



HOUSE OF REPRESENTATIVES

House Bill No. **3270**

Introduced by Representative Virgilio S. Lacson

EXPLANATORY NOTE

In Memorandum Circular Order No. 15, series of 2017 issued by the Commission on Higher Education provided are the policies, standards and guidelines for the Bachelors of Science in Nursing Program, in which nursing graduates are required to render internship services in order to develop their professional skills to be able to provide a safe, humane, quality and holistic care to individuals of varying age, gender and health-illness status; healthy or at risk families to promote health, prevent illness, restore health, alleviate suffering and provide end of life care.

Actual deployment in a hospital is a great place to gain significant knowledge and skills in practicing the noble profession. It also serves as a venue for realization of the true environment and nature of work of a future public servants. Here, trainees can be more competent and well trained.

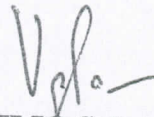
Based on the report¹, the nurse-patient ratio in Jose Reyes Memorial Medical Center is 2:64, and according to the Department of Health the ideal nurse to patient ratio is 1:12. Unfortunately, for now it is a challenge to obtain. It should also be noted that hospitals should provide meal and transportation incentives for trainees as part of the program to ease the unemployment and/or lacking of medical personnel. Considering that the trainees are rendering their pro bono service, to earn several hours, days, months to acquire work experience without pay.

This bill seeks to provide a mutual beneficial relationship between hospitals and trainees. This will ensure welfare to patients, address the high patient volume, and also all on-the-job trainee

¹ <https://www.asianpacificpost.com/article/8108-philippines-nursing-crisis.html>

nurses. This aims to penalize hospitals, both public and private, that demands payment from trainee nurses in exchange for the actual nursing experience which they have to gain.

In light of the foregoing, immediate passage of the bill is earnestly sought.



VIRGILIO S. LACSON
Manila Teachers, Party List

HOUSE OF REPRESENTATIVES

House Bill No. 3270

Introduced by Representative Virgilio S. Lacson

AN ACT
PENALIZING PUBLIC AND PRIVATE HOSPITALS FROM COLLECTING TRAINING
FEES UPON POST GRADUATE NURSES IN EXCHANGE FOR WORK EXPERIENCE

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

SECTION 1. *Short Title.* - This Act shall be known as “*OJT Nurses Protection Act.*”

SEC. 2. *Coverage.* – This Act shall cover all on-the-job trainee nurses rendering experiential service to any public and private hospitals and all hospitals publicly or privately operating in the Philippines.

All on-the-job trainee nurses upon rendering experiential service to any public and private hospitals all over the country shall be entitled for meal and transportation allowances. *Provided*, that the rate to compute the incentives given shall not be less than fifty percent (50%) of the minimum daily wage promulgated by the appropriate wage board of the region where establishment is situated.

SEC. 3. *Prohibited Act.* - Any public and private hospital is hereby prohibited from requiring fees from on-the-job trainee nurses who want to gain professional experience in hospitals.

If the violation was committed by or in the interest of a juridical person, the following penalty shall be imposed:

a) *First Offense* – Fine not less than One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand pesos (P500,000.00);

- 1 b) *Second Offense* - Fine not less than Five Hundred Thousand pesos
2 (P500,000.00) but not more than One Million pesos (P1,000,000.00); and
3 c) *Third Offense* - Suspension of license to engage in business for a period of
4 thirty (30) days and/or Fine of Two million pesos (P2,000,000.00) and
5 immediate revocation of license to engage in business.
6

7 SEC. 4. *Fee Refund.* —Any trainee nurse who shall be required by the hospital to pay in
8 violation of Section 3 thereof shall be refunded the full amount paid to the hospital plus an interest
9 of six percent (6%) per annum until fully paid. In addition, a salary equivalent to and not more than
10 the minimum wage or an amount as may be fixed by the court shall be paid by the hospital for
11 services rendered.
12

13 SEC. 5. *Separability Clause.* — If any provision or portion of this Act is declared
14 unconstitutional, the remainder of this Act or any provision not thereby affected shall remain in full
15 force and effect.
16

17 SEC. 6. *Repealing Clause.* - All laws, decrees, executive orders, ordinances, rules,
18 regulations, and other issuances, or parts thereof, which are inconsistent with any provision of this
19 Act, are hereby repealed, amended, and/or modified accordingly.
20

21 SEC. 7. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the
22 Official Gazette or in a newspaper of general circulation.
23

24 Approved,