

RECORD OF THE SENATE

THURSDAY, JUNE 6, 1991

OPENING OF THE SESSION

At 3:27 p.m., the Honorable Sotero H. Laurel, President Pro Tempore of the Senate, called the session to order.

The President Pro Tempore. Binubuksan ang pu-
long ng Senado.

NATIONAL ANTHEM

The President Pro Tempore. Sa pagsasara ng
sesyong ito ay inaanyayahan tayong makinig sa Pam-
bansang Awit, na pangungunahan nina G. Padilla
at Bb. Manalese. Ito ay susundan ng
dalawang awit, ang "Kalapating Bughaw" at "Doon po
sa Amin" na kakantahin ni G. Jess Manuel Santiago at
pagkatapos ay pangungunahan tayo sa panalangin ni
Senador Wigberto E. Tañada.

*Everybody rose for the singing of the National An-
them and other songs and remained standing for the
opening prayer.*

PRAYER

Senator Tañada.

Dear Lord, God Almighty of History and Hope:

On this last day of the Fourth Session of this
First Congress elected under a new Constitution, we offer
this prayer:

We implore You, Lord, to keep our Government and
the People united by adherence to the letter and spirit of
the Constitution, which reflects our historic struggles
and aspirations for freedom and sovereignty, for our
survival and security.

We thank You, Lord, for the good news You have
inspired us to propose into laws. However few they are
for the many problems of our people, may their enforce-
ment help bring a better life for the many who are poor.

* Arrived after the roll call

** On official mission, also arrived after the roll call

We ask You, Lord, to keep us enlightened with
reason and realism as we seek to end soonest the stay of
foreign military bases and their stores of nuclear weap-
ons on our soil. May the trend to reject a new military
treaty become clearer so that the Senate may be well-
remembered for having said "NO to war and YES to
peace".

We beseech You, Lord, to strengthen our prin-
ciples with pragmatism and our pragmatism with
principles as we ask the soldiers of our people to
humanize their armed conflict and cease their hostilities.
Let them know that the violence of arms and the viola-
tion of human rights hang heavy in the hearts and minds
of our people who aspire to their individual and
collective rights to peace with justice.

Finally, Lord, remind our Leaders within and outside
of this Senate, whatever their partisan political affili-
ations, that when our people ask each and every one of us
to account for what we have done, we shall also be
judged for what we have not done.

Lord, unworthy as we may be, make us the instru-
ments of Your Will that in the hearts of our people peace
now may ever abide.

Amen.

ROLL CALL

The President Pro Tempore. The Secretary will
please call the roll.

The Secretary.

Senator Heherson T. Alvarez	Present
Senator Edgardo J. Angara	Present
Senator Agapito A. Aquino	Present*
Senator Juan Ponce Enrile	Present
Senator Joseph Ejercito Estrada	Present
Senator Neptali A. Gonzales	**
Senator Teofisto T. Guingona, Jr.	Present
Senator Ernesto F. Herrera	Present
Senator Sotero H. Laurel	Present
Senator Jose D. Lina, Jr.	Present
Senator Ernesto M. Maceda	Present
Senator Orlando S. Mercado	Present
Senator John H. Osmeña	Present

Province of Davao Oriental, with seats at Mati, Baganga, and Lupon;

“Sixteen branches with seats thereat for the Province of Davao del Sur and the City of Davao, with seats at Davao City, Digos, Malita, and Bansalan;

“Ten branches with seats thereat for the Province of South Cotabato and the City of General Santos, with seats at General Santos City, Koronadal, Surallah, Alabel, and Polomolok; and

“Five branches with seats thereat for the Province of Surigao del Sur, with seats at Tandag, Lianga, Bislig, and Cantilan.”

SEC. 13. Section 14, paragraph (m), of Batas Pambansa Blg. 129 otherwise known as the Judiciary Reorganization Act of 1981, is hereby amended to read as follows:

“(m) Twenty-five Regional Trial Judges shall be commissioned for the Twelfth Judicial Region.

There shall be:

“Eight branches with seats thereat for the Province of Lanao del Norte and the City of Iligan, with seats at Iligan City, Kapatagan, and Tubod;

“Five branches with seats thereat for the Province of Lanao del Sur and the City of Marawi, with seats at Marawi City, and Malabang;

“Three branches with seats thereat for the Province of Maguindanao and the City of Cotabato, with seats at Cotabato City, and Maganoy;

“Six branches with seats thereat for the province of North Cotabato, with seats at Kabacan, Kidapawan, and Midsayap; and

“Three branches with seats thereat for the Province of Sultan Kudarat, with seats at Isulan, Tacurong, and Kalamansig.”

SEC. 14. The Supreme Court shall effect the renumbering of the Regional Trial Courts from the Roman Numeral System to Arabic Numeral System. It shall also reorder the numbering of all the

Regional Trial Courts all over the country in accordance with the allocations of seats provided herein.

SEC. 15. The amount necessary to carry out the provisions of this Act on priority basis as determined by the Supreme Court is hereby authorized to be included in the appropriations of the Supreme Court in the annual General Appropriations Act of the year following its enactment into law and thereafter: *Provided*, That, to effectively implement this Act, the Supreme Court is hereby vested the power to prioritize or to determine which sala or salas shall be established for a given year: *Provided, Further*, That for reasons of efficiency, economy and accessibility, the Supreme Court is hereby authorized to transfer a sala from one station, as determined herein, to another within the same Judicial Region: *Provided, Finally*, That the Supreme Court shall not effect the transfer of a sala oftener than once every Three (3) years.

SEC. 16. This Act shall take effect upon its approval.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 335/HOUSE BILL NO. 32716
(Regulating the Practice of Nursing)

Senator Guingona. Mr. President, I move that we consider the Conference Committee Report on the disagreeing provisions of House Bill No. 32716, entitled

AN ACT TO CODIFY AND REVISE ALL LAWS
REGULATING THE PRACTICE OF
NURSING IN THE PHILIPPINES.

and Senate Bill No. 335, entitled

AN ACT REGULATING THE PRACTICE OF
NURSING IN THE PHILIPPINES.

I ask that we recognize Senator Angara.

The President. Senator Angara is recognized.

Senator Angara. Thank you, Mr. President.

Mr. President, we have the honor to present to the Body the consolidated Conference Committee Report

on House Bill No. 32716 and Senate Bill No. 335. There is not much substantive difference between the two versions, Mr. President, and the changes are reflected in the attached consolidated version.

We ask that this be approved, Mr. President.

Senator Saguisag. Mr. President.

The President. Senator Saguisag is recognized.

Senator Saguisag. I am supporting the report, but there are two or three things I would want some clarifications on, if I may, Mr. President.

On page 4, Section 5(f), maybe we should step back to page 3, on Section 5, Qualifications of Board Members:

(f) A Member of the Board shall not have been convicted of any offense involving moral turpitude.

That was in our version. We ended there. I wonder why we agreed to include the phrase "even if previously extended pardon by the President of the Philippines."

I can imagine a case, Mr. President, that, maybe, a young nurse may have been seduced by a doctor or a hospital administrator at 18; she may have been convicted of adultery, then have lived an exemplary life for 40 years, is made a board member, and obtains an absolute pardon from the President. Should she still be barred?

Senator Angara. Mr. President, we appreciate the point being raised by the distinguished Gentleman. We know that pardon clears the record completely. This was insisted by our counterpart from the House, and we thought for the sake of the other provisions, which we asked them to concede to us, we will concede this point. This is really part of the give and take that we...

Senator Saguisag. I just express concern about it. It seems lacking in compassion.

But, in any case, may we move on, Mr. President, to Section 9, where apparently again we gave in.

Section 23. - General Entrance Requirements.

Senator Angara. I beg your pardon.

Senator Saguisag. Page 9, Section 23. For the record. General Entrance Requirements. - Applicants desiring to enroll in a nursing course must belong to the upper 40 percent of the graduating class of the general secondary course as certified by the school.

Again our version said:

Applicants desiring to enroll in a nursing course must show evidence of completion of a general secondary course and must have passed the National College Entrance Exams or any of its equivalent with a rating of at least 60 percent.

This seems to me to be a fairer criterion. One may be in the upper 40 percent of, let us say, the UP High School or, let us say, someone below it. And in any other school, he or she may easily qualify in some other school.

So, I really have equal protection problems here, and I suppose this was again part of the process of accommodation, Mr. President.

Senator Angara. Part of it, Mr. President, but let me give a little background to it.

The reason the House asked that the reference to the NCEE be eliminated is that they have already passed a bill abolishing the NCEE, and they said that in anticipation of the Senate perhaps agreeing with them, they ought to remove the reference to the NCEE. So, we said that there must still be a substitute screening device so that not every Jean can take up nursing. And the suggestion that came up was that as long as she belongs to the upper 40 percent of his or her graduating class, then that seems to be a high enough threshold for a nursing student. That was the view we took.

Senator Saguisag. But my problem here is that a graduate of UP High School who may land in the 45th percent can easily be beaten by those in the upper 40 percent of the Tambakan High School. That is why I see some arbitrariness in the standard that we are settling for.

Senator Angara. That is true, Mr. President. In fact, we suggested to them that perhaps we ought to follow a national standard, that whatever we substitute

for the NCEE will be the standard to screen those going to nursing, but the House panel said that, again, it may work as a bias against the graduates from the rural high school.

Perhaps, it is fairer that the test of their performance would be against their fellow rural classmates, rather than a rural graduate versus an urban graduate. We accepted that as fair because we realized that, if we adopt a national standard when the scholastic and academic standards of high school in this country are not even and constant, really we are favoring the urban-based high school graduates. We thought that those belonging to the upper 40 percent of the graduating class is good enough measurement of the capability to survive a nursing degree.

Senator Saguisag. There is really this niggling difficulty that a superior candidate from a good high school matatalo po ng mga graduates ng ibang lugar dahil iyan na nga po iyong sinasabi ni Rizal na ang Pisak ang hari sa kaharian ng mga bulag.

Anyway, there might have been some bias in favor of an open admission, and then let the enrollee prove his or her mettle, dahil hindi po naman siya tatagal din kung talagang hindi kaya. But, as I have said, that may be a deeper educational policy problem which probably should not be addressed here.

Senator Angara. What we are trying to accommodate is to remove the bias arising out of the irregular and uneven standards between urban and rural high schools, if we adopt a national standard such as the NCEE. That was a point made by our Colleagues from the House. We thought that that is not an unreasonable point to make. In fact, the 65 percent cutoff in NCEE is really not a very high threshold; It is a very low threshold.

If we really want to raise the standards of nursing students, perhaps, our cutoff ought to be at least 90 percent rather than 65 percent in the NCEE.

So, we say that belonging to the upper 40 percent of the graduating class is probably even better than a 65 percent cutoff in the NCEE.

Senator Saguisag. Still, we have this feeling that

the 41st percentile or percentage, say UP high school, is not really a fair gauge as to whether he or she is fitted to be a nurse. That is my concern. I believe that if one were to file an injunction, he or she could probably make a good case; that his or her right to equal protection is being violated.

Be that as it may, I think, we have identified the concerns here. Maybe, that can be addressed at some future occasion.

The final point, Mr. President, has to do with another change from our version on--puwede pong tumingin tayo dito sa pahina 14, Section 31 on Standard Basic Pay.

Our Section 30 said "Standard Basic Pay". The standard basic pay of all nurses in public hospitals shall be fixed in accordance with the Salary Standardization Act. Pagdating po dito, "based on current national economic and development authority figures," the NEDA, "the proper Government office or agency shall fix a standard 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 cost of living."

Now, I have two concerns here. Kaya po tayo nag-standardize para no one can break away. Do we really have any business fixing standards in private health agencies? Bakit po natin iniwan ang policy decision that we made here, that the reason we standardized was that there would be no pronounced disparity. Here, we are giving it to an unidentified agency na hindi po natin alam. Ano po ba iyong proper government office? Do we have any idea what agency we are alluding to in this provision, Mr. President?

Senator Angara. The reference to the proper government agency here, Mr. President, is to the Budget Management Office. And while we recognize that, perhaps, a law such as this ought not to fix the rates for nurses in private practice, we also appreciate the fact that if we have a very wide gap between salaries in public and private nursing, as it is in public and private schools where the gap is widening, then the tension that is generated by that gap will, in a way, destabilize the profession. So, this is an attempt, more not as a

directive, not as a mandatory instruction, but as a guideline that as much as possible we would like to have as little gap between public and private nurses.

Senator Saguisag. But I just wonder, Mr. President, if in a government agency a certain nurse gets X amount, and then I recruit her, let us say, in the Saguisag Circumcision Agency, and I pay her ten times more. Why should the Government intervene?

Senator Angara. That is why, I would interpret this to mean, Mr. President, that, as far as the private nurses are concerned, this would serve as guidelines rather than as a mandatory requirement.

Senator Saguisag. Those will be all, Mr. President. I support this bill but I really have reasons to doubt whether we should have given in to the inferior standards of our brothers and sisters in the other House. I mean, hindi ko ho maintindihan itong mga kababalaghang nangyari.

Maganda po iyong sa atin. Pati pasahod ng private agency sa nurses ay pakikialaman din nito. That, to me, is wide open to all sorts of policy and constitutional challenges.

Senator Angara. We appreciate the Gentleman's point, and we hope that the points he clarified would go into the implementing rules and guidelines. But I think, overall, this new nursing law will really upgrade the status of nurses in this country.

There are so many provisions here that would really go into the upgrading of the profession. So, by and large, we are happy that there is such a law, and I think the profession will welcome this.

Senator Saguisag. I agree, Mr. President. There is so much in this that I like that I really can easily support it, subject to the reservations I identified. Salamat po.

APPROVAL OF CONFERENCE COMMITTEE
REPORT ON SENATE BILL NO. 335/
HOUSE BILL NO. 32716

Senator Guingona. I therefore move for the approval of this Conference Committee Report.

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

The following is the full text of the Conference Committee Report:

The Conference Committee on the disagreeing provisions of House Bill No. 32716, entitled

AN ACT TO CODIFY AND REVISE ALL LAWS
REGULATING THE PRACTICE OF
NURSING IN THE PHILIPPINES

and Senate Bill No. 335, entitled

AN ACT REGULATING THE PRACTICE OF
NURSING IN THE PHILIPPINES,

having met after full and free conference, has agreed to recommend as it hereby recommends to their respective Houses that Senate Bill No. 335 as approved by the Senate, entitled

AN ACT REGULATING THE PRACTICE OF
NURSING IN THE PHILIPPINES

*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 1991."

ARTICLE II. - DECLARATION OF POLICY

SEC. 2. *Declaration of Policy.* - It is hereby declared to be a 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, and in humane working conditions, better career prospects and a dignified existence for our nurses.

The State hereby guarantees the delivery of basic health services through an adequate nursing personnel throughout the country.

ARTICLE III. ORGANIZATION OF THE BOARD OF NURSING

SEC. 3. *Name and Composition of the Board.*

There shall be created a Board of Nursing to be composed of a Chairman and four (4) members who shall be appointed by the President from a list of twelve (12) nominees who are registered nurses of recognized standing in the Philippines and who possess the qualifications prescribed in Section 5 of this Act as certified by the accredited national nurses association to the Professional Regulation Commission.

SEC. 4. *Powers and Duties of the Board.* The Board shall have the following powers, duties and functions:

a) supervise and regulate the practice of the nursing profession;

b) describe the subjects in the licensure examination, determine the syllabi of the subjects, and their relative weight, construct the test questions in the licensure examination, score and rate the examination paper. The Board shall, within One Hundred Twenty (120) days after the examination, submit a report of the examination result which shall contain the weighted average rating of each examinee to the Office of the President for release and publication;

c) issue, suspend or revoke certificates of registration for the practice of nursing;

d) study conditions affecting nursing practice in the Philippines and exercise the powers necessary to ensure the maintenance of efficient ethical, technical, moral and professional standards in the practice of nursing, taking into account the health needs of the nation;

e) examine the prescribed facilities of universities or colleges seeking permission to open new colleges of nursing or department of nursing education in order to ensure that standards and essential requirements for a qualified dean and faculty and adequate budget are properly complied with and maintained at all times. The authorization to open colleges of nursing shall be based upon the favorable written recommendation of both the Board and the Department of Education, Culture and Sports;

f) require nurses who graduate from State colleges and universities to render, after being issued the necessary board licenses, at least one (1) year of nursing service in the Philippines before they are allowed to leave for overseas jobs;

g) investigate violations of this Act. For this purpose it may, through its Chairman, 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 the power of contempt; and

h) promulgate 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.

SEC. 5. *Qualifications of Board Members.* A member of the Board shall:

a) Be a citizen and resident of the Philippines;

b) Be a member in good standing of the accredited national nurses' association;

c) Be a registered nurse and holder of a master's 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;

e) Not be a holder of a green card or its equivalent;

f) Not have been convicted of any offense involving moral turpitude even if previously extended pardon by the President of the Philippines.

SEC. 6. *Requirement Upon Qualification As Member of the Board of Nursing.* Any person who qualifies as Chairman or member of the Board shall automatically resign from any teaching position in any school, college or university 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. He shall not have any pecuniary interest in or administrative supervision over any institution offering basic

nursing education programs, including review classes.

SEC. 7. *Terms of Office.* - The Chairman and the members of the board shall hold office for a term of three (3) years and until their successors shall have qualified: *Provided*, That a member of the Board may be reappointed for another term not exceeding three (3) years; *Provided, further*, That in the event that only one (1) member of the Board is reappointed, he or she, by virtue of seniority, shall automatically become the Chairman of the new Board. However, in case two (2) or more members are reappointed, the best qualified among them, to be determined by all the members of the new Board, shall become the new Chairman of the Board; *Provided, finally*, That in case all members of the old Board are reappointed or all members are new, all the members of the new Board shall determine the best qualified from among themselves who shall be recommended to the President of the Philippines to be the Chairman of the Board.

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.

SEC. 8. *Compensation of Board Members.* - The Chairman and members of the Board shall receive as compensation an amount equal to that given the Chairman and members of other government boards situated under analogous circumstances.

SEC. 9. *Removal of Board Members.* - The President may remove any member of the Board on the following grounds after giving the member concerned an opportunity to defend himself or herself in a proper administrative investigation to be conducted under the supervision and control of the Department of Justice, upon instruction of the President:

- a) continued neglect of duty or incompetence;
- b) commission or toleration of irregularities in the examination conducted by the Board; and
- c) unprofessional or dishonorable conduct.

SEC. 10. *Rules and Regulations.* - The Board shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 11. *Records.* - All records of the Board of Nursing, including examination papers, minutes of deliberations, records of administrative cases and investigations and examination results shall be kept by the Professional Regulation Commission under the direct custody of the person designated by the Chairman of the Commission. No record shall be removed, altered or examined without prior authorization of the Board.

SEC. 12. *Examination Required.* - All applicants for license to practice nursing shall be required to pass written examinations by the Board of Nursing.

SEC. 13. *Qualifications of Applicants.* - 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 of Nursing 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 requirement 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 at least eighteen (18) years of age; *Provided*, That any underage applicant who successfully passes the examination shall not be permitted or licensed to practice nursing until he or she shall have reached the age of majority;

c) He or she is in good health and is of good moral character;

d) He or she is a holder of bachelor's degree in nursing from a college or university duly recognized by the proper government agency.

SEC. 14. *Licensure Examinations.* - Licensure examinations 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 the Department of Education, Culture and Sports. 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 Professional Regulation Commission.

SEC. 15. *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. 16. *Rating in the Examination.* - In order to pass the examination, an examinee must obtain a general average rating of at least seventy-five percent (75%) with a rating of not below sixty (60%) in any subject. An examinee who obtains an average rating of seventy-five (75%) or higher, but gets a rating below sixty (60%) in any given subject must take the examination again, but only in the subject or subjects where he or she rated below sixty percent (60%).

In order to pass the succeeding examination, an examinee must obtain a rating of at least seventy-five (75%) in the subject or subjects repeated.

An examinee who, despite the third examination, fails to obtain at least seventy-five (75%) percent in the subject or subjects repeated shall no longer be allowed to take the examination, unless he proves to the satisfaction of the Board that he/she has undergone a refresher course consisting in enrollment and passing in the fourth regular year subjects in a recognized nursing school.

SEC. 17. *Issuance of Certificates.* - A certificate of registration as nurse shall be issued to any applicant who passes the examination upon payment of prescribed fees. Every certificate of registration shall show the full name of the registrant, the serial number, the signature of the members of the Board and the official seal of the Board.

SEC. 18. *Fees for Examination and Registration.* - Applicants for licensure examination and for registration shall pay the prescribed fees set by the Professional Regulation Commission.

SEC. 19. *Registration by Reciprocity.* - Certificates of registration may be issued without examination to nurses registered under the laws of

any foreign state or country: *Provided*, That the requirements for the 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 basis as the subjects or citizens of such foreign state or country.

SEC. 20. *Non-issuance of Certificates in Certain Cases.* - No person convicted by final judgment of any criminal offense involving moral turpitude or any person guilty of immoral or dishonorable conduct shall be issued a certificate of registration.

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

SEC. 21. *Revocation and Suspension of Certificates.* - The Board shall have the power to revoke or suspend the certificate of registration 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 and serious ignorance;
- d) for malpractice or negligence in the practice of nursing; or
- e) for the use of fraud, deceit, or false statements in obtaining a certificate of registration.

SEC. 22. *Reissuance of Revoked Certificate and Replacement of Lost Certificate.* - The Board may, for reasons of equity and justice, or when the cause for revocations 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.

ARTICLE IV

NURSING EDUCATION

SEC. 23. *General Entrance Requirements.* - Applicants desiring to enroll in a nursing course must belong to the upper Forty percent of the graduating

class of the General Secondary Course, as certified by the school.

SEC. 24. *Nursing Education Program.* - The nursing education program shall provide sound academic and professional foundation for the practice of nursing.

SEC. 25. *Learning Experiences.* - The learning experiences required in a classroom, hospital, home, community or other health/welfare agency shall adhere strictly to specific requirements embodied in the prescribed curriculum for the nursing course and in the rules, policies, and standards of nursing education. Such learning experience shall not be less than six (6) units or its equivalent.

SEC. 26. *Qualifications of the Faculty.* - A member of the faculty in a college or school of nursing must:

- a) be a Filipino citizen;
- b) be a registered nurse in the Philippines;
- c) have at least three (3) years of clinical practice in a field of specialization;
- d) be a member of good standing in the accredited national nurses' association; and
- e) be a holder of a master's degree in nursing or other related fields conferred by a college or university duly recognized by the Government of the Republic of the Philippines: *Provided, however,* That nothing in this Act shall be construed to disqualify those who have already been considered qualified and actually occupying the position before the effectivity of this Act; *Provided, further,* That those occupying such position before the effectivity of this Act shall be given a period of five (5) years from the date of effectivity of this Act, within which to qualify under the provisions hereof; and *Provided, finally,* That by the year 2000 all colleges of nursing or other related fields.

In addition to the aforementioned qualifications, the dean of a college or school of nursing must have had at least three (3) years of experience in teaching and supervision in nursing education, and preferably must have a master's degree in administration and supervision of nursing education programs.

ARTICLE V

NURSING PRACTICE

SEC. 27. *Scope of Nursing.* - A person shall be deemed to be practicing nursing within the meaning of this Act, when he, for a fee, salary or other reward or compensation, singly or in collaboration with another, initiates and performs nursing services to individuals, families and communities in various stages of development, towards the promotion of health, prevention of illness, restoration of health and alleviation of suffering through:

a) utilization of the nursing process, including assessment, planning, implementation and evaluation of nursing care. Nursing care includes, but is not limited to, traditional and innovative approaches in self-executing nursing techniques and procedures, comfort measures, health teaching and administration of legal and written prescriptions for treatment, therapies, medications, and hypodermic, intramuscular, or intravenous injections; *Provided, however,* That in the administration of intravenous injections, special training shall be required according to protocol established;

b) establishments of linkages with community resources and coordination of the health team;

c) motivation of individuals, families and communities; resources and coordination of services with other members of the health team;

d) participation in teaching, guidance and supervision of students in nursing education programs, including administering nursing services in varied settings such as hospitals, homes, communities and the like, undertaking consultation services, and engaging in such other activities that require the utilization of knowledge and decision-making skill of a registered nurse; and

e) undertaking nursing and health manpower development training and research and soliciting finances therefor, in cooperation with the appropriate government or private agency: *Provided, however,* That this provision shall not apply to nursing students who perform nursing functions under the direct supervision of qualified faculty.

SEC. 28. *Qualifications of Nursing Service*

Administrators. - A person occupying supervisory or managerial positions, requiring knowledge of nursing must:

- a) be a Filipino citizen or a former Filipino citizen who has officially declared his/her intention to reacquire Filipino citizenship;
- b) be a registered nurse in the Philippines;
- c) be a member in good standing of the accredited national organization of nurses;
- d) have at least two (2) years experience in general nursing service administration; and
- e) possess a degree of Bachelor of Science in Nursing, with at least nine (9) units in management courses at the graduate level;

Provided, That a person occupying the position of Chief Nurse or Director of Nursing Service shall, in addition to the foregoing qualifications, possess:

- a) at least five (5) years of experience in a supervisory or managerial position in nursing; and
- b) a master's degree major in nursing service administration or its equivalent: *Provided, however,* That those occupying such position before the effectivity of this Act shall be given a period of five (5) years from the date of effectivity of this Act within which to qualify; *Provided, further,* That, by the year 2000, only holders of the master's degree with major in Nursing Administration shall be appointed to such position; *Provided, finally,* That for hospitals with bed capacity of fifty (50) and below, the minimum academic qualifications and experience for Chief Nurse shall be as specified under subsections (c), (d) and (e) of this Section.

ARTICLE VI

HEALTH HUMAN RESOURCE DEVELOPMENT, PRODUCTION, UTILIZATION

SEC. 29. Studies for Nursing Manpower Needs, Production, Utilization and Development. - The Nursing Board 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.

ARTICLE VII

PENAL AND MISCELLANEOUS PROVISIONS

SEC. 30. Prohibitions in the Practice of Nursing. - A fine of not less than Ten Thousand Pesos (P10,000.00) nor more than Forty Thousand Pesos (P40,000.00) or imprisonment of not less than one (1) year nor more than six (6) years, or both, in 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 or without having been declared exempt from examination in accordance with the provisions of this Act;

2) who uses as his/her own the certificate of registration of another;

3) who uses an expired suspended or revoked certificate of registration;

4) who gives any false evidence to the Board of Nursing in order to obtain a certificate of registration;

5) who falsely possesses or advertises as a registered nurse or uses any other means that tend to convey the impression that he or she is a registered nurse;

6) who appends B.S.N./R.N. (Bachelor of Science in Nursing/Registered Nurse) to his/her name without having been conferred said degree or registration; or

b) Any person who undertakes in-service educational programs or who conducts review classes for both local and foreign examinations without permit/clearance from the Philippine Nursing Association, the Board of Nursing and the appropriate office or officer of the Department of Labor and Employment;

c) Any person violating any provisions of this Act.

SEC. 31. *Standard Basic Pay.* - Based on current National Economic and Development Authority (NEDA) figures, the proper government office or agency shall fix a standard 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 cost of living.

SEC. 32. *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. 33. *Repealing Clause.* - All laws, decrees, orders, circulars, rules or regulations and other issuances which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 34. *Separability Clause.* - If any part of this Act is declared unconstitutional, the remaining parts not affected thereby shall continue to be valid and operational.

SEC. 35. *Effectivity.* - This Act shall take effect one (1) month after its publication in any newspaper of general circulation in the Philippines.

Approved,

*CONFEREES ON THE PART OF THE
SENATE*

(Sgd.) HON. SANTANINA T. RASUL

(Sgd.) HON. HEHERSON T. ALVAREZ

(Sgd.) HON. EDGARDO J. ANGARA

(Sgd.) HON. JUAN PONCE ENRILE

*CONFEREES ON THE PART OF THE
HOUSE OF REPRESENTATIVES*

(Sgd.) HON. PABLO P. GARCIA

(Sgd.) HON. RAUL S. ROCO

(Sgd.) HON. NARCISO D. MONFORT

HON. CARLOS M. PADILLA

(Sgd.) HON. ANTONIO M. ABAYA

CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 799/HOUSE BILL NO. 24819
(Foreign Service Bill)

Senator Guingona. We have the last item, Mr. President. I move that we consider Conference Committee Report on the disagreeing provisions of House Bill No. 24819, entitled

FOREIGN SERVICE ACT OF 1991

and Senate Bill No. 799, entitled

AN ACT REVISING REPUBLIC ACT NO. 708, AS AMENDED.

I ask that we recognize Senator Shahani.

The President. Senator Shahani is recognized.

Senator Shahani. Thank you, Mr. President.

Mr. President, your Senate Conference Committee met with its counterpart from the Lower House, and last night, the Members resolved the matter of the disagreeing provisions of House Bill No. 24819 and Senate Bill No. 799. I wish to bring to the attention of this Chamber certain sections which are included in the consolidated version.

Mr. President, there is, on page 9, a new Section 6 which provides for three Undersecretaries in the organizational structure of the Department of Foreign Affairs.

On page 15, Section 16, there is a revised text on ambassadorial appointments.

On page 21, Section 30, there is a new Section relating to the lateral entry of Foreign Service Officers who should have passed the foreign service examination.

On page 22, Section 32, there is a new section relating to Senior Staff Officers.

On page 36, Section 60, there is a new section creating the Foreign Information Council. On page 51, Section 79, there is a new section, Mr. President, on general benefits.