

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7988



Introduced by MARINO Party-list Representatives
SANDRO L. GONZALEZ

**AN ACT ESTABLISHING THE OVERSEAS FILIPINO WORKERS (OFW)
HOSPITAL AND THEIR DEPENDENTS, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

This bill seeks to provide our modern-day heroes as well as their dependents, a medical facility that will specifically attend and address their needs.

Overseas Filipino Workers (OFWs) have contributed to improving the lives of the Filipino people and have brought some sense of economic security and well-being to our nation through their personal remittances.

According to the Bangko Sentral ng Pilipinas, for the year 2022, OFW personal remittances amounted to US\$36.14 billion while cash remittances hit a record high of US\$32.54 billion for the same year. These personal remittances contribute to increase the country's Gross Domestic Product (GDP) and Gross National Income (GNI).

In addition, the study, titled "Common Health Problems Among Overseas Filipino Workers [OFWs]," which was conducted by the National Research Council of the Philippines (NRCP) of the Department of Science and Technology (DOST) confirmed that OFWs are overworked, stressed and sometimes suffer from mental-health problems, because of their poor work environment, including unfamiliar weather conditions and verbal abuse by their employers. These health problems were seen either owing to the medical costs or expenses for maintaining good health and physical well-being or because they are not aware of their medical benefits.¹

¹ Mayuga, J. L. (2019, September 1). Study reveals health woes of OFWs. Retrieved November 18, 2020, from <http://www.nrmp.dost.gov.ph/latest-news/531-study-reveals-health-woes-of-ofws>

The contribution of our OFWs to the country's national economy cannot be denied and it is but proper that we now give attention to our country's unsung heroes through the establishment of this special hospital solely dedicated for them.

This proposed special hospital dedicated for OFWs and their families not only will address the health problems suffered by OFWs but will also help them ease their financial burden on their medical expenses pre and post departure.

In view of the foregoing, the early passage of this proposed measure is highly recommended.

A handwritten signature in black ink, appearing to read 'Sandro L. Gonzalez', with a stylized flourish at the end.

SANDRO L. GONZALEZ

Representative
MARINO Party-list

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**AN ACT ESTABLISHING A SPECIAL HOSPITAL FOR OVERSEAS
FILIPINO WORKERS AND THEIR DEPENDENTS, APPROPRIATING
FUNDS THEREFOR AND FOR OTHER PURPOSES**

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

Section 1. *Short Title.* – This Act shall be known as the “Overseas Filipino Workers (OFW) Hospital Act or OFW Hospital Act”

Section 2. *Declaration of Policies* – It is hereby declared the policy of the State:

- a) To protect and promote the right to health of the Filipino people and to instill health consciousness among them;
- b) To adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all people at affordable cost

Section 3. *Definition of Terms.* – As used in this Act, the following terms shall have the following meaning:

- a) **Overseas Filipino Worker (OFW)** shall refer to a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a citizen or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes or on an installation located offshore or on the high seas; to be used interchangeably with migrant worker. A person "to be engaged in a remunerated activity" refers to an applicant worker who has been promised or assured employment overseas and acting on such promise or assurance sustains damage and/or injury.
- b) **Dependents** shall refer to any of the following: (1) the legitimate spouse entitled by law to receive support from the Overseas Filipino Worker; (2) the legitimate and illegitimate child who is unmarried, not gainfully employed, and below twenty-one (21) years of age, or if over twenty-one (21) years of age, is congenitally incapacitated or

while still a minor has been permanently incapacitated and incapable of self-support, physically or mentally; (3) the parents who are receiving regular support from the Overseas Filipino Worker; or (4) relatives within the 2nd degree of consanguinity or affinity who are dependent on the Overseas Filipino Worker for support.

Section 4. *Establishment of the OFW Hospital* – To carry out the above policies, there is hereby created a special hospital with at least tertiary level of care to be known as OFW Hospital, hereinafter referred to as the Hospital, to be located in the National Capital Region, which shall be under the administrative and technical supervision and control 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) and its attached agencies with regard to the medical and mental needs of the overseas Filipino workers and their dependents.

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

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

- a) Provide comprehensive and total health care services to all OFWs, who made at least one contribution to the Overseas Workers Welfare Administration (OWWA) as consequence of their deployment abroad, and their dependents;
- b) Conduct medical examination to ensure the physical and mental capability of all the would-be overseas Filipino workers duly covered by an approved job order;
- c) Serve as the primary referral hospital for repatriated OFWs needing medical assistance and support;
- d) Conduct free post-employment medical examination for OFWs seeking fair medical assessment on their health condition;
- e) Set-up a system that will effectively monitor the condition of patients and to generate relevant information and data in aid of policy formulation.
- f) Participate in the health care provider networks and arrangements relative to the implementation of Republic Act No. 11223, otherwise known as the “Universal Health Care Act”
- g) Complement the existing package services under the Health Care Program so as to include preventive, promotive, diagnostic, curative and rehabilitative programs;

Section 6. *Administration and Composition of Board Members.* – Upon the effectivity of this Act, the powers and the administration of the Hospital shall be vested in a Board of Directors. The day-to-day operations of the Hospital shall be overseen by an Administrator who shall be appointed by the Board.

- a) **Composition** – The Board shall be composed of the following:

- 1) The Secretary of the Department of Health as *Ex-Officio Chairman*;
- 2) The Secretary of the Department of Migrant Workers as *Ex-Officio Vice Chairman*;
- 3) The Secretary of the Department of Social Welfare and Development as *Ex-Officio Member*;
- 4) The Administrator of the OWWA as *Ex-Officio Member*;
- 5) The Administrator of the Philippine Overseas Employment Administration as *Ex-Officio Member*;
- 6) Two (2) representatives from OFW sector (one for land-based and another for sea-based) as Members.

The two representatives from the OFW sector shall be natural-born Filipino citizens of proven competence, integrity and independence. They shall be appointed by the President of the Republic of the Philippines from a list of nominees submitted by the *Ex-Officio Chairman*. The representatives appointed shall serve for a term of four (4) years without re-appointment. Appointment to any vacancy shall be only for the unexpired term of the predecessor.

- 7) The Administrator of the Hospital as *Ex-Officio Member*
- b) **Meetings and Quorum** – The Board shall meet regularly at least once every quarter. Special meetings may be convened at the call of the Chairperson or by a majority of the members of the Board. The presence of five (5) voting members shall constitute a quorum.
 - c) **Allowances and Per Diems** – The members of the Board shall receive a reasonable per diem for every meeting actually attended, subject to the pertinent budgetary and accounting laws, rules and regulations.

Section 7. Responsibilities and Powers. – The Board of Directors of the Hospital shall have the following responsibilities and powers:

- a) To formulate and implement measures and programs to attain the Hospital's objectives;
- b) To formulate and adopt policies for the sound administration, maintenance and operations of the Hospital;
- c) To determine the staffing pattern of the Hospital and appoint officials, employees and other personnel of the Hospital, subject to civil service laws, rules and regulations, as well as prescribe their duties and fix their compensation subject to applicable laws, rules and regulations;
- d) To enter into agreements and contracts in connection with its establishment, maintenance, operations and objectives;

- e) To perform such other duties and functions as may be provided by law or other issuances.

Section 8. *Prioritization and Additional Health Coverage of Overseas Filipino Workers and their Dependents.* – In the provision of medical services, the Hospital shall prioritize OFWs and their dependent senior citizens as well as dependent persons with disability. They shall also be given priority in the assignment of hospital beds, without prejudice to the rules on emergency cases as may be determined by the DOH.

Pursuant to the objectives of this Act, the OWWA shall broaden the existing medical assistance given to duly-registered OWWA members and their dependents, and as far as practicable, endeavor to make the hospitalization, confinement, medical treatment, medical care and medical examination of duly registered OWWA members in the Hospital free of charge.

Section 9. *Fees and Charges.* – There shall be no pay ward in the OFW Hospital. As such, no other fees or expenses shall be charged or be paid for by the OFWs and qualified dependents. Doctors practicing in the OFW Hospital shall not be allowed to bill or charge for separate professional fees other than what they receive from the government and such applicable reimbursements from the Philippine health Insurance Corporation (PhilHealth).

Section 10. *Free Pre- and Post-Employment Medical Examinations for OFWs.* – The DOH, DOLE and POEA shall develop a system to allow and facilitate the conduct of free pre- and post-employment medical examinations for OFWs in the Hospital and its Regional Hospitals.

Section 11. *Medical Assistance.* – The Secretary of the DMW shall ensure that existing health benefits and medical assistance programs are strengthened to include subsidies on hospitalization and medical procedures for OFWs and their qualified dependents.

Section 12. *Tax Exemption.* – All grants, bequests, endowments, donations and contributions which may be made by persons or entities to the Hospital to be used actually, directly and exclusively by the Hospital shall be exempt from donor's tax and the same shall be considered as allowable deduction from the gross income of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

The importation of equipment, machinery and spare parts which are used solely and exclusively for the operation of the Hospital and are not available locally shall be exempted from customs duties, other direct and indirect taxes, wharfage fees and other charges and restrictions.

Section 13. *Appropriations* – The Secretary of Health shall include in the Department's program the implementation of this Act, the funding of which shall be included in the General Appropriations Act. The OWWA shall also include in its benefits and medical assistance programs for OFWs the line item budget necessary to improve the access of OFWs and their dependents to health care services.

Section 14. *Joint Congressional Oversight Committee.* – There is hereby created a Joint Oversight Committee to oversee, monitor and evaluate the implementation of this Act. The Oversight Committee shall be co-chaired by the Secretary of Health and the Secretary of Migrant Workers.

The Committee shall be composed of seven (7) members including its co-chairpersons. The five (5) members shall be appointed by the Secretary of Health, in consultation with the Secretary of Migrant Workers, from the following stakeholders, namely: representatives of the OFWs, their families or organizations, and the doctors and patients in the Hospital. The Committee members shall be entitled to per diem allowances.

Section 15. *Implementing Rules and Regulations* – The DOH, in consultation with the DMW and other relevant government agencies and stakeholders, shall issue the necessary implementing rules and regulations in accordance with the provisions of this Act within ninety (90) days from the effectivity hereof.

Section 16. *Separability Clause* – If for any reason, any section, subsection, clause or term of this Act is held to be illegal, invalid, or unconstitutional, such parts not affected by such declaration shall remain in full force and effect.

Section 17. *Repealing Clause* – All existing laws, orders, decrees, letters of instruction, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby amended, modified, or repealed accordingly.

Section 18. *Effectivity Clause* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,