

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE RESOLUTION NO. 158

Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

RESOLUTION

DIRECTING THE COMMITTEE ON HEALTH TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ALLEGED INCONSISTENCIES AND FAILURE IN THE IMPLEMENTATION OF THE PROVISIONS OF REPUBLIC ACT NO. 7305, OTHERWISE KNOWN AS THE MAGNA CARTA OF PUBLIC HEALTH WORKERS, SPECIFICALLY THE PAYMENT OF ALLOWANCES AND BENEFITS TO PUBLIC HEALTH WORKERS (PHWs), WITH THE END IN VIEW OF ADDRESSING THESE POLICY GAPS AND ADOPTING PROGRAMS OF ACTION TO MAKE THE LAW EFFECTIVE, ESPECIALLY IN THE FACE OF THE IMPLEMENTATION OF THE UNIVERSAL HEALTH CARE (UHC) ACT

WHEREAS, Article II, Section 18 of the Philippine Constitution provides that "The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare";

WHEREAS, on March 26, 1992, Republic Act (R.A.) No. 7305 or the Magna Carta for Public Health Workers was signed into law in order to promote the social and economic well-being of public health workers (PHWs), their living and working conditions and terms of employment, to develop their skills and capabilities to be better equipped to deliver health projects and programs, and to encourage those with proper qualifications and excellent abilities to join and remain in government service;

WHEREAS, under R.A. 7305, PHWs are entitled to the following allowances and benefits, which include among others: hazard allowance, subsistence allowance, longevity pay, laundry allowance, and remote assignment allowance;

WHEREAS, in addition to the provision of monetary incentives, the law also mandates non-monetary benefits like housing and medical examination and recognizing the rights of health workers to self-organization;

WHEREAS, pursuant to Section 35 of the Magna Carta, the Secretary of Health promulgated its Implementing Rules and Regulations (IRR) in July 1992;

WHEREAS, in November 1999, the DOH, in collaboration with various government agencies and health workers' organizations, promulgated a Revised IRR consolidating all additional and clarificatory rules issued by the

former Secretaries of Health dating back from the effectivity of the Magna Carta;

WHEREAS, several circulars have been issued by the Department of Budget and Management (DBM) jointly with the Department of Health (DOH) and the Civil Service Commission (CSC), further outlining the procedures and qualifications in the payment of the abovementioned benefits under the Magna Carta;

WHEREAS, the Philippine Public Health Association, Inc. filed a class suit against the government agencies that issued the circulars regulating the payment of the benefits under the Magna Carta, specifically the provisions on the hazard pay, subsistence pay and the longevity pay for illegally diminishing their benefits;

WHEREAS, the Supreme Court partially granted the petition insofar as it lowers the hazard pay at rates below the minimum prescribed by the law and the IRR and was deemed invalid. Insofar as it provides that an official or employee authorized to be granted Longevity Pay under an existing law is not eligible for grant of Step Increment Due to Length of Service, it was declared unenforceable;

WHEREAS, there have been numerous accounts by concerned PHWs that they do not receive benefits under the Magna Carta, even if there is an item specific for this under the General Appropriations Act;

WHEREAS, several studies that were made on the implementation of the provisions of R.A. 7305 show that there are inconsistencies and discrepancies with regards to the payment of the abovementioned benefits. These reports show that not all government agencies are implementing the law nor is it being fully implemented among agencies due to the insufficiency of funds. Monitoring of policy implementation has also been generally weak. Contrary to the intent of the law, PHWs remain undervalued, underdeveloped but over-utilized since R.A. 7305 was passed into law;

WHEREAS, under Section 19 of R.A 7305, salary scales of PHWs whose salaries are appropriated by a city, municipality, district or provincial government shall not be less than those provided for public health workers of the National Government: *Provided*, That, the National Government shall subsidize the amount necessary to pay the difference between that received by the nationally-paid and locally-paid health workers of equivalent positions;

WHEREAS, Section 4 of the Revised IRR of R.A 7305 states that: "xxx The amount necessary to pay the difference between the salaries received by the nationally paid and the locally paid public health workers of the equivalent positions shall be charged against the Internal Revenue Allotment (IRA) of the concerned Local Government Unit (LGU) as authorized in the Annual General Appropriations Act (GAA)";

WHEREAS, there is an apparent discrepancy between the law and the IRR embodying the equality in salary scale which provides that the difference between salaries should be subsidized by the National Government and should not have been charged in the IRA of LGUs;

WHEREAS, there is a need to revisit the provisions of R.A. 7305 and its IRR to determine which provisions need amending in order to plug the loopholes causing these inconsistencies or discrepancies, thereby ensuring that our PHWs are properly compensated, which will in turn benefit our people in the delivery of quality health care services;

WHEREAS, in view of the foregoing, there is a need to revisit R.A. No. 7305 to look into its budgetary provisions as well as the corresponding implementing rules and regulations that has been formulated and prepared by the Secretary of Health pursuant to Section 25 of the said law;

WHEREAS, R.A. No. 11223, otherwise known as the "Universal Health Care Act" was enacted into law to "Ensure that all Filipinos are guaranteed equitable access to quality and affordable health care goods and services."¹ The law specifically provides that: "To ensure continuity in the provision of the health programs and services, all health professionals and health care workers shall be **guaranteed permanent employment and competitive salaries** (*emphasis supplied*)"²;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED to direct the Committee on Health to conduct an inquiry, in aid of legislation, into the alleged inconsistencies and failure in the implementation of the provisions of Republic Act No. 7305, otherwise known as the Magna Carta of Public Health Workers, specifically the payment of allowances and benefits to public health workers, with the end in view of addressing these policy gaps and adopting programs of action to make the law effective, especially in the face of the implementation of the Universal Health Care (UHC) Act.

Adopted,



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¹ R.A. 11223, Section 3 (b)

² R.A. 11223, Section 23, second paragraph