

AN ACT TO AMEND CERTAIN PROVISIONS OF ACT NUMBERED THIRTY-NINE HUNDRED AND SIXTY-ONE, ENTITLED AN ACT TO PROVIDE FREE EMERGENCY MEDICAL TREATMENT FOR EMPLOYEES AND LABORERS OF C...

Commonwealth Act No. 324, June 18, 1938

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. Sections one, two, three, and four of Act Numbered Thirty-nine hundred and sixty-one, entitled An act to provide free emergency medical treatment for employees and laborers of commercial, industrial, and agricultural establishments, in certain cases, provide penalties for the violation hereof, and for other purposes," are hereby amended to read as follows :

"SECTION 1. It shall be the duty of the owner, lessee, or operator of any shop, factory, state, or commercial, industrial, or agricultural establishment, whether the same be an individual, corporation, or partnership, or the Insular Government, or a provincial or municipal government, or the government of any political subdivision whatsoever, who permanently employs in any locality employees or laborers, to furnish free emergency medical attendance to his employees and laborers in the following cases and manner:

"(a) If the number of employees and laborers is not less than thirty nor more than two hundred, the owner, lessee or operator shall keep a stock of emergency medicines under the charge of a nurse, for the use of his employees and laborers, except in cases when owing to the existence in the place at a distance not greater than one kilometer from the commercial, industrial or agricultural establishment of a public dispensary furnishing medicine free of charge to poor applicants or of a pharmacy where the employer can buy the same for the purposes of this Act, in which case it shall be the duty of the employer to buy in such pharmacy the medicine required for the emergency aid provided in this Act, it shall not be necessary to do so, in the discretion of the Director of Health or his authorized representative.

"(b) When the number of employees and laborers exceeds two hundred but is not greater than four hundred, the owner, lessee, or operator, in addition to keeping a stock of emergency medicines, shall employ the services of a permanent or retained physician for the benefit of his employees and laborers.

"(c) When the number of permanent employees and laborers exceeds four hundred, the owner, lessee, or operator, in addition to keeping a stock of medicines and employing the services of a physician for the purpose specified in the preceding two subsections, shall maintain an infirmary or emergency hospital of sufficient capacity to contain one bed for each one hundred employees and laborers, except where this shall be unnecessary because of the existence of a hospital in the place, at a distance not greater than two kilometers from the commercial, industrial, or agricultural establishment. In such cases the owner, lessee, or operator may enter into an agreement with said hospital to reserve the necessary number of beds for the purposes specified in this subsection: Provided, That the number of beds may be increased to three for each two hundred laborers and employees, according to the nature of the establishment or the work, in the discretion of the Director of Health.

"The physicians of the commercial, industrial, and agricultural establishments shall subject all the employees

and laborers of said establishments to a physical examination at least once a year and shall make detailed monthly and annual reports of all the services rendered by them.

"For the purposes of this Act, a person or establishment shall be understood to have employees or laborers in its permanent service when the work requires the constant employment of such operatives, even though these change frequently."

"SEC. 2. The Director of Health or his authorized representative shall prescribe, subject to the approval of the proper Department head, the kinds and quantities of the medicines mentioned in subsections (a) and (b) of the preceding section, and the conditions of the infirmary or emergency hospital mentioned in subsection (c) of said section; and shall see to the enforcement of this Act, inspecting the commercial, industrial, and agricultural establishments subject to the provisions of this Act at intervals of not more than six months, and shall also issue instructions and from time to time promulgate such rules and regulations as he may deem advisable for properly carrying out the purposes of this Act. The medicines, material, and equipment required by this Act may be purchased or requisitioned from the Bureau of Supply, through the Director of Health, and shall in this case be furnished at the same prices that the Government would have to pay for the same."

"SEC. 3. The computation provided for in subsections (a), (b) and (c) of section one of this Act shall include only laborers or employees whose monthly salary does not exceed fifty pesos, and tenants on shares financially dependent for their work and subsistence upon the owner, lessee, or operator of a commercial, industrial, or agricultural establishment subject to the provisions of this Act; but for the purposes of the computation under subsections (a) and (b) of section one of this Act, three tenants shall be counted to each laborer or employee required."

"SEC. 4. The owner, lessee, or operator of any commercial, industrial, or agricultural establishment who shall violate the provisions of subsections (a) or (b) of section one, or of section two in relation with said subsections, shall be punished by a fine of not less than twenty-five pesos nor more than one hundred pesos, and he who shall violate subsection (c) of section one, or section two in relation with said subsection, shall be punished by a fine of not less than fifty pesos nor more than three hundred pesos, and in case of recidivism the court may, in addition, order the definitive closing of the establishment. In case the owner, lessee, or operator of the establishment where the violation is committed is a company or corporation, the administrator or manager shall be liable, or in his default the person acting as such or, in the presence of evidence showing their direct responsibility, the president or directors of the company or corporation. In case the Insular Government, or any provincial or municipal government, or the government of some political subdivision is the owner, lessee, or operator of the establishment where the violation was committed, the officer having direct charge, control, or supervision of said establishment shall be held liable."

SEC. 2. This Act shall take effect in accordance with section eleven of the Revised Administrative Code.

Approved, June 18, 1938.

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