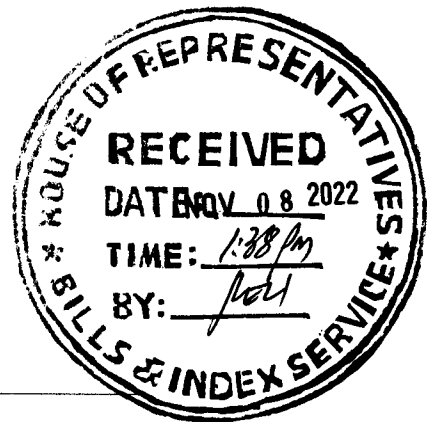


HOUSE OF REPRESENTATIVES

House Bill No. 5928



Introduced by Representative CHRISTIAN TELL A. YAP

EXPLANATORY NOTE

The State is duty bound to protect and promote the health of the people, including and more appropriately those who have contributed much to the growth, prosperity and welfare of our country. Pursuant to this mandate, establishing free, quality and accessible health services to repatriate Overseas Filipino Workers (OFWs) and their families in the interest of their well-being deserves utmost consideration and is hereby proposed.

Based on the latest survey by the Philippine Statistics Authority, there was an estimated 1.77 million OFWs who worked abroad from the months of April to September 2020.¹ Overseas employment provides work to job-seeking Filipinos who in turn largely contribute to the country's economy through their remittances which in 2019 reached \$30 billion (P1.56 trillion), estimated to be about 8% of the Philippines' \$377 billion (P19.52 trillion) economy.²

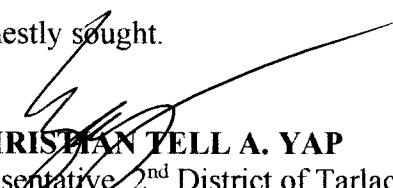
However, due to differing culture, working conditions and the demanding nature of overseas employment, OFWs often are vulnerable to abuse, discrimination and exploitation. OFWs suffer from numerous physical and mental health problems due to risks associated with the nature of their employments. This includes heart disease, stroke, pneumonia, cancer, kidney ailments and other illness requiring medical procedures and preventive and longtime care.

Furthermore, as the primary consideration of OFWs in finding better opportunities abroad is to provide for the welfare and security of their families despite the risks and hardships it entails, knowing that the government provides free healthcare to their dependents and families they left behind will further ease their burden as overseas workers and will surely improve their well-being.

The contribution of our OFWs to the country's economic development and nation-building cannot be disregarded. Having been labeled as the new heroes of the country for their undeniable and significant contribution to our economy. It is imperative that an integrated, comprehensive and widely accessible approach to health development be adopted to adequately address and eventually reduce the health risks faced by OFWs and their families.

The *OFW Hospital and OFW Care Centers Act* aims to establish the tertiary OFW Hospital and OFW Care centers in all DOH-retained hospitals that will provide accessible, adequate, and free medical services to all OFWs and their dependents.

In view of the foregoing, the approval of this bill is earnestly sought.


CHRISTIAN TELL A. YAP
Representative, 2nd District of Tarlac

¹ See here: <https://psa.gov.ph/content/2020-overseas-filipino-workers-final-results>

² See here: <https://blogs.lse.ac.uk/seac/2020/10/08/a-heros-welcome-repatriated-overseas-filipino-workers-and-covid-19/>

HOUSE OF REPRESENTATIVES

House Bill No. 5928

Introduced by Representative CHRISTIAN TELL A. YAP

AN ACT
ESTABLISHING THE OVERSEAS FILIPINO WORKERS (OFW) HOSPITAL AND
OFW CARE CENTERS IN ALL DEPARTMENT OF HEALTH-RETAINED
HOSPITALS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “OFW Hospital and OFW Care
2 Centers Act”.

3
4 **SEC. 2. Declaration of Policy.** – It is the policy of the State to protect and promote the
5 right to health of the Filipino people and to instill health consciousness among them. The State
6 shall adopt an integrated and comprehensive approach to health development. Further, the State
7 shall protect the interest and promote the well-being of overseas Filipino workers (OFWs) in
8 recognition of their importance and contribution to economic development and nation building.

9
10 **SEC. 3. Definition of Terms.** – As used in this Act, the following terms and phrases are
11 defined as follows:

- 12
13 (a) *Dependents* shall refer to any of the following: (1) the legal spouse entitled by law to
14 receive support from the overseas Filipino worker; (2) the legitimate, legitimated,
15 legally adopted, or illegitimate child who is unmarried, not gainfully employed, and
16 has not reached twenty-one (21) years of age, or if over twenty-one (21) years of age,
17 is congenitally incapacitated or while still a minor has been permanently incapacitated
18 and incapable of self-support, physically or mentally; or (3) the parents who are
19 receiving regular support from the overseas Filipino worker;
20

(b) *Overseas Filipino Worker (OFW)* refers to a Filipino who is to be engaged, is engaged, or has been engaged in remunerated activity in a country of which he or she is not an immigrant citizen, or permanent resident or is not awaiting naturalization, recognition, or admission, whether land-based or sea-based regardless of status; excluding a Filipino engaged under a government-recognized exchange visitor program for cultural and educational purposed. For purposes of this provision, a person engaged in remunerated activity covers a person who has been contracted for overseas employment but has yet to leave the Philippines, regardless of status and includes "Overseas Contract Workers". The term "OFW" is synonymous to "Migrant Worker";

(c) *OFW care center* refers to a unit or department in a DOH-retained hospital that offers services primarily to OFWs and their dependents, addressing their particular conditions and providing specific procedures and management of cases.

SEC. 4. Establishment of the OFW Hospital. – The Overseas Filipino Workers Hospital and Diagnostic Center located in San Fernando, Pampanga shall be known as the “OFW Hospital”. The OFW Hospital shall have at least tertiary level of care and shall primarily cater to and be developed consistent with the medical needs of overseas Filipino workers and their dependents; *Provided*, That nothing herein shall prevent the OFW Hospital from accommodating other patients requiring immediate medical attention.

The OFW Hospital shall be under the administrative and technical supervision of the Department of Health (DOH); *Provided*, That in the performance of its mandate as herein provided, the DOH shall closely coordinate and consult with the Department of Migrant Workers (DMW), the Administrator of the Overseas Workers Welfare Administration (OWWA), and its other attached agencies with regard to the medical and mental needs of the overseas Filipino workers and their dependents.

The DOH, in consultation with the DMW, shall prepare a development plan to reflect the objectives of the OFW Hospital.

SEC. 5. Objectives. – To ensure the availability, accessibility and affordability of quality health care, the OFW Hospital shall have the following main objectives:

- 1
- 2 (a) Provide comprehensive and total health care services to all migrant workers including
- 3 Overseas Workers Welfare Administration (OWWA) contributors, whether active or
- 4 non-active, and their legal dependents;
- 5
- 6 (b) Conduct medical examinations to ensure the physical and mental capability of would-
- 7 be overseas contract workers duly covered by an approved job order;
- 8
- 9 (c) Serve as primary referral hospital for repatriated OFWs needing medical assistance
- 10 and support;
- 11
- 12 (d) Set up systems that will effectively monitor condition of patients and to generate
- 13 relevant health information and data for policy formulation; and
- 14
- 15 (e) Participate in the health care provider networks and arrangements relative to the
- 16 implementation of Republic Act No. 11223, or the "Universal Health Care Act."
- 17

18 ***SEC. 6. Establishment of OFW Care Centers.*** – OFW care centers are hereby established

19 in DOH-retained hospitals. The level of OFW services and corresponding facilities in OFW care

20 centers and their respective health human resource requirements shall be determined by the DOH,

21 in coordination with the Secretary of the DMW and the OWWA Administrator: *Provided, That*

22 *the standards to be adopted thereon shall be consistent with the Philippine Health Facility*

23 *Development Plan and Section 5 of this Act.*

24

25 ***SEC. 7. Organizational Structure and Staffing Pattern*** – The DOH, in coordination with

26 the Department of Budget and Management (DBM), shall determine the organizational structure,

27 staffing pattern, and list of plantilla positions of the OFW Hospital as it may deem necessary for

28 the effective performance of the Hospital's objectives, as well as the salaries of the personnel in

29 accordance with the salary standardization law of the civil service rules and regulations.

30

31 ***SEC. 8. Fees and Charges.*** – There shall be no pay ward in the OFW Hospital. As such,

32 no other fees or expenses shall be charged or be paid for by the OFWs and qualified dependents.

33 Health professionals practicing in the OFW Hospital shall not be allowed to bill or charge for

34 separate professional fees other than what they receive from the government and such applicable

35 reimbursements from the Philippine Health Insurance Corporation (PhilHealth).

1
2 **SEC. 9. Medical Assistance.** – The Secretary of the DMW shall ensure that existing health
3 benefits and medical assistance programs are strengthened to include subsidies on hospitalization
4 and medical procedures for OFWs and qualified dependents.
5

6 **SEC. 10. Referral System.** – The DMW shall establish a referral system with the OFW
7 Hospital and OFW Care Centers to ensure proper delivery of services to qualified overseas Filipino
8 workers and their dependents.
9

10 **SEC. 11. Joint Executive Oversight Committee.** – There is hereby created a Joint
11 Executive Oversight Committee to review the implementation of this Act and hospital
12 development plans for the OFW Hospital and OFW Care Centers nationwide.
13

14 The Committee shall be co-chaired by the Secretary of Health and the Secretary of Migrant
15 Workers.
16

17 The Committee shall be composed of seven (7) members including its co-chairpersons, the
18 OWWA Administrator, DMW Undersecretary for the Land-based, and the DMW Undersecretary
19 for the Sea-based OFWs. The two (2) other members shall be appointed by the Secretary of Health,
20 in consultation with the Secretary of Migrant Workers, from any of the following stakeholders:
21 representatives of the OFWs, their families or organizations, and the doctors and patients in the
22 OFW Hospital. The Committee Members shall be entitled to per diem allowances.
23

24 **SEC. 12. Tax Exemption.** – All grants, bequests, endowments, donations and contributions
25 made to the OFW Hospital to be used actually, directly and exclusively by the OFW Hospital shall
26 be exempt from donor's tax and the same shall be considered as allowable deduction from the gross
27 income of the donor, in accordance with the provisions of the National Internal Revenue Code of
28 1997, as amended.

29 The importation of equipment, machinery and spare parts which are used solely and
30 exclusively for the operation of the OFW Hospital and are not available locally shall be exempt
31 from value-added tax and customs duty.

1
2 **SEC. 13. Coordination with and Assistance from Other Government Agencies.** – The
3 DOH shall collaborate with the DMW in the development of the programs and services of the
4 OFW Hospital. It may likewise call upon any department, bureau, office, agency, or
5 instrumentality of the government for assistance, in the pursuit of the purposes and objectives of
6 this Act.

7
8 **SEC. 14. Appropriations.** – The Secretary of Health shall include in the Department's
9 program the implementation of this Act, the funding of which shall be included in the annual
10 General Appropriations Act. The OWWA shall also include in its benefits and medical assistance
11 programs for OFW the line item budget necessary to improve the access of OFWs and dependents
12 to health care services.

13
14 **SEC. 15. Implementing Rules and Regulations.** – Within sixty (60) days from the
15 approval of this Act, the DOH, in coordination with DMW, OWWA, and other stakeholders, shall
16 promulgate the implementing rules and regulations (IRR) to carry out the provisions of this Act.

17
18 **SEC. 16. Separability Clause.** – If any provision of this Act is held invalid or
19 unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

20
21 **SEC. 17. Repealing Clause.** – All other laws, decrees, executive orders, and rules and
22 regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or
23 modified accordingly.

24
25 **SEC. 18. Effectivity.** – This Act shall take effect fifteen (15) days after its publication in
26 the Official Gazette or in a newspaper of general circulation.

27
28 *Approved.*
29