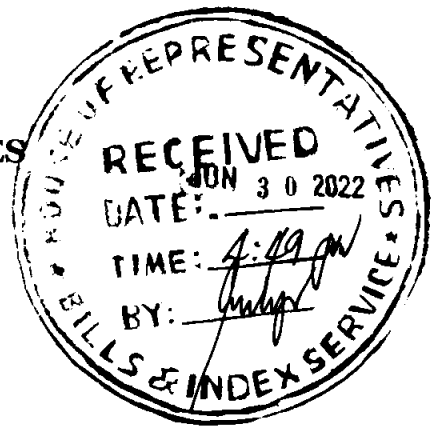


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. 369



INTRODUCED BY REPRESENTATIVE MARISSA “DEL MAR” P. MAGSINO

AN ACT
AMENDING REPUBLIC ACT NO. 11223, OTHERWISE KNOWN AS THE
“UNIVERSAL HEALTH CARE ACT”, FOR THE PURPOSE OF EXEMPTING
OVERSEAS FILIPINO WORKERS FROM BEING MANDATED AS DIRECT
CONTRIBUTORS TO MAKE PREMIUM PAYMENTS, AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

While the Universal Health Care Act is a laudable law that ensures that every Filipino will have access to quality healthcare services, there are areas for improvement in the law that would ensure that interests are balanced.

Under the law, “direct contributors” refer to those who have the capacity to pay premiums, are gainfully employed and are bound by an employer-employee relationship, or are self-earning, professional practitioners, migrant workers, including their qualified dependents, and lifetime members.

However, migrant workers, or more colloquially known as Overseas Filipino Workers, have clamored for amendment to the law for their exemption. And their pleas are not groundless.

As we reap the benefits of their billions of remittances, the law fails to recognize their role by unduly burdening them with the payment of large premiums despite the fact that under existing laws, they are already covered by compulsory insurance.

For instance, Republic Act No. 10022, which amended Republic Act No. 8042, otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995”, added Section 37-A to the law, which required that “each migrant worker deployed by a recruitment/manning agency”, be covered by a compulsory insurance policy. This compulsory insurance should thus be enough, especially when the benefits under the laws are patently overlapping – at additional cost to the OFWs.

These OFWs, who spend most of the days of the year serving their contracts abroad, explained how the reality of their situation should exempt them from the payment of premiums to the PhilHealth.

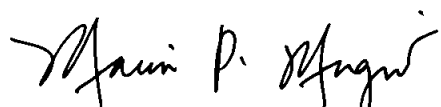
Why should we pass the burden of ensuring the right to healthcare services of all Filipinos to OFWs who are already enduring the ultimate sacrifice of working abroad as they line the national coffers with their remittances? The State cannot unduly shirk from its obligations by saddling OFWs and adding to the costs of their employment – especially not when realistically speaking, the nature of their employment would not even let them to maximize the benefits of the Universal Health Care Act. Surely, the State does not expect them to book airplane tickets for a trip back to the Philippines every time they get sick abroad. For the State must know that is not only preposterous, but unnecessary because they are already covered by compulsory insurance under the law.

OFWs, who we fondly call *bagongbayani*, should not be exploited. The State could not be the very entity that permits that to happen. We must repay their hard work and sacrifices with the recognition of their realities. They should be allowed to enjoy the fruits of their labor abroad, and not be excessively charged with unreasonable fees.

Under the proposed measure, we would respond to the valid concerns of OFWs by finally removing them from the definition of Direct Contributors under the law and making it voluntary on their part to pay premiums. This way, should they wish to be covered, they can do so voluntarily. But those whose salaries even in foreign currency are only enough to provide for their families, should not be unreasonably required to pay thousands in premiums.

In the crafting of laws, we must always balance the interests of all stakeholders. On a scale, we must weigh whether the requirements are too burdensome are exploitative as to merit amendment. For even the most laudable of laws, should always be open to improvement.

In view of the foregoing, urgent passage of this measure is most earnestly sought.


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

Section 1. *Short Title.* – This Act shall be known as “Overseas Filipino Workers Exemption from the PhilHealth Contribution Act.”

Sec. 2. *Declaration of Policy.* – It is the policy of the State to protect and uphold the rights of its modern-day heroes, the Overseas Filipino Workers (OFWs).

Furthermore, the State recognizes the role of OFWs and their remittances in keeping our economy afloat, and in helping provide quality services to the Filipinos. In view thereof, the State is duty-bound to carefully study existing laws that serve not to benefit them but add to their burdens. OFWs must be paid with quality services, instead of compounding their sufferings and sacrifices.

Sec. 3. Section 4 of Republic Act No. 11223, otherwise known as the “Universal Health Care Act”, is hereby amended to read as follows:

Section 4.*Definition of Terms.* - As used in this Act:

xxx

(f) Direct contributors refer to those who have the capacity to pay premiums, are gainfully employed and are bound by an employer-employee relationship, or are self-earning, professional practitioners, [migrant workers,] including their qualified dependents, and lifetime members. **PROVIDED THAT, OVERSEAS FILIPINO WORKERS (OFWS) AS DEFINED UNDER RELEVANT LAWS, BOTH LAND-BASED AND SEA-BASED, SHALL NOT BE REQUIRED TO BECOME DIRECT CONTRIBUTORS. PROVIDED FURTHER THAT, FOR OFWS, CONTRIBUTION IS ON A VOLUNTARY BASIS.**

29 Sec. 4. *Implementing Rules and Regulations.*– The Department of Health and
30 the Philippine Health Insurance Corporation, in consultation and coordination with
31 appropriate national government agencies and other stakeholders shall issue the
32 necessary rules and regulations for the implementation of this Act.

33 Sec. 5. *Repealing Clause.* – All laws, executive orders, presidential decrees,
34 presidential proclamations, letters of instruction, rules and regulations or parts thereof
35 which are inconsistent with the provisions of this Act are hereby repealed or modified
36 accordingly.

37 Sec. 6. *Separability Clause.* – If any provision of this Act is declared
38 unconstitutional or invalid, other parts or provisions hereof not affected shall continue
39 to be in full force and effect.

40 Sec. 7. *Effectivity Clause.* – This Act shall take effect fifteen (15) days following its
41 publication in the Official Gazette or in two (2) newspapers of general circulation in the
42 Philippines.

Approved,