

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session



HOUSE BILL No. 6212

Introduced by
ACT Teachers Party-List Rep. FRANCE L. CASTRO,
GABRIELA Women's Party Rep. ARLENE D. BROSAS,
and **KABATAAN Party-List Rep. RAOUL DANNIEL A. MANUEL**

AN ACT
MANDATING THE IMPLEMENTATION OF
SALARY GRADE 15 MINIMUM MONTHLY SALARY FOR NURSES
IN THE PUBLIC SECTOR

EXPLANATORY NOTE

Salary upgrading for nurses and other professionals is long overdue.

For decades, nurses were denied of their rightful salaries as mandated by Republic Act No. 9173 or the Philippine Nursing Act of 2002. The law provided for Salary Grade 15 as entry salary grade for public nurses all over the country. This was never implemented, with the government failing to allocate funds for its implementation.

Instead of rectifying this gross neglect, the government through Joint Resolution No. 4 or the Salary Standardization Law III in 2009 pegged the salary grade of nurses to SG 11 from the original SG 10. After which Executive Order 201, approved in 2016, maintained the SG 11 as entry level salary grade level for nurses and provided measly salary increases like all other previous salary standardization laws.

As of end December 2019, a nurse 1 in national government hospitals receive P20,754 per month under Salary Grade 11. Those in devolved hospitals and health facilities receive less, due to the provision of the Salary Standardization Law allowing

lower salaries based on the capacity and classification of the local government units.

While President Rodrigo Duterte issued statements and promises in favor of increasing the salaries of national government workers, including teachers and nurses, the government never ever implemented the salary grade 15 entry salary grade for nurses as mandated by RA 9173.

Republic Act No 11466 or the Salary Standardization law of 2019 signed by President Duterte on January 8, 2020 only allots P22,316 per month to Salary Grade 11. Salary Grade 15 for the first tranche is equivalent to P32,053 per month.

On October 8, 2019, the Supreme Court declared as valid Section 32 of the Philippine Nursing Act or Republic Act No. 9173 which states that “the minimum base pay of nurses working in public health institutions shall not be lower than salary grade 15”. On December 13, 2019, the Supreme Court released the final and executory decision.

In response to the Supreme Court decision and the continuing calls and demands of nurses, the Duterte administration allotted Three Billion pesos (P3,000,000,000) under the Miscellaneous Personnel Benefits Funds of the Republic Act No 11465 or the General Appropriations Act of 2020.

However, halfway into the year 2020, and in the midst of battle against the COVID-19 pandemic, nurses salaries are yet to be upgraded based on the Supreme Court decision.

On July 17, 2020, the Department of Budget and Management issued Budget Circular No. 2020-4 on Upgrading the Entry Level of Nurse Positions. The Budget Circular upgrades the Nurse 1 position from SG 11 to SG 15 effective not earlier than January 1, 2020.

However, the DBM Budget Circular excludes nurses in some government agencies such as those employed in GOCCs/GFIs covered under RA 10149 or the GOCC Act of 201. Said employees including the nurses are exempted from RA No. 6758 and are implementing their respective Compensation and Position Classification System (CPCS). Moreover, salary adjustment of contractuales and casuals are dependent on availability of funds.

It is high time that we truly honor our nurses who are risking their very own lives bravely fighting in the frontlines against the COVID-19 pandemic by providing for salaries and benefits that are rightfully due them.

This Bill aims to mandate the implementation of Salary Grade 15 as the national minimum salary for nurses in the public sector nationwide, regardless of employment

status and agency classification.

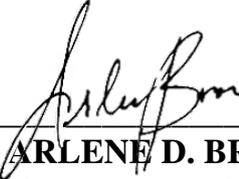
This Bill was first filed by Bayan Muna Party-List Reps. Ferdinand Gaité, Carlos Zarate and Eufemia Cullamat, ACT Teachers Party-List Rep. France Castro, Gabriela Women's Party Rep. Arlene Brosas and Kabataan Party-List Rep. Sarah Elago in the 18th Congress as House Bill 7517.

The urgent passage of this bill, thus, is earnestly sought.

Approved,



Rep. FRANCE L. CASTRO
ACT Teachers Party-List



Rep. ARLENE D. BROSAS
GABRIELA Women's Party



Rep. RAOUL DANNIEL A. MANUEL
KABATAAN Party-List

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

SECTION 1. *Short Title.* This Act shall be known as “The Nurses’ Salary Upgrading Act of 2020.”

SECTION 2. *Declaration of Policy.* It is the Government’s concern and responsibility to provide adequate remuneration and benefits of health workers to enhance general welfare and to attract and retain its rightful share of talents with the end in view of fulfilling the state policy of providing essential health services to all Filipinos.

SECTION 3. *Coverage.* The minimum salary shall cover all nurses in all public health facilities:

- (a) whether regular, or non-regular, including contractuales, contract of service, job-order, casuals, co-terminus and project-based, and
- (b) whether nationally or locally-funded, including Government-Owned and Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), and Local Government Units regardless of classification.

SECTION 4. *Minimum Salary for Nurses.* The minimum monthly salary for nurses

shall be equivalent to salary grade (SG) "15" of the Salary Standardization Law. Salary grade levels and salaries of Nurse 2 and higher shall be adjusted accordingly. The Job Grade and salary levels of nurses employed in GOCCs/GFIs covered by RA 10149 shall also be upgraded and shall be equivalent to the SG 15 under the current Salary Standardization Law.

SECTION 5. *Sanctions.* A fine of not less than five hundred thousand pesos (P500,000,000) and/or imprisonment of not less than one (1) year nor more than two (2) years shall be imposed upon violation of any of the provisions hereof.

Provided that, for violations committed by government agencies, juridical persons, including local government units or any other entity, the head of the agency and Board of Directors or executive officials of the agency shall assume full responsibility.

SECTION 6. *Refund and Compensation.* Any nurse found to have been a victim of violation of any section of this Act shall be entitled to backwages and full payment of unpaid benefits. In addition, he/she shall be entitled to refund of interest and attorney's fees to be paid by the agency if he/she is forced to litigate.

SECTION 7. *Rules and Regulations.* The Department of Health and the Department of Budget and Management shall promulgate the necessary rules and regulations of the provisions of this Act.

SECTION 8. *Appropriation.* The Government shall appropriate such amount as may be necessary to carry out the objectives of this Act. Initial funds required for the implementation of this Act shall be sourced from the General Appropriations Act Miscellaneous Personnel Benefit Fund and other possible sources that may be determined by the Office of the President. The subsequent funds needed for national public health institutions shall be included in the General Appropriations Act in the allotment for the particular facility or institution. For devolved health agencies, funding shall be included in the annual budget allotment for the provincial and district hospitals and local health units.

Provided that, should certain Local Government Units have insufficient funds, they may request for a subsidy from the National Government.

Provided further, that GOCCs shall include in their respective corporate budget the funds necessary to implement the upgraded salaries of nurses.

SECTION 9. *Constitutionality.* Should any provision of this Act be declared invalid or unconstitutional, the validity or constitutionality of the other provisions shall not be affected thereby.

SECTION 10. *Repealing Clause.* All laws, decrees, letters of instructions, resolutions, orders, ordinances or parts thereof which are inconsistent with the provisions of this

Act, are hereby repealed, amended, or modified accordingly.

SECTION 11. *Effectivity.* This Act shall take effect fifteen (15) days after publication in the Official Gazette or in a national newspaper of general circulation.

Approved,