

AN ACT TO PROVIDE FREE EMERGENCY MEDICAL TREATMENT FOR EMPLOYEES AND LABORERS OF COMMERCIAL, INDUSTRIAL, AND AGRICULTURAL ESTABLISHMENTS, IN CERTAIN CASES, PROVIDE PENALTIES FOR...

Act No. 3961, December 02, 1932

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the author of the same:

SECTION 1. It shall be the duty of the owner, lessee, or operator of any shop, factory, estate, 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:

- if the number of permanent employees and laborers is not less than thirty, the owner, lessee or operator shall keep a stock of emergency medicines under the charge of a nurse or other intelligent person, for the use of his employees and laborers, except in cases when, owing to the existence in the place at a convenient distance from the residence of the employees and laborers of a public dispensary furnishing medicines 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 for in this Act, it shall not be necessary to do so, in the discretion of the Director of Health or his authorized representative.

- When the number of permanent employees and laborers exceeds four hundred, the owner, employer, or operator, in addition to keeping a stock of medicine for the purpose specified in the preceding subsection, shall employ the services of a physician and shall maintain an infirmary or emergency hospital of sufficient capacity for the benefit of his employees and laborers, except where this shall be unnecessary because of the existence in place, at a convenient distance from the residence of said employees or laborers, of a hospital with free beds for poor patients, or for other reasons, in the discretion of the Director of Health or his authorized representative.

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 subsection (a) of the preceding section, and the conditions of the infirmary or emergency hospital mentioned in subsection (b) 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 reasonable intervals, 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) and (b) of section one of this Act shall include only laborers or employees whose monthly salary does not exceed seventy-five 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 subsection (a) 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 subsection (a) of section one, or of section two in relation with said subsection, shall be punished by a fine of not less than one peso nor more than twenty-five pesos, and he who shall violate subsection (b) of section one, or section two in relation with said subsection, shall be punished by a fine of not less than ten pesos nor more than two hundred pesos. 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. 5. The owner, lessee, or operator of any commercial, industrial, or agricultural establishment subject to the provisions of this Act shall not be held liable for failing to furnish medical treatment of other than an emergency nature, as prescribed in this Act and in the rules and regulations issued thereunder by the Director of Health or his authorized representative; or for failing to furnish adequate emergency treatment in cases of epidemics, catastrophes, fires, or other disasters resulting in an extraordinarily large number of sick or injured among his employees and laborers, or causing such losses or creating such a situation as to render the proper furnishing of medical attendance prescribed by this Act difficult or prevent it; and he shall in no case be held civilly or criminally liable for any consequence of the medical treatment herein provided for the acceptance whereof shall be entirely optional with the laborer or employee, or with his family or the person considered authorized to speak for the sick or injured laborer or employee.

SEC. 6. This Act shall take effect one hundred and twenty days after its approval.

Approved, December 2, 1932.

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