETY (90) DAYS FROM THE EFFECTIVITY OF THIS ACT, THE BOARD AND THE ACCREDITED PROFESSIONAL SPECIALTY ORGANIZATIONS IN COORDINATION WITH THE DEPARTMENT OF HEALTH ARE 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.

In other words, Mr. President, this was the Specialty Nurse Program that we were talking about because retention of these specialty nurses would be critical to the health care of our country.

Now, why am I requiring it with a two-year return service? Because they will be receiving benefits as I will provide later on in this law, Mr. President.

Senator Flavier. For as long as this will be accepted by the spirit of the deletion of an earlier two years requirement by Sen. Serge Osmeña, I would be happy to accept.

Senator Angara. This is entirely different from the mandatory service of those who are merely enrolled and have graduated from state colleges. This is a special program, Mr. President.

The President. All right. Is this accepted by the sponsor?

Senator Flavier. It is accepted, Mr. President.

The President. Is there any objection?

Senator Osmeña III. Objection, Mr. President. Just by way of clarification, may I ask the distinguished proponent of this amendment: How would we enforce this particular requirement for a nurse who has finished a specialization course to serve two years in a hospital?

Senator Angara. As in the university system, Mr. President, if one gets a scholarship and he availed himself of it, but if he wants to get out of that commitment of return service, then he pays it back to the university. So, that is one way of getting out of the commitment.

Senator Osmeña III. I see. So there is an "in lieu of."

Senator Angara. "In lieu of," yes.

Senator Osmeña III. They pay back what they owe.

Senator Angara. And normally many served, complied with that return service, but some out of necessity or out of further career development buy back, in effect, that contract.

Senator Osmeña III. All right, then I withdraw my objection because there is a way out.

The President. The Angara amendment has been accepted by the sponsor.

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

Senator Angara. This amendment, Mr. President, as approved, will constitute a new section, and I would ask that we just renumber and give it a new number.

The President. An omnibus amendment to renumber the subsequent sections.

Senator Angara. Yes, Mr. President.

Senator Flavier. It is accepted, Mr. President.

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

Senator Legarda Leviste. Page 14?

Senator Angara. On page 14, Mr. President, consistent with this new provision, I would recommend a funding provision and I would ask that this be inserted between lines 5 and 6 of page 14.

Now, this program will become meaningful only, Mr. President, if we have a funding source, and I am recommending that funding be taken out of the revenues of the Philippine Charity Sweepstakes Office, because after all the Philippine Charity Sweepstakes Office has been established for health and part also from Pagcor.

So my provision, Mr. President, as a new section would run like this.

FUNDING FOR THE COMPREHENSIVE NURSING SPECIALTY PROGRAM. - THE ANNUAL FINANCIAL REQUIREMENT NEEDED TO COVER THE COMPREHENSIVE NURSING SPECIALTY PROGRAM 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 COST AND SHALL BE RELEASED TO THE DEPARTMENT OF HEALTH SUBJECT TO ACCOUNTING AND AUDITING PROCEDURES.

Senator Flavier. This will be a new section, Mr. President.

Senator Angara. This will be a new section, Mr. President, which I propose to be inserted between lines 5 and 6 of page 14.

Senator Flavier. It is accepted, Mr. President.

The President. Before we vote on the amendment, may the Chair know if this is an open-ended funding? There is no cap.

Senator Angara. Perhaps we should place a cap, Mr. President. THE ANNUAL FINANCIAL REQUIREMENT WHICH SHALL NOT EXCEED X AMOUNT...

The President. That is right.

SUSPENSION OF SESSION

The session is suspended for one minute, if there is no objection. *[There was none.]*

It was 4:57 p.m.

RESUMPTION OF SESSION

At 5:00 p.m., the session was resumed.

The President. The session is resumed. Sen. Edgardo J. Angara is recognized.

Senator Angara. Yes, Mr. President, upon consultation with the sponsor, may I introduce a change in the proposed provision which will read: THE ANNUAL FINANCIAL REQUIREMENT NEEDED TO TRAIN AT LEAST TEN PERCENT (10%) OF THE NURSING STAFF OF EACH PARTICIPATING HOSPITAL SHALL BE CHARGEABLE AGAINST THE INCOME, et cetera.

Senator Flavier. It is accepted, Mr. President.

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

Senator Angara. Can I also introduce one anterior amendment, Mr. President, which I forgot?

On the same page, line 1, remove the period (.) after the word "LAW", Mr. President, and insert a colon (:), and add the following: PROVIDED, THAT THE SALARY OF NURSES WORKING IN LOCAL GOVERNMENT UNITS SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF RA 6758, OTHERWISE KNOWN AS THE "SALARY STANDARDIZATION LAW".

Senator Flavier. It is accepted, Mr. President.

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

Senator Flavier. Page 15.

Senator Legarda Leviste. On page 15, line 18, Mr. President, after letter (b), delete the word "and".

The President. Can we have it again?

LEGARDA LEVISTE AMENDMENT

Senator Legarda Leviste. On page 15, line 18, insert a new paragraph in letter (c) which will state:

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 29 AND 30 HEREOF.

Senator Flavier. Subject to the proper renumbering, it is accepted, Mr. President.

Senator Legarda Leviste. Yes, subject to the proper renumbering based on the previous amendments.

Senator Flavier. It is accepted, Mr. President.

Senator Angara. In the same line, Mr. President...

Senator Osmeña III. May I just ask for clarification on that particular amendment?

The President. Sen. Serge Osmeña III is recognized.

Senator Osmeña III. What page would that be?

Senator Legarda Leviste. That is page 15, line 18, after letter (b). So, it would be letter (c) in line 18.

The President. Is it between lines 17 and 18 or...?

Senator Legarda Leviste. No, it is in line 18, letter (c).

Senator Osmeña III. May we have the proposed amendment reread?

Senator Legarda Leviste. 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 29 AND 30.

Senator Osmeña III. May I know, Mr. President, if that would be subject to the fine in Section 32?

The President. Yes. Those are the...

Senator Legarda Leviste. The reason for that, Mr. President, is to ensure that the nurses will be accorded with the right to just compensation and benefits.

Senator Osmeña III. Yes, Mr. President. I was asking what would be the penalty.

The President. The penalty to that, Senator Osmeña, would be those found between lines 17 and 20 on page 14.

Senator Osmeña III. Yes. So, that is P50,000 to P100,000.

The President. That is correct, yes.

Senator Osmeña III. I just want to place on record my misgivings. I am certainly not favoring employers of nurses to pay them below minimum wage. But as we know in this country, Mr. President, nurse or any type of employee does accept jobs at wages that are lower than minimum just so they can get a job. That is No. 1. Number 2, there are different levels or standard of living levels around the country. So it would be unwise for us to mandate a uniform salary for Manila and for, say, Surigao del Sur, where the cost of living is much lower.

Perhaps we can ask the sponsor to restudy this proposed amendment to make sure that it does not become overly... I do not

know the word for it, *ngunit hindi naman masyado iyong penalty. Halimbawa, nahuling underpaid ang isang nurse sa isang hospital sa Tandag, Surigao Sur*, we might as well close the entire clinic down because this is a very heavy penalty.

Senator Flavier. On that condition, since we have approved this, we will be happy to give it a second look.

The President. We have not yet approved it.

The Majority Leader is recognized.

Senator Legarda Leviste. The sponsor has previously approved the amendment, and the intent of this amendment, Mr. President, is to make sure that the nurses are accorded their right to just compensation and benefits. I understand the concerns of Senator Osmeña. Perhaps a compromise between these two—the protection of the rights of nurses to just compensation and their incentives and benefits, and at the same time not to be too strict as to prevent them from finding employment in the rural areas.

Senator Flavier. May I suggest that we use the word “just compensation” to cover the concerns of Senator Osmeña.

Senator Osmeña III. May I just make a suggestion. I will withdraw my objection. Let us have this included in the final version—the clean copy of the bill—subject to further refinements tomorrow, if need be.

Senator Flavier. That will be acceptable to me, Mr. President.

The President. All right. The amendment is accepted by the sponsor. Is there any objection? *[Silence]* There being none, the amendment is approved.

The Chair would like to know what happens to the existing lines 18 and 19? Is that deleted or what? Because the insertion is in line 18.

Senator Flavier. My impression is that it will be moved down, Mr. President. It is not deleted. That is why the Chair’s original point that it is between lines 17 and 18 is well-taken. Letter (d).

The President. All right. So, the Legarda Leviste amendment is a new letter (C) between lines 17 and 18. And line 18 will start with small letter (d).

Senator Flavier. That is correct, Mr. President.

The President. All right, that clarifies it.

Sen. Edgardo J. Angara is recognized.

Senator Angara. Yes, Mr. President. It just occurs to me that we can also define clearly the person covered by this penal provision. For instance, Section 32.

The President. Section?

ANGARA AMENDMENTS

Senator Angara. Section 32, pages 14 and 15. We used the term “person” in different context here, Mr. President. Any person, under letter (a), means the person, the individual, so that is the correct term. But when we go down to letters (b) and (c), we are really thinking not only of an individual but also of a juridical entity, like letter (b). “Any person who undertakes in-service educational programs”. A juridical entity can conduct an in-service educational program. So, that should also comprehend a juridical entity. And any person violating any provision of this Act also can comprehend a juridical entity.

What I am saying, Mr. President, is, this is a penal provision and we ought to be very clear as to the coverage. So I suggest that with respect to subparagraph (b) in line 15 and subparagraph (c) in line 18, subject to the amendment of Senator Legarda Leviste on page 15, we use ANY PERSON OR JURIDICAL ENTITY.

Senator Flavier. It is accepted, Mr. President.

The President. Maybe we say... Because we cannot imprison a juridical person. Maybe we can say...

Senator Angara. Or the president. Not necessarily the president. The chief executive.

But the idea, Mr. President, is that since the word “person” in this Section 32 is used in two distinct senses, one is referring to an individual, for instance, letter (a) “Any person practicing nursing...”, that means an individual. And then when we come to letters (b) and (c), we are using it in a more comprehensive way. It can comprehend an organization or a juridical entity.

Senator Legarda Leviste. Will the amendment “employer of nurses” not be sufficient to cover that?

Senator Angara. Then we do not need “Any person.”

Senator Legarda Leviste. The gentleman was referring to the organization that employs nurses. Is that right, Mr. President?

Senator Angara. Yes, Mr. President.

Senator Legarda Leviste. But when we mention “juridical personality,” as the Senate President said, they will not be subject to any penal provision.

Senator Angara. Because the judge may just interpret the word "person" as referring to an individual, to be consistent with the sense of this clause.

So, it is really consistency and clearness, Mr. President, because this is a penal provision. I am sure our stylists are parliamentarians and the House can solve that.

The President. So, in case of juridical person, the penal provision will be made to apply—

Senator Angara. To the chief executive.

The President. —to the chief executive officer, subject to style. What does the sponsor say?

Senator Flavier. It is accepted, Mr. President.

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

Senator Angara. Another one, Mr. President. Again, this is generic. We keep using "accredited professional organization of nurses." In various sections of this Act, we refer to "accredited professional organization of nurses," and yet there is no provision identifying that accredited organization and who makes the accreditation.

Therefore, with the permission of the sponsor, I would propose that between lines 7 and 8, on the *Powers and Duties of the Board...* Is it on page 3?

Senator Legarda Leviste. Section 9, page 3.

Senator Angara. Page 5, between lines 7 and 8, just before subparagraph (H), I would recommend the addition of one provision, Mr. President. ACCREDIT THE PROFESSIONAL ORGANIZATION OF NURSES PER SPECIALTY OR ONE ORGANIZATION FOR ALL NURSES. Whichever the board wishes to do.

Senator Flavier. I understand the intent, Mr. President, but I am informed that there is only one accredited professional organization. But there are 19 professional organizations which can be accredited by the Professional Regulatory Commission.

Senator Angara. So, we should then empower the board to accredit one or more of these organizations, because we keep talking of accredited professional organizations, Mr. President.

Senator Flavier. That would be fine because that is very fluid. In the future, others from the 19 groups may be accredited. So, I would have no objection. It is accepted, Mr. President.

The President. Subject to style. Is it on page 5?

Senator Angara. On page 5, between lines 7 and 8.

The President. The amendment has been accepted by the sponsor. Is there any objection? *[Silence]* There being none, the amendment is approved.

Senator Angara. That is all, Mr. President.

Senator Legarda Leviste. So, we return to page 15. There are no more amendments on page 16.

Senator Angara. That is all, Mr. President.

Senator Legarda Leviste. So, we return to page 15. There are no more amendments on page 16. I therefore move to close the period of individual amendments on Senate Bill No. 2292.

The President. Is it on page 16?

Senator Legarda Leviste. There are no amendments on page 16.

The President. All right.

Senator Legarda Leviste. May I just remind that when the clean copy is given out tomorrow, that all the spelling of the word "practise" when used as a verb should be letter S.

Senator Flavier. It is accepted, Mr. President.

The President. We need not close, Madam Majority Leader, the period of individual amendments since tomorrow a clean copy will be presented and there could be some additional individual amendments.

SUSPENSION OF CONSIDERATION OF S. NO. 2292

Senator Legarda Leviste. All right. I therefore move to suspend consideration of Senate Bill No. 2292 under Committee Report No. 68.

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

Senator Flavier. Thank you, Mr. President.

BILL ON SECOND READING

S. No. 1945 — Allowing Private Lawyers to Act as Prosecutors in Behalf of the Ombudsman (Continuation)

Senator Legarda Leviste. Mr. President, I move that we resume consideration of Senate Bill No. 1945 as reported out under Committee Report No. 16.

RECORD OF THE SENATE

WEDNESDAY, AUGUST 28, 2002

RESUMPTION OF THE SESSION

At 4:04 p.m., the session was resumed with the President Pro Tempore, the Honorable Juan M. Flavio, presiding.

The President Pro Tempore. The session is resumed. The Majority Leader is recognized.

Senator Pangilinan. Mr. President, I move that we proceed to the Additional Reference of Business.

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

The Secretary will read the Additional Reference of Business.

REFERENCE OF BUSINESS

RESOLUTIONS

The Secretary. Proposed Senate Resolution No. 414, entitled

RESOLUTION STRONGLY RECOMMENDING THE OFFICE OF THE PRESIDENT TO DEVOTE ONE DAY IN A YEAR AS A NATIONAL CLEAN-UP DAY IN THE PHILIPPINES, WITH THE END IN VIEW OF PROMOTING CARE AND CONCERN FOR THE ENVIRONMENT AND HEALTH CONSCIOUSNESS

Introduced by Senator Villar Jr.

The President Pro Tempore. Referred to the Committees on Environment and Natural Resources; and Health and Demography

The Secretary. Proposed Senate Resolution No. 415, entitled

RESOLUTION URGING THE SENATE COMMITTEE ON GAMES, AMUSEMENT AND SPORTS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE PROPRIETY AND THE PROCESS BEING FOLLOWED BY THE PHILIPPINE BASKETBALL ASSOCIATION (PBA), METROPOLITAN BASKETBALL ASSOCIATION (MBA), AND THE PHILIPPINE BASKETBALL LEAGUE (PBL), IN HIRING FILIPINO-AMERICAN BASKETBALL PLAYERS

Introduced by Senator Legarda Leviste

The President Pro Tempore. Referred to the Committee on Games, Amusement and Sports

The Secretary. Proposed Senate Resolution No. 416, entitled

RESOLUTION DIRECTING THE COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS TO INQUIRE, IN AID OF LEGISLATION, INTO THE ALLEGED COLLUSION BETWEEN SOME POLICE OFFICIALS AND THE PENTAGON KIDNAP FOR RANSOM GROUP LED BY FAISAL MAROHOMBSAR, WITH THE END IN VIEW OF REVIEWING AND ENHANCING THE CAPABILITIES OF THE PHILIPPINE NATIONAL POLICE IN FIGHTING KIDNAP FOR RANSOM GROUPS

Introduced by Senator Lacson

The President Pro Tempore. Referred to the Committees on Public Order and Illegal Drugs; and Justice and Human Rights

The Secretary. Proposed Senate Resolution No. 417, entitled

RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO INQUIRE, IN AID OF LEGISLATION, INTO THE LATE PENTAGON CHIEF FAIZAL MAROHOMBSAR'S ALLEGED KIDNAP FOR RANSOM (KFR) CONNECTIONS WITH RANKING POLICE OFFICIALS AND OTHER POLITICAL DESTABILIZERS, WITH THE END IN VIEW OF RECOMMENDING ACTIONS AND FOR OTHER PURPOSES

Introduced by Senator De Castro

The President Pro Tempore. Referred to the Committees on Public Order and Illegal Drugs; and Justice and Human Rights

The Secretary. Proposed Senate Resolution No. 418, entitled

RESOLUTION URGING THE PHILIPPINE GOVERNMENT TO TAKE NECESSARY ACTION IN ORDER TO PROVIDE IMMEDIATE SOLUTION TO THE MASS DEPORTATION AND MALTREATMENT RESULTING TO THE DEATH OF FILIPINOS IN MALAYSIA

Introduced by Senator De Castro

The President Pro Tempore. Referred to the Committee on Foreign Relations

The Secretary. Proposed Senate Resolution No. 419, entitled

RESOLUTION URGING THE PHILIPPINE GOVERNMENT THROUGH THE DEPARTMENT OF

FOREIGN AFFAIRS (DFA) TO LODGE A DIPLOMATIC PROTEST AGAINST THE MALAYSIAN GOVERNMENT IN VIEW OF THE INHUMANE TREATMENT OF FILIPINO ILLEGAL IMMIGRANTS RESULTING TO THE DEATH OF SEVERAL CHILDREN DUE TO VARIOUS ILLNESSES

Introduced by Senator Villar Jr.

The President Pro Tempore. Referred to the Committee on Foreign Relations

SECOND ADDITIONAL REFERENCE OF BUSINESS

RESOLUTION

The Secretary. Proposed Senate Resolution No. 420, entitled

RESOLUTION URGING THE NATIONAL GOVERNMENT TO CREATE AN INTER-AGENCY TASK FORCE TO ADDRESS THE CONTINUED DEPORTATION OF FILIPINO CITIZENS BY THE GOVERNMENT OF MALAYSIA, LOOKING INTO THE CONDITIONS AND PROCESSES BY WHICH THE FILIPINOS WERE DEPORTED, WITH THE END IN VIEW OF PROVIDING A COMPREHENSIVE SOLUTION TO THE ISSUES AND CONCERNS OF THE FILIPINO DEPORTEES

Introduced by Senator Legarda Leviste

The President Pro Tempore. Referred to the Committee on Foreign Relations

The Majority Leader is recognized.

BILL ON SECOND READING

S. No. 2292 — **The Philippine Nursing Act of 2002**
(Continuation)

Senator Pangilinan. Mr. President, I move that we resume consideration of Senate Bill No. 2292 as reported out under Committee Report No. 68. We are still in the period of individual amendments.

The President Pro Tempore. Is there any objection? [Silence] There being none, resumption of consideration of Senate Bill No. 2292 is now in order.

Senator Pangilinan. Mr. President, I have been informed that clean copies containing the individual amendments presented yesterday have been distributed.

The President Pro Tempore. Yes. May the Chair manifest that we were on the verge of approving on Second Reading Senate Bill No. 2292, but there was a request that clean copies be made available first and the same have been distributed.

I have personally reviewed the amendments manifested on the floor and I am satisfied that all the amendments have been faithfully incorporated in the bill. With that, the Chair will be ready to accept a motion to close the period of individual amendments, unless there are other amendments.

Senator Pangilinan. Mr. President, Sen. Sergio R. Osmeña III would like to have the floor.

The President Pro Tempore. Sen. Sergio R. Osmeña III is recognized.

Senator Osmeña III. Thank you, Mr. President. I just wanted to clarify Section 4. If I may read:

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...OR AN EDUCATOR OR A HOLDER OF MASTER'S DEGREE...
- (c) Be a holder of a masteral degree in nursing...

So, between (b) and (c), Mr. President, why would there be a necessity to hold a masteral degree in nursing when (b) has a lower qualification—being a duly registered nurse of good standing?

The President Pro Tempore. What the gentleman is saying is that he feels that there is an inconsistency. If that be the case, as sponsor, I would be happy to delete subparagraph (c).

Senator Osmeña III. All right. So, we delete subparagraph (c) with the approval of the sponsor.

The President Pro Tempore. Yes, although does that then preclude the masteral degree in nursing or is there a way of incorporating that into subparagraph (b)?

Senator Osmeña III. If the qualifications under subparagraph (b) is merely to be a duly registered nurse of good standing, why would subparagraph (c) be included? It is either we use a holder of masteral degree in nursing or an educator or a holder of master's degree in hospital administration and remove the phrase "a duly registered nurse of good standing".

The President Pro Tempore. In other words, we would emphasize the masteral degree.

Senator Osmeña III. It is like saying, "You need a college degree" and then in the next line we are saying, "You need a master's degree."

The President Pro Tempore. Under subparagraph (b), we can probably say "a duly registered nurse of good standing, preferably with a master's degree in nursing" and then go on.

Senator Osmeña III. Mr. President, it is difficult to debate with the Chair. Maybe we can ask Senator Arroyo or Senator De Castro to preside so that we may be able to suspend session and discuss this off-the-record.

SUSPENSION OF SESSION

Senator Pangilinan. Mr. President, I move that we suspend the session for one minute.

The President Pro Tempore. Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

It was 4:12 p.m.

At this juncture, the President Pro Tempore relinquished the Chair to Sen. Noli De Castro.

RESUMPTION OF SESSION

At 4:14 p.m., the session was resumed.

The Presiding Officer [Sen. De Castro]. The session is resumed. Senator Osmeña III is recognized.

OSMEÑA III AMENDMENTS

Senator Osmeña III. Mr. President, with the permission of the sponsor—this is going to be difficult—I propose that we delete on line 14, subparagraphs (b), (c) and (d) and in lieu thereof, insert the following: BE A HOLDER OF A MASTERAL DEGREE IN NURSING OR EDUCATION OR HOSPITAL ADMINISTRATION OR PUBLIC ADMINISTRATION.

Senator Flavier. Will the gentleman please repeat that, Mr. President?

Senator Osmeña III. We delete subparagraphs (b), (c) and (d) and in lieu thereof, insert the following: BE A HOLDER OF A MASTER'S DEGREE IN NURSING OR EDUCATION OR HOSPITAL ADMINISTRATION OR PUBLIC ADMINISTRATION.

Senator Flavier. What about the health care industry? The gentleman also deleted subparagraph (d). Is that right?

Senator Osmeña III. Yes, Mr. President. But I find it difficult now to input because it depends upon his/her level of expertise. He can be in active practice in the health care industry as a utility worker. So I have decided to delete that also and just limit it to holders of master's degree in education, nursing, public administration or hospital administration.

Senator Flavier. Let me just check if I got it, Mr. President.

So it will be MASTER'S DEGREE IN NURSING OR EDUCATION OR HOSPITAL ADMINISTRATION OR PUBLIC ADMINISTRATION. Delete subparagraphs (b), (c) and (d) and put in its place these sets of qualifications.

Senator Osmeña III. Yes, Mr. President.

Senator Flavier. It is accepted, Mr. President.

Senator Osmeña III. With the permission of the sponsor, may I point out that in lines 24 and 25, while the intent is laudatory, this may make it difficult. We are adding an additional matrix to the qualification because the line reads: "That the membership to the Board shall represent the three (3) areas of nursing, namely: nursing education, nursing service, and community health nursing." We might make it difficult for the President to make choices when... Why do we not leave it up to the President when she makes her appointments?

The Presiding Officer [Sen. De Castro]. Before we continue with another amendment, Senator Osmeña, let us first approve the acceptance of the amendment by the sponsor.

Senator Osmeña III. I bow to the superior wisdom of the Chair.

The Presiding Officer [Sen. De Castro]. Is there any objection to the amendment? *[Silence]* There being none, the amendment is approved.

Senator Flavier. So what I hear the gentleman saying, Mr. President, is that, he would prefer to delete the proviso under lines 24 and 25 to preclude any difficulty in reconciling two sets of requirements.

Senator Osmeña III. Two sets of qualifications, yes, Mr. President.

Senator Flavier. It is accepted, Mr. President.

The Presiding Officer [Sen. De Castro]. Is there any objection to the amendment? *[Silence]* There being none, the amendment is approved.

Senator Osmeña III. Thank you, Mr. President.

Senator Pangilinan. Mr. President, I move that we close the period of individual amendments.

The Presiding Officer [Sen. De Castro]. Is there any objection? [Silence] There being none, the period of individual amendments is hereby closed.

APPROVAL OF S. NO. 2292 ON SECOND READING

Senator Pangilinan. Mr. President, I move that we vote on Second Reading on Senate Bill No. 2292, as amended.

The Presiding Officer [Sen. De Castro]. Is there any objection? [Silence] There being none, we shall now vote on Second Reading on Senate Bill No. 2292, as amended.

As many as are in favor of the bill, say *aye*.

Several Members. *Aye*.

The Presiding Officer [Sen. De Castro]. As many as are against the bill, say *nay*. [Silence]

Senate Bill No. 2292, as amended, is approved on Second Reading.

Senator Pangilinan. Thank you, Mr. President.

Mr. President, I would like to manifest that this bill is a certified measure. May I ask the Secretary to read the certification from Malacañang.

MANIFESTATION OF SENATOR FLAVIER
(Sen. Gregorio B. Honasan as Coauthor of S. No. 2292)

Senator Flavier. Before we act on that, Mr. President, may I manifest that Sen. Gregorio B. Honasan is a coauthor of the Philippine Nursing Act of 2002.

The Presiding Officer [Sen. De Castro]. It is noted.

Senator Pangilinan. Mr. President, earlier, we were asking that the Secretary read the certification from Malacañang as regards this particular measure. There being a quorum, we can also move that we approve it on Third Reading.

But before that, the earlier manifestation is that the Secretary read the certification from Malacañang.

SUSPENSION OF SESSION

The Presiding Officer [Sen. De Castro]. The session is suspended for one minute, if there is no objection. [There was none.]

It was 4:21 p.m.

RESUMPTION OF SESSION

At 4:21 p.m., the session was resumed.

The Presiding Officer [Sen. De Castro]. The session is resumed.

The Secretary will please read the certification from Malacañang.

The Secretary.

MALACAÑANG
MANILA

August 21, 2002

HON. FRANKLIN M. DRILON
Senate President
Philippine Senate
Pasay City

Dear Senate President Drilon:

Pursuant to the provisions of Article VI, Section 26 (2) of the 1987 Constitution, I hereby certify to the necessity of the immediate enactment 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 7164, OTHERWISE KNOWN AS THE "PHILIPPINE NURSING ACT OF 1991" AND FOR OTHER PURPOSES,

to address the public emergency manifested by the need for a more responsive nursing profession in light of the critical changing context of health care in the country and in the world.

Best wishes.

Very truly yours,

(Sgd.) GLORIA MACAPAGAL ARROYO

cc: HON. JOSE C. DE VENECIA JR.
Speaker
House of Representatives
Quezon City

BILL ON THIRD READING
S. No. 2292 — Philippine Nursing Act

Senator Pangilinan. Mr. President, having heard the reading of the certification by Malacañang, I move that we now vote on Third Reading on Senate Bill No. 2292.

The Presiding Officer [Sen. De Castro]. Is there any objection? *[Silence]* There being none, voting on Third Reading on Senate Bill No. 2292 is now in order.

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

The Secretary. Senate Bill No. 2292, entitled

AN ACT PROVIDING FOR A MORE RESPONSIVE
 NURSING PROFESSION, REPEALING FOR THE
 PURPOSE REPUBLIC ACT 7164, OTHERWISE
 KNOWN AS THE "PHILIPPINE NURSING ACT
 OF 1991" AND FOR OTHER PURPOSES.

The Presiding Officer [Sen. De Castro]. We shall now vote on the bill and the Secretary will call the roll.

The Secretary. *Senators*

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

APPROVAL OF S. NO. 2292 ON THIRD READING

The Presiding Officer [Sen. De Castro]. With 12 affirmative

votes, no negative vote, and no abstention, Senate Bill No. 2292 is approved on Third Reading.

SUSPENSION OF SESSION

Senator Pangilinan. Mr. President, I move that we suspend the session for one minute.

The Presiding Officer [Sen. De Castro]. Is there any objection? *[Silence]* There being none, the session is suspended for one minute.

It was 4:24 p.m.

RESUMPTION OF SESSION

At 4:26 p.m., the session was resumed.

The Presiding Officer [Sen. De Castro]. The session is resumed.

Senator Pangilinan. Mr. President, Sen. Joker P. Arroyo wishes to be recognized.

The Presiding Officer [Sen. De Castro]. Sen. Joker P. Arroyo is recognized.

Senator Arroyo. Mr. President, I would just like to make an inquiry. Where are the leaders of the Majority and the Minority? We do not see them around. How can we function if the leaders of both sides of the aisles are not around?

The Presiding Officer [Sen. De Castro]. And who is acting Minority Leader now, Senator Biazon?

Senator Flavier. Mr. President, may I take the liberty of explaining that I received a call from the Majority Leader, Sen. Loren B. Legarda Leviste, that she is suffering from a very severe migraine and therefore asked to be excused. She also assured me that she is not in the family way. *[Laughter]*

I also received a call from Senate President Franklin M. Drilon telling me that he has been delayed by his participation in the ASEP Conference now ongoing at the Century Park Hotel, if I may put that on the record, Mr. President.

The Presiding Officer [Sen. De Castro]. The Acting Minority Leader is recognized.

Senator Biazon. Yes, Mr. President. The leaders of the Minority are also not here and Sen. Aquilino Q. Pimentel Jr. is in Mongolia, I think he is on official business. Sen. Vicente C. Sotto III, the Minority Leader, has the right to keep the explanation of his absence secret.

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 MAIN-STREAM 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. Flavies, 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,

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)."