EXPLANATORY NOTE

Article 11, Section 15 of the 1987 Constitution states that: "The State shall protect and promote the right to health of the people and instill health consciousness among them".

The COVID-19 pandemic has exposed the weaknesses and limitations of our health system. As the number of cases infected by the virus increase, public and private hospitals are being overwhelmed. This heavily strained the already limited healthcare workers in our hospitals. Aside from this, healthcare workers themselves get infected which further reduces the available human resources to serve in the frontlines.

The lack of healthcare workers greatly hampers our capacity to fight the disease. This is why there have also been calls for volunteer doctors, nurses, and other medical personnel. However, we cannot rely on such an indefinite and interim mechanism most especially during emergencies or crises.

Upholding the constitutional provision abovementioned and addressing the gaps of the existing healthcare system, this bill proposes the establishment of a Medical Reserve Corps. The Corps shall be composed of graduates of medicine, nursing,
medical technology, and other health-related fields who have yet to acquire their respective licenses to practice. The Corps may be called upon to mobilize and assist the national or local government in providing medical services in times of emergencies. This measure ensures the protection of health of our people and raises national preparedness.

In view of the foregoing, urgent approval of this bill is earnestly sought.

MANUEL D.G. CABOCHAN III
Representative
Magdalo Para Sa Pilipino Party-List
AN ACT

INSTITUTING THE MEDICAL RESERVE CORPS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. Short Title.—This Act shall be known as the "Medical Reserve Corps Act of 2020."

Sec. 2. Declaration of Policy.—It shall be the policy of the State:

(a) To institutionalize the vital role of medical and health-related personnel in nation-building;

(b) To promote and protect the physical, moral, spiritual, intellectual, and social well-being of medical and health-related personnel;

(c) To inculcate patriotism and nationalism among the medical and health-related personnel and encourage their involvement in public and civic affairs; and

(d) To train, equip and organize medical and health-related personnel, within the current framework of national and territorial defense, law enforcement
and peace and order and national disaster risk reduction and
management, and prepare them for rapid mobilization to address national
and/or local contingencies which may require manpower beyond existing
capabilities.

Sec. 3. Medical Reserve Corps.– There is hereby established a Medical
Reserve Corps, referred herein as the Corps, which shall be composed of all persons
who have degrees in medicine, nursing, medical technology, and other health-
related fields but have yet to acquire their respective licenses to practice for reasons
such as but not limited to not having taken and/or passed the licensure
examinations in their respective professions. The Corps shall be under the
supervision and control of the Department of Health and shall be placed under its

Sec. 4. Serial Numbers and Registry.– Upon completion of their respective
degrees, the graduates shall be issued individual serial numbers which will serve as
their identification in case of deployment.

The DOH shall maintain and update a registry or database containing the
names of the members of the Corps, serial numbers, address, contact details and
such other information as the DOH may determine, in accordance with any
applicable privacy laws. For this purpose, all public and private colleges, universities
and learning institutions are hereby mandated to annually transmit their records of
the graduates covered under this Act to the DOH, in the form as may be determined
by the DOH.

Members of the Corps shall be accounted for, their records and status
updated, and present whereabouts ascertained in order to ensure their readiness to
the call of service. All members are required to update their addresses and contact
details on file with the DOH as often as necessary. The orders of deployment sent to
the addresses and/or through the contact details on file with the DOH shall be
sufficient notice for purposes of deployment. The DOH may also tap the local

government units to assist in the accounting of members.

Sec. 5. Compensation and Benefits. – A member of the Corps ordered for

mobilization shall receive all the pay and allowances, medical care, hospitalization

and other privileges and benefits during the period of mobilization as prescribed by

laws or regulations.

Sec. 6. Mobilization of the Medical Reserve Corps.— In times of national

emergencies and other contingencies, the members of the Corps may be called upon

and mobilized to assist the national government, its agencies and instrumentalities,

and the local government in their functions related to addressing the medical needs

of the public.

The mobilization shall be initiated by the Secretary of Department of Health

(DOH), upon the recommendation of the Director of the Health Emergency

Management Bureau and in coordination with the Secretaries of the Department of

National Defense (DND), Department of Education (DepEd), and Department of

Interior and Local Government (DILG), and the Chairperson of the Commission on

Higher Education (CHED), or their duly authorized representatives with a rank of at

least Undersecretary.

From time to time, as manpower and training resources may allow during the

period of national emergencies and other contingencies, the Corps may be called for

re-training to maintain and enhance its level of competency and readiness for

mobilization.

Sec. 7. Request for Deployment.— The Corps may be called upon and

mobilized to assist the national government, its agencies and instrumentalities, and

the local government units in their functions related to addressing the medical needs

of the public through requests for deployment by the heads of such national

government agencies or local government units submitted to the DOH. The requests
shall contain a justification for the deployment of the Corps and shall contain
information as may be required by the DOH, including the nature of the national or
local contingencies to be addressed, the purpose of the requested deployment, the
number of personnel requested to be deployed and the period of deployment.

Sec. 8. Evaluation of the Request for Deployment.— The DOH shall evaluate
the requests for deployment. When the number of personnel requested does not
exceed one hundred fifty (150) and the period of deployment does not exceed sixty
(60) days, the DOH shall decide whether to approve or disapprove the request
within twenty-four (24) hours from receipt thereof. When the number of personnel
requested exceeds one hundred fifty (150) or the period of deployment exceeds
sixty (60) days, the DOH shall make a recommendation to the Office of the President
(OP) within twenty-four (24) hours from receipt of request. The OP shall decide
whether to approve or disapprove the request within twenty-four (24) hours from
receipt of the recommendation of the DOH.

In case of the approval of the request for deployment, the DOH shall issue an
Order of Deployment requiring the Corps, or a number thereof, to assist the national
government, its agencies and instrumentalities and the local government units in
their functions related to addressing the health-related needs of the public.

Sec. 9. Deployment in Case of a Declaration of a State of War, State of
Lawless Violence or State of Calamity; Nationwide Mobilization.— In case of a
declaration of a state of war, state of lawless violence or state of calamity, the DOH
may motu proprio recommend the mobilization of the Corps to the President. The
President, by himself, shall also have the power to order the mobilization of the
Corps to respond to national or local contingencies related to external and territorial
defense, internal security and peace and order and/or disaster risk reduction
management.

Sec. 10. Operationalization of Deployment.— The DOH shall promulgate the
specific mechanisms by which deployment is efficiently implemented, including but
not limited to the organization of the Corps to be deployed, territorial assignment, communication of deployment orders to each member of the Corps and to which mobilization center they will report.

Sec. 11. Mobilization Centers.— There shall be established in each province and city as many mobilization centers as needed according to the number and geographical distribution of the Corps, where they will report in case of deployment. Mobilization centers may be any establishment or facility that can adequately house the members of the Corps, equipment and supplies during the period of deployment, including but not limited to multi-purpose halls, gymnasiums and other similar structures, and based on other requirements prescribed by the DOH. The DOH, in consultation with the local executives, shall likewise prescribe the location of the mobilization centers. The location of these centers shall be given the widest public information by the local executives.

Sec. 12. Mobilization Stock.— The minimum essential individual and organizational medical equipment and supplies shall be procured, stored and maintained to enhance rapid transition to readiness required for employment in the shortest possible time. The DOH shall ensure and maintain the necessary capacity to scale up the procurement of these equipment and supplies as may be needed during the period of mobilization.

Sec. 13. Enlistment of the AFP. — The AFP may be enlisted by the Secretary of Health to provide expertise on the organization and structure of the Corps for efficient, effective and swift deployment, as well as training in disaster and emergency response. Further, the Secretary of Health may recommend to the President the enlistment of the AFP to supplement the mobilized Corps for the purpose of providing logistics and manpower for large-scale operations in times of disaster or other health emergency, enforcing the quarantine of specific areas or facilitating the transport of patients with emerging infectious diseases, and for such other purposes as determined by the DOH.
Sec. 14. Expenses of Deployment.— Upon deployment, the national
government agency or the local government unit to which the Corps is deployed
shall shoulder the operational expenses of deployment.

Sec. 15. Termination of Deployment.— Upon the expiration of the requested
period of deployment, without an extension requested and approved by the DOH,
the Corps shall be discharged of its duties. The deployment may also be terminated
earlier upon determination by the DOH, in consultation with the requesting national
government agency or local government units, that such deployment is no longer in
accordance with the objectives and purposes of this Act.

Sec. 16. Annual Reports.— The DOH shall regularly publish an annual report
containing a list of its accomplishment, status of its operations, number and
demography of the Corps, assessment of readiness for mobilization and the
incidence and details of each mobilization for the year concerned. The annual report
shall also include the results of the audit investigation on the spending of funds
appropriated, collected or advances for the implementation of the provisions of this
Act.

Sec. 17. Effect on Employment.— Deployment of employees in accordance
with the provisions of this Act shall not be a ground for dismissal or diminution of
any benefit enjoyed prior to their deployment. The members of the Corps shall be
entitled to their regular wage or salary during the period of deployment.

An employer who dismisses or sanctions an employee, or deprives him/her of
pay, allowances, privileges and benefits by reason of his/her deployment as provided
for in this Act, shall be subject to a fine of not less than Ten Thousand Pesos
(P10,000.00) but not more than One Hundred Thousand Pesos (P100,000.00)
and/or imprisonment of not more than two (2) years. If the offense is committed by
a corporation, trust, firm, partnership, association or any other entity, the penalty
shall be imposed upon the guilty officer or officers of such entity.
Sec. 18. Penalties for Failure to Respond to Order of Deployment.— Failure to respond to the order of deployment despite notice sent to the address and/or contact details on file with the DOH without any justifiable reason shall, upon conviction by a civil court, be punishable as follows:

(a) First Offense: one hundred twenty (120) hours of community service;
(b) Second Offense: two hundred forty (240) hours of community service;
(c) Third and Subsequent Offenses: six (6) months imprisonment and four hundred eighty (480) hours of community service.

Sec. 19. Disciplinary and Corrective Proceedings.— Administrative offenses committed by persons involved in or in relation to the implementation of this Act, shall be subject to the administrative penalties in accordance with the applicable civil service rules or rules and regulations of the Professional Regulation Commission, as the case may be.

Sec. 20. Implementing Rules and Regulations.— The DOH shall be tasked to formulate and approve the necessary rules and regulations to implement the objectives and purposes of this Act within thirty (30 days) from its effectivity. The rules and regulations shall include provisions on the structure and organization of the Corps, and such other matters as the DOH may deem necessary or essential to fully implement the objectives and purposes of this Act.

Sec. 21. Appropriations.— The amount needed for the initial implementation of this Act shall be taken from the current year’s appropriations of the DOH. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

Sec. 22. Separability Clause.— If any portion or provisions of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in force and effect.
Sec. 23. Repealing Clause.— Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

Sec. 24. Effectivity.— This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette or a newspaper of general circulation.

Approved,