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Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

EIGHTEENTH CONGRESS  
Second Regular Session

HOUSE RESOLUTION No. 1246



Introduced by  
**BAYAN MUNA Representatives FERDINAND R. GAITE,  
CARLOS ISAGANI T. ZARATE and EUFEMIA C. CULLAMAT**

RESOLUTION  
URGING THE HOUSE OF REPRESENTATIVES  
THROUGH THE COMMITTEE ON HEALTH TO INVESTIGATE,  
IN AID OF LEGISLATION, THE ALLEGED DEMOTION OF NURSE POSITIONS  
IN THE IMPLEMENTATION OF SALARY UPGRADING FOR NURSES

**WHEREAS**, Article II Section 2 of Republic Act 9173 of the Philippine Nursing Act of 2002 states that “(i)t is hereby declared the policy of the State to assume responsibility for the protection and improvement of the nursing profession by instituting measures that will result in relevant nursing education, humane working conditions, better career prospects and a dignified existence for our nurses”;

**WHEREAS**, Article VII Section 32 of RA 9173 further states that “(i)n order to enhance the general welfare, commitment to service and professionalism of nurses the minimum base pay of nurses working in the public health institutions shall not be lower than salary grade 15”;

**WHEREAS**, after 17 years since the passage of RA 9173, on October 8, 2019, the Supreme Court held that Section 32 of RA 9173 is valid, and provisions of Joint Resolutions purporting to amend or repeal Sec. 32 were declared void and unconstitutional. On December 13, 2019, the Supreme Court released the final and executory decision;

**WHEREAS**, 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;

**WHEREAS**, 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:

**5.0 Upgrading of Nurse I position**

5.1 The SG allocation of the Nurse I position is hereby upgraded by four (4) SGs **effective not earlier than January 1, 2020**, as follows:

Position Title	Salary Grade	
	From	To
Nurse I	11	15

**8.0 Modification in the Position Attributes of the Nurse Positions**

8.1 The position attributes of the following classes of Nurse positions are hereby modified:

<b>FROM</b>	<b>Salary Grade</b>	<b>TO</b>	<b>Salary Grade</b>
Nurse II	15	<b>Nurse I</b>	15
Nurse III	17	<b>Nurse II</b>	17
Nurse IV	19	<b>Nurse III</b>	19
Nurse V	20	<b>Nurse IV</b>	20
Nurse VI	22	<b>Nurse V</b>	22
Nurse VII	24	<b>Nurse VI</b>	24

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2 **WHEREAS**, in reply to the letter of Filipino Nurses United dated August 19, 2020, the DBM  
3 said that “the position attributes of the non-entry level Nurse positions with respect to their  
4 numerical suffix were modified to preserve the hierarchy of nurse positions.” The DBM said that  
5 “the modification in the position attributes of Nurse II to Nurse VII items does not partake of  
6 demotion and will not result in the diminution of salary and benefits”;

7 **WHEREAS**, DBM Budget Circular No. 2020—04 will result to demotion in rank, especially those  
8 currently occupying the positions of Nurse II to Nurse VII. Entry-level position of Nurse I will  
9 be sharing the same Salary Grade 15 with those currently occupying the position of Nurse II. In  
10 effect, DBM have merged the now upgraded Nurse I and the current Nurse II positions;

11 **WHEREAS**, although the current Nurse III to VII will be allocated the same Salary Grade, they  
12 are technically demoted to a lower position since Nurse I and Nurse II will be merged under the  
13 Budget Circular. Nurse III will be demoted to Nurse II, Nurse IV to Nurse III, Nurse V to Nurse  
14 IV, Nurse VI to Nurse V, while Nurse VII is abolished;

15 **WHEREAS**, in *Bautista vs. CSC*, the Supreme Court held that:

16 ‘A demotion in office, i.e., the movement from one position to another  
17 involving the issuance of an appointment with diminution in duties,  
18 responsibilities, status or rank which may or may not involve a reduction in  
19 salary, is tantamount to removal, if no cause is shown for it.’;

20 **WHEREAS**, Republic Act No. 6656 or the ‘Act to Protect The Security of Tenure of Civil Service  
21 Officers and Employees in The Implementation of Government Reorganization’, provides for:

22 “SEC. 2. No officer or employee in the career service shall be removed except  
23 for a valid cause and after due notice and hearing. A valid cause for removal  
24 exists when, pursuant to a bona fide reorganization, a position has been  
25 abolished or rendered redundant or there is a need to merge, divide, or  
26 consolidate positions in order to meet the exigencies of the service, or other  
27 lawful causes allowed by the Civil Service Law”;

28 **WHEREAS**, many nurses opposed the demotion in nurse positions. It took several years for  
29 many nurses to be promoted to Nurse II which normally require work experience of at least one  
30 (1) year. More importantly, each of the nurse positions refers to specific roles and tasks in the  
31 hospitals. There is demotion as the change in position is a diminution of duties, responsibilities,  
32 status or rank of affected nurses though there will be no reduction in pay or salary grade;

33 **WHEREAS**, demotion of nurses is contrary to the intent of Section 32 of RA 9173. Demotion  
34 and merging of positions will not “enhance the general welfare, commitment to service and  
35 professionalism” of nurses, and have in fact resulted to demoralization among nurses;

1 **WHEREAS**, there is a need for Congress to investigate the issue of demotion as this will run  
2 counter to the goal of encouraging more nurses to stay in the country and serve the Filipino people  
3 especially during this time of pandemic. Nurses and other health workers should be provided with  
4 all the support they need and not be deprived of the salaries and benefits due them. Demotion is  
5 the worst and unjust thing to do against the nurses as they risk life and limb in serving our people;  
6 **NOW THEREFORE BE IT RESOLVED**, that the House of Representatives, through the  
7 Committee on Health, to investigate, in aid of legislation, the alleged demotion of nurse positions  
8 in the implementation of salary upgrading for nurses.

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12 *Adopted,*

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**REP. FERDINAND R. GAITE**  
*Bayan Muna Partylist*

  
**REP. CARLOS ISAGANI T. ZARATE**  
*Bayan Muna Partylist*

  
**REP. EUFEMIA C. CULLAMAT**  
*Bayan Muna Partylist*