

[REPUBLIC ACT NO. 7305, March 26, 1992]

THE MAGNA CARTA OF PUBLIC HEALTH WORKERS

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

SECTION 1. *Title.* - This Act shall be known as the "Magna Carta of Public Health Workers".

SEC. 2. *Declaration of Policy and Objective.* - The State shall instill health consciousness among our people to effectively carry out the health programs and projects of the government essential for the growth and health of the nation. Towards this end, this Act aims: (a) to promote and improve the social and economic well-being of the health workers, their living and working conditions and terms of employment; (b) to develop their skills and capabilities in order that they will be more responsive and better equipped to deliver health projects and programs; and (c) to encourage those with proper qualifications and excellent abilities to join and remain in government service.

SEC. 3. *Definition.* - For purposes of this Act, "health workers" shall mean all persons who are engaged in health and health-related work, and all persons employed in all hospitals, sanitarium, health infirmaries, health centers, rural health units, barangay health stations, clinics and other health-related establishments owned and operated by the Government or its political subdivisions with original charters and shall include medical, allied health professional, administrative and support personnel employed regardless of their employment status.

SEC. 4. *Recruitment and Qualification.* - Recruitment policy and minimum requirements with respect to the selection and appointment of a public health worker shall be developed and implemented by the appropriate government agencies concerned in accordance with policies and standards of the Civil Service Commission: *Provided*, That in the absence of appropriate eligibles and it becomes necessary in the public interest to fill a vacancy, a temporary appointment shall be issued to the person who meets all the requirements for the position to which he/she is being appointed except the appropriate civil service eligibility: *Provided, further*, That such temporary appointment shall not exceed twelve (12) months nor be less than three (3) months renewable thereafter but that the appointee may be replaced sooner if (a) a qualified civil service eligible becomes available, or (b) the appointee is found wanting in performance or conduct befitting a government employee.

SEC. 5. *Performance Evaluation and Merit Promotion.* - The Secretary of Health, upon consultation with the proper government agency concerned and the Management-Health Workers' Consultative Councils, as established under Section 33

of this Act, shall prepare a uniform career and personnel development plan applicable to all public health personnel. Such career and personnel development plan, shall include provisions on merit promotion, performance evaluation, inservice training grants, job rotation, suggestions and incentive award system.

The performance evaluation plan shall consider foremost the improvement of individual employee efficiency and organizational effectiveness: Provided, That each employee shall be informed regularly by his/her supervisor of his/her performance evaluation.

The merit promotion plan shall be in consonance with the rules of the Civil Service Commission.

SEC. 6. Transfer or Geographical Reassignment of Public Health Workers. -

- a. a transfer is a movement from one position to another which is of equivalent rank, level or salary without break in service;
- b. a geographical reassignment, hereinafter referred to as "reassignment", is a movement from one geographical location to another; and
- c. a public health worker shall not be transferred and/or reassigned, except when made in the interest of public service, in which case, the employee concerned shall be informed of the reasons therefore in writing. If the public health worker believes that there is no justification for the transfer and/or reassignment, he/she may appeal his/her case to the Civil Service Commission, which shall cause his/her transfer and/or reassignment to be held in abeyance: *Provided*, That no transfer and/or reassignment whatsoever shall be made three (3) months before any local or national elections: *Provided, further*, That the necessary expenses of the transfer and/or reassignment of the public health worker and his/her immediate family shall be paid for by the Government.

SEC. 7. Married Public Health Workers. - Whenever possible, the proper authorities shall take steps to enable married couples, both of whom are public health workers, to be employed or assigned in the same municipality, but not in the same office.

SEC. 8. Security of Tenure. - In case of regular employment of public health workers, their services shall not be terminated except for cause provided by law and after due process: Provided, That if a public health worker is found by the Civil Service Commission to be unjustly dismissed from work, he/she shall be entitled to reinstatement without loss of seniority rights and to his/her back wages with twelve percent (12%) interest computed from the time his/her compensation was withheld from him/her up to the time of reinstatement.

SEC. 9. Discrimination Prohibited. - A public health worker shall not be discriminated against with regard to gender, civil status, creed, religious or political beliefs and ethnic groupings in the exercise of his/her profession.

SEC. 10. No Understaffing/Overloading of Health Staff. - There shall be no understaffing or overloading of public health workers. The ratio of health staff to patient load shall be such as to reasonably effect a sustained delivery of quality health care at all times without overworking the public health worker and overextending his/her duty and service. Health students and apprentices shall be

allowed only for purposes of training and education.

In line with the above policy, substitute officers or employees shall be provided in place of officers or employees who are on leave for over three (3) months. Likewise, the Secretary of Health or the proper government official shall assign a medico-legal officer in every province.

In places where there is no such medico-legal officer, rural physicians who are required to render medico-legal services shall be entitled to additional honorarium and allowances.

SEC. 11. *Administrative Charges.* - Administrative charges against a public health worker shall be heard by a committee composed of the provincial health officer of the province where the public health worker belongs, as chairperson, a representative of any existing national or provincial public health workers' organization or in its absence its local counterpart and a supervisor of the district, the last two (2) to be designated by the provincial health officer mentioned above. The committee shall submit its findings and recommendations to the Secretary of Health within thirty (30) days from the termination of the hearings. Where the provincial health officer is an interested party, all the members of the committee shall be appointed by the Secretary of Health.

SEC. 12. *Safeguards in Disciplinary Procedures.* - In every disciplinary proceeding, the public health worker shall have:

- a. the right to be informed, in writing, of the charges;
- b. the right to full access to the evidence in the case;
- c. the right to defend himself/herself and to be defended by a representative of his/her choice and/or by his/her organization, adequate time being given to the public health worker for the preparation of his/her defense;
- d. the right to confront witnesses presented against him/her and summon witnesses in his/her behalf;
- e. the right to appeal to designated authorities;
- f. the right to reimbursement of reasonable expenses incurred in his/her defense in case of exoneration or dismissal of the charges; and
- g. such other rights as will ensure fairness and impartiality during proceedings.

SEC. 13. *Duties and Obligations.* - The public health worker shall:

- a. discharge his/her duty humanely with conscience and dignity;
- b. perform his/her duty with utmost respect for life; and
- c. exercise his/her functions without consideration to race, gender, religion, nationality, party politics, social standing or capacity to pay.

SEC. 14. *Code of Conduct.* - Within six (6) months from the approval of this Act, the Secretary of Health, upon consultation with other appropriate agencies, professional and health workers' organization, shall formulate and prepare a Code of Conduct for Public Health Workers, which shall be disseminated as widely as possible.

SEC. 15. *Normal Hours of Work.* - The normal hours of work of any public health worker shall not exceed eight (8) hours a day or forty (40) hours a week.

Hours worked shall include: a) all the time during which a public health worker is

required to be on active duty or to be at a prescribed workplace; and b) all the time during which a public health worker is suffered or permitted to work: *Provided*, That, the time when a public health worker is placed on "On Call" status shall not be considered as hours worked but shall entitle the public health worker to an "On Call" pay equivalent to fifty percent (50%) of his/her regular wage. "½ On Call" status refers to a condition when public health workers are called upon to respond to urgent or immediate need for health/medical assistance or relief work during emergencies such that he/she cannot devote the time for his/her own use.

SEC. 16. *Overtime Work.* - Where the exigencies of the service so require, any public health worker may be required to render service beyond the normal eight (8) hours a day. In such a case, the workers shall be paid an additional compensation in accordance with existing laws and prevailing practices.

SEC. 17. *Work During Rest Day.* -

- a. Where a public health worker is made to work on his/her scheduled rest day, he/she shall be paid an additional compensation in accordance with existing laws.
- b. Where a public health worker is made to work on any special holiday he/she shall be paid an additional compensation in accordance with existing laws. Where such holiday work falls on the worker's scheduled rest day, he/she shall be entitled to an additional compensation as may be provided by existing laws.

SEC. 18. *Night-Shift Differential.* -

- a. Every public health worker shall be paid a night-shift differential of ten percent (10%) of his/her regular wage for each hour of work performed during the night-shifts customarily adopted by hospitals
- b. Every health worker required to work on the period covered after his/her regular schedule shall be entitled to his/her regular wage plus the regular overtime rate and an additional amount of ten percent (10%) of such overtime rate for each hour of work performed between ten (10) o'clock in the evening to six (6) o'clock in the morning.

SEC. 19. *Salaries.* - In the determination of the salary scale of public health workers, the provisions of Republic Act No. 6758 shall govern, except that the benchmark for Rural Health Physicians shall be upgraded to Grade 24.

- a. *Salary Scale* - Salary scales of public health workers shall be provided progression: *Provided*, That the progression from the minimum to maximum of the salary scale shall not extend over a period of ten (10) years: *Provided*, further, That the efficiency rating of the public health worker concerned is at least satisfactory.
- b. *Equality in Salary Scale* - The salary scales of public health workers 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 nationally-paid and locally-paid health workers of equivalent positions.
- c. *Salaries to be Paid in Legal Tender* - Salaries of public health workers shall be paid in legal tender of the Philippines or the equivalent in checks or treasury warrants: *Provided, however*, That such checks or treasury warrants shall be