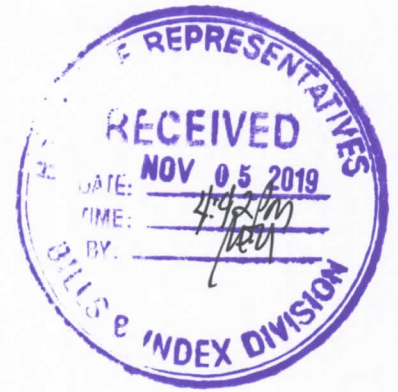


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5321



Introduced by Representative ALYSSA SHEENA TAN

EXPLANATORY NOTE

Nursing remains to be the top career choice among Filipinos. The Commission on Higher Education reported that the number of nursing students rose from 280,796 in 2016 to 325,157 in 2018.¹ The total number of registered nurses as of 2003 was 332, 206 according to the data provided by the Professional Regulation Commission.

The nursing profession is an integral part of the healthcare system and it should not be taken for granted. However, the reality of treatment towards Filipino nurses is the total opposite of their significant role in our society. They are mostly overworked and underpaid which is unacceptable. Thus, around 19,000 Filipino nurses are encouraged to leave the country and work abroad every year.²

According to the Bureau of Local Employment of the Department of Labor and Employment, registered nurses hired in government institutions receive an average salary of P13, 500 per month while those who are working in the private sector earn around P10,000 monthly. Overseas, the pay scale is significantly higher than the local rates. The United States offer an average salary of \$3,800 per month, the United Kingdom with £1,662 and Canada with \$4,097 for entry level.³

Based on the National Council Licensure Examination (NCLEX) Statistics in 2017, the Philippines, having 7,791 examinees, topped the rank of first-time internationally educated candidates seeking licensure in hopes of obtaining nursing employment in the United States.⁴ In the same year, the estimated population of the Philippines based on PSA population counts and growth rates is 104,218,176 while the total number of Human Resources for Health (Nurses) is only 90,308 which results to a 8.67 ratio per 10, 000 population.⁵

¹ <https://ched.gov.ph/wp-content/uploads/2019-SUCs-Enrol-and-Grads.pdf>

² <https://www.rappler.com/move-ph/180918-why-nurses-leave-philippines>

³ <http://www.ble.dole.gov.ph/index.php/nurse>

⁴ https://www.ncsbn.org/2017_NCLEX_Fact_Sheet.pdf

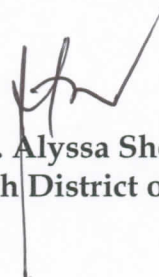
⁵ <https://www.foi.gov.ph/requests/aglzfmVmb2ktcGhyHQsSB0NvbnRlbnQiEERPSC01NTMwNzAzOTUxMTE>
M

In the recent case of Ang Nars Party List, et al., vs. The Executive Secretary, the Supreme Court declared Section 32 of the Philippine Nursing Act as valid. However, the Court did not grant the prayer of the petitioners to compel the implementation of Sec. 32 of RA 9173 since its implementation would necessarily require a law passed by Congress providing the necessary funds for it.⁶ Section 32 of the said law specifically provides that the minimum base pay of nurses working in the public health institutions shall not be lower than salary grade 15 prescribed under Republic Act No. 6758.

Hence, this bill proposes a new comprehensive policy for nurses that will give Filipino nurses an opportunity to upgrade themselves while sustaining the country's growing needs for a healthcare professional. It aims to make the law more responsive in addressing the developments in the nursing profession.

This bill is a counterpart of Senate Bill No. 562 filed by Senator Richard J. Gordon on July 17, 2019.

For this purpose, the immediate passage of this bill is earnestly sought.


Atty. Alyssa Sheena Tan
Representative, 4th District of Isabela

⁶ <http://sc.judiciary.gov.ph/7335/>

1 Republic of the Philippines
2 HOUSE OF REPRESENTATIVES
3 Quezon City, Metro Manila

4
5 EIGHTEENTH CONGRESS
6 First Regular Session

7 5321
8 HOUSE BILL NO. _____
9

10 Introduced by Representative ALYSSA SHEENA TAN
11

12
13 AN ACT
14 INSTITUTING THE COMPREHENSIVE POLICY FOR THE NURSING
15 PROFESSION IN THE PHILIPPINES AMENDING FOR THIS PURPOSE
16 REPUBLIC ACT NO. 9173 OTHERWISE KNOWN AS "THE PHILIPPINE
17 NURSING ACT OF 2002"
18

19 *Be it enacted by the Senate and the House of Representatives of the Philippines in Congress*
20 *assembled:*
21

22 **SECTION 1.** *Title.* – This Act shall be known as the “Comprehensive Nursing Law of
23 2019”.
24

25 **SEC. 2.** *Declaration of Policy.* – It is hereby declared the policy of the State to uphold
26 the dignity of nurses and assume responsibility for the protection, respect, and
27 improvement of the nursing profession by instituting measures that will ensure the
28 adaption of just and humane conditions of work, and the promotion of professional
29 growth. Thus the State recognizes nurses as prime movers of national development
30 and contributors to international cooperation and understanding.
31

32 The State further guarantees the delivery of accessible, affordable, and
33 available quality health care for all people through the establishment of an adequate
34 and dynamic Nursing Personnel System (NPS) in the country.
35

36 **SEC. 3.** Section 32 of Article VII in RA 9713 is hereby amended as follows:
37

38 **"Section 32. Salary.** - In order to enhance the general welfare, commitment to
39 service and professionalism of nurses the minimum base pay of nurses
40 working in the public health institutions shall not be lower than salary grade
41 15 prescribed under Republic Act No. 6758, otherwise known as the
42 "Compensation and Classification Act of 1989": *Provided, That for nurses*
43 *working in local government units, [adjustments to their salaries shall be in*
44 *accordance with Section 10 of the said law]* 10% of the INTERNAL REVENUE
45 ALLOCATION OF THE LOCAL GOVERNMENT UNITS WHERE THEY
46 ARE EMPLOYED SHALL BE ALLOCATED FOR THEIR COMPENSATION."
47

48
49 **SEC. 4.** A new Article VIII in RA 9713 is inserted to read as follows:
50

51 **"ARTICLE V III**
52 **NURSING LABOR RECRUITMENT AND DEPLOYMENT**
53

54 **SECTION 35.** THE DEPARTMENT OF HEALTH (DOH) AND THE
55 DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) SHALL IN
56 COOPERATION WITH THE COMMISSION ON HIGHER EDUCATION (CHED)
57 AND THE PROFESSIONAL REGULATORY COMMISSION BOARD OF NURSING
58 (PRC BOARD OF NURSING) DEVISE A CONTINUING EMPLOYMENT
59 PROGRAM THAT WILL MAXIMIZE THE HUMAN CAPITAL OF NURSING
60 GRADUATES BY PROVIDING THEM THE OPTION TO WORK EITHER IN THE
61 PRIVATE OR PUBLIC SECTOR FOR A JUST PAY IN ACCORDANCE WITH
62 ARTICLE V II SECTION 32 OF RA NO. 9173 OR THE PHILIPPINE NURSING ACT
63 OF 2002.
64

65 THE PROGRAM THAT THE DOH SHALL PROVIDE FOR THE
66 EMPLOYMENT OF NURSES IN THE PUBLIC SECTOR SHALL ENSURE THAT
67 NURSES ARE DEPLOYED TO AREAS OF THE COUNTRY WHERE BASIC
68 HEALTHCARE SERVICES ARE NEEDED THE MOST.
69

70 THE DOLE, IN THE PROGRAM FOR THE EMPLOYMENT OF NURSES IN
71 THE PRIVATE SECTOR SHALL ENSURE THAT THE PRACTICE OF PAYING
72 HEALTHCARE INSTITUTIONS IN EXCHANGE OF TRAINING AND OTHER
73 ABUSIVE FORMS OF "VOLUNTEERISM" AND CONTRACTUALIZATION ARE
74 DISCONTINUED AND PUNISHED.
75

76 **SECTION 36.** DOH AND DOLE SHALL IN COOPERATION WITH THE
77 TECHNICAL EDUCATION SKILLS DEVELOPMENT AUTHORITY (TESDA),
78 DEPARTMENT OF FOREIGN AFFAIRS-FOREIGN SERVICE INSTITUTE (DOF-FSI)
79 AND THE PRC BOARD OF NURSING SHALL INSTITUTE AND MAKE
80 AVAILABLE A LANGUAGE AND CULTURE TRAINING PROGRAM, FOR
81 NURSES WITH INTENTION OF WORKING OVERSEAS.
82

83 **SECTION 37.** DOH, DOLE, CHED AND TESDA SHALL UPGRADE THE
84 SKILLS OF LOCAL NURSES BY PROVIDING A PROGRAM FOR
85 DISSEMINATION TO LOCAL NURSES OF SKILLS AND KNOWLEDGE
86 ACQUIRED BY OVERSEAS FILIPINO NURSES THROUGH THE
87 INSTITUTIONALIZATION OF A KNOWLEDGE AND SKILLS EXCHANGE
88 PROGRAM."
89

90 **SEC. 5.** A new section 36 is inserted under Article VIII of RA 9713 on Penal and
91 Miscellaneous Provisions, which shall read:
92
93

94 **"SECTION 35. ABUSE OF A NURSING PROFESSIONAL - A FINE OF NOT**
95 **LESS THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00) NOR MORE**
96 **THAN ONE MILLION PESOS (P 1,000,000.00) OR IMPRISONMENT OF NOT LESS**
97 **THAN ONE (1) YEAR NOR MORE THAN SIX (6) YEARS OF THE BOARD OF**
98 **DIRECTORS AND CHIEF OPERATING OFFICER IN CASES OF A JURIDICAL**
99 **ENTITY, OR BOTH, UPON THE DISCRETION OF THE COURT, SHALL BE**
100 **IMPOSED UPON:**

- 101
- 102 (1) ANY PERSON, ENTITY OR CORPORATION WHO SHALL ENGAGE
103 THE SERVICES OF A NURSE BY PAYING THEM LESS THAN THE
104 SALARY REQUIRED BY LAW OR SUCH RULES AND REGULATIONS
105 AS DULY CONSTITUTED AUTHORITIES MAY PROVIDE;
106 (2) ANY PERSON, ENTITY OR CORPORATION ENGAGED IN THE
107 PRACTICE OF CONTRACTUALIZATION OF LABOR OF NURSES;
108 (3) ANY PERSON, ENTITY OR CORPORATION WHO IN EXCHANGE FOR
109 A FEEFROM A NURSING PROFESSIONAL ENGAGES THE NURSE IN
110 ANY ACTIVITY WHICH COULD BE CONSTRUED AS "EXPERIENCE
111 FOR A FEE."

112

113 **SEC. 6.** All Other sections of RA 9713 are hereby renumbered accordingly.

114

115 **SEC. 7. *Separability Clause*** - If any provision of this Act is declared unconstitutional,
116 such sections or parts not affected thereby shall remain in full force and effect.

117

118 **SEC. 8. *Repealing Clause*** - Section 6 of Executive Order No. 811 and all laws, decrees,
119 executive orders, rules and regulations or parts thereof inconsistent with the
120 provisions of this Act are hereby repealed or modified accordingly.

121

122 **SEC. 9. *Effectivity Clause*** - This Act shall take effect fifteen (15) days after its
123 publication in the Official Gazette or in at least two (2) national newspaper of
124 general circulation.

125

126 *Approved,*

127