

1 Republic of the Philippines
2 HOUSE OF REPRESENTATIVES
3 Quezon City

4
5 EIGHTEENTH CONGRESS
6 Third Regular Session

7
8 HOUSE BILL No. 9640
9



10 Introduced by
11 BAYAN MUNA Representatives CARLOS ISAGANI T. ZARATE,
12 FERDINAND R. GAITE and EUFEMIA C. CULLAMAT,
13 ACT TEACHERS Party-List Representative FRANCE L. CASTRO,
14 GABRIELA Women's Party Representative ARLENE D. BROSAS
15 and KABATAAN Party-List Representative SARAH JANE I. ELAGO

16
17 AN ACT
18 GRANTING SPECIAL RISK ALLOWANCE AND ACTIVE HAZARD DUTY PAY
19 TO ALL HEALTH WORKERS, IN PUBLIC AND PRIVATE SECTOR, IN HOSPITALS
20 AND OTHER HEALTH FACILITIES DURING A STATE OF PUBLIC HEALTH
21 EMERGENCY
22

23
24 EXPLANATORY NOTE
25

26
27 Amid the raging COVID-19 pandemic and the country's public health crisis, thousands of health
28 workers also got infected with the disease. According to the Department of Health (DOH), as of
29 May 25, 2021, 18,539 health workers already got infected with Covid19, 95 of them died as a result.
30 For numerous times, the health workers aired their grievances over limited and substandard personal
31 protective equipment (PPE), and, the lack of manpower, facilities, medicines and medical supplies.
32 With the militaristic, yet failed, pandemic response of the Duterte administration, the health workers
33 asked for "timeout" last August 2020 to slow down the spread of COVID-19 and provide them a
34 breathing space in the fight against the pandemic.
35

36 Despite all these hazards – threat of getting infected, lack of personal PPEs, low wages and benefits
37 and inhumane working conditions, health workers relentlessly provide health services to the Filipino
38 people. Regrettably, the current special risk allowance and active hazard duty pay received by the
39 health workers are insufficient and limited. Pursuant to Administrative Order Nos. 35 and 36 signed
40 by President Rodrigo Duterte, public and private health workers are only entitled to special risk
41 allowance not exceeding P5,000 while the frontline human resources for health are entitled to active
42 hazard duty pay not exceeding P3,000. These amounts are far cry from the health worker's demand:
43 P15,000 special risk allowance and P5,000 active hazard duty pay for all health workers.
44

45 Moreover, based on DOH Memorandum No. 2021-0221, only public health workers catering to
46 COVID-19 patients or providing COVID-19 healthcare response during the state of national
47 emergency, medical and allied professionals, and administrative and support personnel are entitled to

1 hazard pay, subsistence and laundry allowance. The Memorandum explicitly excluded “healthcare
2 workers hired without employer-employee relationship,” including the contractual workers
3 employed through job orders, contracts of service, and other similar arrangements, and those health
4 workers who are not directly catering to COVID-19 patients and not performing COVID-19-related
5 health services are not given the benefits despite them being at risk of getting infected of the viral
6 disease while giving healthcare services to the people.
7

8 In recognition of the crucial roles and contributions of the health workers amid the public health
9 emergency, this Bill seeks to grant special risk allowance and active hazard duty pay to all health
10 workers in public and private sector, and in other health facilities, regardless of employment status,
11 including contractual employees in the form of job order, contract-of-service and human resources
12 of health, and area of assignment, as well as those health workers who are working-from-home,
13 isolated and quarantined due to COVID-19 disease and other any occurrence or imminent threat of
14 an illness or health condition in the future.
15


16 Thus, immediate passage of this bill is earnestly sought.
17


18 *Approved,*


REP. CARLOS ISAGANI T. ZARATE
Bayan Muna Partylist


REP. FERDINAND R. GAITE
Bayan Muna Partylist


REP. EUFEMIA C. CULLAMAT
Bayan Muna Partylist


REP. ARLENE D. BROSAS
GABRIELA Women's Party


REP. FRANCE L. CASTRO
ACT Teachers Partylist


REP. SARAH JANE I. ELAGO
Kabataan Partylist

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10 **Introduced by**
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12 **FERDINAND R. GAITE and EUFEMIA C. CULLAMAT,**
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17 **AN ACT**
18 **GRANTING SPECIAL RISK ALLOWANCE AND ACTIVE HAZARD DUTY PAY**
19 **TO ALL HEALTH WORKERS, IN PUBLIC AND PRIVATE SECTOR, IN HOSPITALS**
20 **AND OTHER HEALTH FACILITIES DURING A STATE OF PUBLIC HEALTH**
21 **EMERGENCY**
22
23

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

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26 **Section 1. Short Title.** – This Act shall be known as the “Special Risk Allowance and Active
27 Hazard Duty Pay for All Health Workers Act.”

28
29 **Section 2. Declaration of Policy.** – The State further recognizes the inadequate support for health
30 workers in both public and private sectors and the consequent crisis in the health workforce. The
31 State has the primary responsibility to provide its health workers the opportunity for utmost service
32 delivery while ensuring their welfare, just compensation, personal safety and protection, security and
33 professional advancement. Towards this end, health workers in the public and private sector, and in
34 other health facilities shall be provided with additional benefits for the duration of a public health
35 emergency.
36

37 **Section 3. Coverage.** – The benefits prescribed in this Act shall apply to all health workers in
38 public and private health workers, and in other health facilities, regardless of employment status,
39 including contractual employees in the form of job order, contract-of-service and human resources
40 of health, and area of assignment. *Provided*, further that the health workers working from home,
41 isolated or quarantined due to COVID-19, or other any occurrence or imminent threat of an illness
42 or health condition as defined by Republic Act No. 11332, shall be entitled to the benefits under this
43 Act.
44

45 **Section 4. Special Risk Allowance and Active Hazard Duty Pay.** – The national government
46 shall ensure the provision of P15,000 special risk allowance (SRA) and P5,000 active hazard duty pay
47 (AHDP) for all health workers covered by this Act, on a monthly basis that is not pro-rated for

1 every month that they are serving during the state of public health emergency as declared by the
2 President. *Provided*, that the SRA and AHDP shall be in addition to the existing benefits that the
3 health worker receives. *Provided, further*, that the SRA and ADHP shall be exempt from income tax.
4

5 The Department of Health shall, subject to the approval of the Department of Budget and
6 Management, in coordination with the Department of Labor and Employment and in consultation
7 with other stakeholders, review and, when necessary, adjust the amount of SRA and ADHP.
8 *Provided*, that in no case shall the SRA and ADHP be lower than the existing rates.
9

10 **Section 5. No Diminution of Benefits.** – Nothing in this Act shall be construed to reduce any
11 existing allowances and benefits of any form under existing laws, decrees and issuances, executive
12 orders, and/or under any contract or agreement between workers and employers.
13

14 **Section 6. Appropriations.** – The amount of Four Hundred Twenty-Three Billion One Hundred
15 Eighteen Million Five Hundred Sixty Thousand Pesos (PhP423,118,560,000.00) for Fiscal Year 2021
16 is hereby appropriated for this purpose. Thereafter, the Department of Health shall determine such
17 sums may be needed for its continued implementation.
18

19 **Section 7. Separability clause.** – If, for any reason or reasons, any part or provision of this Act
20 shall be declared as unconstitutional or invalid, the other parts or provisions hereof which are not
21 affected thereby shall continue to be in full force and effect.
22

23 **Section 8. Repealing clause.** – All provisions of existing laws, orders, rules and regulations or
24 parts which are in conflict or inconsistent with the provisions of this Act are hereby repealed,
25 amended or modified accordingly.
26

27 **Section 9. Effectivity clause.** – This Act shall take effect immediately upon its publication in the
28 Official Gazette or in at least two (2) newspapers of general circulation in the Philippines.
29

30 *Approved,*