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. 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.

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.

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. 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.

---

4 https://www.ncsbn.org/2017_NCLEX_Fact_Sheet.pdf
5 https://www.foi.gov.ph/requests/aglZfmVmb2ktcGhyHqtsSB0NvbnRlbXQiEERPSC01NTMwNzAzOTUxMTEM
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.

\[\text{Atty. Alyssa Sheena Tan}\
\text{Representative, 4th District of Isabela}\]

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

EIGHTEENTH CONGRESS
First Regular Session

5321
HOUSE BILL NO. ______

Introduced by Representative ALYSSA SHEENA TAN

AN ACT
INSTITUTING THE COMPREHENSIVE POLICY FOR THE NURSING
PROFESSION IN THE PHILIPPINES AMENDING FOR THIS PURPOSE
REPUBLIC ACT NO. 9173 OTHERWISE KNOWN AS "THE PHILIPPINE
NURSING ACT OF 2002"

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

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

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

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

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

"Section 32. Salary. - In order to enhance the general welfare, commitment to
service and professionalism of nurses 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, otherwise known as the
"Compensation and Classification Act of 1989": Provided, That for nurses
working in local government units, [adjustments to their salaries shall be in
accordance with Section 10 of the said law] 10% of the INTERNAL REVENUE
ALLOCATION OF THE LOCAL GOVERNMENT UNITS WHERE THEY
ARE EMPLOYED SHALL BE ALLOCATED FOR THEIR COMPENSATION."
SEC. 4. A new Article VIII in RA 9713 is inserted to read as follows:

"ARTICLE V III
NURSING LABOR RECRUITMENT AND DEPLOYMENT


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

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

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

SECTION 37. DOH, DOLE, CHED AND TESDA SHALL UPGRADE THE SKILLS OF LOCAL NURSES BY PROVIDING A PROGRAM FOR DISSEMINATION TO LOCAL NURSES OF SKILLS AND KNOWLEDGE ACQUIRED BY OVERSEAS FILIPINO NURSES THROUGH THE INSTITUTIONALIZATION OF A KNOWLEDGE AND SKILLS EXCHANGE PROGRAM."

SEC. 5. A new section 36 is inserted under Article VIII of RA 9713 on Penal and Miscellaneous Provisions, which shall read:
SECTION 35. ABUSE OF A NURSING PROFESSIONAL - A FINE OF NOT LESS THAN FIVE HUNDRED THOUSAND PESOS (P500,000.00) NOR MORE THAN ONE MILLION PESOS (P 1,000,000.00) OR IMPRISONMENT OF NOT LESS THAN ONE (1) YEAR NOR MORE THAN SIX (6) YEARS OF THE BOARD OF DIRECTORS AND CHIEF OPERATING OFFICER IN CASES OF A JURIDICAL ENTITY, OR BOTH, UPON THE DISCRETION OF THE COURT, SHALL BE IMPOSED UPON:

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

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

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

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

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

Approved,