



REPUBLIC OF THE PHILIPPINES
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
BARMM Compound, Cotabato City

BANGSAMORO AUTONOMY ACT NO. 11

Introduced by MP ZUL QARNEYN M. ABAS, M.D.

Begun and held in Cotabato City, Bangsamoro Autonomous Region in Muslim Mindanao, on _____, the ____ day of _____, Year Two Thousand and Twenty.

AN ACT ESTABLISHING AND APPROPRIATING A BUFFER REPLENISHABLE FUND TO DEFRAY THE TIMELY PAYMENT OF SALARIES AND OTHER REMUNERATIONS OF THE DOH- NATIONALLY FUNDED HEALTH WORKERS DEPLOYED IN THE BANGSAMORO AUTONOMOUS REGION UNDER THE SUPERVISION OF THE BARMM-MINISTRY OF HEALTH

Be it enacted by the Bangsamoro Autonomous Region in Muslim Mindanao, Bangsamoro Transition Authority (BTA) Interim Parliament

SECTION 1. Short Title. – This Act shall be known as the “**MOH-BARMM BUFFER REPLENISHABLE FUND ACT OF 2020**”.

SECTION 2. Declaration of Policy and Principle. - It is a policy of the Bangsamoro Autonomous Region in Muslim Mindanao as provided under Section 22, Article IX of Republic Act No. 11054 otherwise known as the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao” to provide for a comprehensive and integrated health service delivery for its constituents and establish by law a general hospital system to serve the health requirements of its people and ensure that the individual basic right to life shall be attainable through the prompt intervention of excellent and affordable medical services.

It is also a declared policy to establish and follow the principle of moral governance in the affairs of the BARMM regional government.

SECTION 3. Establishment of the MOH-BARMM Buffer Replenishable Fund. – There shall be established a Buffer Replenishable Fund to defray the timely payment of authorized salaries, wages and other remuneration of the nationally-funded health workers deployed in the Bangsamoro Autonomous region under the Human Resources for Health Deployment Program of the Department of Health (DOH) but directly supervised by the BARMM- Ministry of Health (BARMM-MOH). The Fund shall be managed and utilized by the BARMM-MOH in the event of the delayed transfer or downloading of the funds from the national government to the BARMM-MOH for the aforementioned purpose. The utilized amount of the Buffer Replenishable Fund shall be replenished immediately upon receipt of the transferred equivalent amount of funds from the national government and/or the Department of Health.



SECTION 4. Administration and management of the Fund. - The BARMM- Ministry of Health shall administer and manage the Buffer Replenishable Fund in accordance with its cash management and disbursement system and procedures subject to all existing government accounting and auditing rules and regulations. In no way shall it be utilized or disbursed for purposes other than that which is prescribed under Section 3 of this Act. Specifically, the Fund shall be used to temporarily cover the eventual delayed transfer and/or downloading of funds to defray the salaries and other remuneration of the existing 1,963 health workers allocated and deployed to the BARMM by the DOH including but not limited to other additional nationally funded health workers that may be deployed in the succeeding years.

SECTION 5. Termination of the Fund. The Buffer Replenishable Fund shall automatically be terminated upon the cessation or cancellation of the herein-mentioned nationally funded DOH-Human Resource for Health Deployment Program and/or stoppage of hiring or renewal of the appointment or contract of services of the health workers paid under the same program. In such eventuality, the fund shall immediately be liquidated and restored to the BARMM-MOH budget and appropriations as savings.

SECTION 6. Appropriation. - The amount of One Hundred Eighty Million Pesos (Php180,000,000.00) is hereby appropriated for the herein described Buffer Replenishable Fund as augmentation to the approved budget and fund allocation of the Ministry of Health for the year 2021 equivalent to two (2) months salaries of the nationally funded human resources for health cadres deployed in the BARMM and directly supervised by the BARMM-MOH including any additional allocation or deployment of other health workers in the succeeding years. Thereafter, the amount of the Buffer Replenishable Fund shall be calculated annually to correspond to two (2) months salaries of the deployed nationally funded cadres or health workers. Whenever there is a deficit the Ministry of Health shall propose it in the annual budget of the Ministry of Health as reflected in the Bangsamoro Appropriations Act.

SECTION 7. Implementing Rules and Regulations. - The existing BARMM government implementing rules and regulations regarding the utilization and disbursement of funds shall be applied in the implementation of this Act subject to all government accounting and auditing rules and procedures.

SECTION 8. Separability Clause. - In the event any provision of this Act or the application of such provision is declared invalid, the remainder of this Act shall not be affected by such declaration.

SECTION 9. Repealing Clause. - All laws and regulations under the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) government including those passed under the defunct Autonomous Region in Muslim Mindanao (ARMM) government regarding the establishment of a Buffer Replenishable fund not consistent with this Act are hereby repealed.

SECTION 10. Effectivity. - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Adopted:


ZUL QARNEYN M. ABAS, M.D.
Minister of the Parliament

This Act was finally passed by the Bangsamoro Transition Authority (BTA) Parliament on _____, 2020.

Approved:

RATIONALE

For the proposed "MOH-BARMM BUFFER REPLENISHABLE FUND ACT OF 2020".

The national government through the Department of Health has re-formulated the Philippine Health Agenda to provide focus on improving access to responsive health care system. The redirection underscores the idea of improving human resources for health to increase the availability of a highly motivated and skilled health workforce and the quality of health services in rural, remote, and underserved areas of the country which was adopted as one of the primary strategies to meet the Millennium Development Goals (MDGs) targets and in consonance with the intentions of the Universal Health Care law. One of the initial strategies taken by the Department of Health to meet the objectives of the new Philippine Health Agenda is the Human Resources for Health Deployment program (HRHDP).

The HRHDP is a response to the limited capacity of some LGUs to provide the recommended human resources for Health and the Department of Health recognizes the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) formerly ARMM as one of the regions with the lowest average of available human resources for Health. This is particularly expressed under the DOH Secretary of Health Administrative Order No. 2014-0025 dated September 01, 2014, to quote:

"Most of our HRH are primarily urban centered with 28% of them in the National Capital Region while other regions only have an average of 4% of the total HRH in health facilities. Autonomous Region of Muslim Mindanao has less than 1% share of these HRH (DOH NDHRHIS, June 2013). While there is no universal norm or standard for a minimum HRH density in any given country or region recommended by the World Health Organization, it was estimated that a density of fewer than 2.28 physicians, nurses and midwives per 1000 population generally fail to achieve a targeted 80% coverage rate for skilled birth attendance and child immunization (World Health Report, 2006). With the commitment to attain universal health care, HRH must be responsive to the needs of our country and support the achievement of our Millennium Development Goals (MDGs) targets. This would require the right quantity, quality and relevance of HRH to our health system needs. Therefore, there is a need to harmonize the policies and processes for the placement and distribution of health professionals through the deployment programs"

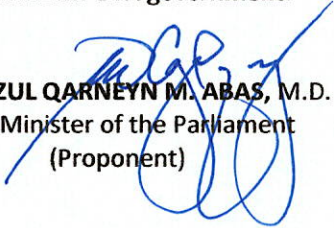
In response thereof, the DOH allocated and deployed a total of 1,963 cadres or health workers to the BARMM consisting of 29 DTTB; 14 MOIV; 20 Dentists; 1,413 Nurses; 19 Medical Technologists; 5 Pharmacists; 25 Nutritionist Dietitians; 157 Midwives; and, 5 Physical Therapists who will serve at least until 2021, including but not limited to other additional nationally funded health workers that may be deployed in the succeeding years.

The DOH shall provide for the payment of the salaries and other remuneration for the deployed health workers to the BARMM through sub-allotment or transfer of funds as provided under Section VI, Paragraph D of the DOH Administrative Order No. 2014-0025 dated September 01, 2014 which states that "all direct expenses related to deployment shall be charged against DOH funds and the Health Human Resource Development Bureau (HHRDB) shall sub-allot/ transfer funds to DOH Regional Offices/ DOH hospitals including the DOH ARMM (now MOH-BARMM)". Unfortunately, the sub-allotment or transfer of funds from the Department of Health (DOH) to the BARMM-Ministry of Health (BARMM-MOH) for the salaries and remuneration of the aforementioned cadres or human resources for Health deployed to the BARMM takes one to two months

as experienced during the current year resulting to the delay of the payment of salaries and other remuneration.

This bill therefore seeks to establish a Buffer Replenishable Fund to defray the timely payment of two (2) months equivalent of salaries and other remuneration of the DOH- nationally funded health workers deployed in the Bangsamoro autonomous region in the total amount of one hundred eighty million pesos (php 180,000,000.00) to be appropriated as augmentation to the approved budget and fund allocation of the Ministry of Health for the year 2021. Thereafter, the amount of the Buffer Replenishable Fund shall be calculated annually to correspond to two (2) months salaries of the deployed nationally funded cadres or health workers for the period which shall be included in the annual budget of the Ministry of Health and reflected in the Bangsamoro Appropriations Act.

It is incumbent upon the BARMM-BTA Government in general and this august body in particular to give fair and just treatment to all workers serving the constituents of this region through this government and in this regard- to cushion the effects of delayed payment of salaries and other remuneration as a result of the delayed sub-allotment or transfer of funds from the national government which is inevitable due to the required official procedures. This is in adherence to the teachings of Prophet Muhammad (S.A.W.) that states- "the workers must be paid their wages before their sweat dry", and, as advocacy to the principle of moral governance adopted by the BARMM-BTA government.


ZUL QARNEYN M. ABAS, M.D.
Minister of the Parliament
(Proponent)