

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

EIGHTEENTH CONGRESS
First Regular Session

3236

HOUSE BILL NO. _____



Introduced by REP. EDGAR MARY S. SARMIENTO

EXPLANATORY NOTE

The 1987 Constitution, under Article II, Section 15, states that the State shall protect and promote the right to health of the people and instill health consciousness among them. Health is one of the fundamental rights of the people. A Filipino citizen is entitled to receive the basic health care services offered by the government through an effective and efficient health care system.

Upon the enactment of the Local Government Code of 1991, the country has implemented a devolved health care system. The responsibility of discharging basic health services fell upon the local government units, including the operation and maintenance of local health facilities. Decentralization was supposed to empower LGUs and to strengthen their capabilities.

Years after the devolution of health care services, our people have yet to experience the full benefit of the system. Problems plague our devolved system including the low priority given by LGUs to health, lack of absorptive capacity of the LGUs and lack of funds. Unfortunately, the expertise for implementing health programs, and construction, operation and management of health facilities still remain with the national government agencies.

This bill aims to revert to the national government the discharge of basic health services previously devolved to the local government units. With this bill, the Department of Health will be able to streamline its health programs and uniformly implement these across the country. It can effectively partner with other government agencies in fulfilling the goals of the health sector.

In view of the foregoing, immediate approval of the measure is earnestly sought.

EDGAR MARY S. SARMIENTO
Representative, 1st District, Samar

A large, stylized handwritten signature in black ink, appearing to read "ESARMIENTO", written over the printed name and title of the Representative.

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EIGHTEENTH CONGRESS
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HOUSE BILL NO. 3236

Introduced by REP. EDGAR MARY S. SARMIENTO

**AN ACT REVERTING TO THE NATIONAL GOVERNMENT THE DISCHARGE OF
BASIC HEALTH SERVICES DEVOLVED TO LOCAL GOVERNMENT UNITS (LGUs)
AND REPEALING FOR THE PURPOSE PERTINENT SECTIONS OF REPUBLIC ACT
NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991**

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

1 **Section 1. Title.** – This Act shall be known as the “Re-Nationalization of Devolved
2 Health Services and Facilities Act of 2019”

3 **Section 2. Declaration of Policy.** – It is the declared policy of the State to protect and
4 promote the right to health of the people and instill health consciousness among them. Further,
5 the State shall endeavor to make essential goods, health and other services available to all the
6 people at affordable cost.

7 **Section 3. Objectives.** – The objectives of this Act are:

- 8 a) To prevent the further deterioration of government health services and facilities
9 brought about by the devolution of the duty to provide health services and
10 maintain medical facilities to local government units (LGUs);
11 b) To improve the provision of essential health services to the people, especially the
12 sick, the poor, and marginalized sector of society;
13 c) To improve and uplift the morale, social and economic well-being of previously
14 devolved health workers; and
15 d) To develop a professional health manpower to complement that is responsive to
16 the people’s health needs and problems.

1 **Section 4. Re-nationalization.** – All health services and facilities devolved to the local
2 government units (LGUs) are hereby re-nationalized and/or returned to the management,
3 supervision and control of the national government. For this purpose, the following provisions of
4 the Republic Act No. 7160, otherwise known as the Local Government Code of 1991 are hereby
5 expressly repealed:

- 6 a) Section 17 (b) paragraph 1 (ii), paragraph 3 (iv) and paragraph 4 for health
7 services only;
- 8 b) Section 102 a (1), a (2), a (3), b (1), b (2), and b (3);
- 9 c) Section 103 (a) and (b);
- 10 d) Section 104;
- 11 e) Section 105; and
- 12 f) Other related provisions of the Local Government Code that pertain to devolved
13 health services and facilities.

14 **Section 5. Authority to use income.** – Upon implementation of this Act, re-nationalized
15 hospitals and Rural Health Units/Centers are hereby authorized to use the income they derived
16 from their operation to improve and upgrade the services they provide; Provided, that the
17 supporting financial work plans are first approved by the Department of Health.

18 **Section 6. Appropriations.** – In the year following the enactment of this Act into law,
19 the costs of the devolved health services and facilities as of December 31, 1992 shall be deducted
20 by the Department of Budget and Management (DBM) from the Internal Revenue Allotment
21 (IRA) of the Local Government Units (LGUs) and shall be used as funding source to implement
22 the provision of this Act. Any deficiency shall be charged against the Organizational Adjustment
23 fund and appropriations saving/reserves. Thereafter, such sums as may be needed for its
24 continued implementation shall be included in the annual General Appropriations Act (GAA).

25 The IRA of LGUs in the succeeding years shall be net of the costs of providing, operating
26 and maintaining the previously devolved health services and facilities as of December 31, 1992.

27 **Section 7. Implementing Rules and Regulations.** – The DOH, in consultation with the
28 Department of the Interior and Local Government (DILG), shall formulate the Implementing
29 Rules and Regulations, or parts thereof, inconsistent with the provisions of this Act are hereby
30 repealed or modified accordingly.

31 **Section 8. Repealing Clause.** – All laws, presidential decrees, executive orders, and
32 rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby
33 repealed or modified accordingly.

34 **Section 9. Separability Clause.** – if, for any reason, any section or provision of this Act
35 is held unconstitutional or invalid, the other sections or provisions thereof shall not be affected
36 thereby and shall remain in full force and effect.

1 **Section 10. Effectivity Clause.** = This Act shall take effect fifteen (15) days following its
2 publication in the Official Gazette or in any two (2) newspapers of national circulation.

3 *Approved,*