

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE
S. No. 1534

Introduced by SENATOR RONALD "BATO" DELA ROSA

AN ACT
PROVIDING FOR INCENTIVES AND BENEFITS FOR HEALTH WORKERS IN
THE PRIVATE SECTOR, APPROPRIATING FUNDS THEREFOR, AND FOR
OTHER PURPOSES

EXPLANATORY NOTE

According to 2019 data from the Department of Health, the Philippines has a total of 189,204 Human Resources for Health (HRH) in Private and Public health facilities. Of this total number, 66,433 work in private health facilities. While they are not as many in number as those who work in government hospitals, in no way does this mean that they should have less access to benefits and incentives. In a line of work which is service oriented, there should be no distinction as to whether a health worker is public and private. Health care transcends all social statuses.

It was in March 11, 2020 when the World Health Organization formally declared the COVID-19 as a pandemic.¹ In light of this declaration, the Philippines also responded with the knowledge and the limited resources that were available. Among the mitigating solutions enacted was the enhanced community quarantine (ECQ). Under the ECQ, only those whose jobs are considered 'essential' may be allowed to work. Numbered among those essential workers were the health care workers from

¹ Gumbrecht, Jamie, & Howard, Jacqueline. "WHO declares novel coronavirus outbreak a pandemic," CNN Philippines. Retrieved from <https://cnnphilippines.com/world/2020/3/12/WHO-COVID-19-pandemic.html>, retrieved on April 24, 2020.

both public and private health institutions. This meant that they were exposed to more risk and danger, while at the same time working for the protection of all. They are called *Frontliners* in the battle against COVID19.

Given this situation, there is a need to address the obvious. While public health workers are protected by Republic Act 7305 or the Magna Carta for Public Health Workers, those who work for private health institutions seem to have nowhere and no one to turn to except their employers.

Article II, Section 15 of the Constitution expressly states that “it is the duty of the State to protect and promote the right to health of the people and instill health consciousness among them”. Health workers and their well-being are essential factors in protecting the people’s right to health. Laws protecting the welfare of health workers must be afforded to all health workers regardless as to whether they are publicly or privately employed.

The COVID-19 pandemic has unfortunately shed light on how vulnerable our health workers are; especially those in private institutions. It shows that there is a gap in the law that needs to be addressed. This bill seeks precisely to bridge that gap by granting incentives and benefit packages to private health care workers. A better system will be in place that will more effectively uphold the good of the people; beginning with the very persons who are in the frontlines of our nation’s health care system , with or without a pandemic.

In view of the foregoing, I earnestly seek the swift passage of this bill.


RONALD "BATO" DELA ROSA

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

CHAPTER 1

GENERAL PROVISIONS

Section 1. *Short Title.* – This Act shall be known as the "Private Health Workers
Incentives and Benefits Act."

Section 2. *Declaration of Policies.* – The State has the duty to protect its
citizens, and to promote their right to health. This constitutional mandate ensures the
general welfare and protection of the people. Pursuant thereto, it is imperative to
establish a system where:

1. A universal access to a comprehensive health care system is guaranteed to all
citizens, regardless of status, race or religion;
2. Health workers, whether in the public or private sector, are adequately
compensated, protected and safeguarded from all forms of abuse and
discrimination;

1 3. The indispensable role of the private sector, even in the health care system is
2 encouraged, and recognized;

3 4. As part of the labor sector, and as equally provided for among the members
4 of the public health sector, the rights and interests of private health workers
5 are protected and guaranteed by the State.

6 Section 3. *Coverage of this Act.* – The provisions and benefits provided for
7 under this Act shall be given to all members of the private health sector. For purposes
8 of this Act, “private health workers” shall mean all persons who are engaged in health
9 and health-related work in health facilities and other health-related establishments
10 wholly owned and operated by private individuals or corporations. It shall include
11 medical, allied health professional, administrative and support personnel including
12 maintenance, janitorial and security personnel, employed regardless of their
13 employment status.

14 Section 4. *Incentives and Benefits for Private Health Workers.* – The following
15 incentive and benefits shall be given to private health workers subject to limitations
16 provided for in this Act:

17
18 1. Health Workers Allowance amounting to Five Thousand Pesos (P5,000.00)
19 per month shall be given to all private health workers regardless of location
20 of work: *Provided,* That health workers shall receive proportionate amount
21 corresponding to the number of days he/she reported for work;

22
23 2. In the event of pandemics or health crisis as determined by the Secretary
24 of Health, Special Risk Allowance equivalent to maximum of 25% of monthly
25 basic salary shall be given to private health workers who have great
26 exposure to occupational health risks, perils to life, and physical hardships
27 in the line of duty;

28
29 3. Subsistence cash allowance shall be granted to all health workers computed
30 based on the number of meals included in the duration when they rendered

1 actual work per month: *Provided*, That subsistence allowance shall be
2 computed not less than Seventy Five Pesos (P75.00) per meal;

3
4 4. Living Quarters' allowance shall be given to private health workers who, by
5 nature of their work and gravity of the medical workload being handled,
6 shall require them to stay in the hospital premises' or rented living quarters
7 near the hospital where they are employed computed based on the
8 prevailing rental rate in the locality: *Provided*, That in lieu of the cash
9 allowance, the employer of private health workers may provide free living
10 quarters and housing within or near the premises of health facilities;

11
12 5. Notwithstanding any law to the contrary, health workers who may be
13 injured or contract any disease while in the performance of their duties shall
14 be entitled to the amount of One hundred Thousand Pesos (P100,000.00):
15 *provided*, that the amount of One Million Pesos (P1,000,000.00) shall be
16 given to health workers who may die while in the performance of their duty:
17 *provided, further*, that entitlement to allowance for work-related injuries
18 and diseases under this Act shall not preclude health workers to claim other
19 benefits for the same injury or disease provided for by other laws.

20
21 Sec. 5. *Source of Funds.* – The initial amount needed to carry out the objectives
22 of this Act shall be charged against the current year's Miscellaneous Personnel Benefit
23 Fund under the General Appropriations Act. Thereafter, such sums as may be
24 necessary for the continued implementation of this Act shall be included in the General
25 Appropriations Act. In addition, funds needed for the implementation of this Act may
26 be sourced from 30% of the yearly remittances of PAGCOR, under section 7 (a) of PD
27 1869, otherwise known as the PAGCOR Charter, and 10% of the 30% of the
28 remittances of the Philippine Charity Sweepstakes Office (PCSO), under Section 6 (b)
29 of the PCSO Charter, Republic Act 1169, as amended by Batas Pambansa 42.

30
31 Section 6. *Implementing Rules and Regulations.* – Within ninety (90) days after
32 the approval of this Act, the Department of Labor and Employment (DOLE), and the

1 Department of Health (DOH), in consultation with professional healthcare
2 organizations and unions, healthcare provider organizations and other stakeholders,
3 shall jointly promulgate the necessary rules and regulations for the implementation of
4 this Act.

5
6 Section 7. *Separability Clause.* – If, for any reason, any section or provision of
7 this Act is declared unconstitutional or invalid, such other sections or provisions not
8 affected thereby shall remain in full force and effect.

9
10 Section 8. *Repealing Clause.* – All laws, decrees, executive orders, rules and
11 regulations or parts thereof inconsistent with any of the provisions of this are hereby
12 repealed, amended or modified accordingly.

13
14 Section 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
15 its publication in the Official Gazette or in at least two (2) national newspapers or
16 general circulation.

Approved,